



0000212481

## BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

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

Arizona Corporation Commission

DOCKETED

DEC 31 2024

DOCKETED BY

WJ

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 BAGDAD 230 KILOVOLT  
(KV) TRANSMISSION LINE PROJECT, APS  
PLANS TO CONSTRUCT A SINGLE CIRCUIT  
230KV TRANSMISSION LINE WHICH WILL  
CONNECT A NEW SUBSTATION ADJACENT  
TO THE EXISTING WILLOW LAKE 115KV  
POWERLINE APPROXIMATELY ONE MILE  
EAST OF THE TOWN OF BAGDAD, ARIZONA.

DOCKET NO. L-00000D-24-0218-00238

CASE NO. 238

DECISION NO. 79645

ORDER

December 17, 2024  
Open Meeting

**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.

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

1 with the desire to minimize the effect thereof on the environment and ecology of this state, and finds  
2 that granting the Project a CEC is in the public interest.

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

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

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

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

*Lea Marquez Peterson*  
 COMMISSIONER MARQUEZ PETERSON

*Anna Tovar*  
 COMMISSIONER TOVAR

*Ken Thompson*  
 COMMISSIONER THOMPSON

*W. J. Myers*  
 COMMISSIONER MYERS



IN WITNESS WHEREOF, I, DOUGLAS R. CLARK,  
 Executive Director of the Arizona Corporation Commission,  
 have hereunto, set my hand and caused the official seal of this  
 Commission to be affixed at the Capitol, in the City of Phoenix,  
 this 31<sup>st</sup> day of December, 2024.

*Douglas R. Clark*  
 DOUGLAS R. CLARK  
 Executive Director

DISSENT: \_\_\_\_\_

DISSENT: \_\_\_\_\_



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

3       IN THE MATTER OF THE APPLICATION  
4       OF ARIZONA PUBLIC SERVICE  
5       COMPANY, IN CONFORMANCE WITH  
6       THE REQUIREMENTS OF ARIZONA  
7       REVISED STATUTES §§ 40-360, ET SEQ.,  
8       FOR A CERTIFICATE OF  
9       ENVIRONMENTAL COMPATIBILITY  
10      AUTHORIZING THE BAGDAD 230KV  
11      TRANSMISSION LINE PROJECT, WHICH  
12      INCLUDES THE CONSTRUCTION OF AN  
13      APPROXIMATELY 14-MILE LONG 230KV  
14      TRANSMISSION LINE THAT WILL  
15      CONNECT FROM WESTERN AREA  
16      POWER ADMINISTRATION'S MEAD-TO-  
17      PERKINS TRANSMISSION LINE VIA A  
18      NEW SUBSTATION TO A NEW  
19      SUBSTATION NEAR THE TOWN OF  
20      BAGDAD AND ADJACENT TO THE  
21      WILLOW LAKE-TO-BAGDAD 115KV  
22      LINE, ALL WITHIN YAVAPAI COUNTY,  
23      ARIZONA.

DOCKET NO. L-00000D-24-0218-  
00238

Case No. 238

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**CERTIFICATE OF  
ENVIRONMENTAL  
COMPATIBILITY**

15   **A.     INTRODUCTION**

16           Pursuant to notice given as provided by law, the Arizona Power Plant and  
17   Transmission Line Siting Committee ("Committee") held public hearings on October 28  
18   through October 30, 2024, in Wickenburg, Arizona, in conformance with the requirements  
19   of Arizona Revised Statutes ("A.R.S.") §§ 40-360, *et seq.*, for the purpose of receiving  
20   evidence and deliberating on the Application of Arizona Public Service Company ("APS"  
21   or "Applicant") for a Certificate of Environmental Compatibility ("Certificate") in the  
22   above-captioned case.

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

26           Adam Stafford

Chairman, Designee for Arizona Attorney  
General Kris Mayes



1	Leonard Drago	Designee for Director, Arizona Department of Environmental Quality
2		
3	David French	Designee for Director, Arizona Department of Water Resources
4		
5	Nicole Hill	Designee for Director, Governor's Energy Office
6		
7	Gabby Saucedo Mercer	Designee of the Chairman, Arizona Corporation Commission ("Commission")
8		
9	Dave Richins	Appointed Member, representing General Public
10		
11	Jon Gold	Appointed Member, representing the General Public
12		
13	Margaret "Toby" Little	Appointed Member, representing the General Public
14		
15	David Kryder	Appointed Member, representing Agricultural Interests
16		
17	Roman Fontes	Appointed Member, representing Counties

Applicant was represented by Linda J. Benally and Farris Gillman of Pinnacle West Capital Corporation and J. Matthew Derstine of Snell & Wilmer, LLP. No parties requested intervention pursuant to A.R.S. § 40-360.05. Freeport Minerals Corporation ("Freeport"), represented by Patrick J. Black and Kaitlyn E. Smith of Fennemore Craig, P.C., made a limited appearance pursuant to A.R.S. § 40-360.05(B).

