

ORIGINAL

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BEFORE THE ARIZONA CORPORATION CO.

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ARIZONA CORPORATION COMMISSION
SECRET OFFICE

COMMISSIONERS

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

IN THE MATTER OF THE APPLICATION OF SEP-II, LLC, IN CONFORMANCE WITH THE REQUIREMENTS OF ARIZONA REVISED STATUTES SECTION 40-360, et seq., FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AUTHORIZING THE MESQUITE SOLAR GEN-TIE 230kV TRANSMISSION LINE, ORIGINATING AT THE PROPOSED MESQUITE SOLAR PHOTO VOLTAIC GENERATING FACILITY IN SEC. 18, T.1S, R.6W. G&SRB&M, MARICOPA COUNTY, AND TERMINATING AT THE EXISTING MESQUITE GENERATING STATION 230Kv SWITCHYARD IN SEC. 15, T.1S., R.6W. G&SRB&M, IN MARICOPA COUNTY, ARIZONA.

CASE NO. 147

DOCKET NO. L-00000KK-09-0299-00147

**NOTICE OF FILING
SAMPLE FORMS OF ORDER**

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

RESPECTFULLY SUBMITTED this 13th day of October, 2009.

Arizona Corporation Commission

DOCKETED

OCT 13 2009

DOCKETED BY

Janice M. Alward
 Chief Counsel, Legal Division
 Arizona Corporation Commission
 1200 West Washington Street
 Phoenix, Arizona 85007
 (602) 542-3402

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**Original and twenty-eight (25)
copies of the foregoing filed this
13th day of October, 2009 with:**

Docket Control
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

**Copies of the foregoing
mailed this 13th day of
October, 2009 to:**

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By Monica A. Marting

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 **COMMISSIONERS**

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

8 IN THE MATTER OF THE APPLICATION OF
9 SEP-II, LLC, IN CONFORMANCE WITH THE
10 REQUIREMENTS OF ARIZONA REVISED
11 STATUTES SECTION 40-360, et seq., FOR A
12 CERTIFICATE OF ENVIRONMENTAL
13 COMPATIBILITY AUTHORIZING THE
14 MESQUITE SOLAR GEN-TIE 230kV
15 TRANSMISSION LINE, ORIGINATING AT
16 THE PROPOSED MESQUITE SOLAR PHOTO
17 VOLTAIC GENERATING FACILITY IN SEC.
18 18, T.1S, R.6W. G&SRB&M, MARICOPA
19 COUNTY, AND TERMINATING AT THE
20 EXISTING MESQUITE GENERATING
21 STATION 230Kv SWITCHYARD IN SEC. 15,
22 T.1S., R.6W. G&SRB&M, IN MARICOPA
23 COUNTY, ARIZONA.

CASE NO. 147

DOCKET NO. L-00000KK-09-0299-00147

DECISION NO. _____

SAMPLE ORDER NO. 1

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

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

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

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

- 26 1. The Project is in the public interest because it aids the state in meeting the need for
27 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 and in consideration of all relevant matters, the balancing in the broad public interest results in favor of granting the CEC.

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

CHAIRMAN	COMMISSIONER	
COMMISSIONER	COMMISSIONER	COMMISSIONER

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

ERNEST G. JOHNSON
Executive Director

DISSENT: _____

DISSENT: _____

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 **COMMISSIONERS**

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

8 IN THE MATTER OF THE APPLICATION
9 OF SEP-II, LLC, IN CONFORMANCE WITH
10 THE REQUIREMENTS OF ARIZONA
11 REVISED STATUTES SECTION 40-360, et
12 seq., FOR A CERTIFICATE OF
13 ENVIRONMENTAL COMPATIBILITY
14 AUTHORIZING THE MESQUITE SOLAR
15 GEN-TIE 230kV TRANSMISSION LINE,
16 ORIGINATING AT THE PROPOSED
17 MESQUITE SOLAR PHOTO VOLTAIC
18 GENERATING FACILITY IN SEC. 18, T.1S,
19 R.6W. G&SRB&M, MARICOPA COUNTY,
20 AND TERMINATING AT THE EXISTING
21 MESQUITE GENERATING STATION 230Kv
22 SWITCHYARD IN SEC. 15, T.1S., R.6W.
23 G&SRB&M, IN MARICOPA COUNTY,
24 ARIZONA.

CASE NO. 147

DOCKET NO. L-00000KK-09-0299-00147

DECISION NO. _____

SAMPLE ORDER NO. 2

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

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

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

25 The Commission modifies the CEC to (add) (modify) (delete) the following provisions
26 and/or condition(s):
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(For example, modifications to the Siting Committee's CEC could include amending the Committee's determinations, adding new conditions, changing conditions' language and/or deleting the conditions.)

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

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

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

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CHAIRMAN

COMMISSIONER

COMMISSIONER

COMMISSIONER

COMMISSIONER

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

ERNEST G. JOHNSON
Executive Director

DISSENT: _____

DISSENT: _____

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 **COMMISSIONERS**

3 Kristin K. Mayes, Chairman

4 Gary Pierce

5 Sandra D. Kennedy

6 Paul Newman

7 Bob Stump

8 IN THE MATTER OF THE APPLICATION
9 OF SEP-II, LLC, IN CONFORMANCE WITH
10 THE REQUIREMENTS OF ARIZONA
11 REVISED STATUTES SECTION 40-360, et
12 seq., FOR A CERTIFICATE OF
13 ENVIRONMENTAL COMPATIBILITY
14 AUTHORIZING THE MESQUITE SOLAR
15 GEN-TIE 230kV TRANSMISSION LINE,
16 ORIGINATING AT THE PROPOSED
17 MESQUITE SOLAR PHOTO VOLTAIC
18 GENERATING FACILITY IN SEC. 18, T.1S,
19 R.6W. G&SRB&M, MARICOPA COUNTY,
20 AND TERMINATING AT THE EXISTING
21 MESQUITE GENERATING STATION 230Kv
22 SWITCHYARD IN SEC. 15, T.1S., R.6W.
23 G&SRB&M, IN MARICOPA COUNTY,
24 ARIZONA.

CASE NO. 147

DOCKET NO. L-00000KK-09-0299-00147

DECISION NO. _____

SAMPLE ORDER NO. 3

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

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

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

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

- 27 1. The evidence in the record is not sufficient to weigh the balancing of the public
28 interest in favor of granting a CEC in this matter when all relevant matters and the

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factors set forth in A.R.S. § 40-360.06 are considered along with need for an adequate economical, and 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 relevant matters and 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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5 THE CEC ISSUED BY THE SITING COMMITTEE IS
6 INCORPORATED HEREIN AND IS APPROVED AS MODIFIED BY ORDER OF THE
7 ARIZONA CORPORATION COMMISSION
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10 CHAIRMAN

COMMISSIONER

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13 COMMISSIONER

COMMISSIONER

COMMISSIONER

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

20 _____
21 ERNEST G. JOHNSON
22 Executive Director

23 DISSENT: _____

24 DISSENT: _____
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