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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

LEA MÁRQUEZ PETERSON – Chairwoman
SANDRA D. KENNEDY
JUSTIN OLSON
ANNA TOVAR
JIM O’CONNOR

Arizona Corporation Commission

DOCKETED

APR 28 2022

DOCKETED BY

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IN THE MATTER OF THE APPLICATION OF ARIZONA PUBLIC SERVICE COMPANY, IN CONFORMANCE WITH THE REQUIREMENTS OF ARIZONA REVISED STATUES 40-360 ET SEQ., FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY FOR THE WEST VALLEY CENTRAL TRANSMISSION PROJECT, WHICH CONSISTS OF THE CONSTRUCTION OF THREE NEW DOUBLE-CIRCUIT CAPABLE 230 KILOVOLT (KV) TRANSMISSION LINES NEEDED TO INTERCONNECT THE EXISTING CONTRAIL SUBSTATION LOCATED AT THE SOUTHEAST CORNER OF OLIVE AVENUE AND DYSART ROAD IN EL MIRAGE, MARICOPA COUNTY TO EXISTING 230 KV SUBSTATIONS AND TRANSMISSION LINES IN THE AREA

DOCKET NO. L-00000D-22-0030-00198

CASE NO. 198

DECISION NO. 78543

Open Meeting
April 12-13, 2022
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
6 The Commission further finds and concludes that in balancing the broad public interest in this
7 matter:

- 8 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.
- 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
environment and ecology of the state.
- 11 3. The conditions placed on the CEC resolve matters concerning the need for the Project and
12 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.
- 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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1 THE CEC ISSUED BY THE SITING COMMITTEE IS INCORPORATED
2 HEREIN AND IS APPROVED BY ORDER OF THE
3 ARIZONA CORPORATION COMMISSION

4 *Lea Marquez Peterson*
5 CHAIRWOMAN MÁRQUEZ PETERSON

James W. Kennedy
COMMISSIONER KENNEDY

6
7 *Justin Olson*
8 COMMISSIONER OLSON

Anna Tovar
COMMISSIONER TOVAR

James P. O'Connor
COMMISSIONER O'CONNOR

9
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 28 day of April, 2022.



Matthew J. Neubert
MATTHEW J. NEUBERT
Executive Director

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17 DISSENT: _____

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19 DISSENT: _____

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1	David French	Designee for Director, Arizona Department of Water Resources
2	Mary Hamway	Appointed Member, representing incorporated cities and towns
3		
4	Rick Grinnell	Appointed Member, representing counties
5	James Palmer	Appointed Member, representing agricultural interests
6		
7	Karl Gentles	Appointed Member, representing the general public
8	Margaret "Toby" Little	Appointed Member, representing the general public

9
10 The Applicant was represented Linda J. Benally of Pinnacle West Capital Corporation and J. Matthew Derstine of Snell & Wilmer, LLP. The following parties
11 were granted intervention pursuant to A.R.S. § 40-360.05: City of Peoria, represented by
12 Saman Golestan, Assistant City Attorney.

13
14 At the conclusion of the hearing, the Committee, after considering the (i)
15 Application, (ii) evidence, testimony and exhibits presented by Applicant and
16 intervenors, and (iii) comments of the public, and being advised of the legal
17 requirements of A.R.S. §§ 40-360 through 40-360.13, upon motion duly made and
18 seconded, voted 8-0 to grant the Applicant, its successors and assigns, this Certificate for
19 construction of the West Valley Central Transmission Project (the Project) as described
20 below.

21 **B. PROJECT OVERVIEW.**

22 The Project consists of the construction and operation of three separate double-
23 circuit capable 230kV transmission lines needed to serve a new data center and support
24 overall growth in the west valley. The three separate 230kV transmission line routes
25 will connect existing 230kV transmission lines and substations to the recently
26 constructed Conrail Substation.

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

28 //

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

9 4. The Applicant shall obtain all approvals and permits necessary to construct,
10 operate and maintain the Project required by any governmental entity having jurisdiction
11 including, but not limited to, the United States of America, the State of Arizona,
12 Maricopa County, cities of Surprise, Glendale, Peoria, El Mirage, Town of Youngtown,
13 and their agencies and subdivisions.

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

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

24 7. The Applicant shall consult the State Historic Preservation Office (SHP)
25 with respect to cultural resources. If any archaeological, paleontological, or historical
26 site or a significant cultural object is discovered on state, county or municipal land
27 during the construction or operation of the Project, the Applicant or its representative in
28 charge shall promptly report the discovery to the Director of the Arizona State Museum

1 (ASM), and in consultation with the Director, shall immediately take all reasonable steps
2 to secure and maintain the preservation of the discovery as required by A.R.S. § 41-844.

