

OPEN MEETING ITEM



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ORIGINAL

BEFORE THE ARIZONA POWER PLANT AND TRANSMISSION LINE SITING COMMITTEE

IN THE MATTER OF THE APPLICATION OF STARWOOD SOLAR I, L.L.C., IN CONFORMANCE WITH THE REQUIREMENTS OF ARIZONA REVISED STATUTES, SECTIONS 40-360, et seq., FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AUTHORIZING CONSTRUCTION OF A 290 TO 365 MEGAWATT SOLAR THERMAL POWER PROJECT AND A 500KV TRANSMISSION LINE ORIGINATING AT THE PLANNED STARWOOD SOLAR I SUBSTATION TO THE PLANNED AND PERMITTED DELANY SUBSTATION AND INCLUDING A 500KV TRANSMISSION LINE FROM THE PROPOSED STARWOOD SOLAR I SUBSTATION TO THE EXISTING HARQUAHALA GENERATING STATION SWITCHYARD IN MARICOPA COUNTY, ARIZONA.

Docket No. L-00000MM-09-0446-00150

Case No. 150

NOTICE OF FILING CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY

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

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2009 OCT 30 P 3:00

AZ CORP COMMISSION DOCKET CONTROL

DATED: October 30, 2009

John Foreman

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

Arizona Corporation Commission

DOCKETED

OCT 30 2009

DOCKETED BY *MM*

1 Pursuant to A.A.C. R14-3-204,
2 The Original and 25 copies were
3 filed October 30, 2009 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 30th day of October, 2009 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 Kenneth C. Sundlof, Jr.
16 Jennings, Strouss & Salmon, PLC
17 The Collier Center, 11th Floor
18 201 East Washington Street
19 Phoenix, AZ 85004-2385
20 Counsel for Applicant, SRP

21 Lee Allen Johnson
22 1121 W Warner Road, Suite 109
23 Tempe, AZ 85284-2819
24 Counsel for W Harquahala, LLC

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



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

IN THE MATTER OF THE APPLICATION OF STARWOOD SOLAR I, L.L.C., IN CONFORMANCE WITH THE REQUIREMENTS OF ARIZONA REVISED STATUTES, SECTIONS 40-360, *et seq.*, FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AUTHORIZING CONSTRUCTION OF A 290 TO 365 MEGAWATT SOLAR THERMAL POWER PROJECT AND A 500KV TRANSMISSION LINE ORIGINATING AT THE PLANNED STARWOOD SOLAR I SUBSTATION TO THE PLANNED AND PERMITTED DELANY SUBSTATION AND INCLUDING A 500KV TRANSMISSION LINE FROM THE PROPOSED STARWOOD SOLAR I SUBSTATION TO THE EXISTING HARQUAHALA GENERATING STATION SWITCHYARD IN MARICOPA COUNTY, ARIZONA.

Docket No. L-00000MM-09-0446-00150
Case No. 150

CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY

Pursuant to notice given as provided by law, the Arizona Power Plant and Transmission Line Siting Committee (the "Committee") held public hearings on October 26 and 27 2009 in Litchfield Park, Arizona, all in conformance with the requirements of Arizona Revised Statutes ("A.R.S.") §§ 40-360, *et seq.*, for the purpose of receiving evidence and deliberating on the Application of Starwood Solar I, L.L.C. ("Applicant") for a Certificate of Environmental Compatibility ("Certificate") in the above-captioned case (the "Project").

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

4	John Foreman	Chairman, Designee for Arizona Attorney General, Terry Goddard
5	Paul Rasmussen	Designee for Director, Arizona Department of Environmental Quality
6		
7	David Eberhart	Designee for Chairman, Arizona Corporation Commission
8	Jessica Youle	Designee for Director, Energy Office, Arizona Department of Commerce
9		
10	Greg Houtz	Designee for Director, Arizona Department of Water Resources
11	Jeff McGuire	Appointed Member
12	William Mundell	Appointed Member
13	Michael Palmer	Appointed Member
14	Michael Whalen	Appointed Member
15	Barry Wong	Appointed Member

16 The Applicant was represented by Kenneth C. Sundlof, Jr. of the law firm of
17 Jennings, Strouss & Salmon, P.L.C.

18 W Harquahala, LLC, requested intervention in this proceeding. Upon motion
19 duly made and seconded the Committee voted unanimously to grant the request for
20 intervention. The intervenor was represented by its general counsel Lee Allen
21 Johnson.

