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**ORIGINAL**

**BEFORE THE ARIZONA CORPORATION COMMISSION**

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**COMMISSIONERS**

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

2009 SEP -9 A 9:01

AT CORP COMMISSION  
SECRET CONTROL

IN THE MATTER OF THE APPLICATION OF UNS ELECTRIC, INC., IN CONFORMANCE WITH THE REQUIREMENTS OF ARIZONA REVISED STATUTES §§ 40-360, *et seq.*, FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AUTHORIZING THE CONSTRUCTION OF THE VAIL TO VALENCIA 115kV TRANSMISSION LINE UPGRADE PROJECT, ORIGINATING AT THE EXISTING VAIL SUBSTATION IN SEC. 4, T. 16S., R. 15E., PIMA COUNTY, TO THE EXISTING VALENCIA SUBSTATION IN SEC. 5, T. 24S., R. 14E., IN THE CITY OF NOGALES, SANTA CRUZ COUNTY, ARIZONA.

CASE NO. 144

DOCKET NO. L-00000F-09-0190-00144

**NOTICE OF FILING SAMPLE FORMS OF ORDER**

The Commission's Legal Division hereby provides sample forms of order for the Commission's convenience when considering the Siting Committee's decision in the above-captioned matter. Sample Order No. 1 is in a format suitable for Commission approval of the Siting Committee's Certificate of Environmental Compatibility ("CEC") decision. Sample Order No. 2 is in a format for Commission modifications to the Siting Committee's CEC decision. Sample Order No. 3 is in a format for denial of the CEC issued in the Siting Committee's decision.

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Arizona Corporation Commission

**DOCKETED**

SEP -9 2009

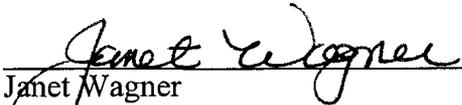
DOCKETED BY

1 RESPECTFULLY SUBMITTED this 9th day of September, 2009.

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

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7 **Original and twenty-eight (28)**  
8 **copies of the foregoing filed this**  
9 **9th day of September, 2009 with:**

9 Docket Control  
10 Arizona Corporation Commission  
11 1200 West Washington Street  
12 Phoenix, Arizona 85007

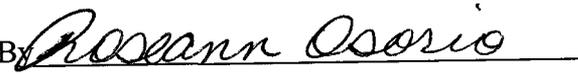
12 **Copies of the foregoing**  
13 **mailed this 9th day of**  
14 **September, 2009 to:**

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26 Vail, AZ 85641

26 By 

27

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1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 **COMMISSIONERS**

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

8 IN THE MATTER OF THE APPLICATION OF  
9 UNS ELECTRIC, INC., IN CONFORMANCE  
10 WITH THE REQUIREMENTS OF ARIZONA  
11 REVISED STATUTES §§ 40-360, *et seq.*, FOR A  
12 CERTIFICATE OF ENVIRONMENTAL  
13 COMPATIBILITY AUTHORIZING THE  
14 CONSTRUCTION OF THE VAIL TO  
15 VALENCIA 115kV TRANSMISSION LINE  
16 UPGRADE PROJECT, ORIGINATING AT THE  
17 EXISTING VAIL SUBSTATION IN SEC. 4, T.  
18 16S., R. 15E., PIMA COUNTY, TO THE  
19 EXISTING VALENCIA SUBSTATION IN SEC.  
20 5, T. 24S., R. 14E., IN THE CITY OF  
21 NOGALES, SANTA CRUZ COUNTY,  
22 ARIZONA.

CASE NO. 144

DOCKET NO. L-00000F-09-0190-00144

DECISION NO. \_\_\_\_\_

***SAMPLE ORDER NO. 1***

*(Sample Form of Order for the Convenience of the Commission to Use if the Commission Determines it is in the Public Interest to Grant the Project a CEC as Issued by the Siting Committee's Decision.)*

14 Pursuant to A.R.S. § 40-360, *et seq.*, after due consideration of all relevant matters, including  
15 the requests for review filed by the Intervenors, the Arizona Corporation Commission  
16 (“Commission”) finds and concludes that the Certificate of Environmental Compatibility (“CEC”)  
17 issued by the Arizona Power Plant and Transmission Line Siting Committee (“Siting Committee”) is  
18 hereby approved as granted by this Order.

