

ORIGINAL

OPEN MEETING AGENDA ITEM



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BEFORE THE ARIZONA CORPORATION COMMISSION

**COMMISSIONERS**

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

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ARIZONA CORPORATION COMMISSION  
PHOENIX, ARIZONA

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

CASE NO. 149

DOCKET NO. L-00000C-09-0385-00149  
L-00000CC-09-0385-00149

**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 9<sup>th</sup> day of November, 2009.

Arizona Corporation Commission  
**DOCKETED**

NOV - 9 2009

DOCKETED BY [Signature]

*Janice Alward*  
Janice Alward  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, Arizona 85007  
(602) 542-3402

1 **Original and twenty-eight (28)**  
2 **copies of the foregoing filed this**  
3 **9<sup>th</sup> day of November, 2009 with:**

4 Docket Control  
5 Arizona Corporation Commission  
6 1200 West Washington Street  
7 Phoenix, Arizona 85007

8 **Copies of the foregoing**  
9 **mailed this 9<sup>th</sup> day of**  
10 **November, 2009 to:**

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By *Rosanna Osorio*

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

CASE NO. 149

DOCKET NO. L-00000C-09-0385-00149  
L-00000CC-09-0385-00149

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.)*

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

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

- 28 1. The Project is in the public interest because it aids the state in meeting the need for

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

**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: \_\_\_\_\_

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BEFORE THE ARIZONA CORPORATION COMMISSION

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

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

CASE NO. 149  
DOCKET NO. L-00000C-09-0385-00149  
L-00000CC-09-0385-00149

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.)*

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

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

The Commission modifies the CEC in the public interest to (add) (modify) (delete) the following provisions and/or condition(s):





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BEFORE THE ARIZONA CORPORATION COMMISSION

**COMMISSIONERS**

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

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

CASE NO. 149

DOCKET NO. L-00000C-09-0385-00149  
L-00000CC-09-0385-00149

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.)*

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

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

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

1. The evidence in the record is not sufficient to weigh the balancing of the public interest in favor of granting a CEC in this matter when all the factors set forth in A.R.S. § 40-360.06 are

considered along with need for an adequate economical, and reliable supply of electric power.

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

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

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

COMMISSIONER

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8 COMMISSIONER

COMMISSIONER

COMMISSIONER

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

15 \_\_\_\_\_  
16 ERNEST G. JOHNSON  
17 Executive Director

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20 DISSENT: \_\_\_\_\_

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22 DISSENT: \_\_\_\_\_