



0000200128

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

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

IN THE MATTER OF THE APPLICATION OF ARIZONA PUBLIC SERVICE COMPANY, IN CONFORMANCE WITH THE REQUIREMENTS OF A.R.S. § 40-360 *ET SEQ.*, FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AUTHORIZING THE WILDCAT AND CYCLONE TRANSMISSION LINE PROJECT, WHICH INCLUDES THE CONSTRUCTION OF NEW 230-KILOVOLT SINGLE CIRCUIT TRANSMISSION LINES, WITH THE INTERCONNECTION ORIGINATING AT THE EXISTING APS PALM VALLEY-RUDD 230-KV TRANSMISSION LINE (RUDD TRANSMISSION LINE), PROCEEDING TO THE TS15 SUBSTATION, NE QUARTER OF THE SW QUARTER OF SECTION 21 OF TOWNSHIP 1 NORTH, RANGE 1 WEST, AND CONTINUING SOUTH TERMINATING AT THE RUDD TRANSMISSION LINE LOCATED WITHIN MARICOPA COUNTY, ARIZONA.

**DOCKET NO. L-00000D-19-0196-00183**  
**CASE NO. 183**  
**DECISION NO. 77469**

**ORDER**

Arizona Corporation Commission  
**DOCKETED**

NOV 07 2019

**DOCKETED BY**  
ad

Open Meeting  
November 5 and 6, 2019  
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.

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

...  
...  
...

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

3           1.       The Project is in the public interest because it aids the state in meeting the need for an  
4 adequate, economical, and reliable supply of electric power.

5           2.       In balancing the need for the Project with its effect on the environment and ecology of  
6 the state, the conditions placed on the CEC effectively minimize its impact on the environment and  
7 ecology of the state.

8           3.       The conditions placed on the CEC resolve matters concerning the need for the Project  
9 and its impact on the environment and ecology of the state raised during the course of proceedings  
10 and, as such, serve as the findings on the matters raised.

11          4.       In light of these conditions, the balancing in the broad public interest results in favor  
12 of granting the CEC.

13 ...

14 ...

15 ...

16 ...

17 ...

18 ...

19 ...

20 ...

21 ...

22 ...

23 ...

24 ...

25 ...

26 ...

27 ...

28 ...

1 THE CEC ISSUED BY THE SITING COMMITTEE IS  
 2 INCORPORATED HEREIN AND IS APPROVED BY ORDER OF  
 3 THE ARIZONA CORPORATION COMMISSION  
 4

5 *Robert L. Burns* *Robert L. Burns* *James W. Kennedy*  
 6 CHAIRMAN BURNS COMMISSIONER DUNN COMMISSIONER KENNEDY

7  
 8 *Justin Olson* *Lea Marquez Peterson*  
 9 COMMISSIONER OLSON COMMISSIONER MARQUEZ PETERSON



10 IN WITNESS WHEREOF, I, MATTHEW J. NEUBERT,  
 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 7<sup>th</sup> day of November, 2019.

15  
 16 *Matthew J. Neubert*  
 17 MATTHEW J. NEUBERT  
 18 EXECUTIVE DIRECTOR

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

20  
 21 DISSENT: \_\_\_\_\_



1 Line Project or Project).

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

5	Thomas Chenal	Chairman, Designee for Arizona Attorney General
6	Leonard Drago	Designee for Director, Arizona Department of 7 Environmental Quality
8	John R. Riggins	Designee for Director, Arizona Department of Water Resources
9	Laurie A. Woodall	Designee of the Chairman, Arizona Corporation 10 Commission
11	Jack Haenichen	Appointed Member, representing the general public
12	Patricia A. Noland	Appointed Member, representing the general public
13	Karl Gentles	Appointed Member, representing the general public
14	Mary Hamway	Appointed Member, representing the cities and towns
15	James A. Palmer	Appointed Member, representing agriculture

16 The Applicant was represented by J. Matthew Derstine of Snell & Wilmer and  
17 Linda J. Benally of APS. The following parties were granted intervention pursuant to  
18 A.R.S. § 40-360.05: Arizona Corporation Commission Utilities Division Staff.

19 At the conclusion of the hearing, the Committee, after considering the  
20 (i) Application, (ii) evidence, testimony, and exhibits presented by the Applicant, and  
21 (iii) comments of the public, and being advised of the legal requirements of the A.R.S.  
22 §§ 40-360 through 40-360.13, upon motion duly made and seconded, voted 9 to 0 to  
23 grant Applicant, its successors and assigns, this Certificate for construction of the  
24 Project as described below.

