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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

JIM O'CONNOR – CHAIRMAN
LEA MÁRQUEZ PETERSON
ANNA TOVAR
KEVIN THOMPSON
NICK MYERS

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 RUNWAY TRANSMISSION PROJECT, WHICH CONSISTS OF A NEW, APPROXIMATELY 4.5-MILE-LONG, DOUBLE-CIRCUIT 230 KV TRANSMISSION LINE CONNECTING THE EXISTING AND PLANNED EXPANSION OF THE APS 230 KV RUNWAY SUBSTATION LOCATED NORTHEAST OF WEST BROADWAY ROAD AND SOUTH BULLARD AVENUE IN GOODYEAR, MARICOPA COUNTY, ARIZONA TO THE EXISTING APS WHITE TANKS TO WEST PHOENIX 230 KV TRANSMISSION LINE.

DOCKET NO. L-00000D-22-0253-00209

CASE NO. 209

DECISION NO. 78834

ORDER NO. 1

Arizona Corporation Commission
DOCKETED

JAN 23 2023

DOCKETED BY

January 10-11, 2023
Open Meeting
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.

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

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

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

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

4 *James M. O'Connor*
5 CHAIRMAN O'CONNOR

Levi Marquez Peterson
6 COMMISSIONER MARQUEZ PETERSON

7 *Anna Tovar* *Ken Thompson*
8 COMMISSIONER TOVAR COMMISSIONER THOMPSON

Commissioner Myers
9 COMMISSIONER MYERS



10 IN WITNESS WHEREOF, I, KIM BATTISTA, Interim
11 Executive Director of the Arizona Corporation Commission,
12 have hereunto, set my hand and caused the official seal of this
13 Commission to be affixed at the Capitol, in the City of Phoenix,
14 this 23rd day of January, 2023.

15 *Kim Battista*
16 Kim Battista,
17 Interim Executive Director

18 DISSENT: _____

19 DISSENT: _____

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

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 RUNWAY TRANSMISSION PROJECT, WHICH CONSISTS OF A NEW, APPROXIMATELY 4.5-MILE-LONG, DOUBLE-CIRCUIT 230KV TRANSMISSION LINE CONNECTING THE EXISTING AND PLANNED EXPANSION OF THE APS 230KV RUNWAY SUBSTATION LOCATED NORTHEAST OF WEST BROADWAY ROAD AND SOUTH BULLARD AVENUE IN GOODYEAR, MARICOPA COUNTY, ARIZONA TO THE EXISTING APS WHITE TANKS TO WEST PHOENIX 230KV TRANSMISSION LINE.

DOCKET NO. L-00000D-22-0253-00209

Case No. 209

CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY

RECEIVED
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AZ CORP COMMISSION
DOCKET CONTROL

A. INTRODUCTION.

Pursuant to notice given as provided by law, the Arizona Power Plant and Transmission Line Siting Committee (Committee) held a public hearing on November 14, 2022 through November 15, 2022 in Avondale, Arizona, in conformance with the requirements of Arizona Revised Statutes (A.R.S.) §§ 40.360, *et seq.*, for the purpose of receiving evidence and deliberating on the application (Application) of Arizona Public Service Company (APS or Applicant) for a Certificate of Environmental Compatibility (Certificate) in the above-captioned case.

1 The following members and designees of members of the Committee were
 2 present at one or more of the hearing days for the evidentiary presentations, public
 3 comment, and/or the deliberations:

4 Paul A. Katz	Chairman, Designee for Arizona Attorney General Mark Brnovich
5 Leonard C. Drago	Designee for Director, Arizona Department of Environmental Quality
6 David French	Designee for Director, Arizona Department of Water Resources
7 Mary Hamway	Appointed Member, representing incorporated cities and towns
8 Rick Grinnell	Appointed Member, representing counties
9 James Palmer	Appointed Member, representing agricultural interests
10 Margaret "Toby" Little	Appointed Member, representing the general public

11 The Applicant was represented Linda J. Benally of Pinnacle West Capital
 12 Corporation and J. Matthew Derstine of Snell & Wilmer, LLP.

