

ORIGINAL



0000103457

BEFORE THE ARIZONA POWER PLANT AND TRANSMISSION LINE SITING COMMITTEE

IN THE MATTER OF THE APPLICATION OF HUALAPAI VALLEY 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 HVS PROJECT, A 340 MW PARABOLIC TROUGH CONCENTRATING SOLAR THERMAL GENERATING FACILITY AND AN ASSOCIATED GEN-TIE LINE INTERCONNECTING THE GENERATING FACILITY TO THE EXISTING MEAD-PHOENIX 500kV TRANSMISSION LINE, THE MEAD-LIBERTY 345kV TRANSMISSION LINE OR THE MOENKOPI-EL DORADO 500kV TRANSMISSION LINE.

Docket No.: L-00000NN-09-0541-00151

Case No. 151

NOTICE OF FILING E-MAIL COMMUNICATION

RECEIVED
200 FEB 12 P 12 52
DOCKET COMMUNICATION

The Chairman of the Arizona Power Plant and Transmission Line Siting Committee is providing notice of filing the attached e-mail communications, pertaining to this case, that have occurred between the Parties to this case and the Chairman, up to this date since the previous filing on January 11, 2010.

DATED: February 12, 2010

Arizona Corporation Commission
DOCKETED
FEB 12 2010

DOCKETED BY [Signature]

[Signature of John Foreman]

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

1 Pursuant to A.A.C. R14-3-204,
2 The Original and 25 copies were
3 filed February 12, 2010 with:

4 Docket Control
5 Arizona Corporation Commission
6 1200 W. Washington St.
7 Phoenix, AZ 85007

8 Copy of the above was mailed
9 this 12th day of February, 2010 to:

10 Janice Alward, Chief Counsel
11 Arizona Corporation Commission
12 1200 West Washington Street
13 Phoenix, AZ 85007
14 Counsel for Legal Division Staff

15 Thomas H. Campbell, Esq.
16 Lewis and Roca, LLP
17 Two Renaissance Square
18 40 North Central Avenue
19 Phoenix, AZ 85004
20 Counsel For Applicant, Hualapai Valley Solar

21 Susan A. Moore-Bayer
22 7656 West Abrigo Drive
23 Golden Valley, AZ 86413

24 Denise Bensusan
25 4811 East Calle Bill
26 Kingman, AZ 86409

Israel Torres
209 East Baseline Road, Suite E-102
Tempe, AZ 85283

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

Sara Williams

From: "Griffin, Betty Jean" <BJGriffi@LRLaw.com>
To: <john.foreman@AZAG.GOV>, <denisebensusan@hughes.net>, <israel@thetorresf...>
CC: "Campbell, Tom" <TCampbel@LRLaw.com>, "Acken, Albert" <AAcken@LRLaw.com>...
Date: 1/11/2010 3:57 PM
Subject: Docket No. L-00000NN-09-0541-00151
Attachments: Proof of Delivery.pdf

Attached is a copy of Applicant's Notice of Filing Proofs of Delivery that is being filed with the Arizona Corporation Commission today in the above-captioned docket.

Betty Jean Griffin, Secretary to
Thomas H. Campbell
Matthew G. Bingham and
Marjorie J. Haberman
Lewis and Roca LLP
40 N. Central Avenue
Phoenix, Arizona 85004
(602) 239-7424
BJGriffi@LRLaw.com

For more information about Lewis and Roca LLP, please go to
www.lewisandroca.com.
Phoenix (602) 262-5311
Tucson (520) 622-2090
Las Vegas (702) 949-8200
Reno (775) 823-2900
Minden (775) 586-9500
Albuquerque (505) 764-5400
Silicon Valley (650) 391-1380

This message is intended only for the use of the individual or entity to which it is addressed. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by replying to the sender of this E-Mail by return E-Mail or by telephone.

In accordance with Internal Revenue Service Circular 230, we advise you that if this email contains any tax advice, such tax advice was not intended or written to be used, and it cannot be used, by any taxpayer for the purpose of avoiding penalties that may be imposed on the taxpayer.

From: "Susan" <rbbdci@frontiernet.net>
To: "Tara Williams" <Tara.Williams@azag.gov>
Date: 1/11/2010 4:15 PM
Subject: Re: Questions on exhibits and testimony for Hualapai Solar; Docket control L-00009-0541-00151

Dear Ms. Williams:

Thank you for answering my question. I hope you have a nice day.

Susan Bayer

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

From: "Tara Williams" <Tara.Williams@azag.gov>
To: "Susan" <rbbdci@frontiernet.net>
Sent: Monday, January 11, 2010 12:58 PM
Subject: Re: Questions on exhibits and testimony for Hualapai Solar; Docket control L-00009-0541-00151

Ms. Bayer,

Chairman Foreman would like for you to check with him at the hearing. It will depend on your status (intervener, etc.)

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.

>>> "Susan" <rbbdci@frontiernet.net> 1/11/2010 12:07 PM >>>
Dear ms. Williams:

I have reviewed Mr. Campbell binder of the Hualapai Valley Solar testimony and exhibits. I have a number of questions that I feel need to be addressed. My question to you is are we allowed to ask any questions after each section that is presented by the applicant. Or are we to wait until it is the interveners time to present our exhibits. I already have my questions written down by each section. I apologize for this late writing to you, but I just wanted to clarify that we can ask questions after each section that Hualapai Solar is presenting. Thank you for reading this Email

and responding to it.

Susan A. Moore - Bayer

From: "Denise Bensusan@hughes.net" <denisebensusan@hughes.net>
To: "CAMPBELL" <TCampbel@LRLaw.com>, "FOREMAN" <john.foreman@azag.gov>
CC: "Tara Williams" <Tara.Williams@azag.gov>
Date: 1/14/2010 4:22 PM
Subject: Draft copy of CEC

Hello Mr. Campbell,

Can you (or Judge Foreman) send me an electronic draft of the Certificate Of Environmental Compatibility that was created Yesterday? I would appreciate it very much!

Respectfully,

Denise
Denise Bensusan

CONTACT INFO:
denisebensusan@hughes.net
<http://speakoutarizona.com/>
Main: 928-692-6933
Cell: 928-727-6933
Fax: 928-692-6993

"The world is not dangerous because of those who do harm, but because of those who look at it without doing anything." Albert Einstein

From: "Susan" <rbbdci@frontiernet.net>
To: "Tara Williams" <Tara.Williams@azag.gov>
Date: 1/14/2010 4:55 PM
Subject: my speaking to Chairman Foremen

Dear Ms. Williams:

Please, please, please tell Chairman Foremen how sorry I was that I spoke to him. I realized that I really am not allowed to speak to him per procedural guidelines. I called and was concerned about Ms. Bensusan she became very upset when no one was granted status as an intervener. She typed Emails all day Tuesday and was sending them out during the meeting. I understood that there are procedures a and the motion failed because there was not a second. Unfortunately, Denise did not understand. So I called and spoke to the person that answered the telephone and they stated they would connect me to Mr. Foreman, (I am still tired and it did not register), I did not realize it was him. Please again relay my apologies to the Chairman, I violated procedures by speaking to him directly. I am glad he had a safe trip back. Thank you again for all your help. I learned a lot and I thank Chairman Foremen for all his help, and yours.

Susan A. Moore - Bayer
Golden Valley, AZ.

