

GALLAGHER & KENNEDY

P.A.

ATTORNEYS AT LAW

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AZ CORP COMMISSION
DOCKET CONTROL

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PHOENIX, ARIZONA 85016-9225
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ORIGINAL

March 1, 2010

HAND DELIVERED

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

Arizona Corporation Commission
DOCKETED

MAR - 1 2010

DOCKETED BY 

Re: *Southwest Transmission Cooperative, Inc. ("SWTC") Certification Letter in Compliance with Condition 19 of the CEC in Decision No. 71218; San Manuel Interconnect Project; Docket No. L-00000CC-09-0158-00142, Case No. 142*

Dear Sir or Madam:

Enclosed are 25 copies of SWTC's Certification letter and associated exhibits concerning the status of CEC compliance as required by Condition 19 in Decision No. 71218. Your assistance is appreciated.

Very truly yours,

GALLAGHER & KENNEDY, P.A.

By:

Michael M. Grant

MMG/plp
15169-12/2385262

Enclosures

cc (w/enclosure): John Foreman, Attorney General's Office
Arizona Department of Commerce, Energy Office

Original and 25 copies filed with Docket Control this 1st day of March, 2010.



February 25, 2010

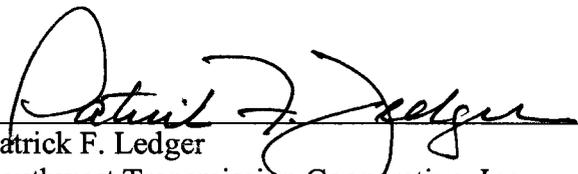
Steve Olea
Utilities Division Director
Arizona Corporation Commission
1200 W. Washington St.
Phoenix, AZ 85007

RE: SAN MANUEL INTERCONNECT PROJECT CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY (“CEC”); DECISION NO. 71218; DOCKET NO. L-00000CC-09-0158-00142, CASE NO. 142; ANNUAL CERTIFICATION LETTER FOR THE SAN MANUEL INTERCONNECT PROJECT

Dear Mr. Olea:

Southwest Transmission Cooperative, Inc. submits this letter certifying the status of compliance with the conditions of the CEC issued for the San Manuel Interconnect Project as of March 1, 2010. This certification letter complies with CEC Condition 19 in Decision No. 71218. Attached to this certification letter are documents concerning certain compliance activities conducted to date for each condition.

Respectfully,


Patrick F. Ledger
Southwest Transmission Cooperative, Inc.
Senior Vice President and Chief Operating Officer

San Manuel Interconnect Project Annual Certification for
Compliance with CEC Conditions

In compliance with Condition 19 of the CEC, the following summarizes the progress concerning and status of compliance activities as of March 1, 2010.

Condition 1 - *The Applicant shall obtain all approvals and permits required by the United States, the State of Arizona, the County of Pinal and any other governmental entities having jurisdiction necessary to construct the Project.*

The Project is currently undergoing Bureau of Land Management National Environmental Policy Act reviews, including the Section 7 Consultation with the U.S. Fish and Wildlife Service and the National Historic Preservation Act Section 106 Consultation. All necessary approvals and permits will be obtained prior to commencement of construction.

Condition 2 - *The Applicant shall comply with all existing applicable statutes, ordinances, master plans and regulations of the United States, the State of Arizona, the County of Pinal and any other governmental entities having jurisdiction during the construction and operation of the transmission line.*

Southwest Transmission Cooperative, Inc. ("SWTC") will comply with all applicable statutes, ordinances, master plans and regulations during the construction and operation of the transmission line.

Condition 3 - *Pursuant to A.R.S. § 41-844, if any archaeological, paleontological or historical site or object that is at least 50 years old is discovered on state, county or municipal land during the construction or operation of the transmission line, the Applicant or its representative in charge shall promptly report the discovery to the Director of the Arizona State Museum, and in consultation with the Director, shall immediately take all reasonable steps to secure and maintain the preservation of the discovery.*

SWTC will adhere to the requirements stated in Condition 3.

Condition 4 - *If human remains and/or funerary objects are encountered on private land during the course of any ground-disturbing activities relating to the construction or operation of the transmission line, the Applicant shall cease work on the affected area of the Project and notify the Director of the Arizona State Museum pursuant to A.R.S. § 41-865.*

SWTC will adhere to the requirements stated in Condition 4.