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

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

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

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

- 3 a. 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 <https://edocket.azcc.gov/Seach/Docket-Search>.

7

8 Such signs shall be inspected at least once annually and, if necessary, be repaired
9 or replaced, and removed at the completion of construction of towers and installation of
10 first circuit.

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

13 12. Upon the approval of this Certificate by the Committee, the Applicant shall
14 provide cities and towns within five (5) miles of the Project, the Board of Supervisors
15 for Maricopa County, and known builders and developers who are building upon or
16 developing land within one (1) mile of the centerline of the Project with a written
17 description, including the approximate height and width measurements of all structure
18 types, of the Project. The written description shall identify the location of the Project and
19 contain a pictorial depiction of the facilities being constructed. The Applicant shall also
20 encourage the developers and builders to include this information in their disclosure
21 statements. Upon approval of this Certificate by the Commission, the Applicant may
22 commence construction of the Project.

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

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

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

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

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

13 a) Ensure grounding and cathodic protection studies are performed
14 to show that the Project's location parallel to and within one
15 hundred (100) feet of such pipeline results in no material adverse
16 impacts to the pipeline or to public safety when both the pipeline
17 and the Project are in operation. The Applicant shall take
18 appropriate steps to ensure that any material adverse impacts are
19 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
22 as part of its annual compliance-certification letter; and

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

5 18. The Applicant shall submit a compliance certification letter annually,
6 identifying progress made with respect to each condition contained in this Certificate,
7 including which conditions have been met. The letter shall be submitted to
8 Commission's Docket Control commencing on December 1, 2022. Attached to each
9 certification letter shall be documentation explaining how compliance with each
10 condition was achieved. Copies of each letter, along with the corresponding
11 documentation, shall be submitted to the Arizona Attorney General's Office. With
12 respect to the Project, the requirement for the compliance letter shall expire on the
13 date the Project is placed into operation. Notification of such filing with Docket
14 Control shall be made to the Board of Supervisors for Maricopa County, cities of
15 Surprise, Glendale, Peoria, El Mirage, Town of Youngtown, Luke Air Force Base, all
16 parties to this Docket, and all parties who made a limited appearance in this Docket.

17 19. The Applicant shall provide a copy of this Certificate to the Board of
18 Supervisors for Maricopa County and cities of Surprise, Glendale, Peoria, El Mirage,
19 Town of Youngtown, and Luke Air Force Base.

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

24 21. In the event the Applicant, its assignee, or successor, seeks to modify the
25 Certificate terms at the Commission, it shall provide copies of such request to the Board
26 of Supervisors for Maricopa County, cities of Surprise, Glendale, Peoria, El Mirage,
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1 Town of Youngtown, all parties to this Docket, and all parties who made a limited
2 appearance in this Docket.

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

12 23. APS agrees to continue to communicate and work collaboratively and in
13 good faith with the City of Peoria to reach agreement with the City of Peoria on the
14 routes adjacent to the City of Peoria's boundaries on Olive Avenue and Northern
15 Avenue. This condition shall not be construed as the City of Peoria's approval of the
16 current route alignments nor construed as placing a limitation on alternatives in reaching
17 a solution to the issues raised by the City of Peoria. This condition is a necessary
18 condition for construction and shall be met prior to construction.

19 **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

20 This Certificate incorporates the following Findings of Fact and Conclusions of
21 Law:

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

25 2. The Project aids the state, preserving a safe and reliable electric
26 transmission system.
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3. During the course of the hearing, the Committee considered evidence on the environmental compatibility on the Project as required by A.R.S. § 40-360 *et seq.*

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

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

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

DATED this 31 day of March, 2022.

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



Paul A. Katz, Chairman

CERTIFICATION OF MAILING

1
2 Pursuant to A.A.C. R14-3-204, the **ORIGINAL** of the foregoing and 26 copies were
3 filed this 1 day of *April*, 2022 with:

4 **Utilities Division – Docket Control**
5 ARIZONA CORPORATION COMMISSION
6 1200 W. Washington St.
7 Phoenix, AZ 85007

8 **COPIES** of the foregoing mailed this 1 day of *April*, 2022 to:

9 Robin Mitchell, General Counsel
10 Arizona Corporation Commission
11 1200 W. Washington Street
12 Phoenix, Arizona 85007
13 RMitchell@azcc.gov
14 *Counsel for Legal Division Staff*

15 Elijah Abinah, Director
16 Utilities Division
17 Arizona Corporation Commission
18 1200 West Washington Street
19 Phoenix, Arizona 85007


