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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

DOCKETED

JUN 28 2011

COMMISSIONERS

- Gary Pierce, Chairman
- Sandra D. Kennedy
- Paul Newman
- Bob Stump
- Brenda Burns

DOCKETED BY	<i>ne</i>
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IN THE MATTER OF THE APPLICATION OF
 THE SOUTHWEST TRANSMISSION
 COOPERATIVE, INC., OR ITS ASSIGNEES, FOR
 A CERTIFICATE OF ENVIRONMENTAL
 COMPATIBILITY FOR THE MARANA TAP TO
 SANDARIO TAP TRANSMISSION LINE
 REBUILD PROJECT LOCATED IN PIMA
 COUNTY, ARIZONA.

CASE NO. 161

Docket No. L-00000CC-11-0127-00161

DECISION NO. 72447

Open Meeting
 June 21, 2011
 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 modified 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 the CEC for the above-captioned application for siting approval is in the public interest as modified by this Order.

The Commission modifies the CEC issued by the Committee by inserting a new Condition No. 13 as follows:

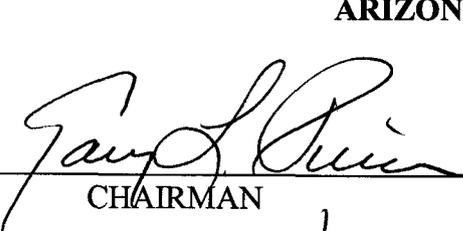
- 13. Before commencing construction of Project facilities located parallel to and within 100 feet of any existing natural gas or hazardous liquid pipeline, the Applicant or its assignees shall:

- 1 (a) Perform the appropriate grounding and cathodic protection studies to show that
2 the Project's location parallel to and within 100 feet of such pipeline results in
3 no material adverse impacts to the pipeline or to public safety when both the
4 pipeline and the Project are in operation. If material adverse impacts are noted
5 in the studies, Applicant shall take appropriate steps to ensure that such
6 material adverse impacts are mitigated. Applicant shall provide to Commission
7 Staff and Docket Control reports of studies performed; and
8 (b) Perform a technical study simulating an outage of the Project that may be
9 caused by the collocation of the Project parallel to and within 100 feet of the
10 existing natural gas or hazardous liquid pipeline. This study should either:
11 i) show that such outage does not result in customer outages; or ii) include
12 operating plans to minimize any resulting customer outages. Applicant shall
13 provide a copy of this study to Commission Staff and Docket Control.
14

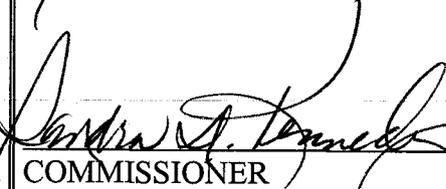
15 The Commission further finds and concludes that in balancing the broad public interest in this
16 matter:

- 17 1. The Project is in the public interest because it aids the state in meeting the need for an
18 adequate, economical and reliable supply of electric power.
19 2. In balancing the need for the Project with its effect on the environment and ecology of
20 the state, the conditions placed on the CEC as modified by the Commission effectively
21 minimize its impact on the environment and ecology of the state.
22 3. The conditions placed on the CEC as modified by the Commission resolve matters
23 concerning the need for the Project and its impact on the environment and ecology of
24 the state raised during the course of proceedings, and as such, serve as the findings on
25 the matters raised.
26 4. In light of these conditions, the balancing in the broad public interest results in favor
27 of granting the CEC as modified by the Commission.
28

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

4
5 
6 CHAIRMAN


7 COMMISSIONER

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9 COMMISSIONER


COMMISSIONER


COMMISSIONER

10
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 28 day of June 2011.