Condition 5 - *The Applicant shall comply with the notice and salvage requirements of the Arizona Native Plant Law (A.R.S. §§ 3-901, et seq.) and shall, to the extent feasible, minimize the destruction of native plants during the construction and operation of the transmission line. In no event shall the Applicant destroy more than 100 saguaro cacti during the construction of the transmission line and access road.*

SWTC will file the required Notice of Intent to clear lands with the Arizona Department of Agriculture and will adhere to the requirements stated in Condition 5.

Condition 6 - *The Applicant shall not assign this Certificate or its interest in the Project authorized by this Certificate without prior approval of the Commission. Any assignment of this Certificate shall require the assignee to assume all responsibilities of the Applicant listed in this Certificate.*

SWTC will adhere to the requirements stated in Condition 6.

Condition 7 - *This authorization to construct this Project shall expire five years from the date the Certificate is approved by the Commission unless the transmission line is capable of operation. However, prior to expiration, the Applicant or its assignees may request that the Commission extend this time limitation.*

SWTC understands that the authorization to construct will expire five years from the time the Certificate was approved and, if necessary, will seek an extension of the time limitation.

Condition 8 - *In the event that the Project requires an extension of the term of this Certificate prior to completion of construction, Applicant shall use reasonable means to notify all landowners and residents within one mile of the Project, all persons who made public comment at this proceeding and all parties to this proceeding of the request and the time and place of the hearing in which the Commission will consider the request for extension.*

In the event the Project requires an extension, SWTC will adhere to the terms stated in Condition 8.

Condition 9 - *The Applicant shall make every reasonable effort to identify and correct, on a case-specific basis, all complaints of interference with radio or television signals from operation of the transmission lines and related facilities addressed in this Certificate. The Applicant shall maintain written records for a period of five years of all complaints of radio or television interference attributable to operation, together with the corrective action taken in response to each complaint. All complaints*

shall be recorded to include notations on the corrective action taken. Complaints not leading to a specific action or for which there was no resolution shall be noted and explained.

Construction of the transmission line has not occurred. Upon the transmission line becoming operational, all complaints will be addressed as they are received and actions taken will be documented in written records as required by Condition 19.

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

- (a) That the site has been approved for the construction of Project facilities;*
- (b) The expected date of completion of the Project facilities;*
- (c) A phone number for public information regarding the Project;*

- (d) The name of the Project;*
- (e) The name of the Applicant; and*
- (f) The website of the Project.*

As required by this condition, signs were erected in compliance with its requirements on October 19, 2009. Exhibit 1 to this letter is an affidavit certifying the posting of and language for the signs. Compliance with Condition 10 has been completed.

Condition 11 - Applicant, or its assignee(s), shall design the transmission lines to incorporate reasonable measures to minimize impacts to raptors.

SWTC will incorporate reasonable measures to minimize impacts to raptors as required by Condition 11.

Condition 12 - Applicant, or its assignee(s), shall use non-specular conductor and dulled surfaces for transmission line structures.

SWTC will use non-specular conductor and dulled surfaces for transmission line structures as required by Condition 12.

Condition 13 - Before construction on this Project may commence, the Applicant shall file a construction mitigation and restoration plan ("Plan") with ACC

Docket Control. Where practicable, the Plan shall specify the Applicant's plans for construction access and methods to minimize impacts to wildlife and to minimize vegetation disturbance outside of the Project right-of-way particularly in drainage channels and along stream banks, and shall re-vegetate, unless waived by the landowner, native areas of construction disturbance to its preconstruction state outside of the power-line right-of-way after construction has been completed. The Plan shall specify the Applicant's plans for providing a biological monitor to ensure compliance with condition No. 5 and the Arizona Native Plant Law and for coordination with the Arizona Game and Fish Department and the State Historic Preservation Office. The Applicant shall use existing roads for construction and access where practicable and the Plan shall specify the manner in which the Applicant makes use of existing roads.

Prior to construction, SWTC will prepare and file a construction mitigation and restoration plan meeting the requirements of Condition 13.

Condition 14 - *With respect to the Project, Applicant shall participate in good faith in state and regional transmission study forums to coordinate transmission expansion plans related to the Project and to resolve transmission constraints in a timely manner.*

SWTC will continue to participate in state and regional transmission study forums as specified in Condition 14.

