



JAN 27 2011

**BEFORE THE ARIZONA POWER PLANT AND
TRANSMISSION LINE SITING COMMITTEE**

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IN THE MATTER OF THE APPLICATION OF
TUCSON ELECTRIC POWER COMPANY FOR
A CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AUTHORIZING THE
CONSTRUCTION OF A SINGLE 138 kV
TRANSMISSION LINE AND ASSOCIATED
FACILITIES FROM THE EXISTING DEMOSS
PETRIE SUBSTATION IN SECTION 35, T.13S.,
R.13E., TO THE EXISTING TUCSON
SUBSTATION IN SECTION 12, T.14S., R.13E.,
IN THE CITY OF TUCSON, PIMA COUNTY,
ARIZONA.

Docket No. L-00000C-10-0507-00157
Case No. 157

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CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY

Pursuant to notice given as provided by law, the Arizona Power Plant and Transmission Line Siting Committee (the "Committee") held public hearings on January 24 and 25, 2011 in Tucson, all in conformance with the requirements of Arizona Revised Statutes ("A.R.S.") § 40-360, *et seq.*, for the purpose of receiving evidence and deliberating on the Application of Tucson Electric Power Company ("TEP") (the "Applicant") for a Certificate of Environmental Compatibility ("CEC") for the DeMoss Petrie to Tucson 138kV Transmission Line Project (the "Project").

The following members and designees of members of the Committee were present at one or more of the hearings for the evidentiary presentations and/or for the deliberations:

- | | |
|-------------------------|--|
| John Foreman | Chairman, Designee for Arizona Attorney General Tom Horne |
| David L. Eberhart, P.E. | Designee for Chairman, Arizona Corporation Commission |
| Paul Rasmussen | Designee for Director, Arizona Department of Environmental Quality |
| Jessica Youle | Designee for Director, Energy Office, Arizona Commerce Authority |
| Jeff McGuire | Appointed Member |

1	F. Ann Rodriguez	Appointed Member
2	Michael Palmer	Appointed Member
3	Michael Whalen	Appointed Member
4	Barry Wong	Appointed Member

5 The Applicant was represented by: J. Matthew Derstine and Jason D. Gellman of Roshka,
6 DeWulf & Patten, PLC, and Marcus G. Jerden of UniSource Energy Corporation for TEP. The
7 following parties were granted intervention pursuant to A.R.S. § 40-360.05: Ian Johnson, in
8 propria persona.

9 At the conclusion of the hearings – after considering the Application, the evidence and
10 exhibits presented, the legal requirements of A.R.S. §§ 40-360 to 40-360.13, and upon motion
11 duly made and seconded – the Committee voted nine to zero to grant the Applicant, its successors
12 and assigns, this CEC for the construction of the Project (Case No. 157).

13 The Project as approved consists of a new single-circuit 138kV transmission line that is
14 approximately 2.4 miles in length from the existing TEP DeMoss Petrie (“DMP”) Substation to
15 the existing TEP Tucson Substation, in the City of Tucson, Pima County Arizona. The
16 transmission structures will be double-circuit monopole structures, with typical heights of 75 to
17 100 feet; with taller structures at major road and/or line crossings; and structures adjacent to
18 crossing Interstate-10 (“I-10”) will not exceed 200 feet. Poles and conductors shall not be placed
19 inside the perimeter of Oury Park. TEP will construct a 46 kV transmission line onto the Project
20 structures between the DMP and Tucson substations. The corridor width for the entire Project
21 route is 300 feet.

22 The route for the project will be the Freeway Route. Starting at the DMP Substation, this
23 route proceeds in a southeasterly direction, east of and adjacent to the Union Pacific Railroad
24 Right-of-Way (“UPRR ROW”), crosses Grant Road, and continues in a southerly direction for
25 approximately 0.5 mile. The route then crosses the UPRR ROW, proceeding south adjacent to and
26 immediately east of the westbound I-10 frontage road for approximately 0.75 mile. It then
27 proceeds west approximately 0.1 mile, crossing over to the west side of I-10 in the vicinity of

1 Speedway Boulevard. The route continues south, adjacent to and immediately west of the
2 eastbound I-10 frontage road for approximately 0.5 mile and then east for approximately 0.4 mile,
3 crossing over I-10. The route then proceeds east along St. Mary's Road, for 0.2 mile, and
4 continues adjacent to TEP's existing 138kV line crossing Granada Avenue, Main Avenue, and the
5 UPRR ROW, terminating at the Tucson Substation.