22 At the conclusion of the hearings, the Committee, having received the
23 Application, the appearances of the parties, the evidence, testimony and exhibits
24 presented at the hearings, and being advised of the legal requirements of A.R.S. §§
25 40-360 to 40-360.13, upon motion duly made and seconded, voted unanimously

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27

1 (10-0) to grant the Applicant this Certificate of Environmental Compatibility (Case
2 No. 150) for the Project as set forth in the Application.

3 The Project consists of a solar thermal electric generating facility and 500 kV
4 transmission structures and an on-site substation. The Solar Generation will be
5 located on approximately 1,900 acres of land located in Maricopa County on the
6 Southwest corner of 491st Avenue and Salome Highway, and the Transmission Line
7 will interconnect the Solar Generation to the transmission system at the approved
8 APS Delany Substation (Case No. 128). A new substation (Starwood Solar I) would
9 be built, converting from 13.8kV to 500kV near the power block at the inside corner
10 of the "L" approximately at 491st Avenue and Indian School Road.

11 The Project also will include a single circuit 500kV transmission line from the
12 Project to the approved APS Delany Substation and a 500 kV line from the Project
13 Switchyard to the Harquahala Substation. A 500kV transmission line would be
14 constructed beginning at the Starwood Solar I Substation near the intersection of
15 491st Avenue and Indian School Road in Section 29, Township 2 North, Range 8
16 West. From there, the transmission line would extend east and parallel the Indian
17 School Road alignment, crossing 2 irrigation canals and the Saddleback Flood
18 Retarding Structure (FRS) until reaching the Salome Highway, Section 26, Township
19 2 North, Range 8 West. The transmission line would turn southeast and parallel the
20 Salome Highway until almost reaching the Thomas Road alignment, Section 25,
21 Township 2 North, Range 8 West. At this point, the transmission line would turn east
22 toward and continue to the Delany Substation, Section 25, Township 2 North, Range
23 8 West (as depicted on Exhibit A).

24 The 500kV line to the existing Harquahala Generating Station would begin at
25 the Starwood Solar I Substation that would be located near the intersection of 491st
26 Avenue and Indian School Road in Section 29, Township 2 North, Range 8 West.
27 From there, the transmission line would extend south to Thomas Road, Section 32,

1 Township 2 North, Range 8 West. At this point, the transmission line turns west and
2 parallels Thomas Road for a short distance before turning south into the Harquahala
3 Switchyard.

4 The typical transmission structure heights will be in the range of 150 feet but
5 will not exceed 199 feet and will occupy a right of way ("ROW") width of 120 feet to
6 160 feet, up to a maximum of 200 feet. The ROW may be located within a 1,000
7 foot corridor centered on the section line referred to as the Indian School Road
8 alignment, beginning at the Starwood Solar I substation, near the intersection of
9 Indian School Road and 491st Avenue, extending east to the Salome Highway; a
10 1,000 foot corridor centered on the Salome Highway, beginning 500 feet north of the
11 Indian School Road alignment, extending southeast to the Thomas Road alignment;
12 and a 2,000 foot corridor to the north of the Thomas Road alignment, beginning 500
13 feet west of the 459th Avenue alignment, extending east to the Delany substation.

14 This Certificate is granted upon the following conditions:

15 **CONDITIONS**

16 This Certificate is granted upon the following conditions:

17 1. The conditions shall apply to the Applicant, its successor(s), and
18 assignee(s).

19 2. The Applicant shall obtain all approvals and permits required by the
20 United States, the State of Arizona, the County of Maricopa, and any other
21 governmental entities having jurisdiction necessary to construct the Project.

22 3. The Applicant shall comply with all existing applicable statutes,
23 ordinances, master plans and regulations of the State of Arizona, the County of
24 Maricopa, the United States, and any other governmental entities having jurisdiction,
25 including, but not limited to the following:

26 (a) all applicable land use regulations;

27

- 1 (b) all applicable zoning stipulations and conditions, including but not limited
2 to landscaping and dust control requirements;
- 3 (c) all applicable water use, discharge and/or disposal requirements of the
4 Arizona Department of Water Resources and the Arizona Department of
5 Environmental Quality;
- 6 (d) all applicable noise control standards;
- 7 (e) all applicable regulations and permits governing storage and handling of
8 chemicals and petroleum products;
- 9 (f) all other applicable federal and state regulations and standards.