Condition 15 - *The Applicant shall provide copies of this Certificate to Pinal County, the Arizona State Land Department, the Bureau of Land Management, the State Historic Preservation Office and the Arizona Game and Fish Department.*

A copy of the certificate was sent to all of the required agencies on September 1, 2009 via certified mail. See Exhibit 2, attached.

Compliance with Condition 15 is complete.

Condition 16 - *Prior to the date construction commences on this Project, the Applicant shall provide known homebuilders and developers within one mile of the route the identity, location and a pictorial depiction of the type of power line being constructed, accompanied by a written description, and encourage the developers and homebuilders to include this information in the developers' and homebuilders' homeowners' disclosure statements.*

There are currently no known homebuilders or developers within one mile of the Project's location. If, prior to construction, a homebuilder or developer is identified within one mile of the Project's route, SWTC will comply with the terms stated in Condition 16.

Condition 17 - *Before commencing construction of Project facilities located parallel to and within 100 feet of any existing natural gas or hazardous liquid pipeline, the Applicant shall:*

- (a) *Perform the appropriate grounding and cathodic protection studies to show that the Project's location parallel to and within 100 feet of such pipeline results in no material adverse impacts to the pipeline or to public safety when both the pipeline and the Project are in operation. If material adverse impacts are noted in the studies, Applicant shall take appropriate steps to ensure that such material adverse impacts are mitigated. Applicant shall provide to Commission Staff reports of studies performed; and*
- (b) *Perform a technical study simulating an outage of the Project that may be caused by the collocation of the Project parallel to and within 100 feet of the existing natural gas or hazardous liquid pipeline. This study should either: i) show that such outage does not result in customer outages; or ii) include operating plans to minimize any resulting customer outages. Applicant shall provide a copy of this study to Commission Staff.*

See Exhibit 3, attached, which certifies that there will be no Project facilities constructed parallel to and within 100 feet of any such pipeline.

No further action is required and compliance with Condition 17 is complete.

Condition 18 - *Applicant will follow the latest Western Electricity Coordinating Council/North American Electric Reliability Corporation Planning standards as approved by the Federal Energy Regulatory Commission, and National Electrical Safety Code construction standards.*

The terms stated in Condition 18 will be met in designing and constructing the Project.

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

Certification letters will be filed annually as required by Condition 19 until the Project is operational.

Condition 20 - *Within sixty (60) days of the Commission decision granting this Certificate, the Applicant shall make good faith efforts to commence discussions with private landowners, on whose property the Project corridor is located, to identify the specific location for the Project's right-of-way and placement of poles.*

Within 60 days of the Commission decision granting the CEC, the private landowner on whose property the Project's route is located was contacted. See Exhibit 4, attached. Compliance with Condition 20 is complete.

Condition 21 - *The Applicant shall expeditiously pursue reasonable efforts to work with private landowners on whose property the Project right-of-way will be located, to mitigate the impacts of the location, construction and operation of the Project on private land.*

SWTC has entered into an agreement with the private landowner involved concerning these subjects. See Exhibit 5, attached. Compliance with Condition 21 is complete.

Condition 22 - *The Applicant shall install and maintain marker balls on the Project's static line at the spans in the approaches to the San Manuel airport between structures No. 3 and No. 8 and over the San Pedro River between structures No. 21 and No. 25 to alert any aircraft to the Project. The marker balls, their installation and maintenance will meet FAA Advisory Circular 70/7460-1K standards or any successor standards and requirements.*

SWTC will adhere to the requirements of Condition 22 and will certify its compliance upon completion.

Exhibit 1
Condition 10 Affidavit

**SAN MANUEL INTERCONNECT TRANSMISSION LINE PROJECT
AFFIDAVIT
CEC Condition 10**

I, Kevin W. Barnes, Environmental Planner for Sierra Southwest Cooperative Services, hereby certify that required public notification signs have been posted. The posting of the signs is in compliance with Decision No. 71218 Condition 10 and were posted on October 19, 2009.

Attached hereto is a copy of the public notification sign.


Signature 11/05/09
Date
Kevin W. Barnes
Environmental Planner

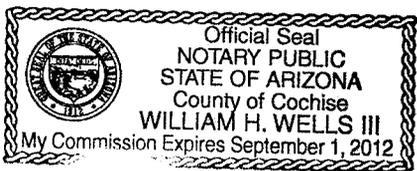
KEVIN W. BARNES 11/05/09
Printed 11/05/09
Date
Kevin W. Barnes
Environmental Planner

State of Arizona)
) ss.
County of Cochise)

The foregoing instrument was acknowledged before me this 02 of September, 2009 by Kevin W. Barnes, Environmental Planner of Sierra Southwest Cooperative Services, an Arizona Corporation, on behalf of the corporation.