16 
17 ERNEST G. JOHNSON
18 Executive Director

19
20
21 DISSENT: _____

22
23 DISSENT: _____

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

3 IN THE MATTER OF THE APPLICATION
4 OF THE SOUTHWEST TRANSMISSION
5 COOPERATIVE, INC., OR ITS ASSIGNEES,
6 FOR A CERTIFICATE OF ENVIRONMENTAL
7 COMPATIBILITY FOR THE MARANA TAP
8 TO SANDARIO TAP TRANSMISSION LINE
9 REBUILD PROJECT LOCATED IN PIMA
10 COUNTY, ARIZONA

Docket No. L-00000CC-11-0127-00161
Case No. 161

8 **CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY**

9 Pursuant to notice given as provided by law, the Arizona Power Plant and Transmission
10 Line Siting Committee (the "Committee") held public hearings on May 3, 2011, in Tucson,
11 Arizona in conformance with the requirements of Arizona Revised Statutes ("A.R.S.") §§ 40-
12 360, *et seq.*, for the purpose of receiving evidence and deliberating on the Application of
13 Southwest Transmission Cooperative, Inc. ("Applicant") for a Certificate of Environmental
14 Compatibility ("CEC") in the above-captioned case (the "Project").

15 The following members and designees of members of the Committee were present at the
16 hearing for the evidentiary presentations and the deliberations:

17 John Foreman	Chairman, Designee for Arizona Attorney General Tom Horne
18 Bret Parke	Designee for Director, Arizona Department of 19 Environmental Quality
20 Jack Haenichen	Designee for Director, Energy Department, Arizona 21 Department of Commerce (or its successor organization)
22 David L. Eberhart	Designee of the Chairman, Arizona Corporation Commission
23 Patricia A. Noland	Appointed Member

1	F. Ann Rodriguez	Appointed Member
2	Michael Palmer	Appointed Member
3	Paul Walker	Appointed Member
4	David Richins	Appointed Member

5
6 Applicant was represented by Michael M. Grant of Gallagher & Kennedy, P.A. At the
7 conclusion of the hearing, the Committee, after considering the Application, the evidence,
8 testimony and exhibits presented at the hearing, and being advised of the legal requirements of
9 A.R.S. §§ 40-360 to 40-360.13, and upon motion duly made and seconded, voted 9 to 0 to grant
10 the Applicant this CEC for construction of the Project.

11 The Project, as approved, involves the rebuilding of the 115 kV Marana Tap to Sandario
12 Tap transmission line along its existing route. The approximately 12-mile transmission line
13 rebuild and upgrade begins at the existing WAPA Saguaro to Rattlesnake 115 kV transmission
14 line just south of the intersection of Trico Marana Road and North Trico Road. From that point,
15 the Project proceeds approximately .25 miles to the Applicant's Marana Substation. From the
16 Marana Substation, the Project parallels North Trico Road for approximately 11.7 miles to the
17 junction with SWTC's existing Sandario 115 kV line. A map of the general location of the
18 Project is attached as Exhibit A. Attached as Exhibit B is a summary, by parcel number, of the
19 existing easement width as well as additional easement width, if any, that will need to be
20 acquired along the Project route.

21 CONDITIONS

22 This CEC is granted upon the following conditions:
23

- 1 1. Any transfer or assignment of this CEC shall require the assignee or successor to
2 assume all responsibilities of the Applicant listed in this CEC and its conditions in
3 writing as required by A.R.S. § 40-360.08(A) and R14-3-213(F) of the Arizona
4 Administrative Code.
- 5 2. During the construction of the Project, Applicant shall comply with all applicable
6 statutes, ordinances, master plans and regulations of the United States, the State of
7 Arizona, and any other governmental entities having jurisdiction, and their
8 agencies or subdivisions, including but not limited to the following:
- 9 2.1. all applicable land use regulations;
- 10 2.2. all applicable zoning stipulations and conditions, including, but not limited
11 to, landscaping and dust control requirements;
- 12 2.3. all applicable water use, discharge and/or disposal requirements of the
13 Arizona Department of Water Resources (the "ADWR"), the Arizona
14 Department of Environmental Quality (the "ADEQ") and the Pima County
15 Department of Environmental Quality ("PDEQ");
- 16 2.4. all applicable noise control standards; and
- 17 2.5. all applicable regulations governing storage and handling of hazardous
18 chemicals and petroleum products.
- 19 3. Applicant shall obtain all approvals and permits required by the United States, the
20 State of Arizona and any other governmental entities having jurisdiction
21 necessary to construct the Project.
- 22 4. If any archaeological site, paleontological site, historical site or an object that is at
23 least fifty years old is discovered on State, county or municipal land during

1 construction of the Project, Applicant or its representative in charge shall
2 promptly report the discovery to the Director of the Arizona State Museum, and in
3 consultation with the Director, shall immediately take all reasonable steps to
4 secure and maintain the preservation of the discovery as required by A.R.S.
5 § 41-844.