10 2. During commercial operation Applicant may utilize groundwater for solar
11 electrical generation and related uses associated with construction and commercial
12 operation of the Project pursuant to an application to the Arizona Department of
13 Water Resources under ARS § 45-440. The total water use from groundwater and
14 other sources shall not exceed 3000 acre feet per year for a 290 MW plant, and
15 proportionally less for a smaller plant or phase. Prior to the commencement of
16 commercial operation, Applicant will file with Commission Docket Control, with the
17 Department of Environmental Quality, and with the Department of Water Resources,
18 a letter confirming that Applicant has secured both an adequate supply of water to
19 produce the rated power of the plant or phase being placed in operation using CSP
20 parabolic trough technology with thermal storage, and a legal right to use the water
21 needed for the purpose of construction and commercial operation of the Project.
22 This provision applies only to the use of groundwater for non-agricultural purposes,
23 and only becomes applicable to each segment of subject property as land is retired
24 from agriculture upon commencement of construction of each phase of the project.
25 This provision does not limit use of groundwater for agricultural purposes prior to
26 commencement of construction or following decommissioning.

27 4. Applicant shall enter into a land subsidence monitoring agreement with
the Arizona Department of Water Resources.

5. If any archaeological, paleontological or historical site or object that is at
least fifty years old is discovered on state, county or municipal land during the

1 construction or operation of the solar generating facility and transmission line, the
2 Applicant or its representative in charge shall promptly report the discovery to the
3 Director of the Arizona State Museum, and in consultation with the Director, shall
4 immediately take all reasonable steps to secure and maintain the preservation of the
5 discovery as required by A.R.S. § 41-844.

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

11 7. The Applicant shall comply with the notice and salvage requirements of
12 the Arizona Native Plant Law (A.R.S. §§ 3-901 et seq.) and shall, to the extent
13 feasible, minimize the destruction of native plants during the construction and
14 operation of the solar generating facility and transmission line.

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

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

26 10. The Applicant shall make every reasonable effort to identify and correct,
27 on a case-specific basis, all complaints of interference with radio or television signals

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

9 11. Within 120 days of the Commission decision granting this Certificate,
10 Applicant will post signs in public rights-of-way giving notice of the Project corridor to
11 the extent authorized by law. The Applicant shall place signs in prominent locations
12 at reasonable intervals such that the public is notified along the full length of the
13 transmission line until the transmission structures are constructed. To the extent
14 practicable, within 45 days of securing easement or right-of-way for the Project, the
15 Applicant shall erect and maintain signs providing public notice that the property is
16 the site of a future transmission line. Such signage shall be no smaller than a normal
17 roadway sign. The signs shall advise:

- 18 (a) That the site has been approved for the construction of Project facilities;
19 (b) The expected date of completion of the Project facilities;
20 (c) A phone number for public information regarding the Project;
21 (d) The name of the Project;
22 (e) The name of the Applicant; and
23 (f) The website of the Project.

24 12. Applicant, shall design the transmission lines to incorporate reasonable
25 measures to minimize impacts to raptors.

26 13. Applicant, shall use non-specular conductors and non-reflective surfaces
27 for transmission line structures.

27 14. Before construction on this Project may commence, the Applicant shall

1 file a construction mitigation and restoration plan ("Plan") with ACC Docket Control.
2 Where practicable, the Plan shall specify the Applicant's plans for construction access
3 and methods to minimize impacts to wildlife and to minimize vegetation disturbance
4 outside of the Project right-of-way particularly in drainage channels and along stream
5 banks, and shall re-vegetate, unless waived by the landowner, native areas of
6 construction disturbance to its preconstruction state outside of the power-line right of
7 way after construction has been completed. The Plan shall specify the Applicant's
8 plans for coordination with the Arizona Game and Fish Department and the State
9 Historic Preservation Office. The Applicant shall use existing roads for construction
10 and access where practicable and the Plan shall specify the manner in which the
11 Applicant makes use of existing roads.