William H. Wells III
Notary Public

My Commission Expires:
September 1, 2012
15189-7/1392283



48"

**Site of a future 230 kV double-circuit
transmission line as approved by the
Arizona Corporation Commission**

Estimated completion date is

May 2010

36"

San Manuel Interconnect Project

For more information call 520-586-5457

<http://www.southwesttransmission.coop>



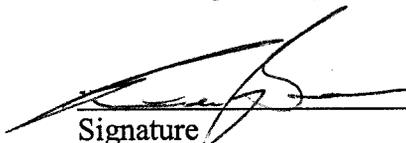
**Southwest
Transmission**
COOPERATIVE, INC

Exhibit 2
Condition 15 Affidavit

**SAN MANUEL INTERCONNECT TRANSMISSION LINE PROJECT
AFFIDAVIT
CEC Condition 15**

I, Kevin W. Barnes, Environmental Planner for Sierra Southwest Cooperative Services, hereby certify that copies of the Certificate of Environmental Compatibility (CEC) have been sent to the required agencies via certified mail. The transmittal of the CEC to required agencies is in compliance with Decision No. 71218 Condition 15 and was sent on September 01, 2009.

Attached hereto are copies of the transmittal letter used to deliver copies of the CEC to required agencies.


 Signature _____ Date 09/02/09
 Kevin W. Barnes
 Environmental Planner

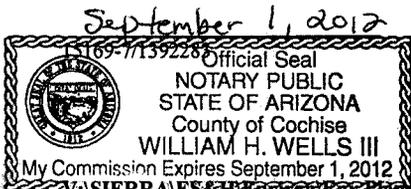
KEVIN W. BARNES 09/02/09
 Printed _____ Date
 Kevin W. Barnes
 Environmental Planner

State of Arizona)
) ss.
 County of Cochise)

The foregoing instrument was acknowledged before me this 02 of September, 2009 by Kevin W. Barnes, Environmental Planner of Sierra Southwest Cooperative Services, an Arizona Corporation, on behalf of the corporation.

William H. Wells III
 Notary Public

My Commission Expires:





**Southwest
Transmission**
COOPERATIVE, INC

P.O. BOX 2195 • BENSON, ARIZONA 85602 • (520) 586-5599 • southwesttransmission.org

September 1, 2009

Susan Bernal
R/W Administrator
Bureau of Land Management
12661 E. Broadway Blvd.
Tucson, Arizona 85748

RE: Certificate of Environmental Compatibility (BLM #AZA-034615)

Dear Ms. Bernal:

The purpose of this letter is to provide your agency a copy of the Certificate of Environmental Compatibility (CEC) issued by the Arizona Corporation Commission (ACC) on July 16, 2009 for Southwest Transmission Cooperatives' (SWTC) San Manuel Interconnect Project. The issuance of a CEC by the ACC invokes conditions that SWTC is mandated to meet, condition 15 of the CEC requires a copy of the CEC be furnished to your agency.

Should you have any questions or require additional information regarding the CEC or the San Manuel Interconnect Project, please contact me directly at 520-586-5457 or email me at kbarnes@ssw.coop.

Sincerely,


Kevin Barnes
Environmental Planner

VIA CERTIFIED MAIL (7006 3450 0000 0265 2615)

c/ Linda Hughes, Bureau of Land Management (w/enclosures)
J. Burson, Southwest Transmission Cooperative, Inc. (w/o enclosures)
M. Freeark, Southwest Transmission Cooperative, Inc. (w/o enclosures)
M. Saunders, Southwest Transmission Cooperative, Inc. (w/o enclosures)
M. Grant, Gallagher & Kennedy, P.A. (w/o enclosures)
File: San Manuel ACC correspondence



**Southwest
Transmission**
COOPERATIVE, INC

P.O. BOX 2195 • BENSON, ARIZONA 85602 • (520) 586-5599 • southwesttransmission.org

September 1, 2009

Gloria Nichols
R/W Administrator
Arizona State Land Department
1616 W. Adams
Phoenix, Arizona 85007

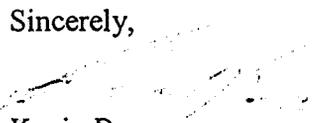
RE: Certificate of Environmental Compatibility (ASLD #14-111826)

Dear Ms. Nichols:

The purpose of this letter is to provide your agency a copy of the Certificate of Environmental Compatibility (CEC) issued by the Arizona Corporation Commission (ACC) on July 16, 2009 for Southwest Transmission Cooperatives' (SWTC) San Manuel Interconnect Project. The issuance of a CEC by the ACC invokes conditions that SWTC is mandated to meet, condition 15 of the CEC requires a copy of the CEC be furnished to your agency.