From: "Israel Torres" <israel@thetorresfirm.com>
To: "Tara.Williams@azag.gov" <Tara.Williams@azag.gov>
CC: "Jason" <jason@thetorresfirm.com>
Date: 1/15/2010 1:44 PM
Subject: Re: Clarification: Hualapai Certificate of Environmental Compatibility

Thanks Tara!
Sent from my Blackberry wireless

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

From: Tara Williams <Tara.Williams@azag.gov>
To: Susan Bayer <rbbdci@frontiernet.net>; Denise Bensusan <denisebensusan@hughes.net>; Israel Torres
Cc: Marjorie Haberman <MHaberman@LRLaw.com>
Sent: Fri Jan 15 11:57:55 2010
Subject: Clarification: Hualapai Certificate of Environmental Compatibility

Since Monday is a holiday, our office is not expecting to receive the Certificate from the Applicant until Tuesday, January 19th.

Please let me know if you have any questions.

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: "Denise Bensusan@hughes.net" <denisebensusan@hughes.net>
To: "Tara Williams" <Tara.Williams@azag.gov>
Date: 1/15/2010 5:26 PM
Subject: Re: Clarification: Hualapai Certificate of Environmental Compatibility

Thanks Tara.....Have a great weekend!!

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

From: "Tara Williams" <Tara.Williams@azag.gov>
To: "Susan Bayer" <rbbdci@frontiernet.net>; "Denise Bensusan" <denisebensusan@hughes.net>; "Israel Torres" <israel@thetorresfirm.com>
Cc: "Marjorie Haberman" <MHaberman@LRLaw.com>
Sent: Friday, January 15, 2010 11:57 AM
Subject: Clarification: Hualapai Certificate of Environmental Compatibility

Since Monday is a holiday, our office is not expecting to receive the Certificate from the Applicant until Tuesday, January 19th.

Please let me know if you have any questions.

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.

Denise
Denise Bensusan

CONTACT INFO:
denisebensusan@hughes.net
<http://speakoutarizona.com/>
Main: 928-692-6933
Cell: 928-727-6933
Fax: 928-692-6993

"The world is not dangerous because of those who do harm, but because of those who look at it without doing anything." Albert Einstein

From: "Haberman, Marjorie" <MHaberman@LRLaw.com>
To: "Chairman John Foreman" <john.foreman@azag.gov>, "Alward, Janice" <jalwa...
CC: "Campbell, Tom" <TCampbel@LRLaw.com>, "Acken, Albert" <AAcken@LRLaw.com>...
Date: 1/20/2010 4:48 PM
Subject: L-00000NN-09-0541-00151
Attachments: lr.gif; Application for Ratification and Reconsideration.pdf

Hualapai Valley Solar will file the attached Application for Ratification and Reconsideration with Docket Control on Thursday, January 21, 2010, in the above referenced docket.

Marjorie J Haberman
Paralegal
Lewis and Roca LLP * 19th Floor
40 North Central Avenue * Phoenix, Arizona 85004-4429
Tel (602) 262-5351 * Fax (602) 734-3873
MHaberman@LRLaw.com * www.LewisandRoca.com
<<http://www.lewisandroca.com/>>

P Please consider the environment before printing this e-mail.

For more information about Lewis and Roca LLP, please go to www.lewisandroca.com.
Phoenix (602) 262-5311
Tucson (520) 622-2090
Las Vegas (702) 949-8200
Reno (775) 823-2900
Minden (775) 586-9500
Albuquerque (505) 764-5400
Silicon Valley (650) 391-1380

This message is intended only for the use of the individual or entity to which it is addressed. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by replying to the sender of this E-Mail by return E-Mail or by telephone.

In accordance with Internal Revenue Service Circular 230, we advise you that if this email contains any tax advice, such tax advice was not intended or written to be used, and it cannot be used, by any taxpayer for the purpose of avoiding penalties that may be imposed on the taxpayer.

From: "Susan" <rbbdci@frontiernet.net>
To: "Tara Williams" <Tara.Williams@azag.gov>
Date: 1/22/2010 3:57 PM
Subject: Re: #151 Filings

Dear Ms. Williams:

Thank you for sending the attachments to me. I greatly appreciate it.

Susan Bayer

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

From: "Tara Williams" <Tara.Williams@azag.gov>
To: "Janice Alward" <JAlward@azcc.gov>; "Susan Bayer" <rbbdci@frontiernet.net>; "Denise Bensusan" <denisebensusan@hughes.net>; "Albert Acken" <AAcken@LRLaw.com>; "Thomas Campbell" <TCampbell@LRLaw.com>; "Israel Torres" <israel@thetorresfirm.com>; "Jason McDonald" <jason@thetorresfirm.com>
Cc: "Marta Hetzer" <azrs@az-reporting.com>; "Marjorie Haberman" <MHaberman@LRLaw.com>
Sent: Friday, January 22, 2010 11:52 AM
Subject: #151 Filings

Please see the attached documents which are being filed today with the Corporation Commission.

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

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

14
15

IN THE MATTER OF THE APPLICATION OF
HUALAPAI VALLEY 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 HVS PROJECT, A
340 MW PARABOLIC TROUGH
CONCENTRATING SOLAR THERMAL
GENERATING FACILITY AND AN
ASSOCIATED GEN-TIE LINE
INTERCONNECTING THE GENERATING
FACILITY TO THE EXISTING MEAD-
PHOENIX 500KV TRANSMISSION LINE,
THE MEAD-LIBERTY 345KV
TRANSMISSION LINE OR THE MOENKOPI-
EL DORADO 500KV TRANSMISSION LINE.

Docket No. L-00000NN-09-0541-00151

Case No. 151

16
17
18
19
20
21
22
23
24
25
26
27

PROCEDURAL ORDER

An Application for a Certificate of Environmental Compatibility was filed in the above captioned matter with Docket Control of the Arizona Corporation Commission ("Commission") on November 23, 2009. A copy of the Application was transmitted to John Foreman, designee of the Attorney General of Arizona, Terry Goddard, as Chairman ("Chairman") and Presiding Officer of the Arizona Power Plant and Transmission Line Siting Committee ("Committee"). A.R.S. §§ 40-360.01(B) (1) and 40-360.03. A hearing/meeting of the Committee was held on January 12 and 13, 2010. After the hearing, the Applicant has filed an Application for Ratification and Reconsideration of Intervention Request. The Application for Ratification and Reconsideration of Intervention Request first asks for ratification of the action of the Committee in granting the CEC on January 13, 2010, because the Chairman erroneously advised the public at the beginning of the hearing that "[r]ecording is inappropriate." (*Reporter's Transcript, page 5, line 12*). A.R.S. § 38-431.01(F) allows recordation of a public meeting of a public body unless it interferes with the meeting. This error was not called to the attention of the Chairman at the time it was made or at any other point in the meeting so it could be corrected.

The Chairman had previously ordered that expedited transcripts be prepared and filed with the Commission and provided to two local libraries within three days after the hearing. See Pre-Hearing Procedural Order of November 25, 2009. No allegation of

1 prejudice by any person is contained in the record. After consultation with a member of
2 the Open Meeting Law Enforcement Team of the Arizona Attorney General's Office, it
3 appears the inadvertent erroneous statement of the Chairman may be technical and not
4 require ratification. See *Karol v. Bd. Of Education Trustees*, 122 Ariz. 95, 593 P.2d 649
5 (1979); *Ahnert v. Sunnyside Unified School District #12*, 126 Ariz. 473, 616 p.2d 933
(App. 1980). However, the Applicant should not be placed in the position of having to
6 assume the risk that a reviewing court would agree, and the request for ratification
7 appears to be a reasonable option for the Committee to consider.

8 However, granting the second request made by the Applicant would make moot the
9 ratification request. If the Committee allowed the two individuals who asked to intervene
10 in the hearing to now intervene, as requested by the Applicant, it would reopen the
11 evidentiary portion of the hearing so the new interveners could cross-examine all the
12 witnesses who have already testified, and call the witnesses they wish to call. This would
13 presumably require at least one more day of evidentiary hearing and perhaps significantly
14 more. It is unclear whether the resumed evidentiary hearing should be held in Kingman.
15 The Committee is the decision maker for intervention requests and, therefore, is the
16 decision maker for any request to reconsider an earlier decision concerning intervention.