### 25 **Overview of the Project**

26 The Project is being developed to serve two separate but adjacent data center  
27 projects located northwest of the intersection of W. Broadway Road and S. Litchfield  
28 Road in Goodyear, and referred to as the Wildcat Data Center and the Cyclone Data

1 Center. The Project will consist of new single-circuit 230kV transmission lines of  
2 approximately 1.45 miles of total length designed to deliver power to the data center  
3 projects, from the nearby existing Palm Valley to Rudd 230kV transmission line located  
4 approximately 0.30 to 0.35 miles to the south of the Wildcat Data Center and Cyclone  
5 Data Center sites. Applicant plans to use steel double-circuit capable monopoles and H-  
6 frame structures for the Project.

7 A map and corridor description of the Project is attached as "Exhibit A".  
8

### 9 CONDITIONS

10 This Certificate is granted upon the following conditions:

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

16 2. In the event that the Project requires an extension of the term(s) of this  
17 Certificate prior to completion of construction, Applicant shall file such time extension  
18 request at least one hundred eighty (180) days prior to the expiration date of the  
19 Certificate. Applicant shall use reasonable means to promptly notify all cities and towns  
20 within a five (5)-mile radius of the centerline of the Project and all landowners and  
21 residents within a one (1)-mile radius of the centerline of the Project, all persons who  
22 made public comment at this proceeding who provided a mailing or email address, and  
23 all parties to this proceeding. The notification provided will include the request and the  
24 date, time, and place of the hearing or open meeting during which the Commission will  
25 consider the request for extension. Notification shall be no more than three (3) business  
26 days after Applicant is made aware of the hearing date or the open meeting date.

27 3. During the development, construction, operation, maintenance and  
28 reclamation of the Project, Applicant shall comply with all existing applicable air and

1 water pollution control standards and regulations, and with all existing applicable  
2 statutes, ordinances, master plans, and regulations of any governmental entity having  
3 jurisdiction, including, but not limited to, the United States of America, the State of  
4 Arizona, Maricopa County, the City of Goodyear, and their agencies or subdivisions,  
5 including but not limited to the following:

6 3.1 All applicable land use regulations;

7 3.2 All applicable zoning stipulations and conditions, including but not  
8 limited to landscaping and dust control requirements;

9 3.3 All applicable water use, discharge and/or disposal requirements of  
10 the Arizona Department of Water Resources and the Arizona  
11 Department of Environmental Quality;

12 3.4 All applicable noise control standards; and

13 3.5 All applicable regulations governing storage and handling of  
14 hazardous chemicals and petroleum products.

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

19 5. Applicant shall comply with the Arizona Game and Fish Department  
20 (AGFD) guidelines for handling protected animal species, should any be encountered  
21 during construction and operation of the Project, and shall consult with AGFD as  
22 necessary on other issues concerning wildlife.

23 6. Applicant shall design the Project to incorporate reasonable measures to  
24 minimize impacts to avian species. Such measures will be accomplished through  
25 compliance with the 2006 standards of the Avian Power Line Interaction Committee,  
26 and include the application of recommended measures to minimize the risk of collision,  
27 as described in the 2012 guidelines of the Avian Power Line Interaction Committee. To  
28 the extent applicable to the Project, Applicant will comply with the recommendations of

1 the AGFD set forth in its August 1, 2019 letter which is Exhibit APS-14 of the  
2 Supplemental Packet filed on September 12, 2019.

3 7. Applicant shall consult with the State Historical Preservation Office  
4 (SHPO) and the City of Goodyear with respect to cultural resources. If any  
5 archeological, paleontological, or historical site, or a significant object is discovered on  
6 state, county or municipal land during the construction or operation of the Project,  
7 Applicant or its representative in charge shall promptly report the discovery to the  
8 Director of the Arizona State Museum (ASM), and in consultation with the Director,  
9 shall immediately take all reasonable steps to secure and maintain the preservation of the  
10 discovery as required by A.R.S. § 41-844.

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

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

28 10. If human remains and/or funerary objects are encountered on private land

1 during the course of any ground-disturbing activities related to the construction or  
2 maintenance of the Project, Applicant shall cease work on the affected area of the  
3 Project and notify the Director of the Arizona State Museum as required by A.R.S. § 41-  
4 865.

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

- 9 a. Future site of a APS power line; and
- 10 b. A phone number and website for public information regarding the  
11 Project.

