

**GALLAGHER & KENNEDY**  
P.A.  
ATTORNEYS AT LAW

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AZ CORP COMMISSION  
DOCKET CONTROL

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February 25, 2011

**HAND DELIVERED**

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

Re: *Southwest Transmission Cooperative, Inc. ("SWTC") Certification Letter in Compliance with Condition 19 of the CEC in Decision No. 71649; SWTC and CAP Joint Projects; Docket No. L-00000CC-09-0543-00152, Case No. 152*

Dear Sir or Madam:

Enclosed is SWTC's Certification letter concerning the status of CEC compliance as of March 1, 2011 as required by Condition 19 of the CEC in Decision No. 71649. Your assistance is appreciated.

Very truly yours,

GALLAGHER & KENNEDY, P.A.

By:

Michael M. Grant

MMG/plp  
15169-16/2675910

Enclosure

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

**Original and 25 copies** filed with Docket Control this 25<sup>th</sup> day of February, 2011.

Arizona Corporation Commission  
**DOCKETED**

FEB 25 2011

DOCKETED BY

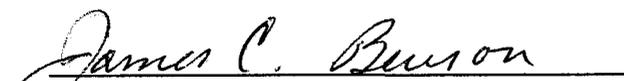
Mr. Steve Olea  
Utilities Division Director  
Arizona Corporation Commission  
1200 W. Washington St.  
Phoenix, AZ 85007

**RE: SOUTHWEST TRANSMISSION COOPERATIVE, INC., (SWTC) AND  
CENTRAL ARIZONA PROJECT (CAP) JOINT PROJECTS CERTIFICATE  
OF ENVIRONMENTAL COMPATIBILITY (CEC); DECISION NO. 71649;  
DOCKET NO. L00000CC-09-0543-00152, CASE NO. 152; ANNUAL  
CERTIFICATION LETTER FOR THE SWTC AND CAP JOINT PROJECTS**

Dear Mr. Olea:

Southwest Transmission Cooperative, Inc (SWTC) submits this letter certifying the status of the compliance with the conditions of the CEC issued for the SWTC and CAP Joint Projects as of March 1, 2011. This certification letter complies with the requirements of CEC Condition 19 in Decision No. 71649. Attached to this certification letter are documents concerning certain compliance activities conducted to date for certain of the conditions.

Respectfully,

  
James C. Burson  
Southwest Transmission Cooperative, Inc.  
Chief Operating Officer

Enclosures

*Via Certified Mail (7009 0960 0000 7829 5011)*

**SWTC and CAP Joint Projects (Projects) Annual Self-Certification**  
**in Relation to the Certificate of Environmental Compatibility (“CEC”) Conditions**

As required by Condition 19 of the CEC, the following information identifies progress made with respect to each condition contained in the CEC as of March 1, 2011. Compliance items incomplete as of March 1, 2011 will be addressed in the 2012 certification letter.

Condition 1            *The Applicant shall obtain all approvals and permits required by the United States, the State of Arizona, the County of Pima and any other governmental entities having jurisdiction necessary to construct the Projects. The Applicant shall also comply with the results of the consultation required by Section 106 of the National Historic Preservation Act among the Rural Utilities Service, Arizona State Land Department and the State Historic Preservation Office.*

All necessary approvals and permits will be obtained prior to commencement of construction. As the terms of Condition 1 and other conditions are met, appropriate documentation to that effect will be provided.

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 Pima and any other governmental entities having jurisdiction during the construction and operation of the transmission line.*

SWTC will comply with all applicable statutes, ordinances, master plans and regulations during the construction and operation of the Projects.

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.*

SWTC will file the required Notice of Intent to clear lands with the Arizona Department of Agriculture prior to construction and will comply with the other requirements of Condition 5.

Condition 6 *The Applicant shall not assign this Certificate or its interest in the Projects authorized by this Certificate unless the assignee assumes in writing all responsibilities of the Applicant listed in this Certificate.*

SWTC will not assign the Certificate or its interest in the Projects unless the assignee assumes all CEC responsibilities in writing.

Condition 7 *This authorization to construct the Projects shall expire seven 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 the Projects will expire seven years from the time the Certificate was approved by the Commission.

Condition 8 *In the event that the Projects require 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 Projects require an extension of the term of the CEC, 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 Projects has not commenced. Upon the Projects becoming operational, all complaints will be addressed as they are received and actions taken will be documented as required by Condition 9.

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 Projects 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 Projects, 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 Projects facilities;*
- (b) The expected date of completion of the Projects facilities;*
- (c) A phone number for public information regarding the Projects;*
- (d) The name of the Projects;*
- (e) The name of the Applicant; and*
- (f) The website of the Projects.*

Normal roadway-sized signs were posted in compliance with Condition 10 on July 28, 2010. Exhibit 1 is an Affidavit certifying posting and containing the language used on the signs.

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 in the Projects to minimize impacts to raptors.

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 structures.