13 At the conclusion of the hearing, the Committee, after considering the (i)
 14 Application, (ii) evidence, testimony and exhibits presented by Applicant, and (iii)
 15 comments of the public, and being advised of the legal requirements of A.R.S. §§ 40-
 16 360 through 40-360.13, upon motion duly made and seconded, voted 7 to 0 to grant the
 17 Applicant, its successors and assigns, this Certificate for construction of the Runway
 18 230kV Transmission Line Project (the Project) as described below.

19 **B. PROJECT OVERVIEW.**

20 The Project consists of a new, approximately 4.5-mile-long, double-circuit,
 21 overhead 230kV transmission line that will connect the existing APS 230kV Runway
 22 Substation and its planned expansion, located on the Microsoft data center (the
 23 customer) site (northeast of West Broadway Road and South Bullard Avenue) in
 24 Goodyear, to the existing White Tanks–West Phoenix 230kV transmission line in
 25 Avondale, Arizona. The anticipated in-service date for the Project is 2025. The Project

1 was included in APS's Supplemental Ten-Year Plan, which was filed with the Arizona
2 Corporation Commission (Commission) on April 16, 2021, and in APS's Ten-Year
3 Plan, which was filed on January 31, 2022.

4 A map and corridor description are attached as **Exhibit A**.

5 **CONDITIONS**

6 This Certificate is granted upon the following conditions:

7 1. This authorization to construct the Project shall expire ten (10) years from
8 the date this Certificate is approved by the Arizona Corporation Commission, with or
9 without modification. Construction of the Project shall be complete, such that the Project
10 is in-service within this ten-year timeframe. However, prior to the expiration of the time
11 period, the Applicant may request that the Commission extend the time limitation.

12 2. In the event that the Project requires an extension of the term(s) of this
13 Certificate prior to completion of construction, the Applicant shall file such time
14 extension request at least one hundred and eighty (180) days prior to the expiration of
15 the Certificate. The Applicant shall use reasonable means to promptly notify the Board
16 of Supervisors of Maricopa County, the cities of Goodyear and Avondale, and all
17 landowners and residents within a one (1) mile radius of the centerline of the Project, all
18 persons who made public comment at this proceeding who provided a mailing or email
19 address, and all parties to this proceeding. The notification provided will include the
20 request and the date, time, and place of the hearing or open meetings during which the
21 Commission will consider the request for extension. Notification shall be no more than
22 three (3) business days after the Applicant is made aware of the hearing date or the open
23 meeting date.

24 3. During the development, construction, operation, maintenance and
25 reclamation of the Project, the Applicant shall comply with all existing applicable air
26 and water pollution control standards and regulations, and with all existing applicable
27 statutes, ordinances, master plans and regulations of any governmental entity having
28 jurisdiction including, but not limited to, the United States of America, the State of

1 Arizona, Maricopa County, and their agencies and subdivisions, including but not
2 limited to the following:

- 3 a. All applicable land use regulations;
- 4 b. All applicable zoning stipulations and conditions including but not
5 limited to landscaping and dust control requirements;
- 6 c. All applicable water use, discharge and/or disposal requirements of
7 the Arizona Department of Water Resources and the Arizona
8 Department of Environmental Quality;
- 9 d. All applicable noise control standards; and
- 10 e. All applicable regulations governing storage and handling of
11 hazardous chemicals and petroleum products.

12 4. The Applicant shall obtain all approvals and permits necessary to
13 construct, operate and maintain the Project required by any governmental entity having
14 jurisdiction including, but not limited to, the United States of America, the State of
15 Arizona, Maricopa County, the cities of Goodyear and Avondale, and their agencies and
16 subdivisions.

17 5. The Applicant shall comply with the Arizona Game and Fish Department
18 (AGFD) guidelines for handling protected animal species, should any be encountered
19 during construction and operation of the Project, and shall consult with AGFD or U.S.
20 Fish and Wildlife Service, as appropriate, on other issues concerning wildlife.

21 6. The Applicant shall design the Project's facilities to incorporate reasonable
22 measures to minimize electrocution of and impacts to avian species in accordance with
23 the Applicant's avian protection program. Such measures will be accomplished through
24 incorporation of Avian Power Line Interaction Committee guidelines set forth in the
25 current versions of *Suggested Practices for Avian Protection on Power Lines and
26 Reducing Avian Collisions with Power Lines* manuals.

