

ORIGINAL



0000102417

51

BEFORE THE ARIZONA POWER PLANT AND TRANSMISSION LINE SITING COMMITTEE

IN THE MATTER OF THE APPLICATION OF TUCSON ELECTRIC POWER COMPANY AND SOUTHWEST TRANSMISSION COOPERATIVE, INC. FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY FOR: (1) THE RECONFIGURATION OF AN EXISTING TEP 138 KV LINE TO AN SWTC 115 KV LINE FROM THE EXISTING SAGUARO SUBSTATION IN SEC. 15, T.10S., R.10E. TO THE EXISTING TORTOLITA SUBSTATION IN SEC. 23, T.10S., R.10E., PINAL COUNTY, AND (2) THE RECONSTRUCTION OF TWO EXISTING TEP 138 KV LINES AND THE ADDITION OF ONE TEP 138 KV LINE AND ONE SWTC 115 KV LINE FROM THE EXISTING TORTOLITA SUBSTATION TO THE EXISTING NORTH LOOP SUBSTATION IN SEC. 9, T.12S., R.12E. IN THE TOWN OF MARANA, PIMA COUNTY.

Docket No. L-00000C-09-0385-00149
Docket No. L-00000CC-09-0385-00149

Case No. 149

NOTICE OF FILING E-MAIL COMMUNICATION

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 last filing on October 6, 2009.

DATED: October 9, 2009

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

ARIZONA POWER PLANT AND TRANSMISSION LINE SITING COMMITTEE
DOCKET CONTROL

2009 OCT -9 P 4: 26

RECEIVED

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

Pursuant to A.A.C. R14-3-204,
The Original and 25 copies were
filed October 9, 2009 with:

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

Copy of the above was mailed
this 9th day of October, 2009 to:

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

Jason Gellman
J. Matthew Derstine
Roshka, DeWulf & Patten, PLC
One Arizona Center
400 East Van Buren Street, Suite 800
Phoenix, AZ 85004
Counsel for Applicant, TEP

Michael Grant
Gallagher & Kennedy, PA
2575 East Camelback Road, Suite 1100
Phoenix, AZ 85016
Counsel for Applicant, SWTC

Lawrence V. Robertson, Jr.
P.O. Box 1448
2247 East Frontage Road
Tubac, AZ 85646
Counsel for Pinal County

1 Elizabeth Buchroeder-Webb
2 17451 East Hilton Ranch Road
3 Vail, AZ 85641

4 Frank Grijalva
5 IBEW Local 1116
6 750 S. Tucson Blvd.
7 Tucson, AZ 85716

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

12 *Jana Williams*
13
14
15
16
17
18
19
20
21
22
23
24
25
26

From: "Lawrence Robertson" <tubaclawyer@aol.com>
To: "John Foreman" <John.Foreman@AZAG.GOV>
Date: 10/7/2009 8:30 AM
Subject: Absence from Hearings in Siting Case No. 149

CC: "Jason D. Gellman" <jgellman@rdp-law.com>, "Matt Derstine" <mderstine@rd...
Chairman Foreman,

This email is a follow-up to the Pre-Hearing Conference you conducted on October 2, 2009 in Siting Case No. 149. As I then advised you, I am representing a party in a separate proceeding before the Arizona Corporation Commission in which a Pre-Hearing Conference has been scheduled for this afternoon at 1:30 p.m. The assigned Administrative Law Judge in that proceeding has issued a Procedural Order which will allow me to telephonically participate in today's Pre-Hearing Conference. Accordingly, I will be absent from the hearings in Siting Case No. 149 for a short period of time this afternoon in order to participate in the Pre-Hearing Conference in the SolarCity proceeding.

Thank you in advance for your understanding of my situation.

Larry Robertson

From: "Jason D. Gellman" <jgellman@rdp-law.com>
To: "Tara Williams" <Tara.Williams@azag.gov>
Date: 10/8/2009 6:44 PM
Subject: Line Siting Case 149 - Saguario to North Loop Transmission Line Project
Attachments: FINAL Proposed Form of CEC - 100709 REDLINE.doc; FINAL Proposed Form of CEC - 100709 CLEAN.doc

CC: <MMG@gknet.com>, <tubaclawyer@aol.com>, "Matt Derstine" <mderstine@rdp-l...
Ms. Williams,

Attached are two versions of the proposed Certificate of Environmental Compatibility (CEC) as amended and modified by the Committee on October 7, 2009 - a redlined version showing the Committee's amendments from the version presented the morning of October 6 (and incorporating the changes the Parties agreed to) as well as a clean version. Please let me know if Chairman Foreman has any concerns. Thanks.

Jason D. Gellman
Roshka DeWulf & Patten, PLC
One Arizona Center
400 East Van Buren, Suite 800
Phoenix, AZ 85004
Phone: 602-256-6100
Fax: 602-256-6800
email: jgellman@rdp-law.com

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

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

IN THE MATTER OF THE APPLICATION OF
TUCSON ELECTRIC POWER COMPANY
AND SOUTHWEST TRANSMISSION
COOPERATIVE, INC. FOR A CERTIFICATE
OF ENVIRONMENTAL COMPATIBILITY
FOR: (1) THE RECONFIGURATION OF AN
EXISTING TEP 138 kV LINE TO AN SWTC
115 kV LINE FROM THE EXISTING
SAGUARO SUBSTATION IN SEC. 15, T.10S.,
R.10E. TO THE EXISTING TORTOLITA
SUBSTATION IN SEC. 23, T.10S., R.10E.,
PINAL COUNTY, AND (2) THE
RECONSTRUCTION OF TWO EXISTING TEP
138 kV LINES AND THE ADDITION OF ONE
TEP 138 kV LINE AND ONE SWTC 115 kV
LINE FROM THE EXISTING TORTOLITA
SUBSTATION TO THE EXISTING NORTH
LOOP SUBSTATION IN SEC. 9, T.12S., R.12E.
IN THE TOWN OF MARANA, PIMA
COUNTY.

Docket Nos. L-00000C-09-0385-00149
L-00000CC-09-0385-00149
Case No. 149

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 October 6 and 7, 2009, in
Tucson, all 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 joint Application of
Tucson Electric Power Company ("TEP") and Southwest Transmission Cooperative, Inc.
("SWTC") (collectively "the Applicants") for a Certificate of Environmental Compatibility
("CEC") in the above-captioned case (the "Project").

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

- | | |
|--------------|--|
| John Foreman | Chairman, Designee for Arizona Attorney General
Terry Goddard |
|--------------|--|

Roshka DeWulf & Patten, PLC
TWO ARIZONA CENTER
400 NORTH 5TH STREET - SUITE 1000
PHOENIX, ARIZONA 85004
TELEPHONE NO 602-256-6100
FACSIMILE 602-256-6800

- 1 David L. Eberhart, P.E. Designee for Chairman, Arizona Corporation Commission
- 2
- 3 Jessica Youle Designee for Director, Energy Department, Arizona Department of Commerce
- 4
- 5 Jeff McGuire Appointed Member
- 6
- 7 Bill Mundell Appointed Member
- 8
- 9 Patricia Noland Appointed Member
- 10
- 11 Michael Palmer Appointed Member
- 12
- 13 Michael Whalen Appointed Member
- 14
- 15 Barry Wong Appointed Member

10 The Applicants were represented by: J. Matthew Derstine and Jason D. Gellman of
11 Roshka, DeWulf & Patten, PLC, and Marcus G. Jerden of UniSource Energy Corporation for TEP
12 – and Michael M. Grant of Gallagher & Kennedy, P.A., for SWTC. The following parties were
13 granted intervention pursuant to A.R.S. § 40-360.05: Pinal County, represented by Lawrence V.
14 Robertson Jr.
15

