

ORIGINAL



0000140741

BEFORE THE ARIZONA CORPORATION COMMISSION

RECEIVED

COMMISSIONERS

GARY PIERCE, CHAIRMAN  
PAUL NEWMAN  
SANDRA D. KENNEDY  
BOB STUMP  
BRENDA BURNS

2012 DEC -4 P 3:41

ARIZONA CORP COMMISSION  
DOCKET CONTROL

IN THE MATTER OF THE APPLICATION OF  
AGUA CALIENTE SOLAR, LLC, IN  
CONFORMANCE WITH THE REQUIREMENTS  
OF ARIZONA REVISED STATUTES 40-360.03  
AND 40-360.06, FOR A CERTIFICATE OF  
ENVIRONMENTAL COMPATIBILITY  
AUTHORIZING CONSTRUCTION OF THE  
AGUA CALIENTE SOLAR PROJECT, A 280 MW  
PARABOLIC TROUGH CONCENTRATING  
SOLAR THERMAL, OR A 425 MW  
PHOTOVOLTAIC SOLAR, GENERATING  
FACILITY AND ASSOCIATED TRANSMISSION  
LINE INTERCONNECTING THE GENERATING  
FACILITY TO THE ADJACENT PALO VERDE -  
NORTH GILA #1 500KV TRANSMISSION LINE  
IN YUMA COUNTY APPROXIMATELY 10  
MILES NORTH OF DATELAND, ARIZONA.

DOCKET NO.L-00000JJ-09-0279-00145  
CASE NO. 145

DOCKET NO.L-00000D-09-0280-00146  
CASE NO. 146

IN THE MATTER OF THE APPLICATION OF  
ARIZONA PUBLIC SERVICE COMPANY, IN  
CONFORMANCE WITH THE REQUIRE-  
MENTS OF ARIZONA REVISED STATUTES  
40-360.03 AND 40-360.06, FOR A CERTIFICATE  
OF ENVIRONMENTAL COMPATIBILITY  
AUTHORIZING CONSTRUCTION OF THE APS  
Q43 500KV TRANSMISSION LINE AND  
SWITCHYARD INTERCONNECTION PROJECT  
AND ASSOCIATED FACILITES INTER-  
CONNECTING TO THE PALO VERDE-  
NORTH GILA #1 AND FUTURE PALO VERDE-  
NORTH GILA #2 500KV TRANSMISSION LINES  
APPROXIMATELY 10 MILES NORTH OF  
DATELAND, ARIZONA (SECTION 34, T5S,  
R12W, G&SRB&M, YUMA COUNTY,  
ARIZONA).

NOTICE OF COMPLIANCE ACTION  
REGARDING DECISION 71297  
CERTIFICATE OF  
ENVIRONMENTAL  
COMPATIBILITY  
CONDITION 15

Arizona Corporation Commission

DOCKETED

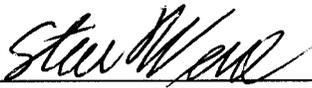
DEC 04 2012

DOCKETED  
*JM*

1 Pursuant to Decision Number 71297 and the resulting Certificate of  
2 Environmental Compatibility ("Certificate"), the annual self-certification letter  
3 identifying the progress made with respect to each Certificate condition is hereby  
4 submitted in compliance with Certificate Condition 15. See Attachment 1. Further, a  
5 copy of the self-certification letter is being sent to the Arizona Attorney General and the  
6 Department of Commerce Energy Office as required by Certificate Condition 15.

7  
8 RESPECTFULLY SUBMITTED this 4th day of December, 2012.

9 **MOYES SELLERS & HENDRICKS LTD.**

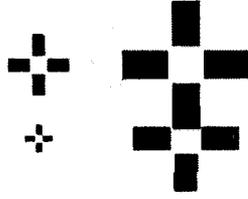
10   
11 \_\_\_\_\_  
12 Steve Wene

13 Original and 13 copies of the foregoing  
14 filed this 4th day of December, 2012, with:

15 Docket Control  
16 Arizona Corporation Commission  
17 1200 West Washington Street  
18 Phoenix, Arizona 85007

19   
20 \_\_\_\_\_

# **ATTACHMENT 1**



NRG Solar LLC  
5790 Fleet Street, Suite 200  
Carlsbad, CA 92008  
(760) 710 2147

December 1, 2012

Arizona Corporation Commission  
Brian Bozzo  
Compliance and Enforcement Manager  
1200 W. Washington St.  
Phoenix, AZ 85007

**Re: Self-Certification of Environmental Compatibility for Agua Caliente Solar Project,  
Decision No. 71297, Case No. 145, Docket No. L-00000JJ-09-0279-00145**

Dear Mr. Bozzo:

Pursuant to Condition Number 15 of the Certificate of Environmental Compatibility, Decision No. 71281, dated October 7, 2009 (the "Certificate"), Agua Caliente Solar, LLC ("ACS") is providing this self-certification letter and documentation with respect to the Agua Caliente Solar Project (the "Project").

