

DEC 24 2003

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)
 SECTION 40-360, et seq., FOR A CERTIFICATE)
 OF ENVIRONMENTAL COMPATIBILITY)
 AUTHORIZING THE WEST VALLEY-SOUTH)
 230 KV TRANSMISSION LINE PROJECT,)
 INCLUDING THE CONSTRUCTION OF)
 APPROXIMATELY 18 MILES OF 230 KV)
 TRANSMISSION LINES AND THREE 230 KV)
 SUBSTATIONS IN MARICOPA COUNTY,)
 ARIZONA, ORIGINATING AT THE PROPOSED)
 TS2 SUBSTATION IN SECTION 19 TOWNSHIP 1)
 NORTH, RANGE 2, WEST, G&SRB&M AND)
 CONTINUING TO THE PROPOSED TS3)
 SUBSTATION IN SECTION 22, TOWNSHIP 2,)
 NORTH, RANGE 3 WEST, G&SRB&M AND)
 TERMINATING AT THE EXISTING 230 KV)
 TRANSMISSION LINE THAT WILL INTER-)
 CONNECT WITH THE PROPOSED TS4)
 SUBSTATION IN SECTION 28, TOWNSHIP 3)
 NORTH, RANGE 2 WEST, G&SRB&M.)

CASE NO. 122

DOCKET NO. L-00000D-03-0122

DECISION NO. 66646

Arizona Corporation Commission

DOCKETED

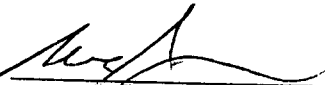

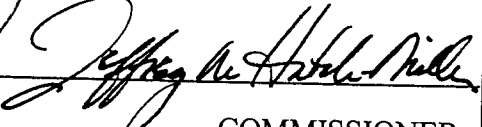
DEC 22 2003

DOCKETED BY	nr
-------------	----

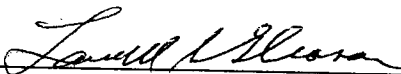

The Arizona Corporation Commission ("Commission") has conducted its review, pursuant to A.R.S. § 40-360.07. The Commission finds and concludes that the Certificate of Environmental Compatibility ("CEC") issued by the Arizona Power Plant and Transmission Line Siting Committee ("Committee") is hereby granted by this Order.

The Commission further finds and concludes that: (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 by the Committee effectively minimize its impact on the environment and ecology of the state; (3) the conditions placed on the CEC by the Committee 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; and (4) in light of these conditions, the balancing in the broad public interest results in favor of granting the CEC.

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

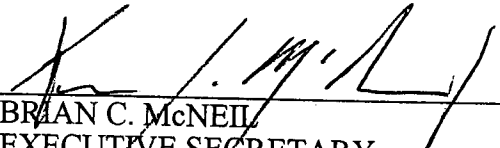
  

COMMISSIONER-CHAIRMAN COMMISSIONER COMMISSIONER

COMMISSIONER COMMISSIONER

IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive Secretary of the Arizona Corporation Commission, have hereunto, set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this 22nd day of December, 2003.



BRIAN C. McNEIL
EXECUTIVE SECRETARY

DISSENT: _____

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

4 IN THE MATTER OF THE APPLICATION OF)
5 ARIZONA PUBLIC SERVICE COMPANY IN)
6 CONFORMANCE WITH THE REQUIREMENTS)
7 OF ARIZONA REVISED STATUTES)
8 SECTION 40-360, et seq., FOR A CERTIFICATE)
9 OF ENVIRONMENTAL COMPATIBILITY)
10 AUTHORIZING THE WEST VALLEY-SOUTH)
11 230 KV TRANSMISSION LINE PROJECT,)
12 INCLUDING THE CONSTRUCTION OF)
13 APPROXIMATELY 18 MILES OF 230 KV)
14 TRANSMISSION LINES AND THREE)
15 230 KV SUBSTATIONS IN MARICOPA)
16 COUNTY, ARIZONA, ORIGINATING)
17 AT THE PROPOSED TS2 SUBSTATION IN)
18 SECTION 19 TOWNSHIP 1 NORTH, RANGE 2,)
19 WEST, G&SRB&M AND CONTINUING TO THE)
20 PROPOSED TS3 SUBSTATION IN)
21 SECTION 22, TOWNSHIP 2, NORTH,)
22 RANGE 3 WEST, G&SRB&M AND)
23 TERMINATING AT THE EXISTING 230 KV)
24 TRANSMISSION LINE THAT WILL)
25 INTERCONNECT WITH THE PROPOSED TS4)
26 SUBSTATION IN SECTION 28, TOWNSHIP 3)
NORTH, RANGE 2 WEST, G&SRB&M)