16 At the conclusion of the hearings, the Committee, having received the Application, the
17 appearances of the parties, the evidence, testimony and exhibits presented at the hearings, and
18 being advised of the legal requirements of A.R.S. §§ 40-360 to 40-360.13, upon motion duly made
19 and seconded, voted 7 to 2 to grant the Applicants this CEC (Case No. 149) for the Project to: (1)
20 reconfigure approximately 1.3 miles of an existing TEP 138 kV line to an SWTC 115 kV line on
21 steel structures within the TEP right-of-way (“ROW”) that will be transferred from TEP to SWTC,
22 from the existing Saguaro Substation, in T.10S, R.10E., Section 15 (owned by Arizona Public
23 Service Company) to the vicinity of the existing Tortolita Substation in T.10S., R10E., Section 23
24 (owned by TEP) in Pinal County; and (2) reconstruct two existing TEP 138 kV lines from wooden
25 H-frame structures, add one TEP 138 kV line from the existing TEP Tortolita Substation, and add
26 one SWTC 115 kV line from the vicinity of the Tortolita Substation, to the existing TEP North
27 Loop Substation, in T.12S., R.12E., Section 9, in the Town of Marana, Pima County. The latter

Roshka DeWulf & Patten, PLC
TWO ARIZONA CENTER
400 NORTH 5TH STREET - SUITE 1000
PHOENIX, ARIZONA 85004
TELEPHONE NO 602-256-6100
FACSIMILE 602-256-6800

1 portion of the Project will include construction of one series of quad-circuit steel monopoles (to
2 accommodate all four lines described above). These structures will be located entirely within an
3 existing corridor consisting of multiple TEP rights-of-way (ROWS) totaling 360 feet and will
4 utilize approximately 100 feet of the western portion of that corridor for approximately 14.4 miles
5 from the Tortolita to the North Loop Substations. A legal description and location map of the
6 Project is attached as Exhibit A. The quad-circuit steel monopoles will extend from the Tortolita
7 Substation, located in the northeast quarter of Section 23, T. 10S., R. 10E., in a 360-foot wide right-
8 of-way south to a point also in said NE ¼. It then will proceed southeasterly to an angle point in
9 the South half of Section 33, T.11S., R.12E. From this point the construction will extend south to
10 Tangerine Road and continue south to the North Loop Substation, located in the southwest quarter
11 of Section 9, T.12S., R.12E.

12
13 **CONDITIONS**

14 This Certificate is granted upon the following conditions:

- 15 1. The Applicants or their assignees shall obtain all approvals and permits required
16 by the United States, the State of Arizona, Pinal County, Pima County, the Town
17 of Marana, and any other governmental entities having jurisdiction necessary to
18 construct the Project.
- 19 2. The Applicants or their assignees shall comply with all existing applicable statutes,
20 ordinances, master plans and regulations of the United States, the State of
21 Arizona, Pinal County, Pima County, the Town of Marana, and any other
22 governmental entities having jurisdiction during the construction and operation of
23 the Project.
- 24 3. If any archaeological, paleontological or historical site or object that is at least
25 fifty years old is discovered on state, county or municipal land during the
26 construction or operation of the Project, the Applicants or their agent shall
27 promptly report the discovery to the Director of the Arizona State Museum

Roshka DeWulf & Patten, PLC
TWO ARIZONA CENTER
400 NORTH 5TH STREET - SUITE 1000
PHOENIX, ARIZONA 85004
TELEPHONE NO 602-256-6100
FACSIMILE 602-256-6800

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

("Director"), and in consultation with the Director, shall immediately take all reasonable steps to secure and maintain the preservation of the discovery, pursuant to A.R.S. § 41-844.

4. If human remains and/or funerary objects are encountered on private land during the course of any ground-disturbing activities during construction or operation of the Project, the Applicants or their agent shall cease work on the affected area of the Project and notify the Director, pursuant to A.R.S. § 41-865.

5. The Applicants or their assignees 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 Project. The Applicant shall comply with all guidelines and recommendations concerning saguaro preservation made by the United States Fish and Wildlife Service. In no event shall the Applicant destroy more than 285 viable saguaro cacti of twenty feet in height or more during the construction of the transmission line and access road.

6. This authorization to construct this Project shall expire five years from the date the Certificate is approved by the Arizona Corporation Commission ("Commission") unless the Project is capable of operation. However, prior to expiration, the Applicants or their assignees may request that the Commission extend this time limitation.

7. In the event that the Project requires an extension of the term of this Certificate prior to completion of construction, Applicants or their assignees shall use reasonable means to notify all landowners, neighborhood associations registered with the local governing jurisdictions, and residents within one mile of the Project, 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 proceeding at which the Commission will consider the request for extension.

Roshka DeWulf & Patten, PLC
TWO ARIZONA CENTER
400 NORTH 5TH STREET - SUITE 1000
PHOENIX, ARIZONA 85004
TELEPHONE NO 602-256-6100
FACSIMILE 602-256-6800

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

8. The Applicants or their assignees 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 addressed in this Certificate. The Applicants or their assignees 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. Upon request, the written records shall be provided to the Staff of the Commission.

9. Within 120 days of the Commission decision granting this Certificate, Applicants or their assignees will post signs in or near public rights-of-way giving notice of the Project corridor to the extent authorized by law. Such signs shall be placed in prominent locations at reasonable intervals so that the public is notified along the full length of the Project until the transmission structures are constructed. To the extent practicable, within 45 days of securing easement or right-of-way for the Project, the Applicants or their assignees shall erect and maintain signs providing public notice that the property is the site of future transmission lines. Such signage shall be no smaller than a normal roadway sign. Signs shall be three feet by five feet with title lettering at least three inches in height and regular lettering at least one inch in height or otherwise to the extent authorized by law. The signs shall advise:

- (a) That the site has been approved for the construction of Project facilities;
- (b) The expected date(s) of commencement of construction and completion of the Project facilities;
- (c) A phone number for public information regarding the Project;
- (d) The name of the Project;

Roshka DeWulf & Patten, PLC
TWO ARIZONA CENTER
400 NORTH 5TH STREET - SUITE 1000
PHOENIX, ARIZONA 85004
TELEPHONE NO 602-256-6100
FACSIMILE 602-256-6800

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

- (e) The name of the Applicant; and
 - (f) The website of the Project.
10. Applicants or their assignees, shall design the transmission lines to incorporate reasonable measures to minimize impacts to raptors.
 11. Applicants or their assignees shall use non-specular conductor and dulled surfaces for the Project’s transmission line structures.
 12. Before construction on this Project may commence, the Applicants or their assignees shall file a construction mitigation and restoration plan (“Plan”) with ACC Docket Control and provide copies to all Parties. Where practicable, the Plan shall specify the Applicants' 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, unless waived by the landowner, native areas of construction disturbance to its preconstruction state outside of the power-line right of way after construction has been completed. The Plan shall specify the Applicants' plans for coordination with the Arizona Game and Fish Department (“AGFD”) and the State Historic Preservation Office (“SHPO”). The Applicants shall use existing roads for construction and access where practicable and the Plan shall specify the manner in which the Applicants make use of existing roads.
 13. Applicants shall follow any published guidelines by the Arizona Game and Fish Department or the United States Fish and Wildlife Service for handling contacts with endangered species or species of greatest conservation need designated by the Arizona Game and Fish Department or the United States Fish and Wildlife Service. If no published guidelines exist, Applicant shall use reasonable care to avoid any adverse impact to any individuals of the designated species that are encountered.
 14. With respect to the Project, Applicants shall participate in good faith in state and regional transmission study forums to coordinate transmission expansion plans

Roshka DeWulf & Patten, PLC
TWO ARIZONA CENTER
400 NORTH 5TH STREET - SUITE 1000
PHOENIX, ARIZONA 85004
TELEPHONE NO 602-256-6100
FACSIMILE 602-256-6800

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

related to the Project and to resolve transmission constraints in a timely manner.

15. The Applicants or their assignees shall provide copies of this Certificate to Pinal County, Pima County, the Town of Marana, the Arizona State Land Department, the SHPO and AGFD.