20 Linda J. Benally
21 Pinnacle West Capital Corporation
22 400 North 5th Street, MS 8695
23 Phoenix, Arizona 85004
24 *Counsel for Applicant*

25 J. Matthew Derstine
26 Snell & Wilmer, L.L.P.
27 One Arizona Center
28 400 East Van Buren Street
Phoenix, Arizona 85004
Counsel for Applicant

Flood Control District of Maricopa County
Michael Fulton, Agency Director
2801 West Durango Street
Phoenix, Arizona 85009

- 1 City of El Mirage
Crystal Dyches, City Manager
2 10000 North El Mirage Road
3 El Mirage, Arizona 85335-3607
- 4 City of Glendale
Kevin Phelps, City Manager
5 5850 West Glendale Avenue, Suite 431
6 Glendale, Arizona 85301
- 7 City of Peoria
Jeff Tyne, City Manager
8 8401 West Monroe Street
9 Peoria, Arizona 85345
- 10 City of Surprise
Bob Wingenroth, City Manager
11 16000 North Civic Center Plaza
12 Surprise, Arizona 85374
- 13 Town of Youngtown
Jeanne Blackman, Town Manager
14 12030 Clubhouse Square
15 Youngtown, Arizona 85363
- 16 Maricopa County Department of Transportation
Jennifer Toth, Director/County Engineer
17 2901 West Durango Street
18 Phoenix, Arizona 85009
- 19 Luke Air Force Base
Mr. Christopher P. Toale, Director
20 Community Initiatives Team
21 56th Fighter Wing
22 14185 West Falcon Field Street
23 Luke AFB, Arizona 85309-1629
- 24 Marta T. Hetzer
Coash & Coash, Inc.
25 1802 N. 7th Street
26 Phoenix, Arizona 85006
mh@coashandcoash.com
27
28

1 Saman Golestan
2 Office of the City Attorney
3 City of Peoria
4 8401 West Monroe Street, Room 280
5 Peoria, Arizona 85345

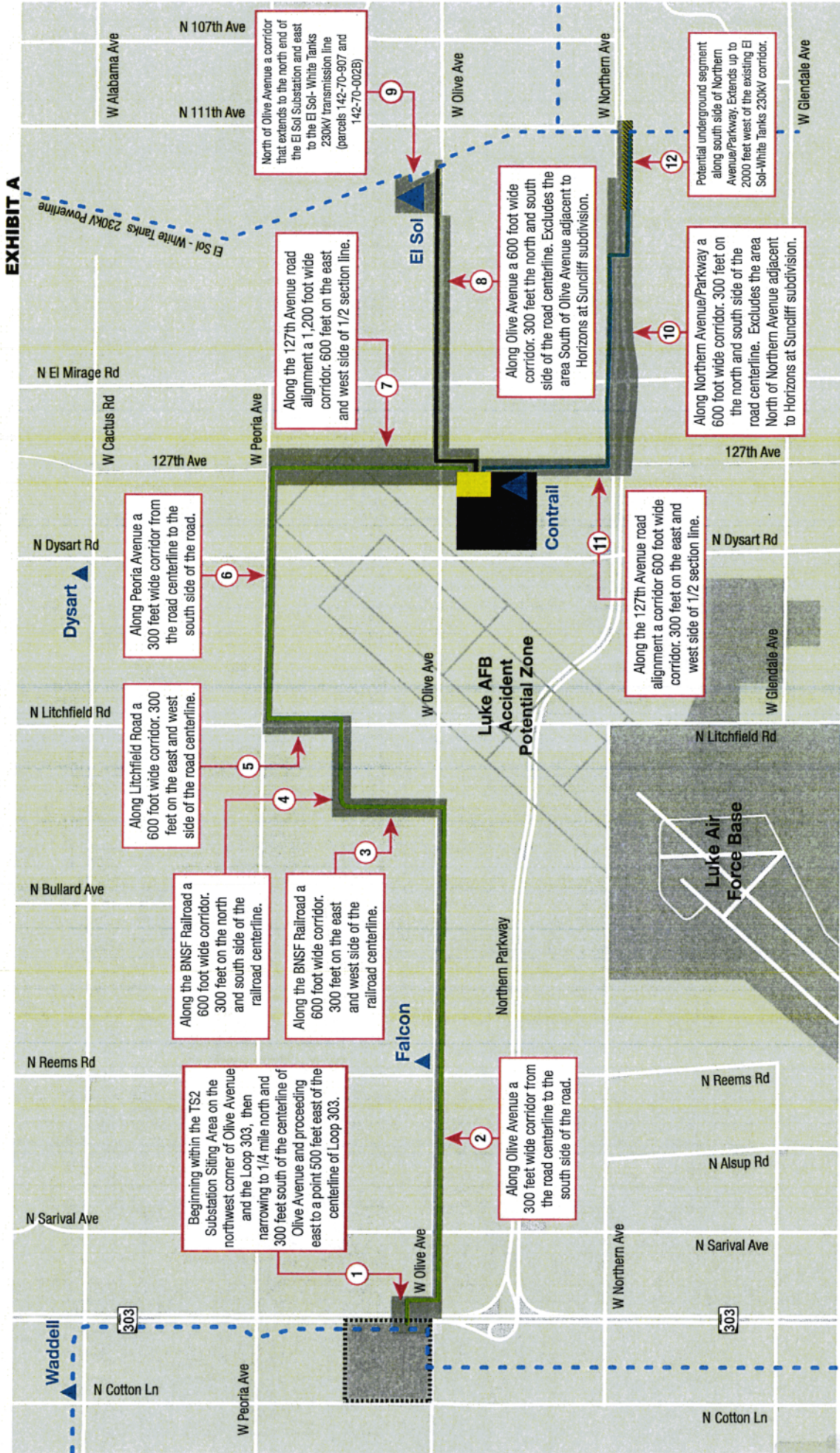
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Exhibit A