12 15. Applicant shall follow any published guidelines adopted by the Arizona
13 Game and Fish Department or the United States Fish and Wildlife Service for
14 handling contacts during the construction and operation of the Project with any
15 species designated as endangered. Applicant also shall follow any published and
16 adopted guidelines for handling contacts with any species of greatest conservation
17 need as designated by the Arizona Game and Fish Department. If no published and
18 adopted guidelines exist, the Applicant shall use reasonable care to avoid any harm
19 to individuals of the designated species. If the avoidance of harm to individuals is not
20 possible, the Applicant shall contact the Arizona Game and Fish Department and the
21 United States Fish and Wildlife Service to obtain any appropriate permits and
22 guidance for removing the individual members of the species contacted from the
23 area of the Project.

24 16. With respect to the Project, Applicant shall participate in good faith in
25 state and regional transmission study forums to coordinate transmission expansion
26 plans related to the Project and to resolve transmission constraints in a timely
27 manner.

1 17. The Applicant shall provide copies of this Certificate to appropriate city,
2 town and county planning agencies, mayors and town councils, W Harquahala, LLC,
3 the Arizona State Land Department, the State Historic Preservation Office, and the
4 Arizona Game and Fish Department.

5 18. Prior to the date construction commences on this Project, the Applicant
6 shall provide known homebuilders and developers within one mile of the center line
7 of the Certificated route and solar facility, the identity, location, and a pictorial
8 depiction of the type of power line and solar facility being constructed, accompanied
9 by a written description, and encourage the developers and homebuilders to include
10 this information in the developers' and homebuilders' homeowners' disclosure
11 statements.

12 19. Applicant will follow the most current Western Electricity Coordinating
13 Council/North American Electric Reliability Corporation Planning standards as
14 approved by the Federal Energy Regulatory Commission, and National Electrical
15 Safety Code construction standards.

16 20. The Applicant shall submit a self-certification letter annually, identifying
17 progress made with respect to each condition contained in the Certificate, including
18 which conditions have been met. Each letter shall be submitted to the Docket Control
19 of the Arizona Corporation Commission by May 1, 2010 and annually thereafter.
20 Attached to each certification letter shall be documentation explaining how
21 compliance with each condition was achieved. Copies of each letter along with the
22 corresponding documentation shall be submitted to the Arizona Attorney General and
23 Department of Commerce Energy Office. The requirement for the self-certification
24 shall expire on the date the Project is placed into operation.

25 21. Within sixty (60) days of the Commission decision granting this
26 Certificate, the Applicant shall make good faith efforts to commence discussions with
27

1 private landowners, on whose property the Project corridor is located, to identify the
2 specific location for the Project's right-of-way and placement of poles.

3 22. The Applicant shall expeditiously pursue reasonable efforts to work with
4 private landowners on whose property the Project right-of-way will be located, to
5 mitigate the impacts of the location, construction, and operation of the Project on
6 private land.

7 **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

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

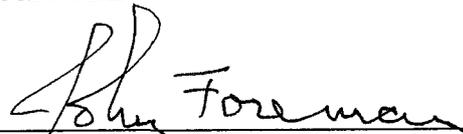
10 1. The Project aids the state in meeting the need for an adequate,
11 economical and reliable supply of renewable electric power.