16. Prior to the date construction commences on this Project, the Applicants or their assignees shall provide known homebuilders, neighborhood associations registered with the local governing jurisdiction and developers of record within one mile of the center line of the Certificated route the identity, 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.

17. Before commencing construction of Project facilities located parallel to and within 100 feet of any existing natural gas or hazardous liquid pipeline, the Applicants or their assignees shall:

(a) Perform the appropriate grounding and cathodic protection studies to show that the Project's location parallel to and within 100 feet of such pipeline 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, Applicants shall take appropriate steps to ensure that such material adverse impacts are mitigated. Applicants shall provide to Commission Staff and Docket Control 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)

Roshka DeWulf & Patten, PLC
TWO ARIZONA CENTER
400 NORTH 5TH STREET - SUITE 1000
PHOENIX, ARIZONA 85004
TELEPHONE NO 602-256-6100
FACSIMILE 602-256-6800

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

show that such outage does not result in customer outages; or ii) include operating plans to minimize any resulting customer outages. Applicants shall provide a copy of this study to Commission Staff and Docket Control.

- 18. Applicants or their assignees 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.
- 19. The Applicants or their assignees 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 the Docket Control of the Commission on 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, the Department of Commerce Energy Office and the Parties. The requirement for self-certification shall expire on the date the Project is placed into operation.
- 20. Within sixty (60) days of the Commission decision granting this Certificate, the Applicants or their assignees 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.
- 21. The Applicants or their assignees shall make reasonable efforts to work with private landowners on whose property the Project right-of-way will be located, to mitigate the impacts of the location, construction, and operation of the Project on private land.
- 22. Any assignment of this Certificate shall require the assignee to assume in

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

writing all responsibilities of the Applicants listed in this Certificate.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

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

1. The Project aids the state in meeting the need for an adequate, economical and reliable supply of electric power.
2. The conditions placed on the Project in the CEC by the Committee effectively minimize the impact of the Project on the environment and ecology of the state.
3. The Project is in the public interest because the Project's contribution to meeting the need for the adequate, economical and reliable supply of electric power outweighs the minimized impact of the Project on the environment and ecology of the state.

DATED this ___ day of _____ 2009.

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

Hon. John Foreman, Chairman

Roshka DeWulf & Patten, PLC
TWO ARIZONA CENTER
400 NORTH 5TH STREET - SUITE 1000
PHOENIX, ARIZONA 85004
TELEPHONE NO 602-256-6100
FACSIMILE 602-256-6800

Roshika DeWulf & Patten, PLC
TWO ARIZONA CENTER
400 NORTH 5TH STREET - SUITE 1000
PHOENIX, ARIZONA 85004
TELEPHONE NO 602-256-6100
FACSIMILE 602-256-6800

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27

Roshka DeWulf & Patten, PLC
TWO ARIZONA CENTER
400 NORTH 5TH STREET - SUITE 1000
PHOENIX, ARIZONA 85004
TELEPHONE NO 602-256-6100
FACSIMILE 602-256-6800

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

Exhibit A

A transmission line corridor of 360' width, lying 30' westerly and 330' easterly of the survey control line, as determined from Arizona State Plane Coordinate mapping, as more particularly described as follows:

BEGINNING at a point on the north line of Section 23 (N562,622.95 E891,682.33), said point being on the south boundary of the Arizona Public Service **Saguaro Generating Station and Substation** property site, which point also bears North 89 degrees 44 minutes 34 seconds East, 78.24 feet from the northwest corner of said Section 23 and to which National Geodetic Survey control point PID CZ0360 (Designation: 1899) bears South 09 degrees 01 minutes 18 seconds West, 1,430.23 feet;

Thence South 53 degrees 51 minutes 46 seconds East, 12,064.09 feet;

Thence South 59 degrees 28 minutes 10 seconds East, 6,852.47 feet;

Thence South 45 degrees 58 minutes 05 seconds East, 7,122.16 feet;

Thence South 51 degrees 19 minutes 24 seconds East, 41,532.50 feet;

Thence South 00 degrees 44 minutes 11 seconds East, 10,003.95 feet;

Thence South 83 degrees 01 minutes 13 seconds West, 733.23 feet;

Thence South 00 degrees 27 minutes 26 seconds West, 493.85 feet;

Thence South 10 degrees 42 minutes 07 seconds East, 285.30 feet;

Thence South 15 degrees 32 minutes 53 seconds East, 137.63 feet to the terminus point in **North Loop Substation** (N510,123.46 E944,358.78) to which Geodetic Survey control point PID CZ0522 (Designation: H 140) bears South 18 degrees 51 minutes 45 seconds East, 1476.32 feet.

Total length of the above-described centerline is 79,225.18 feet or 15.005 miles, more or less.

Roshka DeWulf & Patten, PLC
TWO ARIZONA CENTER
400 NORTH 5TH STREET - SUITE 1000
PHOENIX, ARIZONA 85004
TELEPHONE NO 602-256-6100
FACSIMILE 602-256-6800

- 1 David L. Eberhart, P.E. Designee for Chairman, Arizona Corporation Commission
- 2 Jessica Youle Designee for Director, Energy Department, Arizona Department of Commerce
- 3
- 4 Jeff McGuire Appointed Member
- 5 Bill Mundell Appointed Member
- 6 Patricia Noland Appointed Member
- 7 Michael Palmer Appointed Member
- 8 Michael Whalen Appointed Member
- 9 Barry Wong Appointed Member

10 The Applicants were represented by: J. Matthew Derstine and Jason D. Gellman of
 11 Roshka, DeWulf & Patten, PLC, and Marcus G. Jerden of UniSource Energy Corporation for TEP
 12 – and Michael M. Grant of Gallagher & Kennedy, P.A., for SWTC. The following parties were
 13 granted intervention pursuant to A.R.S. § 40-360.05: Pinal County, represented by Lawrence V.
 14 Robertson Jr.

15
 16 At the conclusion of the hearings, the Committee, having received the Application, the
 17 appearances of the parties, the evidence, testimony and exhibits presented at the hearings, and
 18 being advised of the legal requirements of A.R.S. §§ 40-360 to 40-360.13, upon motion duly made
 19 and seconded, voted 7 to 2 to grant the Applicants this CEC (Case No. 149) for the Project to: (1)
 20 reconfigure approximately 1.3 miles of an existing TEP 138 kV line to an SWTC 115 kV line on
 21 steel structures within the TEP right-of-way (“ROW”) that will be transferred from TEP to SWTC,
 22 from the existing Saguaro Substation, in T.10S, R.10E., Section 15 (owned by Arizona Public
 23 Service Company) to the vicinity of the existing Tortolita Substation in T.10S., R.10E., Section 23
 24 (owned by TEP) in Pinal County; and (2) reconstruct two existing TEP 138 kV lines from wooden
 25 H-frame structures, add one TEP 138 kV line from the existing TEP Tortolita Substation, and add
 26 one SWTC 115 kV line from the vicinity of the Tortolita Substation, to the existing TEP North
 27 Loop Substation, in T.12S., R.12E., Section 9, in the Town of Marana, Pima County. The latter

Roshka DeWulf & Patten, PLC
TWO ARIZONA CENTER
400 NORTH 5TH STREET - SUITE 1000
PHOENIX, ARIZONA 85004
TELEPHONE NO 602-256-6100
FACSIMILE 602-256-6800

1 portion of the Project will include construction of one series of quad-circuit steel monopoles (to
2 accommodate all four lines described above). These structures will be located entirely within an
3 existing corridor consisting of multiple TEP rights-of-way (ROWs) totaling 360 feet and will
4 utilize approximately 100 feet of the western portion of that corridor for approximately 14.4 miles
5 from the Tortolita to the North Loop Substations. A legal description and location map of the
6 Project is attached as Exhibit A. The quad-circuit steel monopoles will extend from the Tortolita
7 Substation, located in the northeast quarter of Section 23, T. 10S., R. 10E., in a 360-foot wide right-
8 of-way south to a point also in said NE ¼. It then will proceed southeasterly to an angle point in
9 the South half of Section 33, T.11S., R.12E. From this point the construction will extend south to
10 Tangerine Road and continue south to the North Loop Substation, located in the southwest quarter
11 of Section 9, T.12S., R.12E.