17 The record does raise two similar issues of waiver that the Committee must address
18 before or as it considers the merits of the reconsideration request. At the time the
19 Committee made its decision on the requests to intervene, the following exchange took
20 place between the Chairman and counsel for the Applicant:

21 [Chairman]:...Does the Applicant have a position to express with regard to
22 either of the motions to appear as parties or with regard to the Chair's offer
23 to allow these folks to testify as witnesses later?

24 MR. CAMPBELL: Your Honor, we don't have any objection to the
25 Committee calling Mr. Torres' client or Ms. Bensusan or Ms. Bayer so they
26 can lay out their position for you. (*Reporter's Transcript, page 13, ll. 3-10*)

27 The Application for Ratification and Reconsideration of Intervention Request does not
28 contain any citation to any other request by counsel for the Applicant to reconsider the
29 decision not to allow intervention during the hearing. So the Committee must decide
30 whether the Applicant waived the right to later ask for reconsideration, because it
31 affirmatively did not object at the time the decision was made so the Committee could
32 correct its decision. And, the Committee must decide the related issue: whether to allow
33 an Applicant to reopen the hearing when no newly discovered evidence, mistake or
34 unforeseen circumstance has occurred after the presentation of evidence is complete,
35 the Committee has concluded its deliberations and the Committee has voted on a final
36 CEC.

37 As authorized by A.R.S. §§ 40-360.01(C) and (D), 40-360.04 and A.A.C. R14-3-201(E),
the Chairman issues the following procedural order,

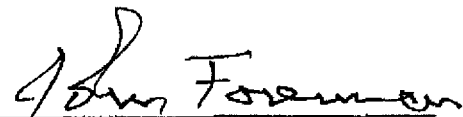
1 IT IS ORDERED the Applicant's Application for Ratification and Reconsideration of
2 Intervention Request shall be heard by the Committee on January 27, 2010, at 8:30 a.m.,
3 shortly before time presently scheduled for hearing in consolidated line siting applications
4 #153/#154 at the Hampton Inn located at 2000 North Litchfield Road, Goodyear, Arizona
5 85395; telephone number: (623) 536-1313.

6 IT IS ORDERED counsel for the Applicant in this matter shall contact counsel for the
7 Applicant in #153/#154 to make mutually agreeable arrangements for sharing the costs of
8 the venue.

9 IT IS ORDERED counsel for the Applicant in this matter shall have available the
10 necessary technological equipment and staff to alter the CEC filed on January 21, 2010,
11 to reflect the further actions of the Committee.

12 IT IS FURTHER ORDERED, the Chairman may amend or waive any portion of this
13 Procedural Order by subsequent Procedural Order, by ruling at a pre-hearing conference
14 or at a hearing.

15 DATED this 22nd day of January, 2010.

16 

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

22 Pursuant to A.A.C. R14-3-204,
23 The Original and 25 copies were
24 filed this 22nd day of January, 2010 with:

25 Docket Control
26 Arizona Corporation Commission
27 1200 W. Washington St.

1 Phoenix, AZ 85007

2 Copy of the above was mailed
3 this 22nd day of January, 2010 to:

4
5 Janice Alward, Chief Counsel
6 Arizona Corporation Commission
7 1200 West Washington Street
8 Phoenix, AZ 85007
9 Counsel for Legal Division Staff

10 Thomas H. Campbell, Esq.
11 Lewis and Roca, LLP
12 Two Renaissance Square
13 40 North Central Avenue
14 Phoenix, AZ 85004
15 Counsel for Applicant, Hualapai Valley Solar

16 Susan A. Moore-Bayer
17 7656 West Abrigo Drive
18 Golden Valley, AZ 86413

19 Denise Bensusan
20 4811 East Calle Bill
21 Kingman, AZ 86409

22 Israel Torres
23 209 East Baseline Road, Suite E-102
24 Tempe, AZ 85283

25 Marta T. Hetzer
26 Arizona Reporting Service, Inc.
27 2200 North Central Avenue
Phoenix, Arizona 85004-1481

Jana Williams

1
2
3
4
5
6
7
8
9
10
11

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

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

IN THE MATTER OF THE APPLICATION OF
HUALAPAI VALLEY 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 HVS
PROJECT, A 340 MW PARABOLIC TROUGH
CONCENTRATING SOLAR THERMAL
GENERATING FACILITY AND AN ASSOCIATED
GEN-TIE LINE INTERCONNECTING THE
GENERATING FACILITY TO THE EXISTING
MEAD-PHOENIX 500KV TRANSMISSION LINE,
THE MEAD-LIBERTY 345KV TRANSMISSION
LINE OR THE MOENKOPI-EL DORADO 500KV
TRANSMISSION LINE.

Docket No. L-00000NN-09-0541-00151

Case No. 151

AGENDA

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the general public, the parties and the Arizona Power Plant and Transmission Line Siting Committee ("Committee") that the Committee will hold a meeting/hearing to consider the Application for Ratification and Reconsideration of Intervention Request filed by the Applicant, in the above matter, that is open to the public at the Hampton Inn located at 2000 North Litchfield Road, Goodyear, Arizona 85395; telephone number: (623) 536-1313. The hearing will begin on Wednesday, January 27, 2010, at 8:30 a.m. Depending on the decision of the Committee with regard to the relief requested by the Applicant, additional days for the hearing may be set, or the hearing may conclude earlier than anticipated, depending upon the time needed for deliberations by the Committee. At the meeting/hearing, the Committee may consider, discuss, deliberate and/or vote on the matters on the Agenda. Items on the Agenda may be taken in a different order than listed as conditions require.

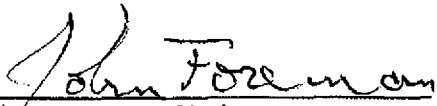
1. Call to Order;
2. Roll Call;
3. Consideration of and vote upon requests contained in the Applicant's Application for Ratification and Reconsideration of Intervention Request;
4. Discussion of proposed Findings of Fact, Conclusions of Law, the Certificate of Environmental Compatibility and conditions to the Certificate of Environmental Compatibility;

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

- 5. Vote and decision concerning Findings of Fact, Conclusions of Law, the Certificate of Environmental Compatibility and conditions to the Certificate of Environmental Compatibility; and,
- 6. Adjournment.

Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting Shaylin Bernal, voice phone number: (602) 542-3931, e-mail: sabernal@azcc.gov. Requests should be made as early as possible to arrange the accommodation. All materials relating to the hearing, including any tour, may be found at the Docket Control of the Arizona Corporation Commission, 1200 W. Washington, Phoenix, AZ 85007, first floor.

DATED this 22nd day of January, 2010.


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

Pursuant to A.A.C. R14-3-204,
The Original and 25 copies were
filed this 22nd day of January, 2010 with:

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

Copy of the above was sent by e-mail and mailed
this 22nd day of January, 2010 to:

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

From: Tara Williams
To: Acken, Albert; Alward, Janice; Bayer, Susan; Bensusan, Denise; Campb...
CC: Haberman, Marjorie; Hetzer, Marta
Date: 1/25/2010 12:53 PM
Subject: Wednesday, Jan. 27th

Parties,

Please be advised that the hearing scheduled for 8:30 am this Wednesday in Goodyear is for the Committee to discuss the Application for Ratification/Reconsideration, and if needed, a future date will be scheduled to hold a ratification hearing.

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: Tara Williams
To: Tom Campbell
CC: Marjorie Haberman
Date: 2/2/2010 12:08 PM
Subject: RE: #151 Ratification Agenda

The Chairman is out of his office, but I will bring those suggestions to his attention this afternoon.