6 5. If human remains and/or funerary objects are encountered on private land during
7 the course of any ground-disturbing activities relating to the construction of the
8 Project, Applicant shall cease work on the affected area of the Project and notify
9 the Director of the Arizona State Museum as required by A.R.S. § 41-865.

10 6. Applicant shall comply with the notice and salvage requirements of the Arizona
11 Native Plant Law (A.R.S. §§ 3-901, *et seq.*) and shall, to the extent feasible,
12 minimize the destruction of native plants during Project construction.

13 7. The authorization to construct this Project shall expire three years from the date
14 the CEC is approved by the Arizona Corporation Commission (the
15 "Commission"). However, prior to expiration, Applicant may request that the
16 Commission extend this time limitation.

17 8. In the event that the Project requires an extension of the term of this CEC prior to
18 completion of construction, Applicant shall use reasonable means to notify all
19 landowners and residents within one mile of the Project corridor, all persons who
20 made public comment at this proceeding, and all parties to this proceeding of the
21 request and the date, time and place of the hearing in which the Commission will
22 consider the request for extension.

- 1 9. Applicant shall make every reasonable effort to identify and correct, on a case-
2 specific basis, all complaints of interference with radio or television signals from
3 operation of the transmission lines and related facilities addressed in this CEC.
4 Applicant shall maintain written records for a period of five years of all
5 complaints of radio or television interference attributable to operation, together
6 with the corrective action taken in response to each complaint. All complaints
7 shall be recorded to include notations on the corrective action taken. Complaints
8 not leading to a specific action or for which there was no resolution shall be noted
9 and explained. Upon request, the written records shall be provided to Staff of the
10 Commission.
- 11 10. Within 45 days of Commission approval of this CEC, Applicant shall erect and
12 maintain signs providing public notice that the transmission line will be rebuilt.
13 Such signage shall be no smaller than a normal roadway sign. The signs shall
14 advise:
- 15 10.1. that the site has been approved for the rebuilding of Project facilities;
16 10.2. the expected date of completion;
17 10.3. a phone number for public information regarding the Project;
18 10.4. the name of the Project;
19 10.5. the name of Applicant; and
20 10.6. the website of the Project.
- 21 11. Applicant, or its assignee(s), shall design the transmission line to incorporate
22 reasonable measures to minimize impacts to raptors.
- 23

- 1 12. Applicant, or its assignee(s), shall use non-specular conductors and non-reflective
2 surfaces for transmission line structures.
- 3 13. Before construction on this Project may commence, Applicant shall file a
4 construction mitigation and restoration plan (“Plan”) with the Arizona
5 Corporation Commission Docket Control. Where practicable, the Plan shall
6 specify that Applicant use existing roads for construction and access, minimize
7 impacts to wildlife, minimize vegetation disturbance outside of the Project right-
8 of-way, particularly in drainage channels and along stream banks, and shall re-
9 vegetate, unless waived by the landowner, native areas of construction
10 disturbance to its preconstruction state outside of the power line right-of-way after
11 construction has been completed. The Plan shall specify Applicant’s plans for
12 coordination with the Arizona Game and Fish Department (“AGFD”) and the
13 Arizona State Historic Preservation Office (“SHPO”). Applicant shall use
14 existing roads for construction and access where practicable, and the Plan shall
15 specify the manner in which Applicant makes use of existing roads.
- 16 14. With respect to the Project, Applicant shall participate in good faith in State and
17 regional transmission study forums to coordinate transmission expansion plans
18 related to the Project and to resolve transmission constraints in a timely manner.
- 19 15. Applicant shall provide copies of this CEC to the Pima County Planning Division
20 and the Arizona State Land Department.
- 21 16. Applicant will follow the most current Western Electricity Coordinating
22 Council/North American Electric Reliability Corporation planning standards, as
23

1 approved by the Federal Energy Regulatory Commission, and National Electrical
2 Safety Code construction standards.