27 7. The Applicant shall consult the State Historic Preservation Office (SHPO)
28 with respect to cultural resources. If any archaeological, paleontological, or historical
site or a significant cultural object is discovered on state, county or municipal land
during the construction or operation of the Project, the Applicant or its representative in

1 charge shall promptly report the discovery to the Director of the Arizona State Museum
2 (ASM), and in consultation with the Director, shall immediately take all reasonable steps
3 to secure and maintain the preservation of the discovery as required by A.R.S. § 41-844.
4 Applicant shall perform a class III cultural resource survey for areas that are not
5 previously surveyed or areas where the surveys do not meet the current standards within
6 the approved corridor shown on Exhibit A.

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

11 9. The Applicant shall make every reasonable effort to promptly investigate,
12 identify and correct, on a case-specific basis, all complaints of interference with radio or
13 television signals from operation of the Project addressed in this Certificate and where
14 such interference is caused by the Project take reasonable measures to mitigate such
15 interference. The Applicant shall maintain written records for a period of five (5) years
16 of all complaints of radio or television interference attributable to operations, together
17 with the corrective action taken in response to each complaint. All complaints shall be
18 recorded to include notation on the corrective action taken. Complaints not leading to a
19 specific action or for which there was no resolution shall be noted and explained. Upon
20 request, the written records shall be provided to the Staff of the Commission. The
21 Applicant shall respond to complaints and implement appropriate mitigation measures.
22 In addition, the Project shall be evaluated on a regular basis so that damaged insulators
23 or other line materials that could cause interference are repaired or replaced in a timely
24 manner.

25 10. If human remains and/or funerary objects are encountered during the
26 course of any ground-disturbing activities related to the construction or maintenance of
27 the Project, the Applicant shall cease work on the affected area of the Project and notify
28

1 the Director of the ASM as required by A.R.S. § 41-865 for private land, or as required
2 by A.R.S. § 41-844 for state, county, or municipal lands.

3 11. Within one hundred twenty (120) days of the Commission's decision
4 approving this Certificate, the Applicant shall post signs in or near public rights-of-way,
5 to the extent authorized by law, reasonably adjacent to the Project giving notice of the
6 Project. Such signage shall be no smaller than a roadway sign. The signs shall advise:

- 7 a. Future site of the Project;
- 8 b. A phone number and website for public information regarding the
9 Project; and
- 10 c. Refer the Public to the Docket.

11 Such signs shall be inspected at least once annually and, if necessary, be repaired
12 or replaced, and removed at the completion of construction.

13 The Applicant shall make every reasonable effort to communicate the decision
14 either approving or disapproving the Certificate in digital media.

15 12. Upon the approval of this Certificate by the Committee, the Applicant
16 shall provide the Board of Supervisors for Maricopa County, the cities of Goodyear and
17 Avondale, and known builders and developers who are building upon or developing land
18 within one (1) mile of the centerline of the Project with a written description, including
19 the approximate height and width measurements of all structure types, of the Project.
20 The written description shall identify the location of the Project and contain a pictorial
21 depiction of the facilities being constructed. The Applicant shall also encourage the
22 developers and builders to include this information in their disclosure statements. Upon
23 approval of this Certificate by the Commission, the Applicant may commence
24 construction of the Project.

25 13. The Applicant shall use non-specular conductor and non-reflective
26 surfaces for the transmission line structures on the Project.

27 14. The Applicant shall be responsible for arranging that all field personnel
28 involved in the Project receive training as to proper ingress, egress, and on-site working

1 protocol for environmentally sensitive areas and activities. Contractors employing such
2 field personnel shall maintain records documenting that the personnel have received
3 such training.

4 15. The Applicant shall follow the most current Western Electricity
5 Coordinating Council (WECC) and North American Electric Reliability Corporation
6 (NERC) planning standards, as approved by the Federal Energy Regulatory Commission
7 (FERC), National Electrical Safety Code (NESC) standards, and Federal Aviation
8 Administration (FAA) regulations.

9 16. The Applicant shall participate in good faith in state and regional
10 transmission study forums to coordinate transmission expansion plans related to the
11 Project and to resolve transmission constraints in a timely manner.