Tara

>>> "Campbell, Tom" <TCampbel@LRLaw.com> 2/2/2010 11:44 AM >>>
Tara,

The agenda could cite 38-431.05 in addition to 38-431.02 in the first line.

Does the Chairman want to note that public comment may be taken? Such a provision was in the Coolidge ratification agenda.

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

From: Tara Williams [mailto:Tara.Williams@azag.gov]
Sent: Tuesday, February 02, 2010 10:05 AM
To: Campbell, Tom
Cc: Haberman, Marjorie
Subject: #151 Ratification Agenda

Mr. Campbell,

Please see the attached document. Chairman Foreman would like to know if you have any comments before we file the agenda with the Commission.

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.

For more information about Lewis and Roca LLP, please go to www.lewisandroca.com.
Phoenix (602) 262-5311
Tucson (520) 622-2090
Las Vegas (702) 949-8200
Reno (775) 823-2900
Minden (775) 586-9500
Albuquerque (505) 764-5400
Silicon Valley (650) 391-1380

This message is intended only for the use of the individual or entity to which it is addressed. If the reader of this message is

not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by replying to the sender of this E-Mail by return E-Mail or by telephone.

In accordance with Internal Revenue Service Circular 230, we advise you that if this email contains any tax advice, such tax advice was not intended or written to be used, and it cannot be used, by any taxpayer for the purpose of avoiding penalties that may be imposed on the taxpayer.

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
HUALAPAI VALLEY 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 HVS
PROJECT, A 340 MW PARABOLIC TROUGH
CONCENTRATING SOLAR THERMAL
GENERATING FACILITY AND AN ASSOCIATED
GEN-TIE LINE INTERCONNECTING THE
GENERATING FACILITY TO THE EXISTING
MEAD-PHOENIX 500kV TRANSMISSION LINE,
THE MEAD-LIBERTY 345kV TRANSMISSION
LINE OR THE MOENKOPI-EL DORADO 500kV
TRANSMISSION LINE.

Docket No. L-00000NN-09-0541-00151

Case No. 151

AGENDA FOR RATIFICATION

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the general public, the parties and the Arizona Power Plant and Transmission Line Siting Committee ("Committee") that the Committee will hold a meeting/hearing to consider whether to ratify the decision of the Committee at its meeting/hearing in the above matter on January 13, 2010, as requested by the Applicant. The meeting/hearing is open to the public at the Arizona State Capitol Executive Tower located at 1700 W. Washington St., Phoenix, Arizona 85007. The meeting/hearing will be held in the basement in room B-56. The hearing will begin on Thursday, February 11, 2010, at 2:00 p.m. Some members of the Committee may appear by telephone. Depending on the decision of the Committee with regard to the relief requested by the Applicant, additional days for the hearing may be set. The hearing may conclude earlier or later than anticipated, depending upon the time needed for deliberations by the Committee.

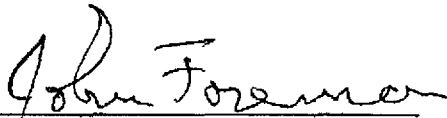
1. Call to Order;
2. Roll Call;
3. Consideration of and vote upon the request contained in the Applicant's Application for Ratification and Reconsideration of Intervention Request to ratify the decision of the Committee to grant a Certificate of Environmental Compatibility ("CEC") with conditions on January 13, 2009, because of an erroneous admonition that tape recording of the proceeding was "inappropriate." [As required by A.R.S. § 38-431.05B, a detailed written description of the action taken by the Committee that is the basis for the Applicant's request is contained in the Reporter's Transcript of January 12, 2010, page 5, ll. 11-23. A detailed written description of the decision of the Committee on the CEC is contained in the Reporter's Transcript of January 13, 2010, pages 476-603. The Committee discussed the request of the Applicant and the issue of the need for v

1 ratification at its meeting/hearing on January 27, 2010. The transcripts of all of the
2 meetings/hearings have been filed with Docket Control of the Arizona Corporation
3 Commission and are available at 1200 W. Washington St., Phoenix, Arizona. Copies
4 of the transcripts have been made available to the Mohave County Library and the
5 Mohave Community College Library. A draft of the CEC has been filed with Docket
6 Control];

4. Adjournment.

Persons with a disability may request a reasonable accommodation, such as a
sign language interpreter, by contacting Shaylin Bernal, voice phone number: (602)
542-3931, e-mail: sabernal@azcc.gov. Requests should be made as early as possible
to arrange the accommodation. All materials relating to the hearing, including any tour,
may be found at the Docket Control of the Arizona Corporation Commission, 1200 W.
Washington, Phoenix, AZ 85007, first floor.

DATED this 2nd day of February, 2010.


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

Pursuant to A.A.C. R14-3-204,
The Original and 25 copies were
filed this 2nd day of February, 2010 with:

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

Copy of the above was sent by e-mail and mailed
this 2nd day of February, 2010 to:

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

1 Thomas H. Campbell, Esq.
2 Lewis and Roca, LLP
3 Two Renaissance Square
4 40 North Central Avenue
5 Phoenix, AZ 85004
6 Counsel for Applicant, Hualapai Valley Solar LLC

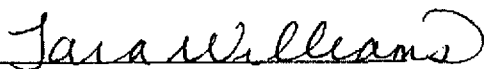
7 Susan A. Moore-Bayer
8 7656 West Abrigo Drive
9 Golden Valley, AZ 86413

10 Denise Bensusan
11 4811 East Calle Bill
12 Kingman, AZ 86409

13 Tim Hogan, Esq.
14 Arizona Center for Law in the Public Interest
15 202 East McDowell Road, Suite 153
16 Phoenix, AZ 85004
17 Counsel for Ms. Bensusan

18 Israel Torres, Esq.
19 Torres Consulting and Law Group, LLC
20 209 East Baseline Road, Suite E-102
21 Tempe, AZ 85283

22 Marta T. Hetzer
23 Arizona Reporting Service, Inc.
24 2200 North Central Avenue
25 Phoenix, Arizona 85004-1481

26 

27

From: Tara Williams
To: Acken, Albert; Alward, Janice; Bayer, Susan; Bensusan, Denise; Campb...
CC: Haberman, Marjorie; Hetzer, Marta
Date: 2/2/2010 2:57 PM
Subject: Ratification Agenda
Attachments: 20100202134938637.pdf

Please see the attached which is being filed this afternoon with the Corporation Commission.

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

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

12
13
14
15
16
17
18
19
20
21

IN THE MATTER OF THE APPLICATION OF
HUALAPAI VALLEY 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 HVS
PROJECT, A 340 MW PARABOLIC TROUGH
CONCENTRATING SOLAR THERMAL
GENERATING FACILITY AND AN ASSOCIATED
GEN-TIE LINE INTERCONNECTING THE
GENERATING FACILITY TO THE EXISTING
MEAD-PHOENIX 500KV TRANSMISSION LINE,
THE MEAD-LIBERTY 345KV TRANSMISSION
LINE OR THE MOENKOPI-EL DORADO 500KV
TRANSMISSION LINE.