As a matter of information, ACS is proceeding with an aggressive construction schedule. Project construction began in July of 2010 and the project commenced commercial operations in the first quarter of 2012. The project is expected to achieve final commercial operation in the first quarter of 2014. In August of 2011, 100% ownership of ACS was acquired from First Solar by a wholly owned subsidiary of NRG Solar LLC ("NRG"). First Solar continues in the role of EPC contractor responsible for the construction of the Project. First Solar also retains responsibility for operation and maintenance of the Project under a long-term contract with NRG.

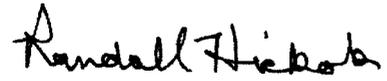
Below is a summary of the progress made with respect to each condition contained in the Certificate, as well as supporting evidence attached as schedules hereto.

- **Condition 1** – This condition was met as certified on December 1, 2011.
- **Condition 2** – This condition was met as certified on December 1, 2011.
- **Condition 3** - No action required.

- **Condition 4** - No action required.
- **Condition 5** – This condition was met as certified on December 1, 2011.
- **Condition 6** – ACS, through its affiliate, NRG Power Marketing LLC, is a member of the Western Electricity Coordinating Council ("WECC") (or its successor), and hereby files with the Commission Docket Control evidence that it has executed a WECC Membership Agreement. *See Schedule 1*.
- **Condition 7** - This condition was met as certified on December 1, 2011.
- **Condition 8** - This condition was met as certified on December 1, 2011.
- **Condition 9** - This condition was met as certified on December 1, 2011.
- **Condition 10** - This condition was met as certified on December 1, 2011.
- **Condition 11** – This condition was met as certified on December 1, 2011.
- **Condition 12** - This condition was met as certified on December 1, 2011.
- **Condition 13** - ACS shall file with Commission Docket Control confirmation of the completion of system upgrades required under the interconnection agreement at least thirty days before final commercial operation of the Project. The final commercial operation date for the project is expected in 2014.
- **Condition 14** - ACS complies with the most current 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. *See Schedule 2*.
- **Condition 15** - ACS hereby submits the self-certification letter identifying progress made with respect to each condition contained in the Certificate.
- **Condition 16** - No action required.
- **Condition 17** - This condition was met as certified on December 1, 2011.
- **Condition 18** - This condition was met as certified on December 1, 2011.
- **Condition 19** - This condition was met as certified on December 1, 2011.

Please let us know if there is any other information that you require.

Respectfully,

A handwritten signature in black ink that reads "Randall Hickok". The signature is written in a cursive style with a large initial 'R'.

Randall Hickok  
Vice President

# **SCHEDULE 1**



**FILE COPY**

## *Western Systems Coordinating Council*

DENNIS E. EYRE  
EXECUTIVE DIRECTOR

WESTERN SYSTEMS COORDINATING COUNCIL  
UNIVERSITY OF UTAH RESEARCH PARK  
615 ARAPEEN DRIVE, SUITE 210  
SALT LAKE CITY, UTAH 84108-1253  
TEL: (801) 582-0353  
FAX: (801) 582-3918

October 12, 2001

Mr. Christopher M. Cairo  
Vice President  
NRG Power Marketing, Inc.  
901 Marquette Avenue, Suite 2300  
Minneapolis, MN 55402-3265

Dear Mr. Cairo:

On behalf of WSCC's Member Systems, it is my pleasure to welcome NRG Power Marketing, Inc. as a "Full Member" of WSCC. Your membership application has been reviewed and approved by the Council's Board of Trustees. As a Full Member, you will have the opportunity to participate in the Council's activities and share in the many benefits associated with WSCC membership.