- 3 17. Applicant shall submit a compliance-certification letter annually, identifying
4 progress made with respect to each condition contained in the CEC, including
5 which conditions have been met. Each letter shall be submitted to the
6 Commission Docket Control commencing on December 1, 2011. Attached to
7 each certification letter shall be documentation explaining how compliance with
8 each condition was achieved. Copies of each letter, along with the corresponding
9 documentation, shall be submitted to the Arizona Attorney General and
10 Department of Commerce Energy Office (or its successor organization). The
11 requirement for the compliance-certification shall expire on the date the Project is
12 placed into operation.

13 **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

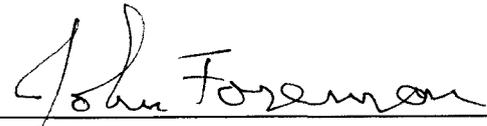
14 This CEC incorporates the following findings of fact and conclusions of law:

- 15 1. The Project aids the State in meeting the need for an adequate, economical and
16 reliable supply of electric power.
- 17 2. The conditions placed on the Project in the CEC by the Committee effectively
18 minimize the impact of the Project on the environment and ecology of the State.
- 19 3. The Project is in the public interest because the Project's contribution to meeting
20 the need for an adequate, economical and reliable supply of electric power
21 outweighs the minimized impact of the Project on the environment and ecology of
22 the State.

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DATED this 6th day of May, 2011.

