

ORIGINAL

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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

- KRISTIN K. MAYES, CHAIRMAN
- GARY PIERCE
- PAUL NEWMAN
- SANDRA D. KENNEDY
- BOB STUMP

2009 SEP 16 P 2:39

ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

IN THE MATTER OF THE APPLICATION OF AGUA CALIENTE SOLAR, LLC, IN CONFORMANCE WITH THE REQUIREMENTS OF ARIZONA REVISED STATUTES 40-360.03 AND 40-360.06, FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AUTHORIZING CONSTRUCTION OF THE AGUA CALIENTE SOLAR PROJECT, A 280 MW PARABOLIC TROUGH CONCENTRATING SOLAR THERMAL, OR A 425 MW PHOTOVOLTAIC SOLAR, GENERATING FACILITY AND ASSOCIATED TRANSMISSION LINE INTERCONNECTING THE GENERATING FACILITY TO THE ADJACENT PALO VERDE - NORTH GILA #1 500kV TRANSMISSION LINE IN YUMA COUNTY APPROXIMATELY 10 MILES NORTH OF DATELAND, ARIZONA.

DOCKET NO. L-00000JJ-09-0279-00145

CASE NO. 145

Arizona Corporation Commission

DOCKETED

SEP 16 2009

DOCKETED BY	<i>Mm</i>
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IN THE MATTER OF THE APPLICATION OF ARIZONA PUBLIC SERVICE COMPANY, IN CONFORMANCE WITH THE REQUIREMENTS OF ARIZONA REVISED STATUTES 40-360.03 AND 40-360.06, FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AUTHORIZING CONSTRUCTION OF THE APS Q43 500kV TRANSMISSION LINE AND SWITCHYARD INTERCONNECTION PROJECT AND ASSOCIATED FACILITIES INTERCONNECTING TO THE PALO VERDE - NORTH GILA #1 AND FUTURE PALO VERDE - NORTH GILA #2 500kV TRANSMISSION LINES APPROXIMATELY 10 MILES NORTH OF DATELAND, ARIZONA (SECTION 34, T5S, R12W, G&SRB&M, YUMA COUNTY, ARIZONA).

DOCKET NO. L-00000D-09-0280-00146

CASE NO. 146

NOTICE OF FILING SAMPLE FORMS OF ORDER FOR CASE NO. 146

(Transmission Project)

The Commission's Legal Division hereby provides sample forms of order for the Commission's convenience when considering the Siting Committee's decision in Case No. 146 (Transmission Project) in the above-captioned consolidated dockets. Sample Order No. 1 is in a

1 format suitable for Commission approval of the Siting Committee's Certificate of Environmental
2 Compatibility ("CEC") decision. Sample Order No. 2 is in a format for Commission modifications
3 to the Siting Committee's CEC decision. Sample Order No. 3 is in a format for denial of the CEC
4 issued in the Siting Committee's decision.

5 RESPECTFULLY SUBMITTED this 16th day of September, 2009.

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7 

8 Janice Alward
9 Arizona Corporation Commission
10 1200 West Washington Street
11 Phoenix, Arizona 85007
12 (602) 542-3402

13 **Original and twenty-eight (28)**
14 **copies of the foregoing filed this**
15 **16th day of September, 2009 with:**

16 Docket Control
17 Arizona Corporation Commission
18 1200 West Washington Street
19 Phoenix, Arizona 85007

20 **Copies of the foregoing**
21 **mailed this 16th day of**
22 **September, 2009 to:**

23 Jay Moyes
24 Moyes, Sellers, and Sims
25 1850 North Central Avenue
26 Suite 1100
27 Phoenix, AZ 85004
28 Counsel for Applicant, Agua Caliente Solar, LLC

Thomas Campbell
Lewis & Roca, LLP
40 North Central Avenue
Phoenix, AZ 85004
Counsel for Applicant, APS

By Roseann Osorio

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 **COMMISSIONERS**

3 KRISTIN K. MAYES, CHAIRMAN
4 GARY PIERCE
5 PAUL NEWMAN
6 SANDRA D. KENNEDY
7 BOB STUMP

8 IN THE MATTER OF THE APPLICATION OF
9 ARIZONA PUBLIC SERVICE COMPANY, IN
10 CONFORMANCE WITH THE
11 REQUIREMENTS OF ARIZONA REVISED
12 STATUTES 40-360.03 AND 40-360.06, FOR A
13 CERTIFICATE OF ENVIRONMENTAL
14 COMPATIBILITY AUTHORIZING
15 CONSTRUCTION OF THE APS Q43 500kV
16 TRANSMISSION LINE AND SWITCHYARD
17 INTERCONNECTION PROJECT AND
18 ASSOCIATED FACILITIES
19 INTERCONNECTING TO THE PALO VERDE -
20 NORTH GILA #1 AND FUTURE PALO VERDE
21 - NORTH GILA #2 500kV TRANSMISSION
22 LINES APPROXIMATELY 10 MILES NORTH
23 OF DATELAND, ARIZONA (SECTION 34,
24 T5S, R12W, G&SRB&M, YUMA COUNTY,
25 ARIZONA).

DOCKET NO. L-00000D-09-0280-00146

CASE NO. 146

DECISION NO. _____

(Transmission Project)

SAMPLE ORDER NO. 1

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

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

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

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

- 27 1. The Project is in the public interest because it aids the state in meeting the need for
28 an adequate, economical, and reliable supply of electric power.