CONDITIONS

This Certificate is granted upon the following conditions:

- 15 1. The Applicants or their assignees shall obtain all approvals and permits required
16 by the United States, the State of Arizona, Pinal County, Pima County, the Town
17 of Marana, and any other governmental entities having jurisdiction necessary to
18 construct the Project.
- 19 2. The Applicants or their assignees shall comply with all existing applicable statutes,
20 ordinances, master plans and regulations of the United States, the State of
21 Arizona, Pinal County, Pima County, the Town of Marana, and any other
22 governmental entities having jurisdiction during the construction and operation of
23 the Project.
- 24 3. If any archaeological, paleontological or historical site or object that is at least
25 fifty years old is discovered on state, county or municipal land during the
26 construction or operation of the Project, the Applicants or their agent shall
27 promptly report the discovery to the Director of the Arizona State Museum

Koshka DeWulf & Patten, PLC
TWO ARIZONA CENTER
400 NORTH 5TH STREET - SUITE 1000
PHOENIX, ARIZONA 85004
TELEPHONE NO 602-256-6100
FACSIMILE 602-256-6800

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

("Director"), and in consultation with the Director, shall immediately take all reasonable steps to secure and maintain the preservation of the discovery, pursuant to A.R.S. § 41-844.

- 4. If human remains and/or funerary objects are encountered on private land during the course of any ground-disturbing activities during construction or operation of the Project, the Applicants or their agent shall cease work on the affected area of the Project and notify the Director, pursuant to A.R.S. § 41-865.
- 5. The Applicants or their assignees 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 Project. The Applicant shall comply with all guidelines and recommendations concerning saguaro preservation made by the United States Fish and Wildlife Service. In no event shall the Applicant destroy more than 285 viable saguaro cacti of twenty feet in height or more during the construction of the transmission line and access road.
- 6. This authorization to construct this Project shall expire five years from the date the Certificate is approved by the Arizona Corporation Commission ("Commission") unless the Project is capable of operation. However, prior to expiration, the Applicants or their assignees may request that the Commission extend this time limitation.
- 7. In the event that the Project requires an extension of the term of this Certificate prior to completion of construction, Applicants or their assignees shall use reasonable means to notify all landowners, neighborhood associations registered with the local governing jurisdictions, and residents within one mile of the Project, 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 proceeding at which the Commission will consider the request for extension.

Roshka DeWulf & Patten, PLC
TWO ARIZONA CENTER
400 NORTH 5TH STREET - SUITE 1000
PHOENIX, ARIZONA 85004
TELEPHONE NO 602-256-6100
FACSIMILE 602-256-6800

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

8. The Applicants or their assignees 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 addressed in this Certificate. The Applicants or their assignees 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. Upon request, the written records shall be provided to the Staff of the Commission.

9. Within 120 days of the Commission decision granting this Certificate, Applicants or their assignees will post signs in or near public rights-of-way giving notice of the Project corridor to the extent authorized by law. Such signs shall be placed in prominent locations at reasonable intervals so that the public is notified along the full length of the Project until the transmission structures are constructed. To the extent practicable, within 45 days of securing easement or right-of-way for the Project, the Applicants or their assignees shall erect and maintain signs providing public notice that the property is the site of future transmission lines. Such signage shall be no smaller than a normal roadway sign. Signs shall be three feet by five feet with title lettering at least three inches in height and regular lettering at least one inch in height or otherwise to the extent authorized by law. The signs shall advise:

- (a) That the site has been approved for the construction of Project facilities;
- (b) The expected date(s) of commencement of construction and completion of the Project facilities;
- (c) A phone number for public information regarding the Project;
- (d) The name of the Project;

Roshka DeWulf & Patten, PLC
TWO ARIZONA CENTER
400 NORTH 5TH STREET - SUITE 1000
PHOENIX, ARIZONA 85004
TELEPHONE NO 602-256-6100
FACSIMILE 602-256-6800

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

- (e) The name of the Applicant; and
 - (f) The website of the Project.
10. Applicants or their assignees, shall design the transmission lines to incorporate reasonable measures to minimize impacts to raptors.
 11. Applicants or their assignees shall use non-specular conductor and dulled surfaces for the Project's transmission line structures.
 12. Before construction on this Project may commence, the Applicants or their assignees shall file a construction mitigation and restoration plan ("Plan") with ACC Docket Control and provide copies to all Parties. Where practicable, the Plan shall specify the Applicants' 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, unless waived by the landowner, native areas of construction disturbance to its preconstruction state outside of the power-line right of way after construction has been completed. The Plan shall specify the Applicants' plans for coordination with the Arizona Game and Fish Department ("AGFD") and the State Historic Preservation Office ("SHPO"). The Applicants shall use existing roads for construction and access where practicable and the Plan shall specify the manner in which the Applicants make use of existing roads.
 13. Applicants shall follow any published guidelines by the Arizona Game and Fish Department or the United States Fish and Wildlife Service for handling contacts with endangered species or species of greatest conservation need designated by the Arizona Game and Fish Department or the United States Fish and Wildlife Service. If no published guidelines exist, Applicant shall use reasonable care to avoid any adverse impact to any individuals of the designated species that are encountered.
 14. With respect to the Project, Applicants shall participate in good faith in state and regional transmission study forums to coordinate transmission expansion plans

Roshka DeWulf & Patten, PLC
TWO ARIZONA CENTER
400 NORTH 5TH STREET - SUITE 1000
PHOENIX, ARIZONA 85004
TELEPHONE NO 602-256-6100
FACSIMILE 602-256-6800

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

related to the Project and to resolve transmission constraints in a timely manner.

15. The Applicants or their assignees shall provide copies of this Certificate to Pinal County, Pima County, the Town of Marana, the Arizona State Land Department, the SHPO and AGFD.

16. Prior to the date construction commences on this Project, the Applicants or their assignees shall provide known homebuilders, neighborhood associations registered with the local governing jurisdiction and developers of record within one mile of the center line of the Certificated route the identity, 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.

17. Before commencing construction of Project facilities located parallel to and within 100 feet of any existing natural gas or hazardous liquid pipeline, the Applicants or their assignees shall:

(a) Perform the appropriate grounding and cathodic protection studies to show that the Project's location parallel to and within 100 feet of such pipeline 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, Applicants shall take appropriate steps to ensure that such material adverse impacts are mitigated. Applicants shall provide to Commission Staff and Docket Control 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)

Koshka DeWulf & Patten, PLC
TWO ARIZONA CENTER
400 NORTH 5TH STREET - SUITE 1000
PHOENIX, ARIZONA 85004
TELEPHONE NO 602-256-6100
FACSIMILE 602-256-6800

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

- show that such outage does not result in customer outages; or ii) include operating plans to minimize any resulting customer outages. Applicants shall provide a copy of this study to Commission Staff and Docket Control.
18. Applicants or their assignees 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.
 19. The Applicants or their assignees 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 the Docket Control of the Commission on 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, the Department of Commerce Energy Office and the Parties. The requirement for self-certification shall expire on the date the Project is placed into operation.
 20. Within sixty (60) days of the Commission decision granting this Certificate, the Applicants or their assignees 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.
 21. The Applicants or their assignees shall make reasonable efforts to work with private landowners on whose property the Project right-of-way will be located, to mitigate the impacts of the location, construction, and operation of the Project on private land.
 22. Any assignment of this Certificate shall require the assignee to assume in writing all responsibilities of the Applicants listed in this Certificate.