Docket No. L-00000NN-09-0541-00151

Case No. 151

AGENDA FOR RATIFICATION

22
23
24
25
26
27

Pursuant to A.R.S. §§ 38-431.02 and 38-431.05, notice is hereby given to the members of the general public, the parties and the Arizona Power Plant and Transmission Line Siting Committee ("Committee") that the Committee will hold a meeting/hearing to consider whether to ratify the decision of the Committee at its meeting/hearing in the above matter on January 13, 2010, as requested by the Applicant. The meeting/hearing is open to the public at the Arizona State Capitol Executive Tower located at 1700 W. Washington St., Phoenix, Arizona 85007. The meeting/hearing will be held in the basement in room B-56. The hearing will begin on Thursday, February 11, 2010, at 2:00 p.m. Some members of the Committee may appear by telephone. Depending on the decision of the Committee with regard to the relief requested by the Applicant, additional days for the hearing may be set. The hearing may conclude earlier or later than anticipated, depending upon the time needed for deliberations by the Committee. Public comment may be taken if time and circumstances permit in the discretion of the Chairman of the Committee. At the meeting/hearing, the Committee may consider, discuss, deliberate and/or vote on the matters on the Agenda. Items on the Agenda may be taken in a different order than listed as circumstances require.

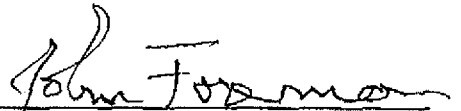
1. Call to Order;
2. Roll Call;
3. Consideration of and vote upon the request contained in the Applicant's Application for Ratification and Reconsideration of Intervention Request to ratify the decision of the Committee to grant a Certificate of Environmental Compatibility ("CEC") with conditions on January 13, 2009, because of an erroneous admonition that tape recording of the proceeding was "inappropriate." [As required by A.R.S. § 38-431.05B,

1 a detailed written description of the action taken by the Committee that is the basis for
2 the Applicant's request is contained in the Reporter's Transcript of January 12, 2010,
3 page 5, ll. 11-23. A detailed written description of the decision of the Committee on the
4 CEC is contained in the Reporter's Transcript of January 13, 2010, pages 476-603.
5 The Committee discussed the request of the Applicant and the issue of the need for
6 ratification at its meeting/hearing on January 27, 2010. The transcripts of all of the
7 meetings/hearings have been filed with Docket Control of the Arizona Corporation
8 Commission and are available at 1200 W. Washington St., Phoenix, Arizona. Copies
9 of the transcripts have been made available to the Mohave County Library and the
10 Mohave Community College Library. A draft of the CEC has been filed with Docket
11 Control];

12 4. Adjournment.

13 Persons with a disability may request a reasonable accommodation, such as a
14 sign language interpreter, by contacting Shaylin Bernal, voice phone number: (602)
15 542-3931, e-mail: sabernal@azcc.gov. Requests should be made as early as possible
16 to arrange the accommodation. All materials relating to the hearing, including any tour,
17 may be found at the Docket Control of the Arizona Corporation Commission, 1200 W.
18 Washington, Phoenix, AZ 85007, first floor.

19 DATED this 2nd day of February, 2010.

20 
21 John Foreman, Chairman
22 Arizona Power Plant and Transmission
23 Line Siting Committee
24 Assistant Attorney General
25 john.foreman@azag.gov

26 Pursuant to A.A.C. R14-3-204,
27 The Original and 25 copies were
filed this 2nd day of February, 2010 with:

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

Copy of the above was sent by e-mail and mailed
this 2nd day of February, 2010 to:

From: Tara Williams
To: Marjorie Haberman
Date: 2/10/2010 2:10 PM
Subject: Re: Hualapai Valley Solar - CEC Ex. A

Thank you, Marge. I'll be sure to have it attached.

Tara

>>> "Haberman, Marjorie" <MHaberman@LRLaw.com> 2/10/2010 2:06 PM >>>

Tara,

Attached is the Exhibit A map that is referenced in the Hualapai Valley Solar CEC. It was left off of the CEC that was distributed and filed on January 21st. It does not need to be printed in color; the black & white version is clear.

Marge

Marjorie J Haberman
Paralegal
Lewis and Roca LLP * 19th Floor
40 North Central Avenue * Phoenix, Arizona 85004-4429
Tel (602) 262-5351 * Fax (602) 734-3873
MHaberman@LRLaw.com * www.LewisandRoca.com
<<http://www.lewisandroca.com/>>

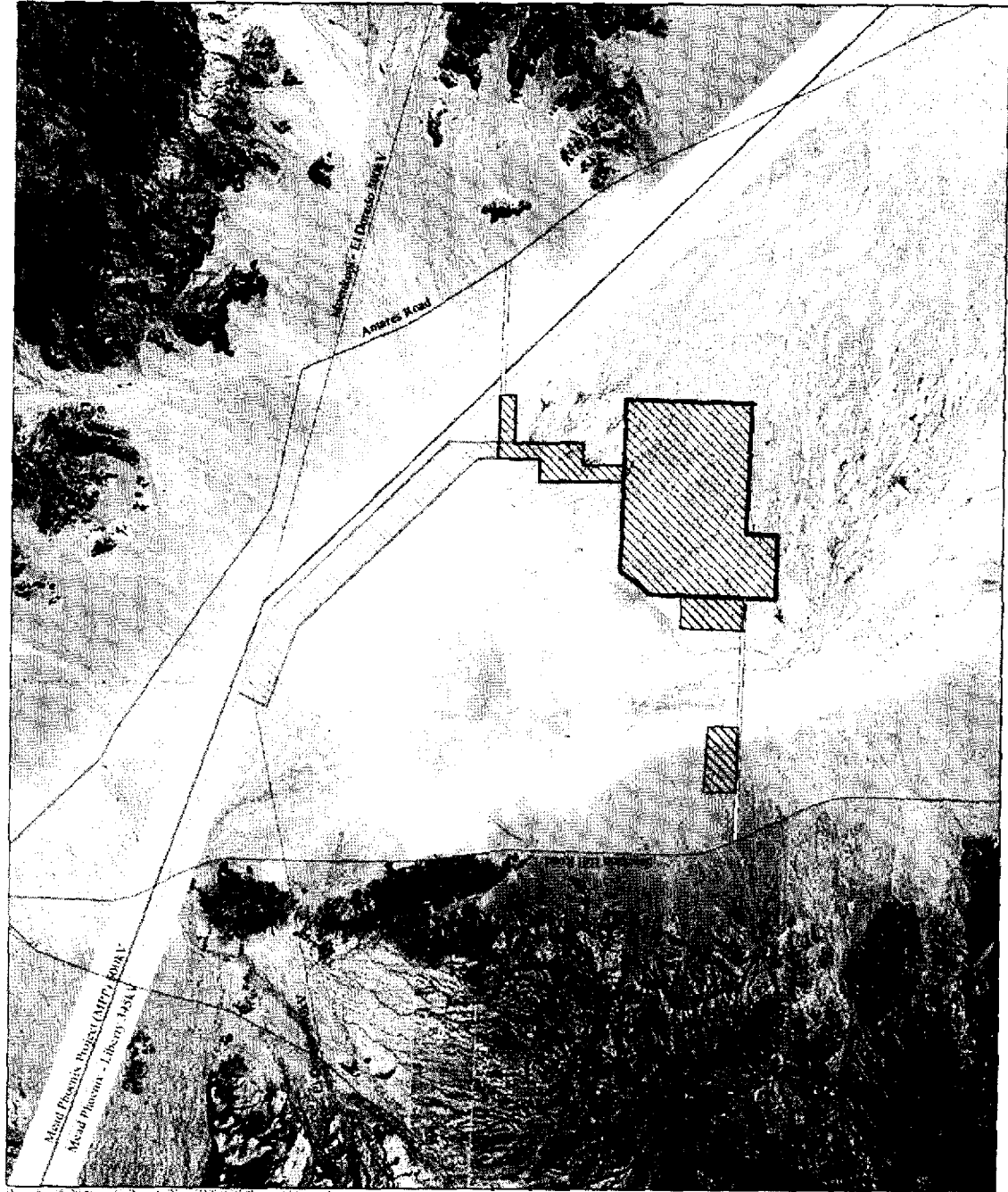
P Please consider the environment before printing this e-mail.