12 17. When Project facilities are located parallel to and within one hundred
13 (100) feet of any existing natural gas or hazardous pipeline, the Applicant shall:

14 a. Ensure grounding and cathodic protection studies are performed to show
15 that the Project's location parallel to and within one hundred (100) feet of
16 such pipeline results in no material adverse impacts to the pipeline or to
17 public safety when both the pipeline and the Project are in operation. The
18 Applicant shall take appropriate steps to ensure that any material adverse
19 impacts are mitigated. The Applicant shall provide to Staff of the
20 Commission, and file with Docket Control, a copy of the studies
21 performed and additional mitigation, if any, that was implemented as part
22 of its annual compliance-certification letter; and

23 b. Ensure that studies are performed simulating an outage of the Project that
24 may be caused by the collocation of the Project parallel to and within one
25 hundred (100) feet of the existing natural gas or hazardous liquid pipeline.
26 The studies should either: (a) show that such simulated outage does not
27 result in customer outages; or (b) include operating plans to minimize any
28 resulting customer outages. The Applicant shall provide a copy of the

1 study results to Staff of the Commission and file them with Docket
2 Control as part of the Applicant's annual compliance certification letter.

3 18. The Applicant shall submit a compliance certification letter annually,
4 identifying progress made with respect to each condition contained in this Certificate,
5 including which conditions have been met. The letter shall be submitted to
6 Commission's Docket Control commencing on December 1, 2023. Attached to each
7 certification letter shall be documentation explaining how compliance with each
8 condition was achieved. Copies of each letter, along with the corresponding
9 documentation, shall be submitted to the Arizona Attorney General's Office. With
10 respect to the Project, the requirement for the compliance letter shall expire on the date
11 the Project is placed into operation. Notification of such filing with Docket Control shall
12 be made to the Board of Supervisors for Maricopa County, the cities of Goodyear and
13 Avondale, all parties to this Docket, and all parties who made a limited appearance in
14 this Docket.

15 19. The Applicant shall provide a copy of this Certificate to the Board of
16 Supervisors for Maricopa County and the cities of Goodyear and Avondale.

17 20. Any transfer or assignment of this Certificate shall require the assignee or
18 successor to assume, in writing, all responsibilities of the Applicant listed in this
19 Certificate and its conditions as required by A.R.S. § 40-360.08(A) and R14-3-213(F) of
20 the Arizona Administrative Code.

21 21. In the event the Applicant, its assignee, or successor, seeks to modify the
22 Certificate terms at the Commission, it shall provide copies of such request to the Board
23 of Supervisors for Maricopa County, the cities of Goodyear and Avondale, all parties to
24 this Docket, and all parties who made a limited appearance in this Docket.

25 22. The Certificate Conditions shall be binding on the Applicant, its
26 successors, assignee(s) and transferees and any affiliates, agents, or lessees of the
27 Applicant who have a contractual relationship with the Applicant concerning the
28 construction, operation, maintenance or reclamation of the Project. The Applicant shall

1 provide in any agreement(s) or lease(s) pertaining to the Project that the contracting
2 parties and/or lessee(s) shall be responsible for compliance with the Conditions set forth
3 herein, and the Applicant's responsibilities with respect to compliance with such
4 Conditions shall not cease or be abated by reason of the fact that the Applicant is not in
5 control of or responsible for operation and maintenance of the Project facilities.

6 **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

7 This Certificate incorporates the following Findings of Fact and Conclusions of
8 Law:

9 1. The Project aids the state and the southwest region of the United States in
10 meeting the need for an adequate, economical, and reliable supply of electric power.

11 2. The Project aids the state, preserving a safe and reliable electric
12 transmission system.

13 3. During the course of the hearing, the Committee considered evidence on
14 the environmental compatibility on the Project as required by A.R.S. § 40-360 *et seq.*

15 4. The Project and the conditions placed on the Project in this Certificate
16 effectively minimize the impact of the Project on the environment and ecology of the
17 state.

18 5. The conditions placed on the Project in this Certificate resolve matters
19 concerning balancing the need for the Project with its impact on the environment and
20 ecology of the state arising during the course of the proceedings, and, as such, serve as
21 findings and conclusions on such matters.