At the conclusion of the hearing, the Committee, after considering the (i) Application, (ii) appearances of the Applicant, (iii) evidence, testimony, and exhibits presented by the Applicant, (iv) the limited appearance of Freeport, and (v) comments of the public, and being advised of the legal requirements of A.R.S. §§ 40-360 through 40-360.13, upon motion duly made and seconded, voted 10 to 0 to grant the Applicant, its successors and assigns, this Certificate for construction of the Bagdad 230kV Transmission Line Project ("Project") as described below.

1 **B. PROJECT DESCRIPTION**

2 The Project consists of a new, approximately 14-mile, single-circuit 230kV  
3 transmission line. The Project will be located on State Trust Land, managed by the  
4 Arizona State Land Department, and private land. A map showing the route of the Project  
5 is shown in **Exhibit A**.

6 The final right-of-way width for the Project will be 100 feet within the 300-foot-  
7 wide corridor. The maximum height of the structures will be 199 feet.

8 **CONDITIONS**

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

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

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

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

4. The Applicant shall obtain all approvals and permits necessary to construct, operate and maintain the Project required by any governmental entity having jurisdiction including, but not limited to, the United States of America, the State of Arizona, Yavapai County, ASLD, and their agencies and subdivisions.

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

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



1           7.     The issuance of a Certificate by the Commission is a state action pursuant  
2 to A.R.S. §§ 41-861 through 41-864, also known as the State Historic Preservation Act  
3 (“State Act”) and is subject to review by the Arizona State Historic Preservation Office  
4 (“SHPO”). As a state agency, the Commission remains the responsible entity for  
5 compliance with the State Act.

6           A.    The Applicant, on behalf of the Commission, shall consult with SHPO  
7 regarding the Project and its impacts on historic properties and construction shall not  
8 commence until SHPO has had an opportunity to review and comment.

9           B. If a Project involves federal funding, permitting, licensing, or approval pursuant  
10 to 36 CFR § 800.16(y), it may be a federal undertaking pursuant to Section 106 of the  
11 National Historic Preservation Act (“NHPA”) (36 CFR Part 800). Section 106 of the  
12 NHPA requires SHPO concurrence on the adequacy of the federal agency’s efforts to  
13 identify historic properties and establish an area of potential effects. If any part of the  
14 Project is a federal undertaking, the federal agency shall consult with SHPO directly. The  
15 Applicant will provide SHPO with notice of federal agency involvement if not known  
16 prior to issuance of this Certificate.

17           8.    If any archaeological, paleontological, or historical site or a significant  
18 cultural object is discovered on state, county, or municipal land during the construction or  
19 operation of the Project, the Applicant or its authorized representative shall promptly  
20 report the discovery to the Director of the Arizona State Museum (“ASM”), and in  
21 consultation with the Director, shall immediately take all reasonable steps to secure and  
22 maintain the preservation of the discovery as required by A.R.S. § 41-844.

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

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

13 11. Encounters of Human Remains.

14 A. If human remains and/or funerary objects are encountered during the course  
15 of any ground-disturbing activities related to the construction or operation of the Project,  
16 the Applicant shall cease work on the affected area of the Project and notify the Director  
17 of the ASM as required by A.R.S. § 41-865 for private land, or as required by A.R.S. §  
18 41-844 for state, county, or municipal lands.

19 B. If human remains and/or funerary objects are encountered during the course  
20 of any ground-disturbing activities related to the construction or operation of the Project  
21 on federal land, the Applicant shall cease work on the affected area of the Project and  
22 notify the federal land manager as required by the Native American Graves Protection and  
23 Repatriation Act ("NAGPRA"; Public Law 101-601; 25 U.S.C. 3001-3013). The Project  
24 shall not proceed without federal agency approval. 12. Within one hundred  
25 twenty (120) days of the Commission's decision approving this Certificate, the Applicant  
26 shall post signs in or near public rights-of-way, to the extent authorized by law, reasonably  
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1 adjacent to the Project giving notice of the Project. Such signage shall be no smaller than  
2 a roadway sign. The sign shall advise:

- 3 a. The future site of the Project;
- 4 b. A phone number and website for public information regarding the Project;
- 5 and
- 6 c. Refer the public to the Docket;

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

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

11 13. At least ninety (90) days before construction commences on the Project, the  
12 Applicant shall provide Yavapai County, ASLD, and known builders and developers who  
13 are building upon or developing land within three (3) miles of the centerline of the Project  
14 with a written description, including the approximate height and width measurements of  
15 all structure types of the Project. The written description shall identify the location of the  
16 Project and contain a pictorial depiction of the facilities being constructed. The Applicant  
17 shall also encourage the developers and builders to include this information in their  
18 disclosure statements. Upon approval of this Certificate by the Commission, the Applicant  
19 may commence construction of the Project.

20 14. The Applicant shall use non-specular conductor and non-reflective surfaces  
21 for the transmission line structures on the Project.

22 15. The Applicant shall be responsible for arranging that all field personnel  
23 involved in the Project receive training as to proper ingress, egress, and on-site working  
24 protocols for environmentally sensitive areas and activities. Contractors employing such  
25 field personnel shall maintain records documenting that the personnel have received such  
26 training.

27 16. The Applicant shall follow the most current Western Electricity  
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1 Coordinating Council ("WECC") and North American Electric Reliability Corporation  
2 ("NERC") planning standards, as approved by the Federal Energy Regulatory  
3 Commission ("FERC"), National Electrical Safety Code ("NESC") standards, and Federal  
4 Aviation Administration ("FAA") regulations.

5 17. The Applicant shall participate in good faith in state and regional  
6 transmission study forums to coordinate transmission expansion plans related to the Project  
7 and to resolve transmission constraints in a timely manner. 18. When Project facilities are  
8 located parallel to and within one hundred (100) feet of any existing natural gas or  
9 hazardous pipeline, the Applicant shall:

- 10 a. Ensure grounding and cathodic protection studies are performed to show  
11 that the Project's location parallel to and within one hundred (100) feet of  
12 such pipeline results in no material adverse impacts to the pipeline or to  
13 public safety when both the pipeline and the Project are in operation. The  
14 Applicant shall take appropriate steps to ensure that any material adverse  
15 impacts are mitigated. The Applicant shall provide to Staff of the  
16 Commission, and file with Docket Control, a copy of the studies performed  
17 and additional mitigation, if any, that was implemented as part of its annual  
18 compliance-certification letter; and
- 19 b. Ensure that studies are performed simulating an outage of the Project that  
20 may be caused by the collocation of the Project parallel to and within one  
21 hundred (100) feet of the existing natural gas or hazardous liquid pipeline.  
22 The studies should either: (i) show that such simulated outage does not result  
23 in customer outages; or (ii) include operating plans to minimize any  
24 resulting customer outages. The Applicant shall provide a copy of the study  
25 results to Staff of the Commission and file them with Docket Control as part  
26 of the Applicant's annual compliance certification letter.

27 19. The designation of the corridor in this Certificate, as shown in **Exhibit A**,  
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1 does not authorize a right-of-way greater than 100 feet wide for the transmission line, nor  
2 does it grant the Applicant exclusive rights within the corridor outside of the final  
3 designated transmission right-of-way.

4 20. The Applicant shall submit a compliance certification letter annually,  
5 identifying progress made with respect to each condition contained in this Certificate,  
6 including which conditions have been met. The letter shall be submitted to the  
7 Commission's Docket Control commencing on December 1, 2025. Attached to each  
8 certification letter shall be documentation explaining how compliance with each condition  
9 was achieved. Copies of each letter, along with the corresponding documentation, shall be  
10 submitted to the Arizona Attorney General's Office. With respect to the Project, the  
11 requirement for the compliance letter shall expire on the date the Project is placed into  
12 operation. Notification of such filing with Docket Control shall be made to Yavapai  
13 County, ASLD, all parties to this Docket, and all parties who made a limited appearance  
14 in this docket.

15 21. The Applicant shall provide a copy of this Certificate to Yavapai County  
16 and ASLD.

17 22. 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 Rule R14-3-  
20 213(F) of the Arizona Administrative Code.

21 23. In the event the Applicant, its assignee, or successor seeks to modify the  
22 Certificate's terms at the Commission, it shall provide copies of such request to Yavapai  
23 County, ASLD, all parties to this Docket, and all parties who made a limited appearance.

