

ORIGINAL

OPEN MEETING AGENDA ITEM



BEFORE THE ARIZONA CORPORATION COMMISSION

RECEIVED

- 2 COMMISSIONERS
- 3 KRISTIN K. MAYES, CHAIRMAN
- 4 GARY PIERCE
- 5 SANDRA D. KENNEDY
- 6 PAUL NEWMAN
- 7 BOB STUMP

2010 MAR 25 P 3:01
 AZ CORP COMMISSION
 DOCKET CONTROL

6 IN THE MATTER OF THE APPLICATION OF
 7 HUALAPAI VALLEY SOLAR LLC, IN
 8 CONFORMANCE WITH THE
 9 REQUIREMENTS OF ARIZONA REVISED
 10 STATUTES §§ 40-360.03 AND 40-360.06, FOR
 11 A CERTIFICATE OF ENVIRONMENTAL
 12 COMPATIBILITY AUTHORIZING
 13 CONSTRUCTION OF THE HVS PROJECT, A
 14 340 MW PARABOLIC TROUGH
 15 CONCENTRATING SOLAR THERMAL
 16 GENERATING FACILITY AND AN
 17 ASSOCIATED GEN-TIE LINE
 18 INTERCONNECTING THE GENERATING
 19 FACILITY TO THE EXISTING MEAD-
 20 PHOENIX 500kV TRANSMISSION LINE, THE
 21 MEAD-LIBERTY 345kV TRANSMISSION
 22 LINE OR THE MOENKOPI-EL DORADO
 23 500kV TRANSMISSION LINE.

CASE NO. 151

Docket No. L-00000NN-09-0541-00151

NOTICE OF FILING SAMPLE FORMS

15 The Commission's Legal Division hereby provides sample forms of order for the
 16 Commission's convenience when considering the above-captioned matter. Sample Order No. 1 is in
 17 a format suitable for Commission approval of the Siting Committee's Certificate of Environmental
 18 Compatibility ("CEC") decision. Sample Order No. 2 is in a format for Commission modifications
 19 to the Siting Committee's CEC decision. Sample Order No. 3 is in a format for denial of the CEC
 20 issued in the Siting Committee's decision. Finally, Sample Order No. 4 is in a format suitable for
 21 conditional approval of the Committee's CEC, expressly conditioned upon a stay of the
 22 Commission's decision in order to conduct a proceeding pursuant to A.R.S. § 40-252.

RESPECTFULLY SUBMITTED this 25th day of March, 2010.

Arizona Corporation Commission

DOCKETED

MAR 25 2010

Janet Wagner
 Arizona Corporation Commission
 1200 West Washington Street
 Phoenix, Arizona 85007
 (602) 542-3402

DOCKETED BY	
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1 **Original and twenty-eight (28)**
2 **copies of the foregoing filed this**
3 **25th day of March, 2010 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 25th day of**
10 **March, 2010 to:**

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23 By Roseann Osorio

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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 HUALAPAI VALLEY SOLAR LLC, IN
10 CONFORMANCE WITH THE
11 REQUIREMENTS OF ARIZONA REVISED
12 STATUTES §§ 40-360.03 AND 40-360.06, FOR
13 A CERTIFICATE OF ENVIRONMENTAL
14 COMPATIBILITY AUTHORIZING
15 CONSTRUCTION OF THE HVS PROJECT, A
16 340 MW PARABOLIC TROUGH
17 CONCENTRATING SOLAR THERMAL
18 GENERATING FACILITY AND AN
19 ASSOCIATED GEN-TIE LINE
20 INTERCONNECTING THE GENERATING
21 FACILITY TO THE EXISTING MEAD-
22 PHOENIX 500kV TRANSMISSION LINE, THE
23 MEAD-LIBERTY 345kV TRANSMISSION LINE
24 OR THE MOENKOPI-EL DORADO 500kV
25 TRANSMISSION LINE.

CASE NO. 151

Docket No. L-00000NN-09-0541-00151

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

1 this matter:

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

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**THE CEC ISSUED BY THE SITING COMMITTEE IS
INCORPORATED HEREIN AND IS APPROVED 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 HUALAPAI VALLEY SOLAR LLC, IN
10 CONFORMANCE WITH THE
11 REQUIREMENTS OF ARIZONA REVISED
12 STATUTES §§ 40-360.03 AND 40-360.06, FOR
13 A CERTIFICATE OF ENVIRONMENTAL
14 COMPATIBILITY AUTHORIZING
15 CONSTRUCTION OF THE HVS PROJECT, A
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19 ASSOCIATED GEN-TIE LINE
20 INTERCONNECTING THE GENERATING
21 FACILITY TO THE EXISTING MEAD-
22 PHOENIX 500kV TRANSMISSION LINE, THE
23 MEAD-LIBERTY 345kV TRANSMISSION LINE
24 OR THE MOENKOPI-EL DORADO 500kV
25 TRANSMISSION LINE.

