

ORIGINAL

OPEN MEETING AGENDA



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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

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

2010 FEB 22 P 3: 28

ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

IN THE MATTER OF THE APPLICATION OF ARLINGTON VALLEY SOLAR ENERGY, LLC, IN CONFORMANCE WITH THE REQUIREMENTS OF ARIZONA REVISED STATUTES §§ 40-360.03 AND 40-360.06 *et seq.* FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AUTHORIZING CONSTRUCTION OF THE ARLINGTON VALLEY SOLAR ENERGY ("AVSE") PROJECT, AN APPROXIMATELY 125 MW SOLAR GENERATING FACILITY LOCATED IN PORTIONS OF SECTIONS 20, 21 AND 28, WITH ASSOCIATED SWITCHYARDS AND GEN-TIE LINES INTERCONNECTING FROM THE AVSE PROJECT SITE TO THE EXISTING HASSAYAMPA SWITCHYARD LOCATED IN SECTION 15, ALL IN TOWNSHIP 1 SOUTH, RANGE 6 WEST, MARICOPA COUNTY, ARIZONA.

CASE NO. 153

Docket No. L-00000PP-09-0548-00153

NOTICE OF FILING SAMPLE FORMS OF ORDER FOR CASE NO. 153

IN THE MATTER OF THE APPLICATION OF ARLINGTON VALLEY SOLAR ENERGY, II, LLC, IN CONFORMANCE WITH THE REQUIREMENTS OF ARIZONA REVISED STATUTES §§ 40-360.03 AND 40-360.06 *et seq.* FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AUTHORIZING CONSTRUCTION OF THE ARLINGTON VALLEY SOLAR ENERGY II ("AVSE II") PROJECT, AN APPROXIMATELY 125 MW SOLAR GENERATING FACILITY LOCATED IN PORTIONS OF SECTIONS 25, 26, 27, 35 and 36, AND ASSOCIATED SWITCHYARDS AND GEN-TIE LINES INTERCONNECTING FROM THE AVSE PROJECT SITE TO THE EXISTING HASSAYAMPA SWITCHYARD LOCATED IN SECTION 15, ALL IN TOWNSHIP 1 SOUTH, RANGE 6 WEST, MARICOPA COUNTY, ARIZONA.

CASE NO. 154

Docket No. L-00000QQ-09-0549-00154

Arizona Corporation Commission

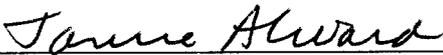
DOCKETED

FEB 22 2010

DOCKETED BY

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

7 RESPECTFULLY SUBMITTED this 22nd day of February, 2010.

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

13 **Original and twenty-eight (28)**
14 **copies of the foregoing filed this**
14 **22nd day of February, 2010 with:**

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

18 **Copies of the foregoing**
19 **mailed this 22nd day of**
19 **February, 2010 to:**

20 Jay Moyes
21 Moyes, Sellers, and Sims
21 1850 North Central Avenue
22 Suite 1100
22 Phoenix, AZ 85004
23 Counsel for Applicant, Agua Caliente Solar, LLC

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25 By 
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27
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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 ARLINGTON VALLEY SOLAR ENERGY,
10 LLC, IN CONFORMANCE WITH THE
11 REQUIREMENTS OF ARIZONA REVISED
12 STATUTES §§ 40-360.03 AND 40-360.06 *et seq.*
13 FOR A CERTIFICATE OF ENVIRONMENTAL
14 COMPATIBILITY AUTHORIZING
15 CONSTRUCTION OF THE ARLINGTON
16 VALLEY SOLAR ENERGY ("AVSE")
17 PROJECT, AN APPROXIMATELY 125 MW
18 SOLAR GENERATING FACILITY LOCATED
19 IN PORTIONS OF SECTIONS 20, 21 AND 28,
20 WITH ASSOCIATED SWITCHYARDS AND
21 GEN-TIE LINES INTERCONNECTING FROM
22 THE AVSE PROJECT SITE TO THE EXISTING
23 HASSAYAMPA SWITCHYARD LOCATED IN
24 SECTION 15, ALL IN TOWNSHIP 1 SOUTH,
25 RANGE 6 WEST, MARICOPA COUNTY,
26 ARIZONA.