24 24. The Certificate Conditions shall be binding on Applicant, its successors,  
25 assignee(s) and transferees, and any affiliates, agents, or lessees of the Applicant who have  
26 a contractual relationship with the Applicant concerning the construction, operation,  
27 maintenance, or reclamation of the Project. The Applicant shall provide in any  
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1 agreement(s) or lease(s) pertaining to the Project that the contracting parties and/or  
2 lessee(s) shall be responsible for compliance with the Conditions set forth herein, and the  
3 Applicant's responsibilities with respect to compliance with such Conditions shall not  
4 cease or be abated by reason of the fact that the Applicant is not in control of or responsible  
5 for the operation and maintenance of the Project facilities.

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

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

10 1. The Project aids the State and the Southwest Region of the United States in  
11 meeting the need for an adequate, economical, and reliable supply of electric power.

12 2. When constructed in compliance with the conditions imposed in this  
13 Certificate, the Project aids the State, preserving a safe and reliable electric transmission  
14 system.

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

17 4. The Project and the conditions placed on the Project in this Certificate  
18 effectively minimize the impact of the Project on the environment and ecology of the State.

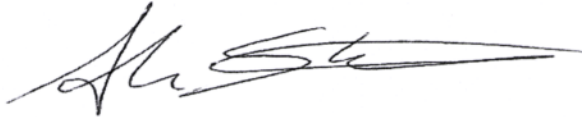
19 5. The Conditions placed on the Project in this Certificate resolve matters  
20 concerning balancing the need for the Project with its impact on the environment and  
21 ecology of the State arising during the course of the proceedings and, as such, serve as  
22 findings and conclusions on such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

23 6. The Project is in the public interest because the Project's contribution to  
24 meeting the need for an adequate, economical, and reliable supply of electric power  
25 outweighs the minimized impact of the Project on the environment and ecology of the  
26 State.



1 DATED this 8th day of November, 2024.

2 THE ARIZONA POWER PLANT AND  
3 TRANSMISSION LINE SITING COMMITTEE

4 

5 By: \_\_\_\_\_  
6 Adam Stafford, Chairman  
7

8 **CERTIFICATE OF MAILING**

9 **ORIGINAL** of the foregoing was e-filed this 8th day of November, 2024, with:

10 Utilities Division – Docket Control  
11 ARIZONA CORPORATION COMMISSION  
12 1200 West Washington Street  
13 Phoenix, AZ 85007

14 COPY of the foregoing emailed this 8th day of November, 2024, to:

15 Tom Van Flein, General Counsel  
16 Arizona Corporation Commission  
17 1200 W. Washington Street  
18 Phoenix, Arizona 85007  
19 legal@azcc.gov  
20 *Counsel for Legal Division Staff*

21 Britton Baxter and Ranelle Paladino  
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26 /s/ T. Brewer  
27 CEC 238  
28

# EXHIBIT A



BAGDAD 230kV TRANSMISSION LINE PROJECT  
CORRIDOR DESCRIPTION

Beginning at a point (A) 450 feet northeast of the WAPA Perkins-Mead 500kV transmission line, 1,076 feet south of the southern edge of the Santa Maria River North Fork, and 6,000 feet east of the centerline of U.S. 93, the route proceeds northwest approximately parallel to the WAPA Perkins-Mead 500kV transmission line for approximately 4,740 feet, where the route turns roughly north for a distance of approximately 2.93 miles to a point (B) that is approximately 4,170 feet west of Thorn Peak.

From this point, the route continues roughly north for another approximately 3,565 feet before turning and proceeding roughly north northeast for approximately 2,730 feet, to a point (C) approximately 1,425 feet northwest of Whitecap Peak. The route continues roughly northeast approximately 4 miles to a point (D) where it crosses State Route 97 approximately 3.1 miles west on State Route 97 from the State Route 97 and State Route 96 intersection.

From this point, the route continues roughly northeast for approximately 1.82 miles to a point (E) where it crosses Bridle Creek approximately 2,700 feet northwest of State Route 97.

From this point, the route continues roughly north 1.84 miles, crossing Bridle Creek two additional times to a point (F) where it crosses State Route 96 approximately 1.93 miles south of the intersection of State Route 96 and Community Drive in Bagdad.

From this point, the route proceeds roughly north northwest for approximately 1.13 miles to the termination of the transmission line (G), which is located approximately 536 feet south of the existing Willow Lake to Bagdad 115kV transmission line, and approximately 4,240 feet east of the point where the existing Willow Lake to Bagdad 115kV transmission line crosses over State Route 96.