6 A location map of the Project is attached as Exhibit A.

7 **CONDITIONS**

8 This Certificate is granted upon the following conditions:

- 9 1. Any transfer or assignment of this Certificate shall require the assignee or
10 successor to assume all responsibilities of the Applicant listed in this Certificate
11 and its conditions in writing as required by A.R.S. § 40-360.08(A) and R14-3-
12 213(F) of the Arizona Administrative Code.
- 13 2. The Applicant shall obtain all approvals and permits required by the United
14 States, the State of Arizona, Pima County, the City of Tucson, and any other
15 governmental entities having jurisdiction necessary to construct and operate the
16 Project.
- 17 3. During the construction and operation of the Project, the Applicant shall comply
18 with all applicable statutes, ordinances, master plans and regulations of the United
19 States, the State of Arizona, Pima County, the City of Tucson, and any other
20 governmental entities having jurisdiction, and their agencies or subdivisions,
21 including but not limited to the following:
- 22 3.1 all applicable land use regulations;
- 23 3.2 all applicable zoning stipulations and conditions, including but not limited
24 to landscaping and dust control requirements;
- 25 3.3 all applicable water use, discharge, and/or disposal requirements of the
26 Arizona Department of Water Resources (ADWR) and the Arizona
27 Department of Environmental Quality (ADEQ);

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- 3.4 all applicable noise control standards; and
- 3.5 all applicable regulations regarding storage and handling of hazardous chemicals and petroleum products.
- 4. If any archaeological site, paleontological site, historical site or an object that is at least 50 years old is discovered on state, county or municipal land during the construction or operation of the Project, the Applicant or its representative in charge shall promptly report the discovery to the Director of the Arizona State Museum ("Director"), and in consultation with the Director, shall immediately take all reasonable steps to secure and maintain the preservation of the discovery, pursuant to A.R.S. § 41-844.
- 5. 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 Project, the Applicant shall cease work on the affected area of the Project and notify the Director, pursuant to A.R.S. § 41-865.
- 6. 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 Project, subject to Arizona Department of Transportation approval.
- 7. This authorization to construct this Project shall expire unless the transmission line is capable of operation within five years from the date the Certificate is approved by the Arizona Corporation Commission ("Commission"). However, prior to expiration, the Applicant may request that the Commission extend this time limitation.
- 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, neighborhood associations registered with the City of Tucson

1 within the study area as set forth in the Application, and residents within one mile
2 of the Project corridor, all persons who made public comment at this proceeding,
3 and all parties to this proceeding of the request and the date, time and place of the
4 hearing in which the Commission will consider the request for extension.

5 9. The Applicant shall make every reasonable effort to identify and correct, on a case-
6 specific basis, all complaints of interference with radio or television signals from
7 operation of the transmission lines and related facilities addressed in this
8 Certificate. The Applicant shall maintain written records for a period of five years
9 of all complaints of radio or television interference attributable to operation,
10 together with the corrective action taken in response to each complaint. All
11 complaints shall be recorded to include notations on the corrective action taken.
12 Complaints not leading to a specific action or for which there was no resolution
13 shall be noted and explained. Upon request, the written records shall be provided
14 to the Staff of the Commission.

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

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

1 (e) The name of the Applicant; and

2 (f) The website of the Project.

3 11. Applicant or its assignees, shall design the transmission lines to incorporate
4 reasonable measures to minimize impacts to raptors.

5 12. Applicant shall use non-specular conductor and dulled surfaces for the Project's
6 transmission line structures. Applicant shall use galvanized or gray poles as
7 crossing structures over Interstate 10.

