

ORIGINAL

OPEN MEETING ITEM



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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

Certificate of Environmental Compatibility

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Docket Control

John Foreman, designee of the Attorney General of Arizona, Terry Goddard, as Chairman and Presiding Officer of the Arizona Power Plant and Transmission Line Siting Committee gives notice of filing the attached Certificate of Environmental Compatibility with Docket Control of the Arizona Corporation Commission.

DATED: October 9, 2009

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

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

3 Docket Control
4 Arizona Corporation Commission
5 1200 W. Washington St.
Phoenix, AZ 85007

6
7 Copy of the above was mailed
8 this 9th day of October, 2009 to:

9 Janice Alward, Chief Counsel
10 Arizona Corporation Commission
11 1200 West Washington Street
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12 Counsel for Legal Division Staff

13 Jason Gellman
14 J. Matthew Derstine
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16 One Arizona Center
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Counsel for Applicant, TEP

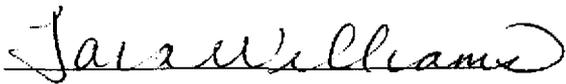
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1 **BEFORE THE ARIZONA POWER PLANT**
2 **AND TRANSMISSION LINE SITING COMMITTEE**
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4

5 IN THE MATTER OF THE APPLICATION OF
6 TUCSON ELECTRIC POWER COMPANY
7 AND SOUTHWEST TRANSMISSION
8 COOPERATIVE, INC. FOR A CERTIFICATE
9 OF ENVIRONMENTAL COMPATIBILITY
10 FOR: (1) THE RECONFIGURATION OF AN
11 EXISTING TEP 138 kV LINE TO AN SWTC
12 115 kV LINE FROM THE EXISTING
13 SAGUARO SUBSTATION IN SEC. 15, T.10S.,
14 R.10E. TO THE EXISTING TORTOLITA
15 SUBSTATION IN SEC. 23, T.10S., R.10E.,
16 PINAL COUNTY, AND (2) THE
17 RECONSTRUCTION OF TWO EXISTING TEP
18 138 kV LINES AND THE ADDITION OF ONE
19 TEP 138 kV LINE AND ONE SWTC 115 kV
20 LINE FROM THE EXISTING TORTOLITA
21 SUBSTATION TO THE EXISTING NORTH
22 LOOP SUBSTATION IN SEC. 9, T.12S., R.12E.
23 IN THE TOWN OF MARANA, PIMA
24 COUNTY.

Docket Nos. L-00000C-09-0385-00149
L-00000CC-09-0385-00149

Case No. 149

16 **CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY**

17 Pursuant to notice given as provided by law, the Arizona Power Plant and Transmission
18 Line Siting Committee (the "Committee") held public hearings on October 6 and 7, 2009, in
19 Tucson, all in conformance with the requirements of Arizona Revised Statutes ("A.R.S.") § 40-
20 360, *et seq.*, for the purpose of receiving evidence and deliberating on the joint Application of
21 Tucson Electric Power Company ("TEP") and Southwest Transmission Cooperative, Inc.
22 ("SWTC") (collectively "the Applicants") for a Certificate of Environmental Compatibility
23 ("CEC") in the above-captioned case (the "Project").

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

26 John Foreman

Chairman, Designee for Arizona Attorney General
Terry Goddard

27

- 1 David L. Eberhart, P.E. Designee for Chairman, Arizona Corporation
Commission
- 2 Jessica Youle Designee for Director, Energy Department, Arizona
3 Department of Commerce
- 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 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

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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

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- (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.

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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

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- 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

ROSIIKA DeWULF & PATTEN, PLC
TWO ARIZONA CENTER
400 NORTH 5TH STREET - SUITE 1000
PHOENIX, ARIZONA 85004
TELEPHONE NO 602-256-6100
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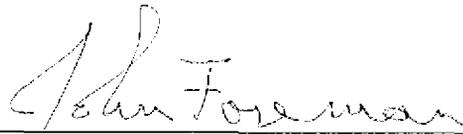
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This Certificate incorporates the following findings of fact and conclusions of law:

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
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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.