You will note in reviewing the enclosed WSCC Agreement and Bylaws that each Member System is entitled to have a Council Representative and to have representatives on each of the Council's four Committees -- Planning Coordination, Operations, Environmental and Communications. In addition, you are entitled to have a representative on the recently formed joint WSCC/RTA Western Market Interface Committee. Your Council Representative will be the spokesman for your organization and should therefore be an individual, such as yourself, having top management responsibility and authorization to speak for your organization. Your representatives on the committees should also be relatively high level people. We believe it is very important that you have a representative on each of the committees even though you may not wish to actively participate at this time. Having a representative on each of these committees will assure that your organization is kept abreast of the Council's activities and receives all of the information that is distributed to the WSCC members serving on the committees. You may also apply for membership on the various subcommittees and work groups as may be beneficial to your organization. The subcommittees and work groups are of a more specific nature and therefore do not have a representative from each Council member.

We would appreciate your sending us the names, titles, telephone/facsimile numbers, and the e-mail addresses of your Council Representative and your committee representatives. This will facilitate your people being placed on the Council's mailing lists so that Council information and meeting notices will come directly to them.

In the meantime, we will send all Council information addressed to the Council Representatives and the committees to you.

Enclosed is a copy of WSCC's 2001 Directory and Calendar of Meetings. Please refer to it for the membership of the various committees, subcommittees and work groups. The Council's meeting schedule is posted on the WSCC home page ([www.wsc.com](http://www.wsc.com)).

Enclosed are two copies of the Addendum to the WSCC Agreement and Bylaws, which will make NRG Power Marketing, Inc. a signatory to the WSCC Agreement and Bylaws, as amended. This Addendum to the WSCC Agreement and Bylaws represents the mutually binding obligations of membership. We would appreciate your signing both copies of the Addendum where indicated at your earliest convenience and returning them to our office. The WSCC officers will then sign the Addendum and one original will be returned to you for your files. Your membership was approved to be effective as of October 1, 2001, and your dues assessment is enclosed.

We are suggesting that NRG be the acronym for NRG Power Marketing, Inc. in WSCC reports, etc. However, please advise us if you would prefer that we use a different three or four letter acronym.

I am enclosing the following information:

1. WSCC Agreement and Bylaws
2. A copy of the WSCC Reliability Criteria --  
Part I: NERC/WSCC Planning Standards  
Part II: Power Supply Assessment Policy  
Part III: Minimum Operating Reliability Criteria  
Part IV: Definitions  
Part V: Process for Developing and Approving WSCC Standards
3. WSCC Information Summary
4. WSCC Annual Report
5. WSCC Ten-Year Coordinated Plan -- 2000-2009

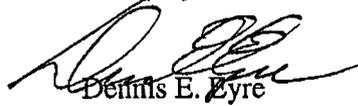
We are also mailing the following to you under separate cover:

1. Planning Coordination Committee Handbook
2. Operations Committee Handbook

The NERC Operating Manual can be downloaded from the NERC home page ([www.nerc.com](http://www.nerc.com)).

We all look forward to seeing you and NRG Power Marketing, Inc.'s other representatives at WSCC's upcoming meetings. Please call me if you have questions regarding WSCC or your participation in the Council's activities.

Sincerely,



Dennis E. Zyre

DEE:ee

Enclosures

# **SCHEDULE 2**

January 25, 2012

Agua Caliente Solar LLC  
1201 Fannin  
Houston, TX 77002  
[rick.keetch@nrgenergy.com](mailto:rick.keetch@nrgenergy.com)

Dear Rick Keetch,

### Notice of Listing in NERC Compliance Registry

The North American Electric Reliability Corporation (NERC) provides notice, as required by Rule 501.1.3.1 of NERC's Rules of Procedure, that NERC intends to list **Agua Caliente Solar LLC** NERC Compliance Registry ID number **NCR11209**, in the NERC Compliance Registry as set forth below. The NERC Compliance Registry identifies the owners, operators, and users of the bulk power system that are responsible for complying with approved reliability standards applicable to the functions for which each entity is registered.

The Federal Energy Regulatory Commission (Commission or FERC) certified NERC as the Electric Reliability Organization (ERO) under Section 215 of the Federal Power Act on July 20, 2006. Section 39.2 of the Commission's regulations, 18 C.F.R. § 39.2 (2007), requires each owner, operator, and user of the bulk power system to register with NERC and to comply with approved reliability standards. NERC has delegated the responsibility to the eight regional entities for identifying the organizations to be registered in the NERC Compliance Registry.