CASE NO. 153

Docket No. L-00000PP-09-0548-00153

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 Open Meeting
17 March _____, 2010
18 Phoenix, Arizona

19 **BY THE COMMISSION:**

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

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

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

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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 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	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 _____ 2010.

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 OF
9 ARLINGTON VALLEY SOLAR ENERGY, LLC,
10 IN CONFORMANCE WITH THE
11 REQUIREMENTS OF ARIZONA REVISED
12 STATUTES §§ 40-360.03 AND 40-360.06 *et seq.*
13 FOR A CERTIFICATE OF ENVIRONMENTAL
14 COMPATIBILITY AUTHORIZING
15 CONSTRUCTION OF THE ARLINGTON
16 VALLEY SOLAR ENERGY ("AVSE")
17 PROJECT, AN APPROXIMATELY 125 MW
18 SOLAR GENERATING FACILITY LOCATED
19 IN PORTIONS OF SECTIONS 20, 21 AND 28,
20 WITH ASSOCIATED SWITCHYARDS AND
21 GEN-TIE LINES INTERCONNECTING FROM
22 THE AVSE PROJECT SITE TO THE EXISTING
23 HASSAYAMPA SWITCHYARD LOCATED IN
24 SECTION 15, ALL IN TOWNSHIP 1 SOUTH,
25 RANGE 6 WEST, MARICOPA COUNTY,
26 ARIZONA.

CASE NO. 153

Docket No. L-00000PP-09-0548-00153

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.)

17 Open Meeting
18 March ____, 2010
19 Phoenix, Arizona

20 **BY THE COMMISSION:**

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

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

1 The Commission modifies the CEC to (add) (modify) (delete) the following provisions
2 and/or condition(s):

3

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

7

8

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

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

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

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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 _____ 2010.

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 OF
9 ARLINGTON VALLEY SOLAR ENERGY, LLC,
10 IN CONFORMANCE WITH THE
11 REQUIREMENTS OF ARIZONA REVISED
12 STATUTES §§ 40-360.03 AND 40-360.06 *et seq.*
13 FOR A CERTIFICATE OF ENVIRONMENTAL
14 COMPATIBILITY AUTHORIZING
15 CONSTRUCTION OF THE ARLINGTON
16 VALLEY SOLAR ENERGY ("AVSE")
17 PROJECT, AN APPROXIMATELY 125 MW
18 SOLAR GENERATING FACILITY LOCATED
19 IN PORTIONS OF SECTIONS 20, 21 AND 28,
20 WITH ASSOCIATED SWITCHYARDS AND
21 GEN-TIE LINES INTERCONNECTING FROM
22 THE AVSE PROJECT SITE TO THE EXISTING
23 HASSAYAMPA SWITCHYARD LOCATED IN
24 SECTION 15, ALL IN TOWNSHIP 1 SOUTH,
25 RANGE 6 WEST, MARICOPA COUNTY,
26 ARIZONA.

CASE NO. 153

Docket No. L-00000PP-09-0548-00153

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 Open Meeting
18 March _____, 2010
19 Phoenix, Arizona

20 **BY THE COMMISSION:**

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

26 The Commission, in reaching its decision, has balanced all relevant matters in the broad
27 public interest, including the need for an adequate, economical and reliable supply of electric power
28 with the desire to minimize the effect thereof on the environment and ecology of this state, and finds

1 that granting the Project a CEC is not in the public interest.

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

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

7 2. The conditions placed upon the CEC are not sufficient to weigh the balancing of the
8 public interest in favor of granting a CEC in this matter when all the factors set forth
9 in A.R.S. § 40-360.06 are considered along with the need for an adequate,
10 economical, and reliable supply of electric power.

11 3. The record compels balancing the competing public interests in favor of protection of
12 the environment and ecology of the State of Arizona by denying Applicant a
13 Certificate of Environmental Compatibility.

14 4. The CEC issued by the Siting Committee should not be confirmed and approved by
15 the Commission.

16 5. The Commission's findings 1 through 4 above serve as the Commission's findings of
17 fact and conclusions of law in reaching its decision.

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

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

CHAIRMAN		COMMISSIONER
<hr/>		
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 _____ 2010.

ERNEST G. JOHNSON
Executive Director

DISSENT: _____

DISSENT: _____