Roshka DeWulf & Patten, PLC
TWO ARIZONA CENTER
400 NORTH 5TH STREET - SUITE 1000
PHOENIX, ARIZONA 85004
TELEPHONE NO 602-256-6100
FACSIMILE 602-256-6800

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

FINDINGS OF FACT AND CONCLUSIONS OF LAW

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

1. The Project aids the state in meeting the need for an adequate, economical and reliable supply of electric power.
2. The conditions placed on the Project in the CEC by the Committee effectively minimize the impact of the Project on the environment and ecology of the state.
3. The Project is in the public interest because the Project's contribution to meeting the need for the adequate, economical and reliable supply of electric power outweighs the minimized impact of the Project on the environment and ecology of the state.

DATED this ___ day of _____ 2009.

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

Hon. John Foreman, Chairman

Roshika DeWulf & Patten, PLC
TWO ARIZONA CENTER
400 NORTH 5TH STREET - SUITE 1000
PHOENIX, ARIZONA 85004
TELEPHONE NO 602-256-6100
FACSIMILE 602-256-6800

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27

Roshka DeWulf & Patten, PLC
 TWO ARIZONA CENTER
 400 NORTH 5TH STREET - SUITE 1000
 PHOENIX, ARIZONA 85004
 TELEPHONE NO 602-256-6100
 FACSIMILE 602-256-6800

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

Exhibit A

A transmission line corridor of 360' width, lying 30' westerly and 330' easterly of the survey control line, as determined from Arizona State Plane Coordinate mapping, as more particularly described as follows:

BEGINNING at a point on the north line of Section 23 (N562,622.95 E891,682.33), said point being on the south boundary of the Arizona Public Service **Saguaro Generating Station and Substation** property site, which point also bears North 89 degrees 44 minutes 34 seconds East, 78.24 feet from the northwest corner of said Section 23 and to which National Geodetic Survey control point PID CZ0360 (Designation: 1899) bears South 09 degrees 01 minutes 18 seconds West, 1,430.23 feet;

Thence South 53 degrees 51 minutes 46 seconds East, 12,064.09 feet;

Thence South 59 degrees 28 minutes 10 seconds East, 6,852.47 feet;

Thence South 45 degrees 58 minutes 05 seconds East, 7,122.16 feet;

Thence South 51 degrees 19 minutes 24 seconds East, 41,532.50 feet;

Thence South 00 degrees 44 minutes 11 seconds East, 10,003.95 feet;

Thence South 83 degrees 01 minutes 13 seconds West, 733.23 feet;

Thence South 00 degrees 27 minutes 26 seconds West, 493.85 feet;

Thence South 10 degrees 42 minutes 07 seconds East, 285.30 feet;

Thence South 15 degrees 32 minutes 53 seconds East, 137.63 feet to the terminus point in **North Loop Substation** (N510,123.46 E944,358.78) to which Geodetic Survey control point PID CZ0522 (Designation: H 140) bears South 18 degrees 51 minutes 45 seconds East, 1476.32 feet.

Total length of the above-described centerline is 79,225.18 feet or 15.005 miles, more or less.

From: "Mary Ippolito" <mippolito@rdp-law.com>
To: "Tara Williams" <Tara.Williams@azag.gov>
Date: 10/9/2009 11:13 AM
Subject: RE: #149 CEC

CC: "Jason D. Gellman" <jgellman@rdp-law.com>
Tara

Jason is at a seminar this morning but I will email him and ask him. Hopefully I can respond to you shortly. THX

Jason

See Tara's note below.

Mary Ippolito
Roshka DeWulf & Patten PLC
400 East Van Buren, Suite 800
Phoenix, Arizona 85004
(602) 256-6100 telephone
(602) 256-6800 fax
mippolito@rdp-law.com

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

From: Tara Williams [mailto:Tara.Williams@azag.gov]
Sent: Friday, October 09, 2009 11:11 AM
To: Mary Ippolito
Subject: #149 CEC

Mary,

Before I send this out, is there a map that the Applicant wants to attach to the CEC? I thought I should ask before I docket it.

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

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use,

disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

From: "Mary Ippolito" <mippolito@rdp-law.com>
To: "Tara Williams" <Tara.Williams@azag.gov>
Date: 10/9/2009 11:54 AM
Subject: RE: #149 CEC

You're welcome

Mary Ippolito
Roshka DeWulf & Patten PLC
400 East Van Buren, Suite 800
Phoenix, Arizona 85004
(602) 256-6100 telephone
(602) 256-6800 fax
mippolito@rdp-law.com

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

From: Tara Williams [mailto:Tara.Williams@azag.gov]
Sent: Friday, October 09, 2009 11:52 AM
To: Mary Ippolito
Subject: RE: #149 CEC

Thank you, Mary. I'll attach that map.

Tara

>>> "Mary Ippolito" <mippolito@rdp-law.com> 10/9/2009 11:51 AM >>>
Tara

I spoke with Marc Jerden and you can use the map that is the last page of the attached notice of hearing for your filing today.

If you need me to scan it in separately, let me know.

Mary Ippolito
Roshka DeWulf & Patten PLC
400 East Van Buren, Suite 800
Phoenix, Arizona 85004
(602) 256-6100 telephone
(602) 256-6800 fax
mippolito@rdp-law.com

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

From: Tara Williams [mailto:Tara.Williams@azag.gov]
Sent: Friday, October 09, 2009 11:11 AM

To: Mary Ippolito
Subject: #149 CEC

Mary,

Before I send this out, is there a map that the Applicant wants to attach to the CEC? I thought I should ask before I docket it.

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

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16

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

17
18
19
20
21
22
23
24
25
26

IN THE MATTER OF THE APPLICATION OF
TUCSON ELECTRIC POWER COMPANY AND
SOUTHWEST TRANSMISSION
COOPERATIVE, INC. FOR A CERTIFICATE OF
ENVIRONMENTAL COMPATIBILITY FOR: (1)
THE RECONFIGURATION OF AN EXISTING
TEP 138 kV LINE TO AN SWTC 115 kV LINE
FROM THE EXISTING SAGUARO
SUBSTATION IN SEC. 15, T.10S., R.10E. TO
THE EXISTING TORTOLITA SUBSTATION IN
SEC. 23, T.10S., R.10E., PINAL COUNTY, AND
(2) THE RECONSTRUCTION OF TWO
EXISTING TEP 138 kV LINES AND THE
ADDITION OF ONE TEP 138 kV LINE AND
ONE SWTC 115 kV LINE FROM THE
EXISTING TORTOLITA SUBSTATION TO THE
EXISTING NORTH LOOP SUBSTATION IN
SEC. 9, T.12S., R.12E. IN THE TOWN OF
MARANA, PIMA COUNTY.

Docket No. L-00000C-09-0385-00149
Docket No. L-00000CC-09-0385-00149

Case No. 149

NOTICE OF HEARING

A PUBLIC HEARING WILL BE HELD before the Arizona Power Plant and
Transmission Line Siting Committee ("Committee") regarding the application of
Tucson Electric Power Company ("TEP") and Southwest Transmission
Cooperative, Inc. ("SWTC") for a Certificate of Environmental Compatibility
authorizing (1) the reconstruction of an existing TEP 138 kV line to an SWTC 115
kV line from the existing Saguaro Substation to the existing Tortolita Substation in
Pinal County; and (2) the reconfiguration of two existing TEP 138 kV lines and
the addition of one TEP 138 kV line and one SWTC 115 kV line from the existing
Tortolita Substation to the existing North Loop Substation in the Town of Marana,
Pima County ("Project"). The hearing will be held at The Omni Tucson National
Resort, 2727 West Club Drive, Tucson, Arizona. The hearing is scheduled to
begin on October 6, 2009, at 9:30 a.m. The hearing will continue as necessary on
October 7, 2009, at 8:30 a.m., if a tour is taken, otherwise it will begin at 9:30 a.m.
If the hearing has not concluded, it will continue on October 8, 2009, at 9:30 a.m.
The hearing will adjourn at approximately 5:00 p.m. on all days. Additional
hearing days, if necessary, will be noticed on the Applicants and Arizona
Corporation Commission ("ACC") websites.