Should you have any questions or require additional information regarding the CEC or the San Manuel Interconnect Project, please contact me directly at 520-586-5457 or email me at kbarnes@ssw.coop.

Sincerely,


Kevin Barnes
Environmental Planner

VIA CERTIFIED MAIL (7006 3450 0000 0265 2622)

c/ Reuben Ojeda, Arizona State Land Department (w/enclosures)
J. Burson, Southwest Transmission Cooperative, Inc. (w/o enclosures)
M. Freeark, Southwest Transmission Cooperative, Inc. (w/o enclosures)
M. Saunders, Southwest Transmission Cooperative, Inc. (w/o enclosures)
M. Grant, Gallagher & Kennedy, P.A. (w/o enclosures)
File: San Manuel ACC correspondence



**Southwest
Transmission**
COOPERATIVE, INC

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September 1, 2009

Josh Avey
Habitat Branch Chief
Arizona Game and Fish Department
5000 W. Carefree Highway
Phoenix, Arizona 85086

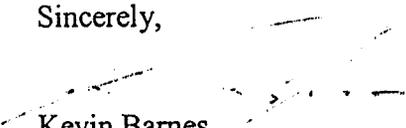
RE: Certificate of Environmental Compatibility

Dear Mr. Avey:

The purpose of this letter is to provide your agency a copy of the Certificate of Environmental Compatibility (CEC) issued by the Arizona Corporation Commission (ACC) on July 16, 2009 for Southwest Transmission Cooperatives' (SWTC) San Manuel Interconnect Project. The issuance of a CEC by the ACC invokes conditions that SWTC is mandated to meet, condition 15 of the CEC requires a copy of the CEC be furnished to your agency.

Should you have any questions or require additional information regarding the CEC or the San Manuel Interconnect Project, please contact me directly at 520-586-5457 or email me at kbarnes@ssw.coop.

Sincerely,


Kevin Barnes
Environmental Planner

VIA CERTIFIED MAIL (7006 3450 0000 0265 2639)

c/ J. Burson, Southwest Transmission Cooperative, Inc. (w/o enclosures)
M. Freeark, Southwest Transmission Cooperative, Inc. (w/o enclosures)
M. Saunders, Southwest Transmission Cooperative, Inc. (w/o enclosures)
M. Grant, Gallagher & Kennedy, P.A. (w/o enclosures)
File: San Manuel ACC correspondence



**Southwest
Transmission**
COOPERATIVE, INC

P.O. BOX 2195 • BENSON, ARIZONA 85602 • (520) 586-5599 • southwesttransmission.org

September 1, 2009

Sheri Cluff, Clerk
Pinal County Board of Supervisors
31 N. Pinal St., Bldg. A
Florence, AZ 85232

RE: Certificate of Environmental Compatibility

Dear Ms. Cluff:

The purpose of this letter is to provide your agency a copy of the Certificate of Environmental Compatibility (CEC) issued by the Arizona Corporation Commission (ACC) on July 16, 2009 for Southwest Transmission Cooperatives' (SWTC) San Manuel Interconnect Project. The issuance of a CEC by the ACC invokes conditions that SWTC is mandated to meet, condition 15 of the CEC requires a copy of the CEC be furnished to your agency.

Should you have any questions or require additional information regarding the CEC or the San Manuel Interconnect Project, please contact me directly at 520-586-5457 or email me at kbarnes@ssw.coop.