Condition 13      *Before construction on the Projects 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 coordinating with the Arizona Game and Fish Department and 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.*

SWTC will prepare a construction mitigation and restoration plan and file the plan with ACC Docket Control prior to construction.

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

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

Condition 15      *The Applicant shall provide copies of this Certificate to Pima County, the Arizona State Land Department, the Rural Utilities Service, the State Historic Preservation Office and the Arizona Game and Fish Department.*

A copy of the certificate was sent to the required agencies on January 12, 2011 via certified mail. Exhibit 2 is an Affidavit confirming compliance. No further action is required and compliance with Condition 15 is complete.

Condition 16

*Prior to the date construction commences on the Projects, 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.*

Prior to the Projects' construction, SWTC will provide the information required to known homebuilders or developers within one mile of the Projects.

Condition 17

*Before commencing construction of Projects facilities located 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 Projects' location 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 Projects 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 Projects that may be caused by the collocation of the Projects 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.*

Prior to construction, SWTC will prepare the studies as applicable in Condition 17.

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 followed by SWTC. When all terms of Condition 18 are met, an affidavit will be provided in accordance with Condition 19.

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 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 Department of Commerce Energy Office. The requirement for the self-certification shall expire on the date the Projects are placed into operation.*

This certification letter fulfills the first required submittal stated in Condition 19.

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 Projects corridor is located, to identify the specific location for the Projects' right-of-way and placement of poles.*

Within 60 days of the grant of the CEC, all private landowners were contacted as required by the terms of Condition 20. Exhibit 3 is an Affidavit attesting to the fact that discussions with the landowners have occurred.

Condition 21

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

A review of SWTC's work plan and the economic environment has caused SWTC to delay construction of the Projects. Landowners have been notified of the delay. The terms of Condition 21 will be adhered to when the Projects are re-initiated.

**Exhibit 1**  
**Condition 10 Affidavit**

**SWTC and CAP Joint Projects  
AFFIDAVIT  
CEC Condition 10**

I, David J. Taylor, Environmental Planner for Sierra Southwest Cooperative Services, Inc., hereby certify that required public notification signs have been posted. The posting of the signs on July 28, 2010 is in compliance with Decision No. 71649, Condition 10.

Attached hereto is the language exhibited on posted signs.

  
Signature \_\_\_\_\_ Date 2/22/11  
David J. Taylor  
Environmental Planner

David J. Taylor 2/22/11  
Printed \_\_\_\_\_ Date  
David J. Taylor  
Environmental Planner

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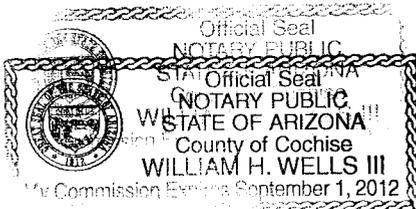
State of Arizona        )  
                                  ) ss.  
County of Cochise     )

The foregoing instrument was acknowledged before me on February 22, 2011 by David J. Taylor, Environmental Planner of Sierra Southwest Cooperative Services, Inc., an Arizona Corporation, on behalf of the corporation.

William H. Wells III  
Notary Public

My Commission Expires:

September 1, 2012



**Site of a future 115 kV single-circuit  
transmission line as approved by the  
Arizona Corporation Commission**

Estimated completion date is  
February 2017

**SWTC & CAP Joint Project**

AKA: North Loop to Valencia Project

For more information call

David Taylor 520-586-5119

[www.southwesttransmission.coop](http://www.southwesttransmission.coop)



**Southwest  
Transmission**  
COOPERATIVE, INC

**Exhibit 2**  
**Condition 15 Affidavit**





January 12, 2011

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

**RE: Certificate of Environmental Compatibility (CEC)**

Dear Mr. Avey:

The purpose of this letter is to provide your agency a copy of the CEC issued by the Arizona Corporation Commission (ACC) on April 4, 2010 for Southwest Transmission Cooperative Inc.'s (SWTC) Central Arizona Project (CAP) Joint Projects. 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 SWTC CAP Joint Project, please contact me directly at 520-586-5119 or email me at dtaylor@ssw.coop.

Sincerely,

David Taylor  
Environmental Planner

VIA CERTIFIED MAIL (7004 1350 0002 4511 6591)

c/ Lorraine Green, SWTC (w/o enclosures)  
M. Grant, Gallagher & Kennedy, P.A. (w/o enclosures)  
File: SWTC CAP Joint Project correspondence  
File: T.000895011  
T.000604011  
T.000887011



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

January 12, 2011

James Rees  
R/W Administrator  
Arizona State Land Department  
1616 W. Adams  
Phoenix, Arizona 85007

**RE: Certificate of Environmental Compatibility (CEC) (Arizona State Land Department (ASLD) Application Numbers #14-14146, 14-114147 and 14-114148)**

Dear Mr. Rees:

The purpose of this letter is to provide your agency a copy of the CEC issued by the Arizona Corporation Commission (ACC) on April 14, 2010 for Southwest Transmission Cooperative Inc's (SWTC) Central Arizona Project (CAP) Joint Projects. In September 2010, Michael Saunders of SWTC contacted your office and canceled ASLD applications 14-114146, 14-114147 and 14-114148.