The Applicants' website with Project information is:
<http://www.tep.com/company/news/SA2NL/index.asp>

1 and

2 <http://www.southwesttransmission.coop/metadot/index.pl?iid=2306&isa=Category>

3 The ACC Website is: [http://www.azcc.gov/AZ Power Plant](http://www.azcc.gov/AZ_Power_Plant).

4 Copies of the Application and Transcripts will be available for inspection at the
5 following locations:

6 Geasa-Marana Branch Library – 13370 N. Lon Adams Road, Marana, Arizona
7 85653.

8 Nanini Branch Library – 7300 N. Shannon Road, Tucson, Arizona 85741.

9 **PUBLIC COMMENT WILL BE TAKEN AFTER OPENING**
10 **STATEMENTS AND AS PERMITTED BY THE COMMITTEE**
11 **CHAIRMAN. IN ADDITION, A SEPARATE EVENING PUBLIC**
12 **COMMENT SESSION WILL BE HELD TUESDAY, OCTOBER 6, 2009,**
13 **AT 6:00 P.M. AT THE OMNI TUCSON NATIONAL RESORT, 2727 WEST**
14 **CLUB DRIVE, TUCSON, ARIZONA.**

15 The Project consists of two segments: The first segment involves reconfiguring
16 about 1.3 miles of a single-circuit TEP 138 kV line to a single-circuit SWTC 115
17 kV line on steel monopole structures within an existing right-of-way. This
18 segment will originate from the existing Saguaro Substation, in T.10S, R.10E.,
19 Section 15 (owned by Arizona Public Service Company) to the vicinity of the
20 existing Tortolita Substation in T.10S., R.10E., Section 23 (owned by TEP). Both
21 substations are located in Pinal County

22 The second segment involves removing two existing TEP 138 kV lines from
23 wooden H-frame structures and reconstructing those lines on new structures – as
24 well as adding one TEP 138 kV line and one SWTC 115 kV line. This Segment
25 would originate from the existing Tortolita Substation in Pinal County to the
26 existing North Loop Substation, in T.12S., R.12E., Section 9, in the Town of
Marana, Pima County. The Project will interconnect two existing TEP Substations
(Tortolita and North Loop). The Project will also interconnect the SWTC 115 kV
line to the Saguaro Substation and to the proposed SWTC Adonis Substation
(located entirely on State Land).

TEP and SWTC propose three options in the Application for the second segment:

- Preferred Option: Construction of one series of quad-circuit transmission line steel monopoles in the existing 360-foot-wide TEP transmission line corridor consisting of multiple rights-of-way from Tortolita to North Loop Substations (14.4 miles long).
- Alternative Option 1: Construction of two adjacent series of double-circuit transmission line steel monopoles in the existing 360-foot wide TEP transmission line right-of-way (“ROW”) from Tortolita to North

1 Loop Substations (14.4 miles long).

- 2 • Alternative Option 2: Construction of one series of quad-circuit
3 transmission line steel monopoles within the existing 360-foot-wide TEP
4 transmission line ROW to the intersection of that ROW and the Central
5 Arizona Project ("CAP") canal. From that point south to the intersection
6 of the CAP canal and Tangerine Road, the route would traverse in a new
7 100-foot-wide ROW adjacent to the east edge of the existing CAP canal.
8 From that point the line would head east along the north side of
9 Tangerine Road until it intersects the existing TEP transmission line
10 ROW. From the intersection the line would be constructed in the
11 existing 360-foot wide ROW to the North Loop Substation. (15.9 miles
12 long).

9 More complete maps, along with more detailed textual descriptions of the
10 proposed route are available in the Application and on the Applicants' website.
11 The Application that includes detailed maps of the proposed Project is on file with
12 the Docket Control Center of the Arizona Corporation Commission, 1200 West
13 Washington Street, Suite 108, Phoenix Arizona, 85007, and 400 West Congress
14 Street, Suite 221, Tucson, Arizona 85701 in addition to the two library locations
15 listed above.

13 The Committee may conduct a tour of the Project area and the proposed routes. If a
14 tour is conducted, a map and itinerary for the tour will be available at the hearings.
15 Members of the public may follow the Committee in their own private vehicles.
16 During the tour, the Committee may hear brief testimony at stops on the tour from
17 one or more witnesses concerning where the stops are located, what is visible at the
18 stops and the relevance of the location and view to the proposed routes of the
19 transmission line in the Application. No other discussion or deliberation
20 concerning the Application will occur. A court reporter will transcribe any
21 testimony taken on the tour.

18 Depending on the issues raised and the number of interveners appearing during the
19 hearing, the Committee may deem it appropriate at some point to recess the
20 hearing to a time and place to be announced during the hearing, or to be
21 determined after the recess, at which time and place the hearing will be resumed.
22 These dates and places will be posted on the Applicants and ACC websites. At the
23 discretion of the Committee, such resumed hearings may be held at a date, time
24 and place designated by the Committee or its Chairman.

22 **NOTE: NOTICE OF SUCH RESUMED HEARING WILL BE GIVEN;
23 PUBLISHED NOTICE OF SUCH RESUMED HEARING IS NOT
24 REQUIRED.**

24 Each county and municipal government and state agency interested in the
25 proposed Project and desiring to become a party in the proceeding must file with
26 the Arizona Corporation Commission, 1200 West Washington Street, Phoenix,
Arizona 85007, a notice of its intent to be a party. That notice must be filed not

1 less than ten (10) days before the date set for hearing.

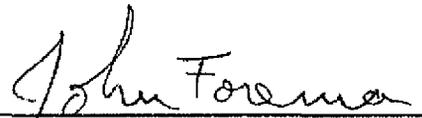
2 Any domestic, non-profit corporation or association, formed in whole or in part to
3 promote conservation or natural beauty, to protect the environment, personal
4 health or other biological values, to preserve historical sites, to promote customer
5 interests, to represent commercial and industrial groups, or to promote the orderly
6 development of the area in which the Project is to be located and desiring to
7 become a party to the certification proceedings must file with the Arizona
8 Corporation Commission, 1200 West Washington Street, Phoenix, Arizona 85007,
9 notice of its intent to be a party. That notice must be filed not less than ten (10)
10 days before the date set for hearing.

