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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

Arizona Corporation Commission

DOCKETED

AUG 19 2010

AI CORP COMMISSION
DOCKET CONTROL

DOCKETED BY

IN THE MATTER OF THE APPLICATION OF HUALAPAI VALLEY SOLAR LLC, IN CONFORMANCE WITH THE REQUIREMENTS OF ARIZONA REVISED STATUTES §§ 40-360.03 AND 40-360.06, FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AUTHORIZING CONSTRUCTION OF THE HVS PROJECT, A 340 MW PARABOLIC TROUGH CONCENTRATING SOLAR THERMAL GENERATING FACILITY AND AN ASSOCIATED GEN-TIE LINE INTERCONNECTING THE GENERATING FACILITY TO THE EXISTING MEAD-PHOENIX 500kV TRANSMISSION LINE, THE MEAD-LIBERTY 345kV TRANSMISSION LINE OR THE MOENKOPI-EL DORADO 500kV TRANSMISSION LINE.

CASE NO. 151

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

NOTICE OF FILING SAMPLE FORMS OF ORDER FOR RECONSIDERATION OF DECISION NO. 71648

In Decision No. 71648, the Commission granted the Applicant a provisional Certificate of Environmental Compatibility ("CEC") to site a solar plant in the vicinity of Kingman, Arizona ("Project"); the provisional CEC was, however, expressly conditioned upon an immediate stay of the decision in order to conduct further proceedings pursuant to A.R.S. § 40-252. Accordingly, a hearing was conducted pursuant to A.R.S. § 40-252 for purposes of reconsideration, with notice and opportunity to be heard by the parties, including any additional intervenors granted intervention at the time of the A.R.S. § 40-252 proceedings.

Subsequent to the A.R.S. § 40-252 hearing, the parties filed proposed recommendations and/or new conditions for the Commission's consideration concerning possible modification of Decision No. 71648. For example, the Applicant asked the Commission to modify Decision No. 71648 to lift the stay imposed by that Decision and to grant the Applicant a CEC for the Project as otherwise provided by Decision No. 71648. Intervenors Bensusan and Moore-Bayer responded to the Applicant's request to lift the stay, and proposed additional new condition(s) for the Commission to impose if the CEC is

1 granted and the stay is lifted.

2 For the purpose of aiding the Commission in its reconsideration of Decision No. 71648
3 pursuant to A.R.S. § 40-252, the Commission's Legal Division hereby provides sample forms of
4 orders for the Commission's convenience.

5 Sample Order No. 1 is in a format suitable for Commission approval of the CEC provisionally
6 granted by the Commission in Decision No. 71648. This form of order would lift the stay imposed in
7 that Decision and would clarify that all other conditions placed on the CEC under the terms of
8 Decision No. 71648 remain in effect.

9 Sample Order No. 2 is in a format suitable for Commission approval of the CEC provisionally
10 granted by Decision No. 71648 *with modifications* to the decision for additional conditions. Sample
11 Order No. 2 would lift the stay imposed by Decision No. 71648, but unlike Sample Order No. 1, it
12 would also provide for additional new terms and conditions to be imposed upon the CEC, based upon
13 the Commission's reconsideration under A.R.S. § 40-252.

14 Sample Order No. 3 is in a format suitable for denial of the CEC provisionally granted in
15 Decision No. 71648.

16 RESPECTFULLY SUBMITTED this 19 day of August, 2010.

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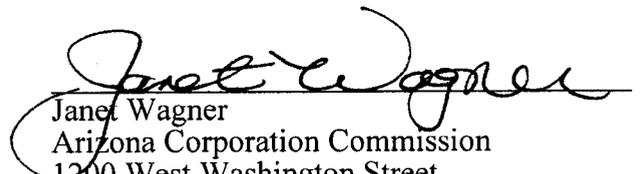
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Janet Wagner
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007
(602) 542-3402

**Original and thirteen
copies of the foregoing filed this
day 19 of August, 2010 with:**

Docket Control
Arizona Corporation Commission
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Phoenix, Arizona 85007

1 **Copy of the foregoing mailed**
2 **this 19 day of August, 2010 to:**

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By Dawn A. Wilson

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 upon reconsideration of Decision No.
71648 that it is in the Public Interest to Lift the
Stay imposed in Decision No. 71648 and Grant
the Project a CEC)*

16 Open Meeting
17 _____, 2010
18 Phoenix, Arizona

19 **BY THE COMMISSION:**

20 Upon reconsideration of Decision No. 71648 pursuant to A.R.S. § 40-252, and after due
21 consideration of all relevant matters with notice and opportunity for all parties to be heard, the
22 Arizona Corporation Commission (“Commission”) finds and concludes that the provisional
23 Certificate of Environmental Compatibility (“CEC”) granted by Decision No. 71648 is hereby
24 affirmed, and the conditional stay imposed by Decision No. 71648 is hereby lifted.

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 as well as the objective of minimizing the effect thereof on the environment and ecology of this state.
28 As a result, the Commission finds that granting the Project a CEC is in the public interest.

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Upon reconsideration of Decision No. 71648, and upon balancing the broad public interest in this matter, the Commission further finds and concludes that,:

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 will effectively minimize its impact on the environment and ecology of the state.
3. The conditions placed on the CEC resolve matters raised during the course of proceedings concerning the need for the Project and its impact on the environment and ecology of the state; as such, they 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, and lifting the stay imposed by Decision No. 71648.
5. All other terms and conditions imposed on the CEC by Decision No. 71648, except those that relate to the stay of Decision No. 71648, remain in effect and are not modified by this Order.