Docket No:
L-00000D-03-0122

Case No: 122

17 **CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY**

18 Pursuant to notice given as provided by law, the Arizona Power Plant and
19 Transmission Line Siting Committee ("Committee") held public hearings on August 11
20 and 12, 2003, September 23 and 24, 2003 and on October 28, 2003, all in conformance
21 with the requirements of Arizona Revised Statutes § 40-360, *et seq.*, for the purpose of
22 receiving evidence and deliberating on the Application of Arizona Public Service
23 Company ("Applicant") for a Certificate of Environmental Compatibility ("Certificate") in
24 the above-captioned case. A route tour was conducted on August 12, 2003.
25
26

1 The following members and designees of members of the Committee were present
 2 at one or more of the hearings for the evidentiary presentations and/or for the
 3 deliberations:

4	Laurie Woodall	Chairman, Designee for Arizona Attorney General, Terry Goddard
5		
6	Ray Williamson	Designee for Chairman, Arizona Corporation Commission
7	Richard Tobin	Designee for Director, Arizona Department of Environmental Quality
8		
9	Mark McWhirter	Designee for Director, Energy Department, Arizona Department of Commerce
10	Gregg Houtz	Designee Director, Arizona Department of Water Resources
11		
12	Sandie Smith	Appointed Member
13	Jeff McGuire	Appointed Member
14	Margaret Trujillo	Appointed Member
15	A. Wayne Smith	Appointed Member
16	Michael Whalen	Appointed Member
17	Michael Palmer	Appointed Member.

18
 19 The Applicant was represented by Thomas H. Campbell of Lewis and Roca LLP
 20 and C. David Martinez of Pinnacle West Capital Corporation. The following parties were
 21 granted intervention pursuant to A.R.S. § 40-360.05: Arizona Corporation Commission
 22 (“Commission”) Staff, represented by David Ronald; Camelback L.L.C., represented by
 23 Laura Raffaeli and Roger K. Ferland of Quarles & Brady Streich Lang L.L.P; Cortessa,
 24 Inc., represented by Lynne Lagarde of Earl, Curley & Lagarde, P.C.; South Side of Olive
 25 Avenue Property Owners¹, represented by Jordan Rich Rose of Jorden, Bischoff, McGuire

26 ¹ Citrus & Northern LLC, Virgin Farms II, Virgin Farms Partners, Westside Wholesale Growers (Marilyn and John Hall), Warren and Jane Guard, Ed Brogdon, Pasqual and

1 & Rose, P.L.C.; Maricopa Water District, represented by Alicia Corlett and John Dacey of
2 Gammage & Burnham, P.L.C.; DMB White Tank L.L.C. and White Tank Holdings,
3 L.L.C., represented by Karrin Kunasek Taylor of Biskind, Hunt & Taylor, P.L.C.; and
4 *propria persona*, Walter Meek.

5 At the conclusion of the hearings, the Committee, having received the Application,
6 the appearances of the parties, the evidence, testimony and exhibits presented at the
7 hearings, and being advised of the legal requirements of Arizona Revised Statutes §§ 40-
8 360 to 40-360.13, upon motion duly made and seconded, voted unanimously to grant the
9 Applicant a Certificate of Environmental Compatibility (Case No. 122) for authority to
10 construct the following facilities as requested in the Application and modified by
11 conditions herein: a 230kV transmission line within a 1500 foot wide corridor from the
12 centerline of the roadway toward the side of the road where the line would be located, as
13 described below, three substations and related facilities ("Project").