For more information about Lewis and Roca LLP, please go to www.lewisandroca.com.
Phoenix (602) 262-5311
Tucson (520) 622-2090
Las Vegas (702) 949-8200
Reno (775) 823-2900
Minden (775) 586-9500
Albuquerque (505) 764-5400
Silicon Valley (650) 391-1380

This message is intended only for the use of the individual or entity to which it is addressed. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by replying to the sender of this E-Mail by return E-Mail or by telephone.

In accordance with Internal Revenue Service Circular 230, we advise you that if this email contains any tax advice, such tax advice was not intended or written to be used, and it cannot be used, by any taxpayer for the purpose of avoiding penalties that may be imposed on the taxpayer.

EXHIBIT A



December 22, 2007 © 2007 by Hualapai Valley Solar, Inc. All rights reserved.

Legend

- Solar Facility
- Laydown Areas
- 7-Mile Buffer
- Interconnection #1 Gen-Tie
- Interconnection #2 Gen-Tie
- BLM Designated Utility Corridor
- Access Road

Scale: 1:100,000

Scale Bar: 0 to 10,000 Feet

Inset Map: (Aerial Imagery from Bing) showing the project location within a larger regional context, including labels for 'Paco', 'Cochise', and 'Cultural'.

Project Location

Placental Map
Hualapai Valley Solar Project

Hualapai Valley Solar
10000 N. ...

From: "Haberman, Marjorie" <MHaberman@LRLaw.com>
To: "Williams, Tara" <Tara.Williams@azag.gov>
Date: 2/11/2010 5:17 PM
Subject: Hualapai Valley Solar Ratified CEC
Attachments: lr.gif; Hualapai Valley Solar Ratified CEC.doc; HVS CEC Exhibit A.pdf

Tara,

Attached is a Word version of the CEC ratified by the Line Siting Committee at its meeting this afternoon. New text was added at page 1, lines 20-22; and page 2, lines 19-25. Also attached is the Exhibit A referenced in the CEC. We will file a copy of this CEC with Docket Control on Friday, February 12th.

Thanks,
Marge

Marjorie J Haberman
Paralegal
Lewis and Roca LLP * 19th Floor
40 North Central Avenue * Phoenix, Arizona 85004-4429
Tel (602) 262-5351 * Fax (602) 734-3873
MHaberman@LRLaw.com * www.LewisandRoca.com
<<http://www.lewisandroca.com/>>

P Please consider the environment before printing this e-mail.

For more information about Lewis and Roca LLP, please go to www.lewisandroca.com.
Phoenix (602) 262-5311
Tucson (520) 622-2090
Las Vegas (702) 949-8200
Reno (775) 823-2900
Minden (775) 586-9500
Albuquerque (505) 764-5400
Silicon Valley (650) 391-1380

This message is intended only for the use of the individual or entity to which it is addressed. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by replying to the sender of this E-Mail by return E-Mail or by telephone.

In accordance with Internal Revenue Service Circular 230, we advise you that if this email contains any tax advice, such tax advice was not intended or written to be used, and it cannot be used, by any taxpayer for the purpose of avoiding penalties that may be imposed on the taxpayer.

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

BEFORE THE ARIZONA POWER PLANT AND TRANSMISSION LINE SITING COMMITTEE

In the matter of the Application of Hualapai Valley 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 HVS Project, a 340 MW parabolic trough concentrating solar thermal generating facility and an associated Gen-Tie line interconnecting the generating facility to the existing Mead-Phoenix 500kV transmission line, the Mead-Liberty 345kV transmission line or the Moenkopi-El Dorado 500kV transmission line.

Docket No.: L-00000NN-09-0541-00151

Case No. 151

CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY

Pursuant to notice given as provided by law, the Arizona Power Plant and Transmission Line Siting Committee (the "Committee") held a public hearing on January 12 and January 13, 2010, in Kingman, Arizona, 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 Application of Hualapai Valley Solar LLC ("Applicant") for a Certificate of Environmental Compatibility ("Certificate") in the above-captioned case (the "Project"). Further public meetings were held on post-hearing motions by the Applicant on January 27, 2010, in Goodyear, Arizona, and on February 11, 2010, at the State Capitol in Phoenix, Arizona.

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

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

1	Paul Rasmussen	Designee for Director, Arizona Department of Environmental Quality
2		
3	David Eberhart	Designee for Chairman, Arizona Corporation Commission
4	Jessica Youle	Designee for Director, Energy Office, Arizona Department of Commerce
5		
6	Gregg Houtz	Designee for Director, Arizona Department of Water Resources
7	Jeff McGuire	Appointed Member
8	William Mundell	Appointed Member
9	Patricia Noland	Appointed Member
10	Michael Palmer	Appointed Member
11	Michael Whalen	Appointed Member
12	Barry Wong	Appointed Member

13 The Applicant was represented by Thomas H. Campbell and Albert H. Acken, of the law
14 firm of Lewis and Roca LLP.

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 10 to 0 to grant the Applicant this Certificate of Environmental Compatibility
19 (Case No. 151) for the Project as set forth in the Application. At its meeting on January 27, 2010,
20 the Committee, upon motion duly made and seconded, voted 10 to 0 to deny the Applicant's
21 motion for the Committee to reconsider its decision not to allow the intervention as parties of two
22 witnesses who testified at the January 12, and 13, 2010, hearing. At its meeting on February 11,
23 2010, the Committee, upon motion duly made and seconded, voted 9 to 0 to grant the Applicant's
24 motion to ratify, and pursuant to A.R.S. § 38-431.05(B) ratified its decision granting this CEC.

25
26

1 The Project consists of an up to 340 MW concentrated solar power ("CSP") or 500 MW
2 photovoltaic ("PV") generating facility, with biofuel, light fuel oil or natural gas co-firing, and a
3 345kV or 500kV transmission line (the "Gen-Tie"). The Project is located in Mohave County,
4 approximately 27 miles north of Kingman, Arizona, and 80 miles southeast of Las Vegas, Nevada.
5 The generating facility is located entirely on private land in Sections 19, 20, 21, 28, 29, 30, and the
6 north half of Section 31 all within Township 26 North, Range 16 West, Gila and Salt River
7 Baseline and Meridian.

8 The Gen-Tie will interconnect the CSP generating facility (and/or a PV generating facility
9 built on the site approved for the CSP generating facility) to the regional transmission grid using
10 one of two approved alignments:

11 Interconnection #1 Gen-Tie alignment, located entirely in Township 26 North, Range 16
12 West, runs from the generating facility's power block to the property boundary; then north for 1.25
13 miles within a 1,320-foot wide corridor from the property boundary along the east boundary of
14 Section 17 and Section 08; then north for 1.25 miles within a 1,320-foot wide corridor along the
15 west boundary of Section 16 and Section 09 until it reaches the north boundary of Section 09; then
16 east for about 0.75 miles within a 1,320-foot wide corridor along the north boundary of Section 09
17 until it reaches the termination in the northeast corner of Section 09. Interconnection #1 is
18 approximately 2.75 miles in length from the generating facility property boundary.

19 Interconnection #2 Gen-Tie alignment runs from the generating facility's power block to
20 the property boundary; then north for 1.25 miles within a 1,320-foot wide corridor from the
21 property boundary along the east boundary of Section 17 and Section 08 ; then north for 1.25
22 miles within a 1,320-foot wide corridor along the west boundary of Section 16 and Section 09
23 until it reaches the north boundary of Section 09; then north for one mile within a 1,320-foot wide
24 corridor through Section 04 until it reaches the west boundary of the existing Mead-Liberty 345kV
25 transmission line corridor, which it will parallel on a generally northwest heading; from there it
26 will run within a 2,640-foot wide corridor measured from the centerline of the Mead-Liberty

1 345kV transmission line west of and parallel to the existing transmission line for approximately
2 3.5 miles, going through the northeast corner of Section 05 in Township 26 North, Range 16
3 West; through Sections 32, 31, and 30 in Township 27 North, Range 16 West ; through Sections
4 25 and 24 in Township 27 North, Range 17 West; and terminate in Section 23 in Township 27
5 North, Range 17 West. Interconnection #2 is approximately 6.5 miles in length from the property
6 boundary.