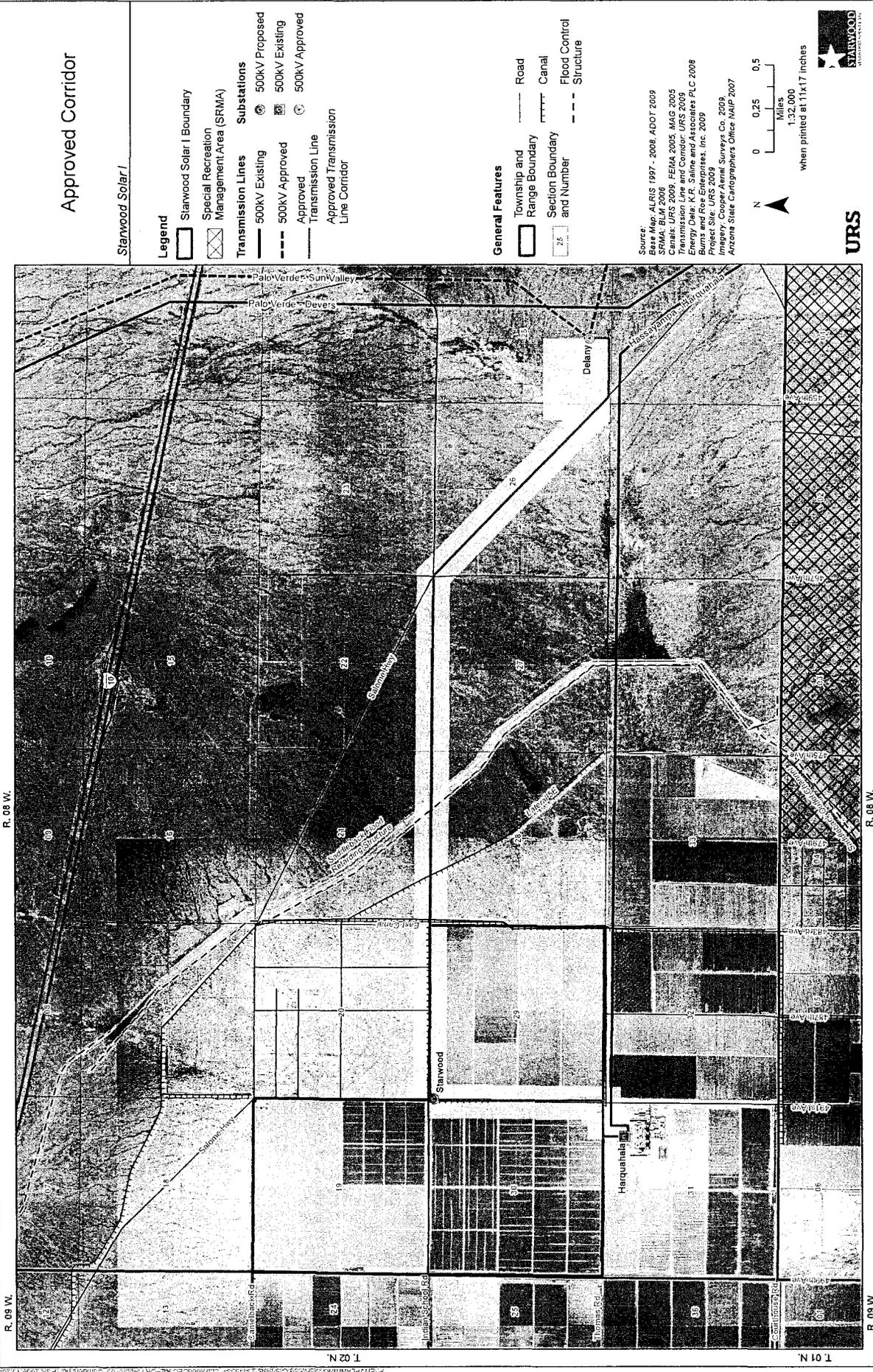
12 2. The conditions placed on the Project in the CEC by the Committee
13 effectively minimize the impact of the Project on the environment and ecology of the
14 state.

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

19 DATED this 30th day of October, 2009.

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

23 By 
24 John Foreman, Chairman
25
26
27



Approved Corridor

Starwood Solar I

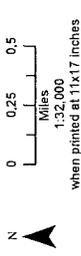
Legend

- Starwood Solar I Boundary
- Special Recreation Management Area (SRMA)
- Transmission Lines**
- 500KV Existing
- 500KV Approved
- 500KV Proposed
- 500KV Existing
- 500KV Approved
- 500KV Proposed
- Transmission Line
- Approved Transmission Line Corridor

General Features

- Township and Range Boundary
- Section Boundary and Number
- Road
- Canal
- Flood Control Structure

Source:
 Base Map: ALRIS 1997 - 2008, ADOT 2009
 SRMA: ELM 2006, FEMA 2006, MAS 2005
 Energy Data: K.R. Saline and Associates PLC 2008
 Project Site: URS 2009
 Imagery: Cooper Aerial Surveys Co. 2009
 Arizona State Cartographers Office MAP 2007



URS

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