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2. In balancing the need for the Project with its effect on the environment and ecology of the state, the conditions placed on the CEC effectively minimize its impact on the environment and ecology of the state.
3. The conditions placed on the CEC resolve matters concerning the need for the Project and its impact on the environment and ecology of the state raised during the course of proceedings, and as such, serve as the findings on the matters raised.
4. In light of these conditions, the balancing in the broad public interest results in favor of granting the CEC.

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1 THE CEC ISSUED BY THE SITING COMMITTEE IS
2 INCORPORATED HEREIN AND IS APPROVED BY ORDER OF THE
3 ARIZONA CORPORATION COMMISSION
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CHAIRMAN

COMMISSIONER

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COMMISSIONER

COMMISSIONER

COMMISSIONER

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

15 _____
ERNEST G. JOHNSON
16 Executive Director

17 DISSENT: _____

18 DISSENT: _____
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1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 **COMMISSIONERS**

3 KRISTIN K. MAYES, CHAIRMAN
4 GARY PIERCE
5 PAUL NEWMAN
6 SANDRA D. KENNEDY
7 BOB STUMP

8 IN THE MATTER OF THE APPLICATION OF
9 ARIZONA PUBLIC SERVICE COMPANY, IN
10 CONFORMANCE WITH THE
11 REQUIREMENTS OF ARIZONA REVISED
12 STATUTES 40-360.03 AND 40-360.06, FOR A
13 CERTIFICATE OF ENVIRONMENTAL
14 COMPATIBILITY AUTHORIZING
15 CONSTRUCTION OF THE APS Q43 500kV
16 TRANSMISSION LINE AND SWITCHYARD
17 INTERCONNECTION PROJECT AND
18 ASSOCIATED FACILITIES
19 INTERCONNECTING TO THE PALO
20 VERDE - NORTH GILA #1 AND FUTURE
21 PALO VERDE - NORTH GILA #2 500kV
22 TRANSMISSION LINES APPROXIMATELY
23 10 MILES NORTH OF DATELAND,
24 ARIZONA (SECTION 34, T5S, R12W,
25 G&SRB&M, YUMA COUNTY, ARIZONA).

DOCKET NO. L-00000D-09-0280-00146

CASE NO. 146

DECISION NO. _____

(Transmission Project)

SAMPLE ORDER NO. 2

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

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

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

26 The Commission modifies the CEC to (add) (modify) (delete) the following provisions
27 and/or condition(s):
28

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

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

- 6 1. The Project is in the public interest because it aids the state in meeting the need for
7 an adequate, economical and reliable supply of electric power.
- 8 2. In balancing the need for the Project with its effect on the environment and ecology
9 of the state, the conditions placed on the CEC as modified by the Commission
10 effectively minimize its impact on the environment and ecology of the state.
- 11 3. The conditions placed on the CEC as modified by the Commission resolve matters
12 concerning the need for the Project and its impact on the environment and ecology of
13 the state raised during the course of proceedings, and as such, serve as the findings on
14 the matters raised.
- 15 4. In light of these conditions, the balancing in the broad public interest results in favor
16 of granting the CEC as modified by the Commission.

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

CHAIRMAN	COMMISSIONER	
COMMISSIONER	COMMISSIONER	COMMISSIONER

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

ERNEST G. JOHNSON
Executive Director

DISSENT: _____

DISSENT: _____

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 **COMMISSIONERS**

3 KRISTIN K. MAYES, CHAIRMAN
4 GARY PIERCE
5 PAUL NEWMAN
6 SANDRA D. KENNEDY
7 BOB STUMP

8 IN THE MATTER OF THE APPLICATION OF
9 ARIZONA PUBLIC SERVICE COMPANY, IN
10 CONFORMANCE WITH THE
11 REQUIREMENTS OF ARIZONA REVISED
12 STATUTES 40-360.03 AND 40-360.06, FOR A
13 CERTIFICATE OF ENVIRONMENTAL
14 COMPATIBILITY AUTHORIZING
CONSTRUCTION OF THE APS Q43 500kV
TRANSMISSION LINE AND SWITCHYARD
INTERCONNECTION PROJECT AND
ASSOCIATED FACILITIES
INTERCONNECTING TO THE PALO
VERDE - NORTH GILA #1 AND FUTURE
PALO VERDE - NORTH GILA #2 500kV
TRANSMISSION LINES APPROXIMATELY
10 MILES NORTH OF DATELAND,
ARIZONA (SECTION 34, T5S, R12W,
G&SRB&M, YUMA COUNTY, ARIZONA).

DOCKET NO. L-00000D-09-0280-00146

CASE NO. 146

DECISION NO. _____

(Transmission Project)

SAMPLE ORDER NO. 3

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

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

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

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

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

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

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

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1 THE CEC ISSUED BY THE SITING COMMITTEE IS
2 INCORPORATED HEREIN AND IS DENIED BY ORDER OF THE
3 ARIZONA CORPORATION COMMISSION
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6 CHAIRMAN

COMMISSIONER

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COMMISSIONER

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

16 _____
17 ERNEST G. JOHNSON
18 Executive Director
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21 DISSENT: _____

22 DISSENT: _____
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