7 The transmission structure heights will not exceed 199 feet and will occupy a right-of-way
8 width up to a maximum of 200 feet.

9 A general location map of the Project is set forth in **Exhibit A**.

10 **CONDITIONS**

11 This Certificate is granted upon the following conditions:

- 12 1. The conditions shall apply to the Applicant, its successor(s), and assignee(s).
- 13 2. The Applicant shall obtain all approvals and permits required by the United States,
14 the State of Arizona, the County of Mohave, and any other governmental entities having
15 jurisdiction necessary to construct the Project.
- 16 3. The Applicant shall comply with all existing applicable statutes, ordinances, master
17 plans and regulations of the State of Arizona, the County of Mohave, the United States, and any
18 other governmental entities having jurisdiction, including but not limited to the following:
 - 19 a) all applicable land use regulations;
 - 20 (b) all applicable zoning stipulations and conditions, including but not limited to
21 landscaping and dust control requirements;
 - 22 (c) all applicable water use, discharge and/or disposal requirements of the Arizona
23 Department of Water Resources and the Arizona Department of Environmental
24 Quality;
 - 25 (d) all applicable noise control standards;
 - 26 (e) all applicable regulations and permits governing storage and handling of chemicals
and petroleum products;

1 (f) all other applicable federal and state regulations and standards.

2 4. The Applicant shall make all reasonable efforts to minimize the use of groundwater
3 during construction and operation of the Project, and use effluent for cooling and all other non-
4 potable water uses to the extent it is made available by the City of Kingman from its Hilltop Waste
5 Water Treatment Plant ("WWTP") and can be transported by the Applicant and at the Applicant's
6 expense to the Project site. The Applicant may utilize groundwater for potable uses and as a back-
7 up to effluent when effluent is not available from the City of Kingman or when transmission of the
8 effluent is interrupted from the Hilltop WWTP to the Project. Total water use per year shall not
9 exceed 3,000 AF from all sources and shall not exceed 2,400 AF of groundwater for cooling
10 purposes. The Applicant, within two years from the Arizona Corporation Commission
11 ("Commission") approval of the Certificate, shall contract with the City of Kingman for sale,
12 transmission and use of effluent generated by the Hilltop WWTP. If contracting is unsuccessful in
13 this time frame, the Applicant may apply to the Commission for an extension of time to negotiate
14 the contract.

15 5. If any archaeological, paleontological or historical site or object that is at least fifty
16 years old is discovered on state, county or municipal land during the construction or operation of
17 the solar generating facility and transmission line, the Applicant or its representative in charge
18 shall promptly report the discovery to the Director of the Arizona State Museum, and in
19 consultation with the Director, shall immediately take all reasonable steps to secure and maintain
20 the preservation of the discovery as required by A.R.S. § 41-844.

21 6. If human remains and/or funerary objects are encountered on private land during
22 the course of any ground-disturbing activities relating to the construction or operation of the solar
23 generating facility and transmission line, the Applicant shall cease work on the affected area of the
24 Project and notify the Director of the Arizona State Museum as required by A.R.S. § 41-865.

25 7. The Applicant shall comply with the notice and salvage requirements of the
26 Arizona Native Plant Law (A.R.S. §§ 3-901, *et seq.*) and shall, to the extent feasible, minimize the

1 destruction of native plants during the construction and operation of the solar generating facility
2 and transmission line.

3 8. This authorization to construct this Project (which may be constructed in two
4 phases) shall expire unless the solar generating facility and transmission line are capable of
5 operation within seven years from the date the Certificate is approved by the Commission.
6 However, prior to expiration, the Applicant may request that the Commission extend this time
7 limitation.

8 9. In the event that the Project requires an extension of the term of this Certificate
9 prior to completion of construction, Applicant shall use reasonable means to notify all landowners
10 and residents within one mile of the Project corridor as depicted on Exhibit A, all persons who
11 made public comment at this proceeding, and all parties to this proceeding of the request and the
12 date, time and place of the hearing in which the Commission will consider the request for
13 extension.

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

22 11. Within 120 days of the Commission decision granting this Certificate, Applicant
23 will post a sign at the plant site. The sign shall be no smaller than a normal roadway sign and
24 shall advise:

- 25 (a) That the site has been approved for the construction of Project facilities;
- 26 (b) The expected date of completion of the Project facilities;

- 1 (c) A phone number for public information regarding the Project;
- 2 (d) The name of the Project;
- 3 (e) The name of the Applicant; and
- 4 (f) The website of the Project.

5 12. Applicant shall design the transmission line to incorporate reasonable measures to
6 minimize impacts to raptors.

7 13. Applicant shall use non-specular conductor and non-reflective surfaces for
8 transmission line structures.

9 14. Before construction on this Project may commence, the Applicant shall file a
10 construction mitigation and restoration plan ("Plan") with ACC Docket Control. Where
11 practicable, the Plan shall specify the Applicant's plans for construction access and methods to
12 minimize impacts to wildlife and to minimize vegetation disturbance outside of the Project right-
13 of-way particularly in drainage channels and along stream banks. Applicant shall re-vegetate,
14 unless waived by the landowner, native areas of construction disturbance to its preconstruction
15 state outside of the power-line right of way after construction has been completed. The Plan shall
16 specify the Applicant's plans for coordination with the Arizona Game and Fish Department and
17 the State Historic Preservation Office. The Applicant shall use existing roads for construction and
18 access where practicable and the Plan shall specify the manner in which the applicant makes use
19 of existing roads.

20 15. Applicant shall follow any published guidelines adopted by the Arizona Game and
21 Fish Department of the United States Fish and Wildlife Service for handling contacts during the
22 construction and operation of the Project with any species designated as endangered. Applicant
23 also shall follow any published and adopted guidelines for handling contacts with any species of
24 greatest conservation need as designated by the Arizona Game and Fish Department. If no
25 published and adopted guidelines exist, the Applicant shall use reasonable care to avoid any harm
26 to individuals of the designated species. If the avoidance of harm to individuals is not possible,

1 the Applicant shall contact the Arizona Game and Fish Department and the United States Fish and
2 Wildlife Service to obtain any appropriate permits and guidance for removing from the area of the
3 Project the individual members of the species contacted.

4 16. All lighting shall be shielded, cantered or cut to ensure that light reaches only areas
5 needing illumination.

6 17. With respect to the Project, Applicant shall participate in good faith in state and
7 regional transmission study forums to coordinate transmission expansion plans related to the
8 Project and to resolve transmission constraints in a timely manner.

9 18. The Applicant shall provide copies of this Certificate to the Mohave County
10 Planning Department, the City of Kingman, the Arizona State Land Department, the State Historic
11 Preservation Office, and the Arizona Game and Fish Department.

12 19. Prior to the date construction commences on this Project, the Applicant shall
13 provide known homebuilders and developers within one mile of the center line of the Certificated
14 route and solar facility, the identity, location, and a pictorial depiction of the type of power line
15 and solar facility being constructed, accompanied by a written description, and encourage the
16 developers and homebuilders to include this information in the developers' and homebuilders'
17 homeowners' disclosure statements.

18 20. Applicant will follow the most current Western Electricity Coordinating
19 Council/North American Electric Reliability Corporation planning standards as approved by the
20 Federal Energy Regulatory Commission, and National Electrical Safety Code construction
21 standards.