At this time, SWTC remains steadfast in the cancellation of these applications. However, 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 SWTC CAP Joint Projects, please contact me directly at 520-586-5119 or email me at dtaylor@ssw.coop.

Sincerely,

A handwritten signature in black ink, appearing to read "David Taylor", written over a horizontal line.

David Taylor  
Environmental Planner

VIA CERTIFIED MAIL (7004 1350 0002 4511 6584)

c/ Lorraine Green, SWTC (w/o enclosures)  
M. Grant, Gallagher & Kennedy, P.A. (w/o enclosures)  
File: SWTC CAP Joint Project correspondence  
File: T.000895011  
T.000604011  
T.000887011



**Southwest  
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COOPERATIVE, INC

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January 12, 2011

Arlan Colton  
Planning Director  
Pima County Development Services  
201 N Stone, 1<sup>st</sup> Floor  
Tucson, AZ 85701

**RE: Certificate of Environmental Compatibility (CEC)**

Dear Mr. Colton:

The purpose of this letter is to provide your agency a copy of the CEC issued by the Arizona Corporation Commission (ACC) on April 14, 2010 for Southwest Transmission Cooperative Inc.'s (SWTC) Central Arizona Project (CAP) Joint Projects. 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 SWTC Cap Joint Projects, please contact me directly at 520-586-5119 or email me at dtaylor@ssw.coop.

Sincerely,

David Taylor  
Environmental Planner

VIA CERTIFIED MAIL (7004 1350 0002 4511 6577)

c/ Lorraine Green, SWTC (w/o enclosures)  
M. Grant, Gallagher & Kennedy, P.A. (w/o enclosures)  
File: SWTC CAP Joint Project correspondence  
File: T.000895011  
T.000604011  
T.000887011



**Southwest  
Transmission**  
COOPERATIVE, INC

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January 12, 2011

Mr. Dennis Rankin  
Environmental Protection Specialist  
Engineering and Environmental Staff  
Rural Utilities Service  
1400 Independence Ave, SW Rm. 2244-S  
Stop 1517 S. Agricultural Building  
Washington, DC 20250

**RE: Certificate of Environmental Compatibility (CEC)**

Dear Mr. Rankin:

The purpose of this letter is to provide your agency a copy of the CEC issued by the Arizona Corporation Commission (ACC) on April 4, 2010 for Southwest Transmission Cooperative Inc.'s (SWTC) Central Arizona Project (CAP) Joint Projects. 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 SWTC CAP Joint Projects, please contact me directly at 520-586-5119 or email me at dtaylor@ssw.coop.

Sincerely,

David Taylor  
Environmental Planner

VIA CERTIFIED MAIL (7004 1350 0002 4511 6560)

c/ Lorraine Green, SWTC (w/o enclosures)  
M. Grant, Gallagher & Kennedy, P.A. (w/o enclosures)  
File: SWTC CAP Joint Project correspondence  
File: T.000895011  
T.000604011  
T.000887011



**Southwest  
Transmission**  
COOPERATIVE, INC

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

January 12, 2011

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

**RE: Certificate of Environmental Compatibility (CEC)**

Dear Mr. Garrison:

The purpose of this letter is to provide your agency a copy of the CEC issued by the Arizona Corporation Commission (ACC) on April 14, 2010 for Southwest Transmission Cooperative Inc.'s (SWTC) Central Arizona Project (CAP) Joint Projects. 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 SWTC CAP Joint Projects, please contact me directly at 520-586-5119 or email me at dtaylor@ssw.coop.

Sincerely,

David Taylor  
Environmental Planner

VIA CERTIFIED MAIL (7004 1350 0002 4511 6607)

c/ Lorraine Green, SWTC (w/o enclosures)  
M. Grant, Gallagher & Kennedy, P.A. (w/o enclosures)  
File: SWTC CAP Joint Project correspondence  
File: T.000895011  
T.000604011  
T.000887011

**Exhibit 3**  
**Condition 20 Affidavit**

**SWTC and CAP Joint Projects  
AFFIDAVIT  
CEC Condition 20**

I, Michael Saunders, Land Services Manager for Sierra Southwest Cooperative Services, hereby certify that discussions with the private landowners, on whose property the Projects' corridors are located, have occurred. These discussions, in compliance with Decision No. 71649, CEC Condition 20, were initiated on May 19, 2010.

Michael Saunders 2-22-11  
Signature Date  
Michael Saunders  
Land Services Manager

MICHAEL SAUNDERS 2-22-11  
Printed Date  
Michael Saunders  
Land Services Manager

State of Arizona       )  
                                  ) ss.  
County of Cochise    )

The foregoing instrument was acknowledged before me on February 22, 2011 by Michael Saunders, Land Services Manager of Sierra Southwest Cooperative Services, Inc., an Arizona Corporation, on behalf of the corporation.

William H. Wells III  
Notary Public

My Commission Expires:

September 1, 2012