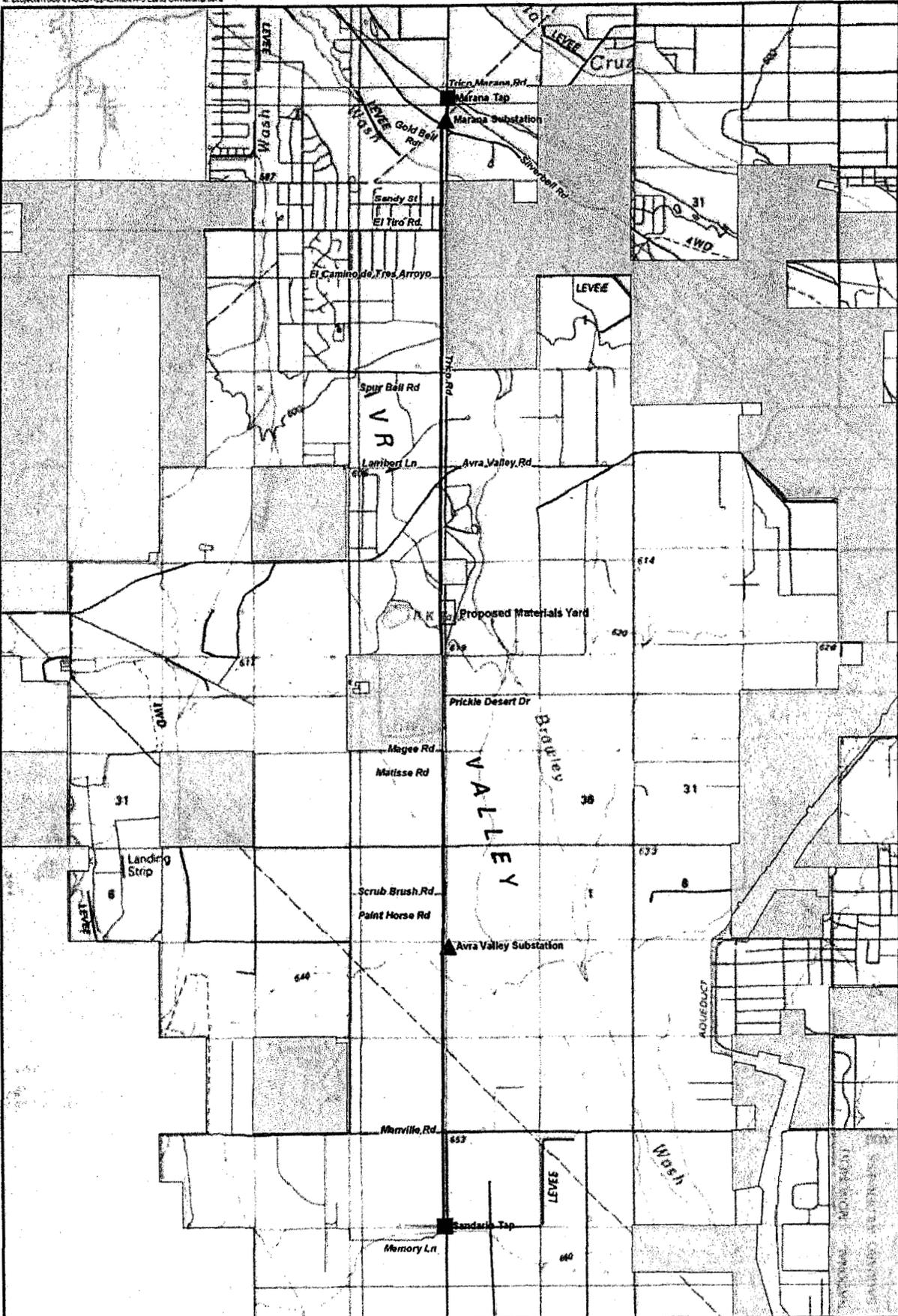
THE ARIZONA POWER PLANT AND
TRANSMISSION LINE SITING COMMITTEE



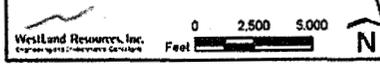
Hon. John Foreman, Chairman

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Exhibit A



T.11S.,R.10E. Portion of Sections 26, 27, & 34.
 T.12S.,R.10E. Portion of Sections 3, 10, 15, 22, 27, 34, & 35.
 T.13S.,R.10E. Portion of Sections 2, 3, 10, 11, 14, 15, 22, & 23.
 Pima County, Arizona.
 USGS Source: ESRI ARCGIS ONLINE



Legend

- Substation
- Tap
- Bureau of Land Management (BLM)
- Bureau of Reclamation
- National Park Service (NPS)
- Private Land
- State Land

Southwest Transmission Cooperative, Inc
 Marana Tap to Sandario Tap
 Rebuild Project
 CEC Application

Land Ownership
 Exhibit A-3

Exhibit B

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Exhibit B

APN	Total Easement Width (ft)	Existing Easement Width (ft)	New Easement Needed (ft)	
208-15-0010	Blanket easement	Blanket easement	-	
208-15-027F	32	20	12	
208-15-031D	32	20	12	
208-15-038B	32	20	12	
208-15-0390	32	20	12	
208-15-048D	32	20	12	
208-15-0490	32	20	12	
208-20-001F	30	30	-	
208-20-001D	30	30	-	
208-20-001C	30	30	-	
208-20-001B	30	30	-	
208-20-0460	30	30	-	
208-20-0470	15	15	-	
208-20-0480	30	30	30	Prescriptive easement
208-20-070A	32	20	12	
208-20-072C	32	20	12	
208-20-072D	32	20	12	
208-20-072A	32	20	12	
208-67-0180 to 208-68-6390	32	32	-	
208-24-0200	30	30	30	Prescriptive easement
208-24-0410	30	30	30	Prescriptive easement
208-24-0660 to 208-24-0870	32	32	-	
208-29-008F	50	30	20	
208-29-0090	50	30	20	
208-29-0070	50	50	-	
208-29-016A	50	50	-	
208-29-016B	50	50	-	
208-29-0170	50	50	-	
208-29-015A	50	30	20	
208-31-001C	50	50	-	
208-32-0450	50	25	25	
208-33-024D	50	25	25	
208-32-0460	80	80	-	
208-40-0930	50	50	-	
208-40-0940	50	50	-	
208-40-0980	50	50	-	
208-40-1020	50	50	-	
208-40-104B	50	50	-	
208-40-104D	50	50	-	
208-40-104A	50	50	-	
208-40-104C	50	50	-	
208-40-109C	50	50	-	
208-40-1100	50	50	-	
208-40-1110	50	50	-	
208-41-026A	80	80	-	
208-41-0480	80	80	-	
208-41-0490	80	80	-	
208-41-0440	80	80	-	
208-45-0100	80	80	-	
208-45-0010	80	80	-	