CERTIFICATE OF MAILING

Pursuant to A.A.C. R14-3-204, the ORIGINAL of the foregoing and 25 copies were filed this 14 of November 2022 with:

Utilities Division – Docket Control
Arizona Corporation Commission
1200 West Washington Street
Phoenix, AZ 85007

COPIES of the above emailed/mailed this 14 day of November 2022:

Robin Mitchell
Director & Chief Counsel - Legal
Arizona Corporation Commission
1200 West Washington Street
Phoenix, AZ 85007
rmitchell@azcc.gov
Counsel for Legal Division Staff

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City of Goodyear
Julie Karins, City Manager
190 North Litchfield Road
Goodyear, Arizona 85338

City of Avondale
Cherlene Penilla, Acting City Manager
11465 West Civic Center Drive
Avondale, Arizona 85323

Flood Control District of Maricopa County
Andrea Roren, Right-Of-Way Permit Coordinator
2801 W. Durango Street
Phoenix, Arizona 85009

Maricopa County
Matt Holm, Planning and Development Manager
301 W. Jefferson Street, Suite 170
Phoenix, Arizona 850035

City of Phoenix Aviation Department (Goodyear Airport)
Jordan Feld, Deputy Aviation Director - Planning & Environmental
2485 E. Buckeye Road
Phoenix, Arizona 850346.

Union Pacific Railroad
Jim Hild, Director - Real Estate Contracts and Utilities
1400 Douglas Street - Stop 1690
Omaha, Nebraska 68179

Maricopa County Department of Transportation
Jennifer Toth, P.E., Transportation Director/ County Engineer
2901 West Durango Street
Phoenix, Arizona 85009




Exhibit A

Exhibit A

Corridor

Beginning with a 100-foot-wide corridor along the south property line of the existing APS Runway Substation, with its northern boundary coincident with the south property line of the APS Runway Substation.

The corridor then wraps around the southeast corner of the APS Runway Substation and widens to 200 feet as it heads north approximately 0.17-mile, with its western boundary coincident with the eastern property line of the APS Runway Substation.

The corridor continues north along the east property line of the planned north expansion of the Runway Substation approximately 0.13-mile to the El Sol Street alignment, where it widens to approximately 900 feet, with its western boundary coincident with the west line of Microsoft's property.

The corridor continues north with varying widths from 735 feet to 900 feet, as the west boundary follows Microsoft's curved property line along La Cometa Street, approximately 0.3-mile to Microsoft's north property line.

At this point the corridor narrows to 250 feet as it heads northeast approximately 0.3-mile and then east approximately 0.1-mile to El Cielo Street, with its northern boundary coincident with the northern line of Microsoft's property.

The corridor remains 250 feet wide and continues east approximately 0.25-mile to Litchfield Road, with its northern boundary coincident with the centerline of Lower Buckeye Road.

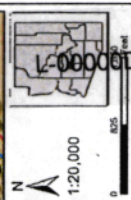
At this point the corridor remains 250 feet wide and heads south approximately 0.5-mile to the south line of the Stack data center property, with its western boundary coincident with the west right-of-way line of Litchfield Road.

At this point the corridor widens to 300 feet and heads east approximately 0.57-mile to the existing White Tanks to Broadway 69kV subtransmission line, with its southern boundary coincident with the south line of Stack's property and continuing along this alignment through the Agua Fria Riverbed corridor.

At this point the corridor widens to 350 feet, including 150 feet to the southeast and 200 feet to the northwest of the existing White Tanks to Broadway 69kV line, and follows the existing 69kV line northeast through the Agua Fria Riverbed corridor approximately 1.63 miles to a point south of Buckeye Road.

The corridor remains 350 feet wide and continues north along the same 69kV alignment approximately 0.25-mile, crossing Buckeye Road and the Union Pacific Railroad.

At this point the corridor widens to 1,150 feet and heads east between two Tucson Electric Power transmission structures approximately 0.05-mile to the existing APS White Tanks to West Phoenix 230kV transmission line.



Maricopa County, AZ
 GCS WGS 1984
 33,423°N 112,350°W
 Base Map: ESRI/ArcGIS Online
 Accessed: October 2022
 Updated: 10/1/2022
 Layout: Proposed Corridor
 Area: 6885' x 1000'

L-000000-22-0253-00209



- Project Features**
- Combiner
 - Existing Substation
 - Future Substation
 - Runway Substation Expansion Area
 - Manhole Site
 - Stream Site
 - Stack Site
- Reference Features**
- Existing Substation
 - Future Substation
 - Urban Public Railroad
- Transmission Lines**
- Existing 69kV
 - Existing 230kV
 - Existing 115kV
 - Existing 33kV

Phoenix Runway Substation
 230kV Line Siting Project
 CEC Corridor

Decision No 78834