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**IT IS THEREFORE ORDERED THAT THE CEC GRANTED IN DECISION NO. 71648
IS AFFIRMED AND APPROVED, AND THE STAY IMPOSED BY
DECISION NO. 71648 IS HEREBY LIFTED.**

**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
11 REQUIREMENTS OF ARIZONA REVISED
12 STATUTES §§ 40-360.03 AND 40-360.06, FOR
13 A CERTIFICATE OF ENVIRONMENTAL
14 COMPATIBILITY AUTHORIZING
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16 340 MW PARABOLIC TROUGH
17 CONCENTRATING SOLAR THERMAL
18 GENERATING FACILITY AND AN
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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. 2

(Sample Form of Order for the Convenience of the Commission to Use if the Commission Determines it is in the Public Interest upon reconsideration of Decision No. 71648 to lift the stay and Grant the Project a CEC But Also Determines that the Public Interest Requires that the Commission Modify Decision No. 71648 in addition to lifting the stay.)

16 Open Meeting
17 _____, 2010
18 Phoenix, Arizona

19 **BY THE COMMISSION:**

20 Upon reconsideration of Decision No. 71648 pursuant to A.R.S. § 40-252, and after due
21 consideration of all relevant matters with notice and opportunity for all parties to be heard, the
22 Arizona Corporation Commission ("Commission") finds and concludes that the Certificate of
23 Environmental Compatibility ("CEC") provisionally granted in Decision No. 71648 is hereby
24 approved as modified by this Order, and the conditional stay imposed by Decision No. 71648 is
25 hereby lifted, all as provided for herein.

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 objective of minimizing the effect thereof on the environment and ecology of this state. As a

1 result, the Commission finds that granting the Project a CEC is in the public interest as modified by
2 this Order.

3 The Commission modifies Decision No. 71648 by lifting the stay imposed by that Decision
4 and by further modifying the CEC granted by Decision No. 71648 by making the following
5 amendments to the decision.

6
7 *(Insert any desired changes to Decision No. 71648 to modify the terms and conditions*
8 *upon which the CEC is granted. Modifications to the CEC could include amending the Decision*
9 *to include new conditions, changing the language of existing conditions, and/or deleting*
10 *conditions)*

11
12 Upon reconsideration of Decision No. 71648, and upon balancing the broad public interest in
13 this matter, the Commission further finds and concludes that:

- 14 1. The Project is in the public interest because it aids the state in meeting the need for
15 an adequate, economical, and reliable supply of electric power.
- 16 2. In balancing the need for the Project with its effect on the environment and ecology
17 of the state, the conditions placed on the CEC, as modified by the Commission, will
18 effectively minimize its impact on the environment and ecology of the state.
- 19 3. The conditions placed on the CEC, as modified by the Commission, resolve matters
20 raised during the course of the proceedings concerning the need for the Project and its
21 impact on the environment and ecology of the state; as such, they serve as the
22 findings on the matters raised.
- 23 4. In light of these conditions, the balancing in the broad public interest results in favor
24 of granting the CEC as modified by the Commission, and lifting the stay imposed by
25 Decision No. 71648.

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**IT IS THEREFORE ORDERED THAT THE STAY IMPOSED BY DECISION NO 71648
IS LIFTED, AND THE CEC 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
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10 CONFORMANCE WITH THE
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12 STATUTES §§ 40-360.03 AND 40-360.06, FOR
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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 after reconsideration of Decision No. 71648 that it is in the Public Interest to Deny the Project the CEC provisionally Granted in Decision No. 71648)

26 Open Meeting
27 _____, 2010
28 Phoenix, Arizona

18 **BY THE COMMISSION:**

19
20 Upon reconsideration of Decision No. 71648 pursuant to A.R.S. § 40-252, and after due
21 consideration of all relevant matters with notice and opportunity for all parties to be heard, the Arizona
22 Corporation Commission ("Commission") finds and concludes that the above-captioned Application
23 for a Certificate of Environmental Compatibility ("CEC") for siting approval is not in the public
24 interest; therefore, the Application is hereby denied, and the CEC provisionally granted in Decision
25 No. 71648 is not approved.

26 The Commission, in reaching its decision, has balanced all relevant matters in the broad public
27 interest, including the need for an adequate, economical, and reliable supply of electric power as well
28 as the objective of minimizing the effect thereof on the environment and ecology of this state. As a

1 result, the Commission finds that granting the Project a CEC is not in the public interest.

2 Upon reconsideration of Decision No. 71648, and upon balancing the broad public interest in
3 this matter, the Commission finds and concludes that:

- 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
6 A.R.S. § 40-360.06 are considered along with the need for an adequate, economical,
7 and reliable supply of electric power.
- 8 2. Any conditions placed upon the CEC would not be sufficient to weigh the balancing
9 of the public interest in favor of granting a CEC in this matter when all the factors set
10 forth in A.R.S. § 40-360.06 are considered along with the need for an adequate,
11 economical, and reliable supply of electric power.
- 12 3. The record compels balancing the competing public interests in favor of protection of
13 the environment and ecology of the State of Arizona by denying Applicant a
14 Certificate of Environmental Compatibility.
- 15 4. The CEC provisionally approved by the Commission in Decision No. 71648 pending
16 further proceedings for reconsideration pursuant to A.R.S. § 40-252 should not be
17 approved, and is hereby denied.
- 18 5. The Commission's findings herein serve as the Commission's findings of fact and
19 conclusions of law in reaching its decision upon reconsideration.

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