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

14 12. At least ninety (90) days before construction commences on the Project,  
15 Applicant shall provide governmental entities within five (5) miles of the Project, and  
16 known builders and developers who are building upon or developing land within one (1)  
17 mile of the centerline of the Project with a written description, including height and  
18 width measurements of all structure types, of the Project. The written description shall  
19 identify the location of the Project and contain a pictorial depiction of the facilities being  
20 constructed. Applicant shall also encourage the developers and builders to include this  
21 information in their disclosure statements.

22 13. Applicant shall use non-specular conductors and non-reflective surfaces  
23 for the transmission line structures on the Project.

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

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

6           16. Applicant shall participate in good faith in state and regional transmission  
7 study forums to coordinate transmission expansion plans related to the Project and to  
8 resolve transmission constraints in a timely manner.

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

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

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

1 Applicant's annual compliance certification letter.

2 18. Applicant shall submit a compliance certification letter annually,  
3 identifying progress made with respect to each condition contained in this Certificate,  
4 including which conditions have been met. The letter shall be submitted to  
5 Commission's Docket Control commencing on December 1, 2020. Attached to each  
6 certification letter shall be documentation explaining how compliance with each  
7 condition was achieved. Copies of the letter, along with the corresponding  
8 documentation, shall be submitted to the Arizona Attorney General's Office. With  
9 respect to the Project, the requirement for the compliance letter shall expire on the date  
10 the Project is placed into operation. Notification of such filing with Docket Control  
11 shall be made to the Board of Supervisors for Maricopa County, the City of Goodyear,  
12 and all parties to this Docket.

13 19. Applicant shall provide a copy of this Certificate to the Board of  
14 Supervisors for Maricopa County, the Cities of Goodyear, Avondale and Phoenix,  
15 Arizona State Land Department, Bureau of Land Management and Phoenix Goodyear  
16 Airport.

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

21 21. In the event 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 County, the Cities of Goodyear, Avondale and Phoenix, Arizona State  
24 Land Department, Bureau of Land Management, Phoenix Goodyear Airport and all  
25 parties to this Docket.

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

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

7 23. Applicant shall continue to make good faith efforts to discuss, with private  
8 landowners on whose property the Project is located, the specific location of the right-  
9 of-way and alternatives for placement of poles. A copy of this Certificate shall be  
10 provided to private landowners, and a description of the good faith efforts and  
11 discussions shall be included in the annual compliance certification letter.

12 24. Applicant shall pursue reasonable efforts to work with private landowners  
13 on whose property the Project will be located to mitigate the impacts of the location,  
14 construction, and operation of the Project on private land and negotiate such right-of-  
15 way agreements in good faith.

16 25. Any such right-of-way agreement shall, where practicable and after  
17 consultation with the landowner, require Applicant, at a minimum to (a) use existing  
18 roads for construction and access; (b) minimize impacts to wildlife; (c) minimize  
19 vegetation disturbance outside of the Project right-of-way, particularly in drainage  
20 channels and along stream banks; and (d) revegetate native areas following construction  
21 disturbance unless revegetation is waived by the landowner.

### 22 **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

23 This Certificate incorporates the following Findings of Fact and Conclusions of  
24 Law:

25 1. The Project aids the state and the southwest region in meeting the need for  
26 an adequate, economical, and reliable supply of electric power.

27 2. The Project aids the state in preserving a safe and reliable electric  
28 transmission system.



**EXHIBIT A**

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

### **Preferred Route Corridor**

Beginning at the southwest corner of Parcel 500-07-984, the western boundary of the proposed corridor extends north along the parcel boundary approximately 1,750 feet to be aligned with the northern boundary of the (future) TS15 Substation. The corridor extends from the western parcel boundary 850 feet east.

From the same southwest corner of Parcel 500-07-984, the corridor extends east along the Broadway Rd right-of-way boundary for approximately 3,185 feet. The eastern most point is 500 feet east of the western boundary of Parcel 500-07-037G. The corridor then extends 750 feet north of the Broadway Rd right-of-way.

From the southwest corner of parcel 500-07-984, the western boundary of the corridor extends south along the western boundary of Parcels 500-80-015A and 500-80-012 approximately 2,065 feet, to the WAPA Liberty - Westwing and SRP Liberty - Rudd double-circuit 230kV transmission line right-of-way. From this western boundary, the corridor extends 500 feet to the east, with its southern border being defined by the WAPA Liberty - Westwing and SRP Liberty - Rudd double-circuit 230kV transmission line right-of-way, and the APS 230kV and APS/SRP Palo Verde - Rudd 500kV transmission line right-of-way.

The southeastern portion of the corridor will extend approximately 1,540 feet south from the intersection of the southeast corner of Parcel 500-01-984 and southwest corner of Parcel 500-07-037G, to the existing APS Palm Valley – Rudd 230kV transmission line right-of-way. The corridor will extend 250 feet to the west and east from this alignment, for a total width of 500 feet.