14 The West Valley – South project TS4 Substation will be located in Section 19,
15 Township 1 North, Range 2 West, south of the existing Liberty Substation. The West
16 Valley – South transmission line route (depicted on Exhibit A (attached)) will originate at
17 an existing line that travels east to west that will tie into the Project where it would begin
18 south of Broadway Road at its intersection with Perryville Road in Section 28, Township 1
19 North, Range 2 West. The project route will parallel the west side of Perryville Road until
20 McDowell Road, and then continue north on the east side of Perryville Road to the
21 northeast corner of Indian School Road and Perryville Road, in Section 22, Township 2
22 North, Range 2 West. The line then would extend east along the north side of Indian
23 School Road toward Cotton Lane, in Section 23, Township 2 North, Range 2 West, and
24 then angle to the northeast along the Luke Air Force Base accident potential zone. The

25 _____
26 Christine Rudolfo, Michael and Noelia Rudolfo, William and Teri Weaver, Elijio and
JoEllen Saenz, Robert and Mary Webster, Mark and Kelly Bozak, Carol Campise and
Richard Winn

1 line will follow this angle until it reaches Cotton Lane. The line will then extend north
2 along the east side of Cotton Lane to the TS3 substation site location on the east side of
3 Cotton Lane in Section 24, Township 2 North, Range 2 West. The line will then travel
4 north from TS3 to Bethany Home Road, in Sections 13 and 14 in Township 2 North,
5 Range 2 West. At that point, the line will extend east on the south side of Bethany Home
6 Road to Loop 303, in Section 13, Township 2 North, Range 2 West. The line will extend
7 north along the west side of Loop 303 to Olive Avenue, in Sections 1 and 12 in Township
8 2 North, Range 2 West, and Section 36 in Township 3 North, Range 2 West, to a proposed
9 TS2 substation on the northwest corner of the Loop 303 and Olive Avenue in Section 25 in
10 Township 3 North, Range 2 West.

11 With the exception of turning and line crossing structures, the Project shall be
12 constructed on double circuit monopoles with the capability for double circuit 69kV
13 underbuild.

14 This Certificate is granted upon the following conditions:

- 15 1. The Applicant shall obtain all required approvals and permits
16 necessary to construct the Project.
- 17 2. The Applicant shall comply with all existing applicable air and water
18 pollution control standards and regulations, and with all existing
19 applicable ordinances, master plans and regulations of the State of
20 Arizona, the County of Maricopa, the United States, and any other
21 governmental entities having jurisdiction.
- 22 3. This authorization to construct the Project shall expire 10 years from
23 the date the Certificate is approved by the Commission unless
24 construction is completed to the point that the Project is capable of
25 operating by that time; provided, however, that the authorization to
26 construct the second circuit of the Project shall expire 15 years from

1 date of this Certificate; and further provided, however, that prior to
2 either such expiration the Applicant or its assignees may request that
3 the Commission extend this time limitation.

4 4. The Applicant shall make every reasonable effort to identify and
5 correct, on a case-specific basis, all complaints of interference with
6 radio or television signals from operation of the transmission line and
7 related facilities addressed in this Certificate. In addition to any
8 transmission repairs, relevant corrective actions may include
9 adjusting or modifying receivers; adjusting, repairing, replacing or
10 adding antennas, antenna signal amplifiers, filters, or lead-in cables;
11 or other corrective actions. The Applicant shall maintain written
12 records for a period of five years of all complaints of radio or
13 television interference attributable to operation, together with the
14 corrective action taken in response to each complaint. All complaints
15 shall be recorded to include notations on the corrective action taken.
16 Complaints not leading to a specific action or for which there was no
17 resolution shall be noted and explained. The record shall be signed
18 by the Applicant and also the complainant, if possible, to indicate
19 concurrence with the corrective action or agreement with the
20 justification for a lack of action.

21 5. The Project shall comply with applicable noise standards of the
22 federal Department of Housing and Urban Development and the
23 Environmental Protection Agency. 24 CFR §§ 51.102, 51.103
24 (1979); Information on Levels of Environmental Noise Requisite to
25 Protect Public Health and Welfare with an Adequate Margin of
26

1 Safety, U.S. Environmental Protection Agency, Document 5519-74-
2 004, U.S. Government Printing Office, 1974.

- 3 6. The Applicant shall continue to consult with the State Historic
4 Preservation Office ("SHPO") to reach a determination of any
5 cultural or archaeological impacts as a result of construction
6 activities. If the result is a determination of negative impact, the
7 Applicant shall continue to consult with the SHPO to resolve the
8 negative impacts. The Applicant will provide a treatment plan, to
9 minimize impacts, for SHPO review and approval and shall continue
10 to consult with SHPO to resolve any such impacts. The Applicant
11 shall avoid and/or minimize impacts to properties considered eligible
12 for inclusion in the State and National Register of Historic Places to
13 the extent possible.
- 14 7. If human remains and/or funerary objects are encountered during the
15 course of any ground disturbing activities relating to the development
16 of the subject property, Applicant shall cease work on the affected
17 area of the Project and notify the Director of the Arizona State
18 Museum in accordance with A.R.S. § 41-865.
- 19 8. Applicant shall retain an archaeologist during construction activities
20 in applicable areas, as determined by SHPO, to advise them in
21 connection with any additional archaeological studies that may be
22 required and any mitigation efforts for archaeological sites that may
23 be affected by the construction of the Project.
- 24 9. After construction, the Applicant, in conjunction with any applicable
25 land-managing agency, shall allow Arizona Site Stewards, a
26

1 volunteer-staffed SHPO program, to periodically inspect the sites
2 within the corridor for vandalism or other damage.

3 10. The Applicant shall follow the Arizona State Land Department's
4 ("ASLD") instructions, if any, regarding the treatment of State
5 Register of Historic Places eligible properties situated on ASLD land
6 in consultation with SHPO.

7 11. In consultation with SHPO and the land-managing agency, the
8 Applicant will consider and assess potential direct and indirect
9 impacts to eligible properties related to new access roads or any
10 existing access roads that require blading.

11 12. Where practicable, the Applicant shall use existing roads for
12 construction and access. The Applicant shall minimize vegetation
13 disturbance, particularly in drainage channels and along stream banks,
14 and shall revegetate or restore native areas of construction
15 disturbance.

16 13. The Applicant shall use non-specular conductor and dulled surfaces
17 for transmission line structures.

18 14. Within 45 days of securing easement or right-of-way for the Project,
19 the Applicant shall erect and maintain signs providing public notice
20 that the property is the site of a future transmission line. Such
21 signage shall be no smaller than a normal roadway sign. The
22 Applicant shall place signs in prominent locations at reasonable
23 intervals such that the public is notified along the full length of the
24 transmission line until the transmission structures are constructed.
25 There also must be signs at the location of the proposed substations.
26 The signs shall advise:

- That the site has been approved for the construction of Project facilities including a 230 kV transmission line, as applicable to the individual site;
- The expected date of completion of the Project facilities; and
- A phone number for public information regarding the Project.

15. In the event that the Project requires an extension of the term of this Certificate prior to completion of construction, Applicant shall use reasonable means to directly notify all landowners and residents within a one-half-mile radius of the Project facilities for which the extension is sought. Such landowners and residents shall be notified of the time and place of the proceeding in which the Commission shall consider such request for extension.

16. Before construction on this Project may commence, the Applicant must file a construction mitigation and restoration plan with the Commission's Docket Control Office with copies to affected areas of jurisdiction. The Applicant shall, within one year of completion of construction of the Project, rehabilitate to its original state any native area disturbed by construction of the Project, except for any road that may be necessary to access the transmission lines or substation sites for maintenance and repair.

The goals of the plan will be to:

- Avoid impacts where practical;
- Where impacts are unavoidable, minimize impacts; and
- Focus on site preparation to facilitate natural processes of revegetation.

1 Other key elements of the Plan, when not inconsistent with the
2 respective land management agencies' or local owners' requirements,
3 are to:

- 4 • Emphasize final site preparation to encourage natural
5 revegetation;
- 6 • Avoid (*i.e.*, preserve), where practical, mature native trees;
- 7 • Stipulate a maximum construction corridor width;
- 8 • Reserve topsoil and native plant materials from right-of-way
9 before grading, and respread over the right-of-way after
10 construction is complete;
- 11 • Imprint the restored right-of-way to provide indentations to catch
12 seed and water;
- 13 • Implement best management practices to protect the soil;
- 14 • Apply restoration methods that have been shown to work in the
15 desert environment; and
- 16 • Prevent, where applicable, the spread of noxious weeds or other
17 undesirable species.