EXHIBIT A



**WEST VALLEY CENTRAL 230KV CONNECTION
PROJECT CORRIDOR MAP MARCH 2022**

CORRECTED VERSION APPROVED ROUTES

- Route A
- Route E
- Route G
- TS2 Substation Siting Area (CEC 122)
- Conrail 230KV Substation
- PHX 80 Data Center Property
- Existing 230KV Transmission Line
- Existing Substation
- Corridor
- Potential Underground Segment

aps

1 0.5 1 Miles

North Arrow

EXHIBIT A**APS West Valley Central 230kV Connection Project****CORRECTED****Corridor Description****Route A**

Beginning with a corridor that includes the TS2 Substation Siting Area, certificated in CEC-122*, then narrowing to a width encompassing 0.25 mile north and 300 feet south of the centerline of Olive Avenue and proceeding east to a point approximately 500 feet east of the centerline of the SR 303 Freeway. From this point the corridor proceeds east along Olive Avenue in a 300-foot-wide corridor extending from the centerline of Olive Avenue to the south. At the point where the BNSF Railroad turns to the north, the corridor also turns to the north and proceeds in a 600-foot-wide corridor that is 300 feet on each side of the centerline of the BNSF railroad centerline. As the BNSF Railroad turns to the east, the corridor also turns to the east and proceeds in a 600-foot-wide corridor that is 300 feet on each side of the centerline of the BNSF railroad centerline. At Litchfield Road, the corridor turns to the north and proceeds north in a corridor that is 600 feet wide, 300 feet on each side of the centerline of Litchfield Road. At Peoria Avenue, the corridor proceeds east within a 300-foot-wide corridor extending on the south side of the centerline of Peoria Avenue. At the 127th Avenue road alignment, the corridor proceeds to the south within a 1,200 foot wide corridor, 600 feet on each side of the 127th Avenue road alignment and continues to the Contrail Substation.

* CEC 122 authorized TS2 substation Siting Area location: the northwest corner of the Loop 303 and Olive Avenue in Section 25 in Township 3 North, Range 2 West.

Route E

Near the El Sol Substation, North of Olive Avenue a corridor that extends to the north end of the El Sol Substation and east to the El Sol- White Tanks 230kV transmission line (parcels 142-70-907 and 142-70-002B). Then, beginning at the El Sol-White Tanks 230kV transmission line near 111th Avenue, the corridor proceeds west on Olive Avenue in a corridor that is 600 feet wide with 300 feet on each side of the centerline of Olive Avenue continuing to the Contrail Substation. The corridor excludes the area 300 feet south of Olive Avenue adjacent to Horizons at Suncliff subdivision.

Route G

Beginning at the El Sol-White Tanks 230kV transmission line near 111th Avenue, the corridor proceeds west on Northern Avenue in a corridor that is 600 feet wide with 300 feet on each side of the centerline of Northern Avenue continuing to the 127th Avenue alignment, the corridor excludes the area north of Northern Avenue adjacent to Horizons at Suncliff subdivision. The corridor continues north in a 600-foot-wide corridor, 300 feet on each side of the 127th Avenue alignment to the Contrail Substation. South of the Horizons at Suncliff subdivision and within the north end of the City of Glendale Landfill, a potential underground segment along south side of Northern Avenue/Parkway. The potential underground corridor extends up to 2000 feet west of the existing El Sol-White Tanks 230kV corridor.