Sincerely,

Kevin Barnes
Environmental Planner

VIA CERTIFIED MAIL (70006 3450 0000 0265 2608)

- c/ Manny Gonzales, Pinal County ACM Administrative Services (w/enclosures)
- Larry Robertson, Attorney for Pinal County (w/enclosures)
- J. Burson, Southwest Transmission Cooperative, Inc. (w/o enclosures)
- M. Freeark, Southwest Transmission Cooperative, Inc. (w/o enclosures)
- M. Saunders, Southwest Transmission Cooperative, Inc. (w/o enclosures)
- M. Grant, Gallagher & Kennedy, P.A. (w/o enclosures)
- File: San Manuel ACC correspondence



September 1, 2009

James Garrison
State Historic Preservation Specialist
Arizona State Parks
1300 W. Washington
Phoenix, AZ 85007

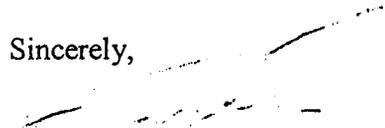
RE: Certificate of Environmental Compatibility

Dear Mr. Garrison:

The purpose of this letter is to provide your agency a copy of the Certificate of Environmental Compatibility (CEC) issued by the Arizona Corporation Commission (ACC) on July 16, 2009 for Southwest Transmission Cooperatives' (SWTC) San Manuel Interconnect Project. The issuance of a CEC by the ACC invokes conditions that SWTC is mandated to meet, condition 15 of the CEC requires a copy of the CEC be furnished to your agency.

Should you have any questions or require additional information regarding the CEC or the San Manuel Interconnect Project, please contact me directly at 520-586-5457 or email me at kbarnes@ssw.coop.

Sincerely,


Kevin Barnes
Environmental Planner

VIA CERTIFIED MAIL (7006 3450 0000 0265 2585)

- c/ JoAnne Medley, Arizona State Parks (w/enclosures)
J. Burson, Southwest Transmission Cooperative, Inc. (w/o enclosures)
M. Freeark, Southwest Transmission Cooperative, Inc. (w/o enclosures)
M. Saunders, Southwest Transmission Cooperative, Inc. (w/o enclosures)
M. Grant, Gallagher & Kennedy, P.A. (w/o enclosures)
File: San Manuel Acc correspondence

Exhibit 3
Condition 17 Affidavit

Exhibit 4
Condition 20 Affidavit

**SAN MANUEL INTERCONNECT TRANSMISSION LINE PROJECT
AFFIDAVIT
CEC Condition 20**

I, Kevin W. Barnes, Environmental Planner for Sierra Southwest Cooperative Services, hereby certify that a discussion with the private landowner, on whose property the project corridor is located, has occurred. These discussions are in compliance with Decision No. 71218 Condition 20 and were completed in 2009.

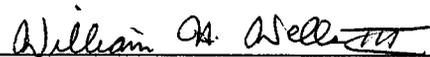

Signature _____
Kevin W. Barnes
Environmental Planner

02/25/10
Date

KEVIN W. BARNES 02/25/10
Printed _____
Kevin W. Barnes
Environmental Planner

State of Arizona)
) ss.
County of Cochise)

The foregoing instrument was acknowledged before me this 25 of February, 2010 by Kevin W. Barnes, Environmental Planner of Sierra Southwest Cooperative Services, an Arizona Corporation, on behalf of the corporation.



Notary Public

My Commission Expires:

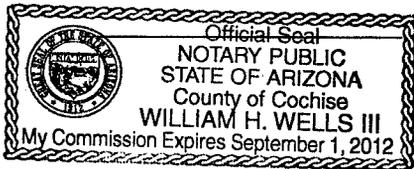


Exhibit 5
Condition 21 Affidavit

**SAN MANUEL INTERCONNECT TRANSMISSION LINE PROJECT
AFFIDAVIT
CEC Condition 21**

I, Kevin W. Barnes, Environmental Planner for Sierra Southwest Cooperative Services, hereby certify reasonable efforts to work with the private landowner on whose property the Project right-of-way will be located, to mitigate the impacts of the location, construction and operation of the Project, has occurred. These agreements are in compliance with Decision No. 71218 Condition 21 and were completed in 2009.


Signature _____ Date 02/25/10
Kevin W. Barnes
Environmental Planner

KEVIN W. BARNES 02/25/10
Printed _____ Date
Kevin W. Barnes
Environmental Planner

State of Arizona)
) ss.
County of Cochise)

The foregoing instrument was acknowledged before me this 25 of February, 2010 by Kevin W. Barnes, Environmental Planner of Sierra Southwest Cooperative Services, an Arizona Corporation, on behalf of the corporation.

William H. Wells III
Notary Public

My Commission Expires:

