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OPEN MEETING AGENDA ITEM
BEFORE THE ARIZONA CORPORATION COMMISSION
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Arizona Corporation Commission
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COMMISSIONERS
Gary Pierce, Chairman
Sandra D. Kennedy
Paul Newman
Bob Stump
Brenda Burns

IN THE MATTER OF THE APPLICATION OF ARIZONA PUBLIC SERVICE COMPANY, IN CONFORMANCE WITH THE REQUIREMENTS OF ARIZONA REVISED STATUTES §§ 40-360, *et seq.*, FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AUTHORIZING THE MAZATZAL SUBSTATION AND 345KV INTERCONNECTION PROJECT, WHICH INCLUDES THE CONSTRUCTION OF TWO 345KV TRANSMISSION LINES AND A NEW 345/69/21KV SUBSTATION, SECTION 4, TOWNSHIP 8 NORTH, RANGE 10 EAST, G&SRB&M, ADJACENT TO THE INTERSECTION OF THE EXISTING FOUR CORNERS - CHOLLA - PINNACLE PEAK 345KV TRANSMISSION LINES AND FOREST ROAD 379, WITHIN THE TONTO NATIONAL FOREST IN GILA COUNTY, ARIZONA.

CASE NO. 160
Docket No. L-00000D-11-0068-00160
NOTICE OF FILING SAMPLE FORMS OF ORDER

The Commission's Legal Division hereby provides sample forms of order for the Commission's convenience when considering the above-captioned matter. Sample Order No. 1 is in a format suitable for Commission approval of the Siting Committee's Certificate of Environmental Compatibility ("CEC") decision. Sample Order No. 2 is in a format for Commission modifications to the Siting Committee's CEC decision. Sample Order No. 3 is in a format for denial of the CEC issued in the Siting Committee's decision.

RESPECTFULLY SUBMITTED this 20th day of April, 2011.

Scott Hesla
Attorney, Legal Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

1 **Original and twenty-eight (28)**
2 **copies of the foregoing filed this**
3 **20th day of April, 2011 with:**

4 Docket Control
5 Arizona Corporation Commission
6 1200 West Washington Street
7 Phoenix, Arizona 85007

8 **Copies of the foregoing mailed**
9 **this 20th day of April, 2011 to:**

10 Albert H. Acken, Esq.
11 LEWIS & ROCA, LLP
12 40 North Central Avenue, Suite 1900
13 Phoenix, Arizona 85004
14 Attorneys for Applicant Arizona Public Service

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By Monica A. Martinez

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 **COMMISSIONERS**

3 Gary Pierce, Chairman

4 Sandra D. Kennedy

5 Paul Newman

6 Bob Stump

7 Brenda Burns

8 IN THE MATTER OF THE APPLICATION OF
9 ARIZONA PUBLIC SERVICE COMPANY, IN
10 CONFORMANCE WITH THE REQUIREMENTS
11 OF ARIZONA REVISED STATUTES §§ 40-360, *et*
12 *seq.*, FOR A CERTIFICATE OF
13 ENVIRONMENTAL COMPATIBILITY
14 AUTHORIZING THE MAZATZAL SUBSTATION
15 AND 345KV INTERCONNECTION PROJECT,
16 WHICH INCLUDES THE CONSTRUCTION OF
17 TWO 345KV TRANSMISSION LINES AND A
18 NEW 345/69/21KV SUBSTATION, SECTION 4,
19 TOWNSHIP 8 NORTH, RANGE 10 EAST,
20 G&SRB&M, ADJACENT TO THE
21 INTERSECTION OF THE EXISTING FOUR
22 CORNERS – CHOLLA – PINNACLE PEAK 345KV
23 TRANSMISSION LINES AND FOREST ROAD
24 379, WITHIN THE TONTO NATIONAL FOREST
25 IN GILA COUNTY, ARIZONA.

CASE NO. 160

Docket No. L-00000D-11-0068-00160

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.)

26 Open Meeting
27 April 27, 2011
28 Phoenix, Arizona

BY THE COMMISSION:

Pursuant to A.R.S. § 40-360, *et seq.*, after due consideration of all relevant matters, the Arizona Corporation Commission ("Commission") finds and concludes that the Certificate of Environmental Compatibility ("CEC") issued by the Arizona Power Plant and Transmission Line Siting Committee ("Siting Committee") is hereby approved as granted by this Order.

The Commission, in reaching its decision, has balanced all relevant matters in the broad public interest, including the need for an adequate, economical and reliable supply of electric power with the desire to minimize the effect thereof on the environment and ecology of this state, and finds that granting the Project a CEC is in the public interest.

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

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 effectively minimize its impact on the environment and ecology of the state.
3. The conditions placed on the CEC resolve matters concerning the need for the Project and its impact on the environment and ecology of the state raised during the course of proceedings, and as such, 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.

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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
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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 _____ 2011.