11 The Committee or its Chairman, at any time deemed appropriate, may make other
12 persons parties to the proceeding.

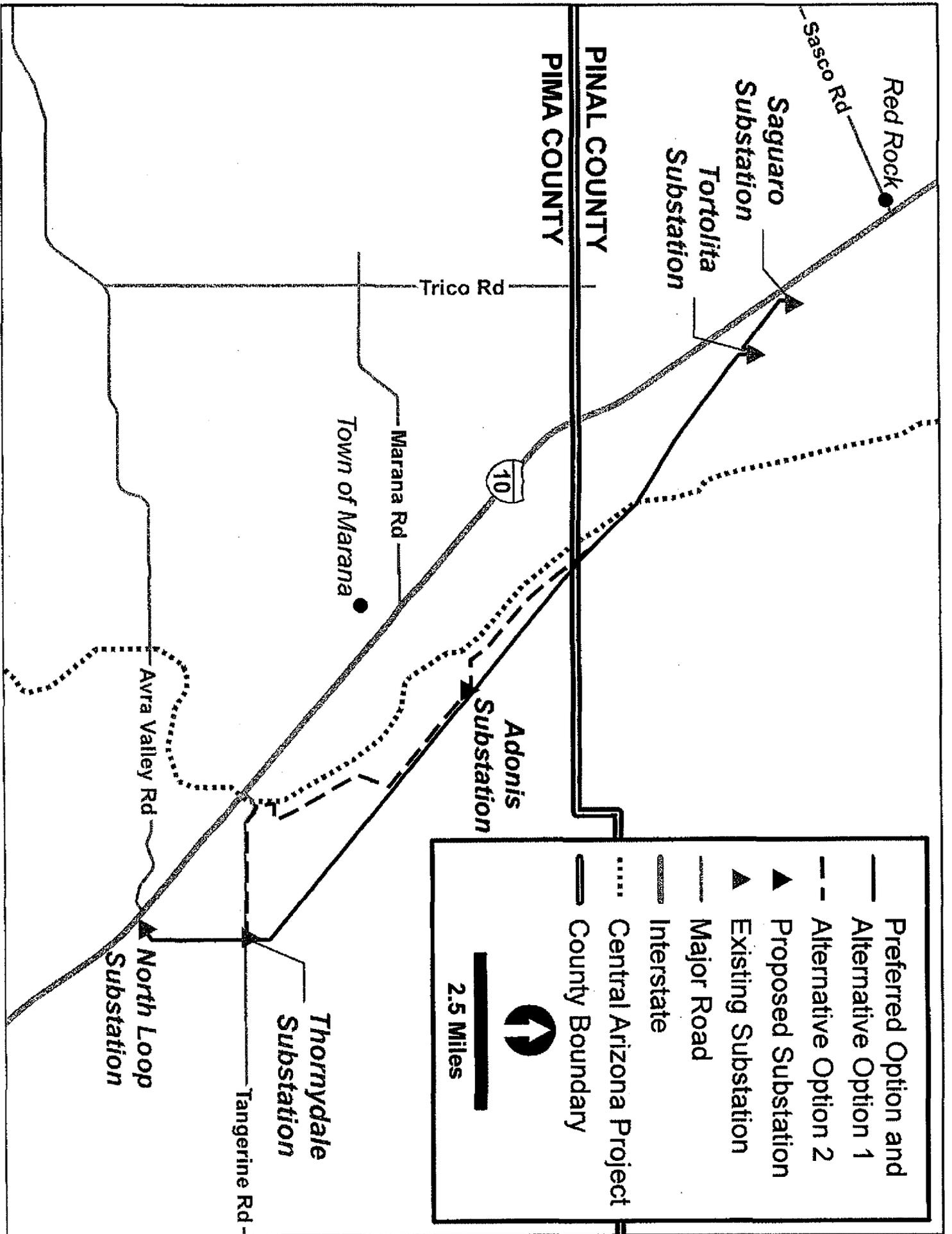
13 Any person may make a limited appearance at a hearing by filing a statement in
14 writing with the Arizona Corporation Commission, 1200 West Washington Street,
15 Phoenix, Arizona 85007, not less than five (5) days before a date set for hearing. A
16 person making a limited appearance shall not be a party or have the right to
17 present testimony or cross-examine witnesses.

18 This proceeding is governed by Arizona Revised Statutes (A.R.S.) §§ 40-360 to
19 40-360.13 and Arizona Administrative Code R14-3-201 to R14-3-219. No
20 substantive communication, not in the public record, may be made to any member
21 of the Committee. The written decision of the Committee will be submitted to the
22 Arizona Corporation Commission pursuant to A.R.S. § 40-360.07. Any person
23 intending to be a party before the Arizona Corporation Commission must be a
24 party to the certification proceedings before the Committee.

25 ORDERED this 10th day of August, 2009.

26 

John Foreman, Chairman
Arizona Power Plant and
Transmission Line Siting Committee
Assistant Attorney General



From: Tara Williams
To: Alward, Janice; Derstine, J. Matthew; Gellman, Jason; Grant, Michael;...
Date: 10/9/2009 3:10 PM
Subject: #149 CEC
Attachments: CEC.pdf

CC: Hetzer, Marta; Ippolito, Mary; Pearsall, Peri
Attached is the CEC for Case #149, which will be 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

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

1	David L. Eberhart, P.E.	Designee for Chairman, Arizona Corporation Commission
2	Jessica Youle	Designee for Director, Energy Department, Arizona Department of Commerce
3	Jeff McGuire	Appointed Member
4	Bill Mundell	Appointed Member
5	Patricia Noland	Appointed Member
6	Michael Palmer	Appointed Member
7	Michael Whalen	Appointed Member
8	Barry Wong	Appointed Member

9
10 The Applicants were represented by: J. Matthew Derstine and Jason D. Gellman of
11 Roshka, DeWulf & Patten, PLC, and Marcus G. Jerden of UniSource Energy Corporation for TEP
12 – and Michael M. Grant of Gallagher & Kennedy, P.A., for SWTC. The following parties were
13 granted intervention pursuant to A.R.S. § 40-360.05: Pinal County, represented by Lawrence V.
14 Robertson Jr.

15 At the conclusion of the hearings, the Committee, having received the Application, the
16 appearances of the parties, the evidence, testimony and exhibits presented at the hearings, and
17 being advised of the legal requirements of A.R.S. §§ 40-360 to 40-360.13, upon motion duly made
18 and seconded, voted 7 to 2 to grant the Applicants this CEC (Case No. 149) for the Project to: (1)
19 reconfigure approximately 1.3 miles of an existing TEP 138 kV line to an SWTC 115 kV line on
20 steel structures within the TEP right-of-way (“ROW”) that will be transferred from TEP to SWTC,
21 from the existing Saguaro Substation, in T.10S, R.10E., Section 15 (owned by Arizona Public
22 Service Company) to the vicinity of the existing Tortolita Substation in T.10S., R10E., Section 23
23 (owned by TEP) in Pinal County; and (2) reconstruct two existing TEP 138 kV lines from wooden
24 H-frame structures, add one TEP 138 kV line from the existing TEP Tortolita Substation, and add
25 one SWTC 115 kV line from the vicinity of the Tortolita Substation, to the existing TEP North
26 Loop Substation, in T.12S., R.12E., Section 9, in the Town of Marana, Pima County. The latter
27 portion of the Project will include construction of one series of quad-circuit steel monopoles (to

1 accommodate all four lines described above). These structures will be located entirely within an
2 existing corridor consisting of multiple TEP rights-of-way (ROWs) totaling 360 feet and will
3 utilize approximately 100 feet of the western portion of that corridor for approximately 14.4 miles
4 from the Tortolita to the North Loop Substations. A legal description and location map of the
5 Project is attached as Exhibit A. The quad-circuit steel monopoles will extend from the Tortolita
6 Substation, located in the northeast quarter of Section 23, T. 10S., R. 10E., in a 360-foot wide
7 right-of-way south to a point also in said NE ¼. It then will proceed southeasterly to an angle
8 point in the South half of Section 33, T.11S., R.12E. From this point the construction will extend
9 south to Tangerine Road and continue south to the North Loop Substation, located in the
10 southwest quarter of Section 9, T.12S., R.12E.

11
12 **CONDITIONS**

13 This Certificate is granted upon the following conditions:

- 14 1. The Applicants or their assignees shall obtain all approvals and permits required
15 by the United States, the State of Arizona, Pinal County, Pima County, the Town
16 of Marana, and any other governmental entities having jurisdiction necessary to
17 construct the Project.
- 18 2. The Applicants or their assignees shall comply with all existing applicable statutes,
19 ordinances, master plans and regulations of the United States, the State of
20 Arizona, Pinal County, Pima County, the Town of Marana, and any other
21 governmental entities having jurisdiction during the construction and operation of
22 the Project.
- 23 3. If any archaeological, paleontological or historical site or object that is at least
24 fifty years old is discovered on state, county or municipal land during the
25 construction or operation of the Project, the Applicants or their agent shall
26 promptly report the discovery to the Director of the Arizona State Museum
27 ("Director"), and in consultation with the Director, shall immediately take all

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

reasonable steps to secure and maintain the preservation of the discovery, pursuant to A.R.S. § 41-844.