The *Statement of Compliance Registry Criteria (Revision 5.0)* identifies the criteria organizations and the regional entities use to determine which organizational entities must be included on NERC's Compliance Registry. It is posted on the NERC Web site under Organization Registration.<sup>1</sup>

**Being listed in the NERC Compliance Registry indicates that an entity is subject to compliance with the NERC Reliability Standards that have been approved by the Commission. Agua Caliente Solar LLC, NCR11209, is listed as a Registered Entity in the following region(s) for the indicated functional category(ies) with the listed effective registration date(s):**

<sup>1</sup> <http://www.nerc.com/page.php?cid=3|25>

Agua Caliente Solar LLC (NCR11209)  
January 25, 2012

<u>Region</u>	<u>Function</u>	<u>Effective Registration Date</u>
WECC	GO	12/27/2011

Organization registration by function establishes that Agua Caliente Solar LLC is:

1. Subject to monitoring and enforcement of compliance with all applicable requirements within reliability standards approved by the Commission, and
2. Responsible for any sanctions, penalties, and mitigation actions (including mitigation plans and remedial action directives) that are assessed due to noncompliance with the applicable requirements of the reliability standards.

To date, the Commission has approved 94 NERC Reliability Standards (Order No. 693, Docket No. RM06-16-000, issued March 16, 2007; Order No. 705, Docket No. RM07-3-000, issued December 27, 2007; Order No. 706, Docket No. RM06-22, issued January 18, 2008). There are an additional 8 Commission-approved reliability standards applicable within WECC. The initial 83 reliability standards approved in Order No. 693 became effective June 25, 2007.

NERC has posted on its Web site a matrix that lists all the requirements within the approved reliability standards and the associated functional entity types that are responsible for each requirement.<sup>2</sup>

Any entity included on the NERC Compliance Registry may challenge its listing and functional assignments with NERC. All formal challenges to the registration list must be filed in writing with:

Jack Wiseman, Manager of Organization Registration and Certification  
North American Electric Reliability Corporation  
3353 Peachtree Rd, NE  
Suite 600, 6<sup>th</sup> Floor, North Tower  
Atlanta, GA 30326

All formal challenges must be received within 21 days of receipt of this letter. In its challenge, the entity must state the reasons it believes it should not be considered as an owner, operator, or user of the bulk power system based on the criteria listed in the Statement of Compliance Registry Criteria (Revision 5.0).

---

<sup>2</sup><http://www.nerc.com/commondocs.php?cd=2>

Agua Caliente Solar LLC (NCR11209)  
January 25, 2012

Prior to filing a formal challenge, NERC encourages you to contact the applicable regional entity to further discuss any matters regarding the inclusion of your organization in the NERC Compliance Registry.<sup>3</sup> If the regional entity discovers an error in registration, the regional entity may provide NERC with corrections to the NERC Compliance Registry, and NERC will issue a corrected notice.

The Compliance Committee of the NERC Board of Trustees will provide a written decision regarding any challenges, along with the basis for its decision. The decision of the committee will be final unless the entity appeals the decision to the applicable governmental authority (for U.S. entities, FERC, in accordance with 18 C.F.R. Part 385) within 21 calendar days of the issuance of the committee's decision on the challenge.

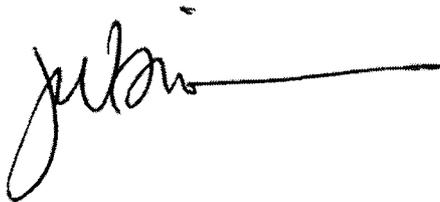
Rule 501.1.3.7 of NERC's Rules of Procedure requires the registered entity to notify NERC and its corresponding regional entity of any changes in ownership, corporate structure, or similar matters that affect the entity's responsibilities with respect to the reliability standards. Failure to notify NERC will not relieve the entity from any responsibility to comply with the reliability standards or shield it from any penalties or sanctions associated with failing to comply with such standards.

NERC's Rules of Procedure are available on the NERC Web site.<sup>4</sup>

Entities responsible for funding NERC and the regional entities have been identified in the budget documents filed with FERC. An entity's inclusion on or omission from the Compliance Registry has no bearing on an entity's independent responsibility for funding NERC and the regional entities.

If you have further questions, please contact Jack Wiseman, Manager of Organization Registration and Certification at 404-446-9721 or at [Jack.Wiseman@nerc.net](mailto:Jack.Wiseman@nerc.net).

Respectfully,



Jack Wiseman  
Manager of Organization Registration and Certification

<sup>3</sup> <http://www.nerc.com/page.php?cid=3|23>

<sup>4</sup> <http://www.nerc.com/page.php?cid=1%7C8%7C169>