# Wildcat and Cyclone 230kV Transmission Line Project

## Preferred Route Corridor and Parcels

### Project Features

- Parcel Boundary
- Proposed CEC Corridor
- 230kV Transmission Line Preferred Route
- Wildcat Site
- TS15 Substation
- Cyclone Site
- TS18 Substation
- Link Number
- Link Node

### Existing Transmission Facilities

- 69kV Transmission Line
- 230kV Transmission Line
- 345kV Transmission Line
- 500kV Transmission Line



September 2019

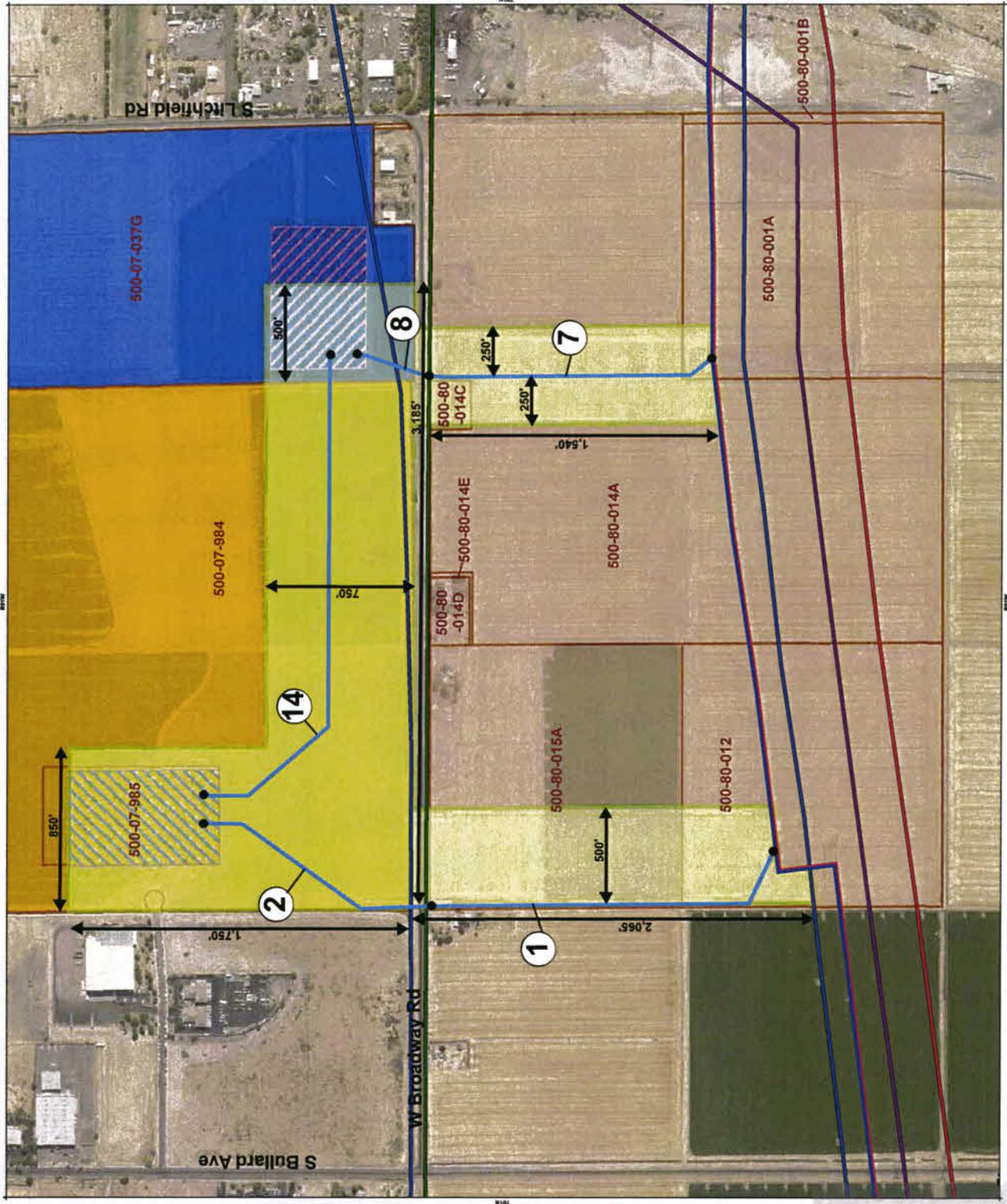


Exhibit A-2