

ORIGINAL

NEWMAN PROPOSED AMENDMENT NO. 1



0000137495

TIME/DATE PREPARED: June 18, 2012

RECEIVED

COMPANY: Mohave Electric Cooperative, Inc. AGENDA ITEM NO. 21

DOCKET NO(S). E-01750A-10-0453

2012 JUN 18 P 12:51

OPEN MEETING DATE: June 19, 2012

AZ CORP COMMISSION  
DOCKET CONTROL

Proposed Amendment to modify the Recommended Opinion and Order on Rehearing to deny approval of Mohave's application for a pilot or waiver of the REST Rules for Corporation Commission proposed RPG WTE project.

DOCKETED

JUN 18 2012

DELETE Page 8 Lines 3-10, and INSERT:

*After considering the parties' positions and balancing the potential benefits with potential consequences, we find that the evidence does not support Commission approval of a waiver or pilot project under the REST Rules in this matter.*

DOCKETED BY

INSERT Page 10, Line 6:

*However, even if the Commission may consider new technologies under the REST Rules, we find that the record does not support a finding that the REST Rules should include MSW in the definition of Biomass for purposes of this matter.*

DELETE Page 11, Lines 5-20, and INSERT:

*We disagree with Mohave's position. We find that Mohave's interpretation of the Rule stretches Rule 1802.D in a manner not intended by the Commission. Therefore, for this matter we decline to adopt Mohave's interpretation and instead agree with the Sierra Club's argument.*

DELETE Page 12, Lines 9-24 through Page 13, Line 1, and INSERT:

*Although Staff and Mohave have asserted positions that may have some merit on this issue, they do not compel a finding that MSW is an Eligible Energy Resource. Instead, we agree with the Sierra Club that MSW's fossil fuel, non renewable components disqualify MSW from being an Eligible Renewable Energy Resource under Rule 1802.D.*

DELETE Page 13, Line 23 through Page 14, Lines 1-10 and INSERT:

*Although the REST Rules' definition may not require a resource to be emission-free to qualify as a Renewable Energy Resource, we agree with Sierra Club's position on this issue.*

*We also are concerned that MSW may exacerbate existing air quality problems and adversely affect human health. Therefore, in weighing the evidence in the record, we find that MSW is not a renewable energy under the REST Rules as proposed by Mohave.*

**DELETE Page 14, Line 15 through Page 23, Line 3 and INSERT:**

*Because we do not approve Mohave's application and modify Decision No. 72500 on rehearing to deny Mohave's request to consider the energy that would be produced from the RPG WTE facility as being produced by an Eligible Energy Resource under the REST Rules at this time, we do not need to determine this issue as to the percentage that might qualify. In effect, we are determining that zero percentage of the output qualifies under the REST Rules as being produced by an Eligible Energy Resource.*

**DELETE Page 23, Lines 8-9 and INSERT:**

*supports granting Mohave's application for either a waiver or pilot project under the REST Rules concerning the eligibility of the RPG WTE project to be considered an Eligible Energy Resource.*

*We are also concerned that communities in the West Valley of the Phoenix metropolitan area may not have had sufficient information concerning the likelihood that the project was proposed to be located in or near their communities. Therefore they may not be aware of potential adverse environmental consequences identified by the Sierra Club in the record. Although it is not our job to site the project, we certainly believe it is our authority to review the proposal in the context of the REST Rules and their goals to support renewable energy resources that promote the health and welfare of the public.*

**We therefore find that in balancing the public interest on the record in this matter, that Decision No. 72500 should not be affirmed on rehearing, and we deny Mohave's application for either a waiver or pilot project approval.**

**\*\* Make All conforming changes including conforming FOFs and Ordering Paragraphs**

<b>THIS AMENDMENT:</b>		
_____ Passed	_____ Passed as amended by _____	
_____ Failed	_____ Not Offered	_____ Withdrawn