18 17. Applicant shall monitor all ground clearing/disturbing construction
19 activities that may affect sensitive habitat. If a special status species
20 is encountered, Applicant shall retain a biological monitor to ensure
21 proper actions are taken with regard to such species. If Sonoran
22 desert tortoises are encountered during construction, the Applicant
23 shall follow the Arizona Game and Fish Department's ("AGFD")
24 Guidelines for Handling Sonoran Desert Tortoises.

25 18. Applicant shall salvage mesquite, ironwood, palo verde trees and
26 saguaros removed during project construction activities consistent

1 with Arizona's Native Plant Law and use the vegetation for
2 reclamation in or near its original location.

3 19. Applicant shall implement landscaping for the substation sites in
4 accordance with the applicable municipal planning and zoning
5 requirements.

6 20. The Applicant shall submit a self-certification letter annually,
7 identifying which conditions contained in the Certificate have been
8 met. Each letter shall be submitted to the Commission's Utilities
9 Division Director on December 1, beginning in 2004. Attached to
10 each certification letter shall be documentation explaining in detail
11 how compliance with each condition was achieved. Copies of each
12 letter, along with the corresponding documentation, also shall be
13 submitted to the Arizona Attorney General and Department of
14 Commerce Energy Office.

15 21. With respect to the Project, Applicant shall participate in good faith in
16 state and regional transmission study forums such as the Central
17 Arizona Transmission Study and the Southwest Transmission
18 Enhancement Plan, and shall coordinate transmission expansion plans
19 related to the Project to resolve transmission constraints in a timely
20 manner.

21 22. The following condition is to ensure transmission system safety and
22 reliability when a transmission structure is placed within one hundred
23 feet of a natural gas or hazardous liquid pipeline right-of-way,
24 excluding distribution lines as defined by the Code of Federal
25 Regulations, 49 C.F.R. Sect. 192.3 (2001). Under such
26 circumstances, the Applicant shall:

- 1 (a) Provide the appropriate grounding and cathodic protection
2 studies to show that the transmission line results in no material
3 adverse impacts to such natural gas or hazardous liquid
4 pipeline, whose right-of-way is a hundred feet or less from the
5 transmission structure, when both are in operation. A report of
6 the studies shall be provided to the Commission by the
7 Applicant as part of its compliance with the Certificate. If
8 material adverse impacts are noted in the studies, Applicant
9 shall take appropriate steps to ensure such material adverse
10 impacts are eliminated. Applicant shall provide to the
11 Commission written documentation of the actions that were
12 taken and provide documentation showing that no material
13 adverse impacts are occurring.
- 14 (b) Adopt a written mitigation plan outlining any and all steps
15 taken to protect all electric facilities associated with the
16 transmission line as a result of this Project from any potential
17 hazards that could occur whenever a transmission line
18 structure is placed 100 feet or less from any such pipeline
19 right-of-way. The plan shall indicate what corrective action
20 will be taken to mitigate any potential hazard that could occur.
21 A potential hazard includes, but is not limited to, a rupture or
22 explosion resulting from the pipeline. The written mitigation
23 plan shall be provided to the Commission by the Applicant as
24 part of its compliance with this Certificate and shall be subject
25 to approval from Commission Staff. Applicant shall
26