ERNEST G. JOHNSON
Executive Director

DISSENT: _____

DISSENT: _____

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 **COMMISSIONERS**

3 Gary Pierce, Chairman
4 Sandra D. Kennedy
5 Paul Newman
6 Bob Stump
7 Brenda Burns

8 IN THE MATTER OF THE APPLICATION OF
9 ARIZONA PUBLIC SERVICE COMPANY, IN
10 CONFORMANCE WITH THE REQUIREMENTS
11 OF ARIZONA REVISED STATUTES §§ 40-360,
12 *et seq.*, FOR A CERTIFICATE OF
13 ENVIRONMENTAL COMPATIBILITY
14 AUTHORIZING THE MAZATZAL SUBSTATION
15 AND 345KV INTERCONNECTION PROJECT,
16 WHICH INCLUDES THE CONSTRUCTION OF
17 TWO 345KV TRANSMISSION LINES AND A
18 NEW 345/69/21KV SUBSTATION, SECTION 4,
19 TOWNSHIP 8 NORTH, RANGE 10 EAST,
20 G&SRB&M, ADJACENT TO THE
21 INTERSECTION OF THE EXISTING FOUR
22 CORNERS – CHOLLA – PINNACLE PEAK
23 345KV TRANSMISSION LINES AND FOREST
24 ROAD 379, WITHIN THE TONTO NATIONAL
25 FOREST IN GILA COUNTY, ARIZONA.

CASE NO. 160

Docket No. L-00000D-11-0068-00160

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 April 27, 2011
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

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

3 The Commission modifies the CEC to (add) (modify) (delete) the following provisions and/or
4 condition(s):

5
6 *(For example, modifications to the Siting Committee's CEC could include amending the*
7 *Committee's determinations, adding new conditions, changing conditions' language and/or*
8 *deleting the conditions.)*

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11 The Commission further finds and concludes that in balancing the broad public interest in this
12 matter:

- 13 1. The Project is in the public interest because it aids the state in meeting the need for an
14 adequate, economical and reliable supply of electric power.
- 15 2. In balancing the need for the Project with its effect on the environment and ecology of
16 the state, the conditions placed on the CEC as modified by the Commission effectively
17 minimize its impact on the environment and ecology of the state.
- 18 3. The conditions placed on the CEC as modified by the Commission resolve matters
19 concerning the need for the Project and its impact on the environment and ecology of
20 the state raised during the course of proceedings, and as such, serve as the findings on
21 the matters raised.
- 22 4. In light of these conditions, the balancing in the broad public interest results in favor
23 of granting the CEC as modified by the Commission.

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1 THE CEC ISSUED BY THE SITING COMMITTEE IS
2 INCORPORATED HEREIN AND IS APPROVED AS MODIFIED BY ORDER OF THE
3 ARIZONA CORPORATION COMMISSION
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6 CHAIRMAN

COMMISSIONER

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9 COMMISSIONER

COMMISSIONER

COMMISSIONER

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11 IN WITNESS WHEREOF, I, ERNEST G. JOHNSON,
12 Executive Director of the Arizona Corporation Commission,
13 have hereunto, set my hand and caused the official seal of this
14 Commission to be affixed at the Capital, in the City of Phoenix,
15 this _____ day of _____ 2011.

16 _____
17 ERNEST G. JOHNSON
18 Executive Director

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21 DISSENT: _____

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23 DISSENT: _____

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 **COMMISSIONERS**

3 Gary Pierce, Chairman

4 Sandra D. Kennedy

5 Paul Newman

6 Bob Stump

7 Brenda Burns

8 IN THE MATTER OF THE APPLICATION OF
9 ARIZONA PUBLIC SERVICE COMPANY, IN
10 CONFORMANCE WITH THE REQUIREMENTS
11 OF ARIZONA REVISED STATUTES §§ 40-360,
12 *et seq.*, FOR A CERTIFICATE OF
13 ENVIRONMENTAL COMPATIBILITY
14 AUTHORIZING THE MAZATZAL SUBSTATION
15 AND 345KV INTERCONNECTION PROJECT,
16 WHICH INCLUDES THE CONSTRUCTION OF
17 TWO 345KV TRANSMISSION LINES AND A
18 NEW 345/69/21KV SUBSTATION, SECTION 4,
19 TOWNSHIP 8 NORTH, RANGE 10 EAST,
20 G&SRB&M, ADJACENT TO THE
21 INTERSECTION OF THE EXISTING FOUR
22 CORNERS – CHOLLA – PINNACLE PEAK
23 345KV TRANSMISSION LINES AND FOREST
24 ROAD 379, WITHIN THE TONTO NATIONAL
25 FOREST IN GILA COUNTY, ARIZONA.

CASE NO. 160

Docket No. L-00000D-11-0068-00160

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.)

26 Open Meeting
27 April 27, 2011
28 Phoenix, Arizona

BY THE COMMISSION:

Pursuant to A.R.S. § 40-360, *et seq.*, after due consideration of all relevant matters, the Arizona Corporation Commission (“Commission”) finds and concludes that the above-captioned Application for a Certificate of Environmental Compatibility (“CEC”) for siting approval is not in the public interest and therefore the CEC issued by the Arizona Power Plant and Transmission Line Siting Committee (“Siting Committee”) is hereby denied by this Order.

The Commission, in reaching its decision, has balanced all relevant matters in the broad public interest, including the need for an adequate, economical and reliable supply of electric power with the desire to minimize the effect thereof on the environment and ecology of this state, and finds 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	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 _____ 2011.

ERNEST G. JOHNSON
Executive Director

DISSENT: _____

DISSENT: _____