22 21. The Applicant shall submit a self-certification letter annually, identifying progress
23 made with respect to each condition contained in the Certificate, including which conditions have
24 been met. The letter shall be submitted to the Docket Control of the Commission by December 1,
25 2010, and annually thereafter. Attached to each certification letter shall be documentation
26 explaining how compliance with each condition was achieved. Copies of each letter along with

1 the corresponding documentation shall be submitted to the Arizona Attorney General and
2 Department of Commerce Energy Office. The requirement for the self-certification shall expire
3 on the date the Project is placed into operation.

4 22. The Applicant also shall file quarterly reports with Docket Control and the
5 Compliance Officer of the Commission listing: (1) the number of legal residents at the time of
6 hiring from Mohave County hired for construction jobs on this Project; and (2) the number of
7 legal residents at the time of hiring from Arizona outside Mohave County hired for construction
8 jobs on this Project. Reports shall commence December 1, 2010, and continue until
9 commencement of commercial operation of the Project.

10 23. The Applicant also shall file quarterly reports with Docket Control and the
11 Compliance Officer of the Commission listing businesses in Mohave County and the remainder of
12 Arizona with whom the Applicant has substantial contracts to provide goods and services during
13 construction of the Project and the effluent pipeline. The reports shall include the total dollar
14 amount going to Mohave County and total dollar amount going to Arizona outside of Mohave
15 County. Reports shall commence December 1, 2010, and continue until commencement of
16 commercial operation of the Project.

17 24. The Applicant also shall file annual reports with Docket Control and the
18 Compliance Officer of the Commission, and with the Arizona Department of Water Resources
19 stating the total amount of water used in the operation of the Project, including the amount of
20 groundwater. Annual reports of water usage shall begin with commencement of commercial
21 operation of the Project and continue for the life of the Project.

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

26 26. The Applicant shall expeditiously pursue reasonable efforts to work with private

1 landowners on whose property the Project right-of-way will be located, to mitigate the impacts of
2 the location, construction, and operation of the Project on private land.

3 27. Applicant shall make good faith efforts to continue to partner with Mohave County
4 workforce development personnel on job training and/or apprenticeship programs for Mohave
5 County residents and to encourage its contractors to utilize qualified local construction workers to
6 construct the Project.

7 28. Within ninety (90) days of the Commission decision granting this Certificate, the
8 Applicant shall make good faith efforts to commence discussions with the Arizona Building
9 Trades Council on a model construction agreement to encourage the utilization of qualified local
10 or Arizona union or non-union construction workers for the construction of the Project.

11 **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

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

13 1. The Project aids the Southwest region in meeting the need for an adequate,
14 economical and reliable supply of renewable electric power.

15 2. The conditions placed on the Project in the Certificate by the Committee effectively
16 minimize the impact of the Project on the environment and ecology of the state.

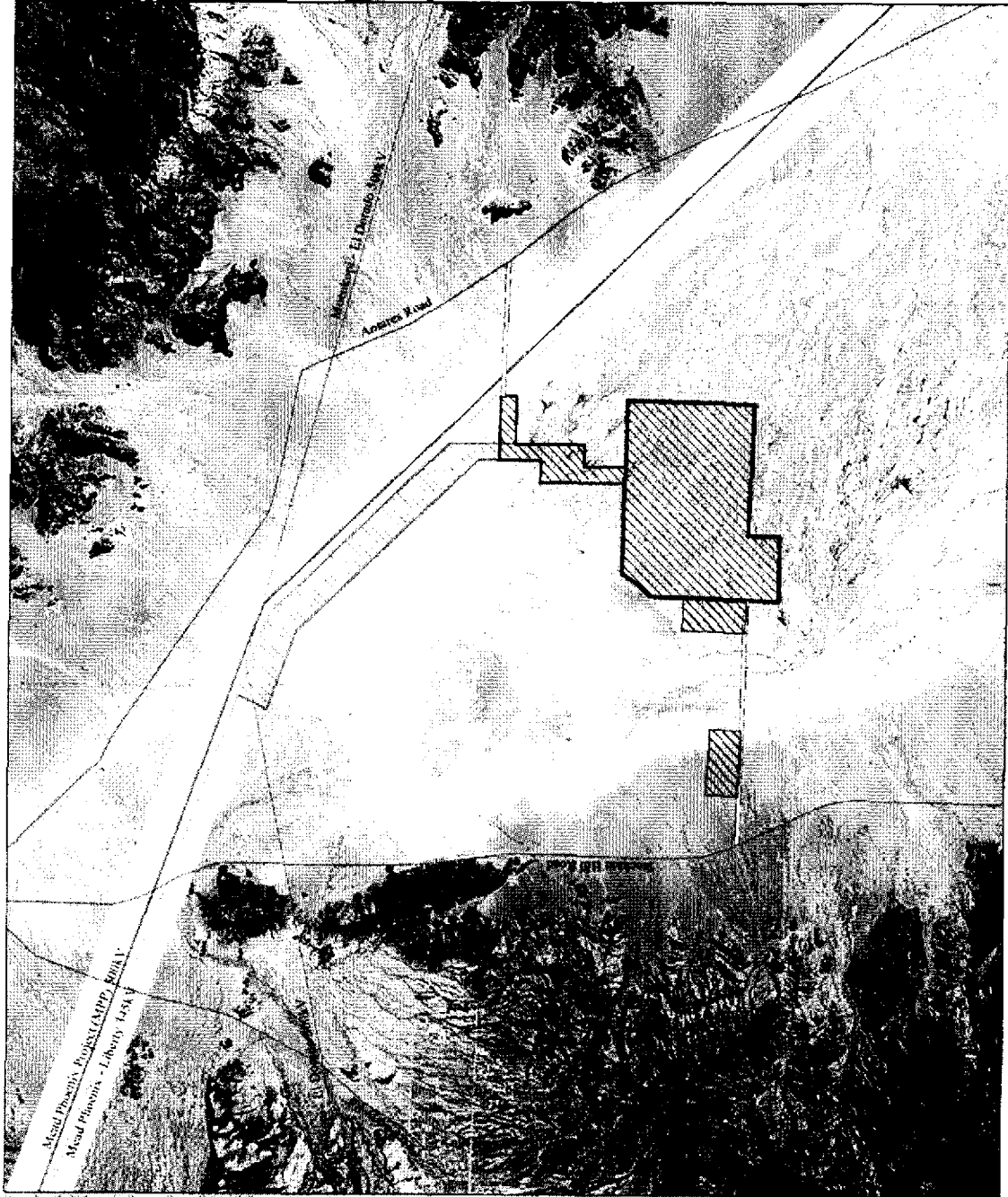
17 3. The Project is in the public interest because the Project's contribution to meeting
18 the need for an adequate, economical and reliable supply of renewable electric power outweighs
19 the minimized impact of the Project on the environment and ecology of the state.

20 DATED this ____ day of _____ 2010.

21
22 **THE ARIZONA POWER PLANT AND**
23 **TRANSMISSION LINE SITING**
24 **COMMITTEE**








25 _____
26 John Foreman, Chairman

EXHIBIT A



December 15, 2010 © Dorco, Wapa, U.S.C. & Placemat Map, Inc.

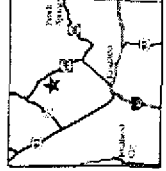
Legend

-  Solar Facility
-  Shutdown Areas
-  1-Mile Buffer
-  Interconnection #1 Gen-Tie
-  Interconnection #2 Gen-Tie
-  BLM Designated Utility Corridor
-  Access Road

1:100,000



(Aerial Imagery from Bing)



Placemat Map
Hualapai Valley Solar Project

Hualapai Valley Solar
Project