19 The Commission, in reaching its decision, has balanced all relevant matters in the broad  
20 public interest, including the need for an adequate, economical and reliable supply of electric power  
21 with the desire to minimize the effect thereof on the environment and ecology of this state, and finds  
22 that granting the Project a CEC is in the public interest.

23 The Commission further finds and concludes that in balancing the broad public interest in  
24 this matter:

- 25 1. The Project is in the public interest because it aids the state in meeting the need for  
26 an adequate, economical, and reliable supply of electric power.
- 27 2. In balancing the need for the Project with its effect on the environment and ecology  
28 of the state, the conditions placed on the CEC effectively minimize its impact on the

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environment and ecology of the state.

- 3. The conditions placed on the CEC 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.

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

CHAIRMAN	COMMISSIONER
COMMISSIONER	COMMISSIONER
	COMMISSIONER

IN WITNESS WHEREOF, I, ERNEST G. JOHNSON, Executive Director of the Arizona Corporation Commission, have hereunto, set my hand and caused the official seal of this Commission to be affixed at the Capital, in the City of Phoenix, this \_\_\_\_\_ day of \_\_\_\_\_ 2009.

\_\_\_\_\_  
ERNEST G. JOHNSON  
Executive Director

DISSENT: \_\_\_\_\_

DISSENT: \_\_\_\_\_

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 **COMMISSIONERS**

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

8 IN THE MATTER OF THE APPLICATION OF  
9 UNS ELECTRIC, INC., IN CONFORMANCE  
10 WITH THE REQUIREMENTS OF ARIZONA  
11 REVISED STATUTES §§ 40-360, *et seq.*, FOR  
12 A CERTIFICATE OF ENVIRONMENTAL  
13 COMPATIBILITY AUTHORIZING THE  
14 CONSTRUCTION OF THE VAIL TO  
15 VALENCIA 115kV TRANSMISSION LINE  
16 UPGRADE PROJECT, ORIGINATING AT  
17 THE EXISTING VAIL SUBSTATION IN SEC.  
18 4, T. 16S., R. 15E., PIMA COUNTY, TO THE  
19 EXISTING VALENCIA SUBSTATION IN  
20 SEC. 5, T. 24S., R. 14E., IN THE CITY OF  
21 NOGALES, SANTA

CASE NO. 144

DOCKET NO. L-00000F-09-0190-00144

DECISION NO. \_\_\_\_\_

***SAMPLE ORDER NO. 2***

*(Sample Form of Order for the Convenience of the Commission to Use if the Commission Determines it is in the Public Interest to Grant the Project a CEC But Also Determines that the Public Interest Requires that the Commission Modify the CEC as Issued by the Siting Committee's Decision.)*

22 Pursuant to A.R.S. § 40-360, *et seq.*, after due consideration of all relevant matters, including  
23 the requests for review filed by the Intervenors, the Arizona Corporation Commission  
24 ("Commission") finds and concludes that the Certificate of Environmental Compatibility ("CEC")  
25 issued by the Arizona Power Plant and Transmission Line Siting Committee ("Siting Committee") is  
26 hereby approved as modified by this Order.

27 The Commission, in reaching its decision, has balanced all relevant matters in the broad  
28 public interest, including the need for an adequate, economical and reliable supply of electric power  
with the desire to minimize the effect thereof on the environment and ecology of this state, and finds  
that the CEC for the above-captioned application for siting approval is in the public interest as  
modified by this Order.

The Commission modifies the CEC to (add) (modify) (delete) the following provisions and  
/or condition(s):

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

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The Commission further finds and concludes that in balancing the broad public interest in this matter:

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 as modified by the Commission effectively minimize its impact on the environment and ecology of the state.
3. The conditions placed on the CEC as modified by the Commission 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 as modified by the Commission.

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

CHAIRMAN	COMMISSIONER	
COMMISSIONER	COMMISSIONER	COMMISSIONER

IN WITNESS WHEREOF, I, ERNEST G. JOHNSON,  
Executive Director of the Arizona Corporation Commission,  
have hereunto, set my hand and caused the official seal of this  
Commission to be affixed at the Capital, in the City of  
Phoenix, this \_\_\_\_\_ day of \_\_\_\_\_ 2009.