8 13. Before construction on this Project may commence, the Applicant shall file a
9 construction mitigation and restoration plan ("Plan") with ACC Docket Control and
10 Mr. Johnson. Where practicable, the Plan shall specify the Applicant's plans for
11 construction access and methods to minimize impacts to wildlife and to minimize
12 vegetation disturbance outside of the Project right-of-way particularly in drainage
13 channels and along stream banks, and shall re-vegetate, unless waived by the
14 landowner, native areas of construction disturbance to its preconstruction state
15 outside of the power-line right-of-way after construction has been completed. The
16 Plan shall specify the Applicant's plans for coordination with the Arizona Game
17 and Fish Department ("AGFD") and the State Historic Preservation Office
18 ("SHPO"). The Applicant shall use existing roads for construction and access
19 where practicable and the Plan shall specify the manner in which the Applicant
20 makes use of existing roads.

21 14. Applicant shall follow any published guidelines adopted by AGFD or the United
22 States Fish and Wildlife Service ("USFW") for handling contacts during the
23 construction and operation of the Project with any species designated as
24 endangered. Applicant also shall follow any published and adopted guidelines for
25 handling contacts with any species of greatest conservation need as designated by
26 AGFD. If no published and adopted guidelines exist, the Applicant shall use
27 reasonable care to avoid any harm to individuals of the designated species. If the

1 avoidance of harm to individuals is not possible, the Applicant shall contact AGFD
2 and USFW to obtain any appropriate permits and guidance for removing the
3 individual members of the species contacted from the area of the Project.

4 15. With respect to the Project, Applicant shall participate in good faith in state and
5 regional transmission study forums to coordinate transmission expansion plans
6 related to the Project and to resolve transmission constraints in a timely manner.

7 16. The Applicant shall provide copies of this Certificate to Pima County, the City of
8 Tucson, the Arizona State Land Department, SHPO and AGFD.

9 17. Before construction commences on this Project, the Applicant shall provide known
10 homebuilders, neighborhood associations registered with the City of Tucson within
11 the study area as set forth in the Application, and developers of record who are
12 building upon or developing land within one mile of the center line of the
13 Certificated route of the transmission line, a written description of the Project. The
14 written description shall identify the location of the Project and contain a pictorial
15 description of the type of transmission line being constructed. The Applicant also
16 shall encourage the developers and homebuilders to include this information in the
17 developers' and homebuilders' homeowners' disclosure statements.

18 18. Before commencing construction of Project facilities located parallel to and within
19 100 feet of any existing natural gas or hazardous liquid pipeline, the Applicant
20 shall:

21 (a) Perform the appropriate grounding and cathodic protection studies to show
22 that the Project's location parallel to and within 100 feet of such pipeline
23 results in no material adverse impacts to the pipeline or to public safety
24 when both the pipeline and the Project are in operation. If material adverse
25 impacts are noted in the studies, Applicant shall take appropriate steps to
26 ensure that such material adverse impacts are mitigated. Applicant shall
27 provide to Commission Staff and Docket Control reports of studies

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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 and Docket Control.

19. 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.

20. 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 the Docket Control of the Commission and Mr. Johnson on November 1 beginning in 2011. 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 the Arizona Commerce Authority Energy Office. The requirement for self-certification shall expire on the date the Project is placed into operation.

21. 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.

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22. 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.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Certificate incorporates the following findings of fact and conclusions of law:

1. The Project aids the state in meeting the need for an adequate, economical and reliable supply of electric power.
2. The conditions placed on the Project in the CEC by the Committee effectively minimize the impact of the Project on the environment and ecology of the state.
3. The Project is in the public interest because the Project's contribution to meeting the need for the adequate, economical and reliable supply of electric power outweighs the minimized impact of the Project on the environment and ecology of the state.

DATED this 27th day of January, 2011.

**THE ARIZONA POWER PLANT AND
TRANSMISSION LINE SITING COMMITTEE**



Hon. John Foreman, Chairman

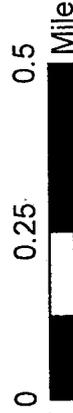
EXHIBIT A: Approved Alignment

DMP to Tucson 138kV
Transmission Line Project

January 2011

Legend

-  Approved 300' Corridor
-  Existing Substation
-  TEP Owned Parcels
-  Union Pacific Railroad
-  Interstate
-  Road



A UniSource Energy Company