4. If human remains and/or funerary objects are encountered on private land during the course of any ground-disturbing activities during construction or operation of the Project, the Applicants or their agent shall cease work on the affected area of the Project and notify the Director, pursuant to A.R.S. § 41-865.
5. The Applicants or their assignees 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 Project. The Applicant shall comply with all guidelines and recommendations concerning saguaro preservation made by the United States Fish and Wildlife Service. In no event shall the Applicant destroy more than 285 viable saguaro cacti of twenty feet in height or more during the construction of the transmission line and access road.
6. This authorization to construct this Project shall expire five years from the date the Certificate is approved by the Arizona Corporation Commission ("Commission") unless the Project is capable of operation. However, prior to expiration, the Applicants or their assignees may request that the Commission extend this time limitation.
7. In the event that the Project requires an extension of the term of this Certificate prior to completion of construction, Applicants or their assignees shall use reasonable means to notify all landowners, neighborhood associations registered with the local governing jurisdictions, and residents within one mile of the Project, 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 proceeding at which the Commission will consider the request for extension.
8. The Applicants or their assignees shall make every reasonable effort to identify and

1 correct, on a case-specific basis, all complaints of interference with radio or
2 television signals from operation of the transmission lines and related facilities
3 addressed in this Certificate. The Applicants or their assignees shall maintain
4 written records for a period of five years of all complaints of radio or television
5 interference attributable to operation, together with the corrective action taken in
6 response to each complaint. All complaints shall be recorded to include notations
7 on the corrective action taken. Complaints not leading to a specific action or for
8 which there was no resolution shall be noted and explained. Upon request, the
9 written records shall be provided to the Staff of the Commission.

- 10 9. Within 120 days of the Commission decision granting this Certificate, Applicants
11 or their assignees will post signs in or near public rights-of-way giving notice of the
12 Project corridor to the extent authorized by law. Such signs shall be placed in
13 prominent locations at reasonable intervals so that the public is notified along the
14 full length of the Project until the transmission structures are constructed. To the
15 extent practicable, within 45 days of securing easement or right-of-way for the
16 Project, the Applicants or their assignees shall erect and maintain signs providing
17 public notice that the property is the site of future transmission lines. Such signage
18 shall be no smaller than a normal roadway sign. Signs shall be three feet by five
19 feet with title lettering at least three inches in height and regular lettering at least
20 one inch in height or otherwise to the extent authorized by law. The signs shall
21 advise:
- 22 (a) That the site has been approved for the construction of Project facilities;
 - 23 (b) The expected date(s) of commencement of construction and completion of
24 the Project facilities;
 - 25 (c) A phone number for public information regarding the Project;
 - 26 (d) The name of the Project;
 - 27 (e) The name of the Applicant; and

ROSHKA DEWULF & PATTEN, PLC
TWO ARIZONA CENTER
400 NORTH 5TH STREET - SUITE 1000
PHOENIX, ARIZONA 85004
TELEPHONE NO 602-256-6100
FACSIMILE 602-256-6800

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

- (f) The website of the Project.
- 10. Applicants or their assignees, shall design the transmission lines to incorporate reasonable measures to minimize impacts to raptors.
- 11. Applicants or their assignees shall use non-specular conductor and dulled surfaces for the Project's transmission line structures.
- 12. Before construction on this Project may commence, the Applicants or their assignees shall file a construction mitigation and restoration plan ("Plan") with ACC Docket Control and provide copies to all Parties. Where practicable, the Plan shall specify the Applicants' 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, unless waived by the landowner, native areas of construction disturbance to its preconstruction state outside of the power-line right of way after construction has been completed. The Plan shall specify the Applicants' plans for coordination with the Arizona Game and Fish Department ("AGFD") and the State Historic Preservation Office ("SHPO"). The Applicants shall use existing roads for construction and access where practicable and the Plan shall specify the manner in which the Applicants make use of existing roads.
- 13. Applicants shall follow any published guidelines by the Arizona Game and Fish Department or the United States Fish and Wildlife Service for handling contacts with endangered species or species of greatest conservation need designated by the Arizona Game and Fish Department or the United States Fish and Wildlife Service. If no published guidelines exist, Applicant shall use reasonable care to avoid any adverse impact to any individuals of the designated species that are encountered.
- 14. With respect to the Project, Applicants 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.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

15. The Applicants or their assignees shall provide copies of this Certificate to Pinal County, Pima County, the Town of Marana, the Arizona State Land Department, the SHPO and AGFD.
16. Prior to the date construction commences on this Project, the Applicants or their assignees shall provide known homebuilders, neighborhood associations registered with the local governing jurisdiction and developers of record within one mile of the center line of the Certificated route the identity, 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.
17. Before commencing construction of Project facilities located parallel to and within 100 feet of any existing natural gas or hazardous liquid pipeline, the Applicants or their assignees shall:
 - (a) Perform the appropriate grounding and cathodic protection studies to show that the Project's location parallel to and within 100 feet of such pipeline 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, Applicants shall take appropriate steps to ensure that such material adverse impacts are mitigated. Applicants shall provide to Commission Staff and Docket Control 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. Applicants

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

- shall provide a copy of this study to Commission Staff and Docket Control.
18. Applicants or their assignees 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.
19. The Applicants or their assignees 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 the Docket Control of the Commission on 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, the Department of Commerce Energy Office and the Parties. The requirement for self-certification shall expire on the date the Project is placed into operation.
20. Within sixty (60) days of the Commission decision granting this Certificate, the Applicants or their assignees 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.
21. The Applicants or their assignees shall make reasonable efforts to work with private landowners on whose property the Project right-of-way will be located, to mitigate the impacts of the location, construction, and operation of the Project on private land.
22. Any assignment of this Certificate shall require the assignee to assume in writing all responsibilities of the Applicants listed in this Certificate.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

ROSHKA DeWULF & PATTEN, FLC
TWO ARIZONA CENTER
400 NORTH 5TH STREET - SUITE 1000
PHOENIX, ARIZONA 85004
TELEPHONE NO 602-256-6100
FACSIMILE 602-256-6800

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

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

1. The Project aids the state in meeting the need for an adequate, economical and reliable supply of electric power.
2. The conditions placed on the Project in the CEC by the Committee effectively minimize the impact of the Project on the environment and ecology of the state.
3. The Project is in the public interest because the Project's contribution to meeting the need for the adequate, economical and reliable supply of electric power outweighs the minimized impact of the Project on the environment and ecology of the state.

DATED this 9th day of Oct. 2009.

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



Hon. John Foreman, Chairman

ROSHKA DEWULF & PATTEN, PLC
TWO ARIZONA CENTER
400 NORTH 5TH STREET - SUITE 1000
PHOENIX, ARIZONA 85004
TELEPHONE NO 602-256-6100
FACSIMILE 602-256-6800

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

Exhibit A

A transmission line corridor of 360' width, lying 30' westerly and 330' easterly of the survey control line, as determined from Arizona State Plane Coordinate mapping, as more particularly described as follows:

BEGINNING at a point on the north line of Section 23 (N562,622.95 E891,682.33), said point being on the south boundary of the Arizona Public Service **Saguaro Generating Station and Substation** property site, which point also bears North 89 degrees 44 minutes 34 seconds East, 78.24 feet from the northwest corner of said Section 23 and to which National Geodetic Survey control point PID CZ0360 (Designation: 1899) bears South 09 degrees 01 minutes 18 seconds West, 1,430.23 feet;

Thence South 53 degrees 51 minutes 46 seconds East, 12,064.09 feet;

Thence South 59 degrees 28 minutes 10 seconds East, 6,852.47 feet;

Thence South 45 degrees 58 minutes 05 seconds East, 7,122.16 feet;

Thence South 51 degrees 19 minutes 24 seconds East, 41,532.50 feet;

Thence South 00 degrees 44 minutes 11 seconds East, 10,003.95 feet;

Thence South 83 degrees 01 minutes 13 seconds West, 733.23 feet;

Thence South 00 degrees 27 minutes 26 seconds West, 493.85 feet;

Thence South 10 degrees 42 minutes 07 seconds East, 285.30 feet;

Thence South 15 degrees 32 minutes 53 seconds East, 137.63 feet to the terminus point in **North Loop Substation** (N510,123.46 E944,358.78) to which Geodetic Survey control point PID CZ0522 (Designation: H 140) bears South 18 degrees 51 minutes 45 seconds East, 1476.32 feet.

Total length of the above-described centerline is 79,225.18 feet or 15.005 miles, more or less.