\_\_\_\_\_  
ERNEST G. JOHNSON  
Executive Director

DISSENT: \_\_\_\_\_

DISSENT: \_\_\_\_\_

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 **COMMISSIONERS**

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

8 IN THE MATTER OF THE APPLICATION OF  
9 UNS ELECTRIC, INC., IN CONFORMANCE  
10 WITH THE REQUIREMENTS OF ARIZONA  
11 REVISED STATUTES §§ 40-360, *et seq.*, FOR  
12 A CERTIFICATE OF ENVIRONMENTAL  
13 COMPATIBILITY AUTHORIZING THE  
14 CONSTRUCTION OF THE VAIL TO  
15 VALENCIA 115kV TRANSMISSION LINE  
16 UPGRADE PROJECT, ORIGINATING AT  
17 THE EXISTING VAIL SUBSTATION IN SEC.  
18 4, T. 16S., R. 15E., PIMA COUNTY, TO THE  
19 EXISTING VALENCIA SUBSTATION IN  
20 SEC. 5, T. 24S., R. 14E., IN THE CITY OF  
21 NOGALES, SANTA CRUZ COUNTY,  
22 ARIZONA.

CASE NO. 144

DOCKET NO. L-00000F-09-0190-00144

DECISION NO. \_\_\_\_\_

***SAMPLE ORDER NO. 3***

*(Sample Form of Order for the Convenience of  
the Commission to Use if the Commission Determines  
it is in the Public Interest to Deny the Project the CEC  
Issued by the Siting Committee's Decision.)*

15 Pursuant to A.R.S. § 40-360, *et seq.*, after due consideration of all relevant matters, including  
16 the requests for review filed by the Intervenors, the Arizona Corporation Commission (“Commission”)  
17 finds and concludes that the above-captioned Application for a Certificate of Environmental  
18 Compatibility (“CEC”) for siting approval is not in the public interest and therefore the CEC issued by  
19 the Arizona Power Plant and Transmission Line Siting Committee (“Siting Committee”) is hereby  
20 denied by this Order.

21 The Commission, in reaching its decision, has balanced all relevant matters in the broad public  
22 interest, including the need for an adequate, economical and reliable supply of electric power with the  
23 desire to minimize the effect thereof on the environment and ecology of this state, and finds that  
24 granting the Project a CEC is not in the public interest.

25 The Commission finds and concludes that in balancing the broad public interest in this matter:

- 26 1. The evidence in the record is not sufficient to weigh the balancing of the public  
27 interest in favor of granting a CEC in this matter when all the factors set forth in  
28 A.R.S. § 40-360.06 are considered along with need for an adequate economical, and

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reliable supply of electric power.

- 2. The conditions placed upon the CEC are not sufficient to weigh the balancing of the public interest in favor of granting a CEC in this matter when all the factors set forth in A.R.S. § 40-360.06 are considered along with the need for an adequate, economical, and reliable supply of electric power.
- 3. The record compels balancing the competing public interests in favor of protection of the environment and ecology of the State of Arizona by denying Applicant a Certificate of Environmental Compatibility.
- 4. The CEC issued by the Siting Committee should not be confirmed and approved by the Commission.
- 5. The Commission's findings 1 through 4 above serve as the Commission's findings of fact and conclusions of law in reaching its decision.

Therefore, the Commission further finds and concludes that the CEC issued by the Siting Committee is hereby denied by this Order; and, the above-captioned Application for a CEC is hereby denied by this Order.

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

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CHAIRMAN	COMMISSIONER	
COMMISSIONER	COMMISSIONER	COMMISSIONER

IN WITNESS WHEREOF, I, ERNEST G. JOHNSON,  
Executive Director of the Arizona Corporation Commission,  
have hereunto, set my hand and caused the official seal of this  
Commission to be affixed at the Capital, in the City of  
Phoenix, this \_\_\_\_\_ day of \_\_\_\_\_ 2009.

\_\_\_\_\_  
ERNEST G. JOHNSON  
Executive Director

DISSENT: \_\_\_\_\_

DISSENT: \_\_\_\_\_