CASE NO. 151

Docket No. L-00000NN-09-0541-00151

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 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 modified 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 the CEC for the above-captioned application for siting approval is in the public interest as
28 modified by this Order.

**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 I IN THE MATTER OF THE APPLICATION OF
9 HUALAPAI VALLEY SOLAR LLC, IN
10 CONFORMANCE WITH THE
11 REQUIREMENTS OF ARIZONA REVISED
12 STATUTES §§ 40-360.03 AND 40-360.06, FOR
13 A CERTIFICATE OF ENVIRONMENTAL
14 COMPATIBILITY AUTHORIZING
15 CONSTRUCTION OF THE HVS PROJECT, A
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18 GENERATING FACILITY AND AN
19 ASSOCIATED GEN-TIE LINE
20 INTERCONNECTING THE GENERATING
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22 PHOENIX 500kV TRANSMISSION LINE, THE
23 MEAD-LIBERTY 345kV TRANSMISSION LINE
24 OR THE MOENKOPI-EL DORADO 500kV
25 TRANSMISSION LINE.

CASE NO. 151

Docket No. L-00000NN-09-0541-00151

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.)

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 above-captioned
22 Application for a Certificate of Environmental Compatibility ("CEC") for siting approval is not in
23 the public interest and therefore the CEC issued by the Arizona Power Plant and Transmission Line
24 Siting Committee ("Siting Committee") is hereby denied 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 granting the Project a CEC is not in the public interest.

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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.
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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**THE CEC ISSUED BY THE SITING COMMITTEE IS
INCORPORATED HEREIN AND IS APPROVED AS MODIFIED 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 _____ 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 HUALAPAI VALLEY SOLAR LLC, IN
10 CONFORMANCE WITH THE
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13 A CERTIFICATE OF ENVIRONMENTAL
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CASE NO. 151

Docket No. L-00000NN-09-0541-00151

DECISION NO. _____

SAMPLE ORDER NO. 4

(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 Conditional CEC.)

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 conditionally approved, subject to the conditions set
24 forth in 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 conditionally in the public

1 interest, subject to certain provisions and conditions.

2 The Commission modifies the CEC to add the following provisions and conditions:

- 3 1) The CEC is conditionally approved, subject to the express condition that the
4 Commission's conditional approval herein is immediately stayed by the terms of
5 this Order.
- 6 2) The Commission shall expeditiously conduct a proceeding pursuant to A.R.S. §
7 40-252 in order to reopen the matter and entertain requests for intervention,
8 including requests from the prospective intervenors and requests from any other
9 parties who may desire to intervene.
- 10 3) The Applicant and all interested parties are hereby put on notice that the
11 Commission will conduct proceedings pursuant to A.R.S. § 40-252 in this matter.
- 12 4) The Commission's Hearing Division is directed to expeditiously schedule a
13 procedural conference to, among other things, establish a procedural schedule for
14 the subsequent A.R.S. § 40-252 proceeding and establish procedures for noticing
15 this matter to the public.

16
17 The Commission further finds and concludes that in balancing the broad public interest in
18 this matter:

- 19 1. The Applicant has put forth evidence in an effort to demonstrate that the Project is in
20 the public interest because it will aid the state in meeting the need for an adequate,
21 economical and reliable supply of electric power.
- 22 2. Two individuals who requested intervention were improperly denied intervention.
23 This left only one official party to the case: the Applicant.
- 24 3. These individuals who were denied intervention sought to present their cases as
25 parties and sought to present information on the central issue in the application: the
26 Project's water usage.
- 27 4. Their presentations would have been helpful to the Commission in balancing the
28 need for the Project with its effect on the environment and ecology of the state.

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- 5. In light of these issues, the balancing in the broad public interest results in favor of conditional approval of the CEC, subject to an immediate stay of the decision and further proceedings pursuant to A.R.S. § 40-252, as set forth above.
- 6. The conditions set forth herein resolve matters concerning the Commission's ability to balance the need for the Project and its impact on the environment and ecology of the State, and as such, serve as the findings for the matters raised.

**THE CEC ISSUED BY THE SITING COMMITTEE IS
INCORPORATED HEREIN AND IS CONDITIONALLY APPROVED AS MODIFIED
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: _____