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

APPROVED BY ORDER OF THE ARIZONA CORPORATION COMMISSION

_____	_____	_____
Chairman	Commissioner	Commissioner
_____	_____	
Commissioner	Commissioner	

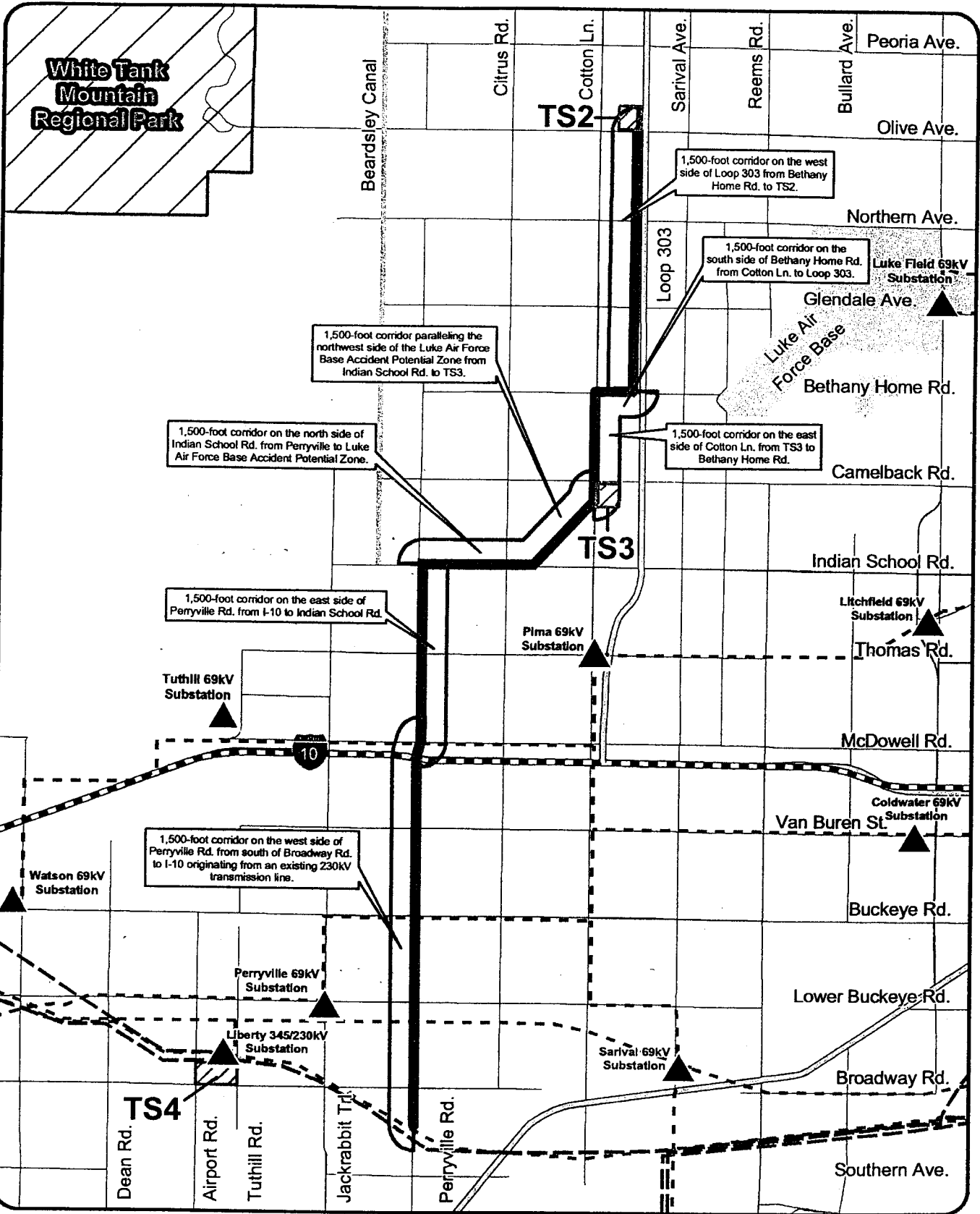
In Witness Hereof, I, Brian C. McNeil, Executive Secretary of the Arizona Corporation Commission, set my hand and cause the official seal of this Commission to be affixed, this _____ day of _____, 2003.

By: _____
Brian C. McNeil
Executive Secretary

Dissent:

247804

EXHIBIT A



P:\Arizona_Public_Services\23442874\GIS\mxd\slk\slk\Revised_Alt_Figure_Map.mxd

System Option Approved by Siting Committee



- Proposed 230kV Substation
- Existing 500kV Transmission Line
- Existing 345kV Transmission Line
- Existing 230kV Transmission Line
- Existing 69kV Transmission Line
- Proposed 230kV System Option
- Existing Substation
- 1,500-foot Corridor

