

ORIGINAL



0000192219

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

IN THE MATTER OF THE APPLICATION OF
SALT RIVER PROJECT AGRICULTURAL
IMPROVEMENT AND POWER DISTRICT,
IN CONFORMANCE WITH THE
REQUIREMENTS OF ARIZONA REVISED
STATUTES, SECTIONS 40-360, *et seq.*, FOR
A CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AUTHORIZING THE
SOUTHEAST POWER LINK PROJECT, A
DOUBLE-CIRCUIT 230KV TRANSMISSION
LINE ORIGINATING FROM THE EXISTING
SANTAN-BROWNING 230KV LINE TO A
NEW SUBSTATION LOCATED EAST OF
THE LOOP 202/STATE ROUTE 24
INTERCHANGE AND TERMINATING AT
THE PERMITTED FUTURE ABEL-PFISTER-
BALL 230KV LINE WITHIN THE CITY OF
MESA, ARIZONA AND TOWN OF QUEEN
CREEK, ARIZONA IN MARICOPA
COUNTY.

Docket No. L-00000B-18-0265-0180

Case No. 180

**CERTIFICATE OF
ENVIRONMENTAL
COMPATIBILITY**

RECEIVED
AZ CORP COMMISSION
DOCKET CONTROL
2018 SEP 17 A 10:53

A. Introduction.

Pursuant to notice given as provided by law, the Arizona Power Plant and Transmission Line Siting Committee ("Committee") held a public hearing on September 6 through September 11, 2018 in Mesa, Arizona, in conformance with the requirements of Arizona Revised Statutes ("A.R.S.") §§ 40-360, *et seq.*, for the purpose of receiving evidence and deliberating on the August 1, 2018 application and the August 3, 2018 supplement to the application ("Application") of Salt River Project Agricultural Improvement and Power District ("Applicant") for a Certificate of Environmental Compatibility ("Certificate") in the above-captioned case (the "Transmission Line Project" or "Project").

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

Arizona Corporation Commission

DOCKETED

SEP 17 2018

DOCKETED BY

1	Thomas K. Chenal	Chairman, Designee for Arizona Attorney General Mark Brnovich
2		
3	Laurie A. Woodall	Designee of the Chairman, Arizona Corporation Commission
4		
5	Leonard C. Drago	Designee for Director, Arizona Department of Environmental Quality
6		
7	John Riggins	Designee for Director, Arizona Department of Water Resources
8		
9	Mary Hamway	Appointed Member, representing incorporated cities and towns
10		
11	Gil Villegas, Jr.	Appointed Member, representing counties
12		
13	Jim Palmer	Appointed Member, representing agricultural interests
14		
15	Jack Haenichen	Appointed Member, representing the general public
16		
17	Patricia Noland	Appointed Member, representing the general public
18		

15 The Applicant was represented by Kenneth C. Sundlof, Jr. and Garrett J. Olexa of
16 the law firm of Jennings, Strouss & Salmon, P.L.C. and Karilee S. Ramaley of Salt River
17 Project Agricultural Improvement and Power District. The following parties were granted
18 intervention pursuant to A.R.S. § 40-360.05:

- 19 • PPGN-Ellsworth, LLLP, PPGN-Core, LLLP, PPGN-Crismon, LLLP, PPGN-Williams,
20 LLLP and PPGN-Ray, LLLP ("PPGN") represented by Cameron C. Artigue and Susan
21 E. Demmitt of Gammage & Burnham, PLC;
- 22 • Charles Feenstra Dairy, LLC, Van Rijn Dairy, the Barbara M. and Charles L. Feenstra
23 Trust, the John and Brenda Van Otterlo Family Trust, Billy and Nora D. Maynard, the
24 Billy and Nora D. Maynard Trust, Dianne Maynard, Mesa-Casa Grande Land Co. LLC,
25 Rijlaarsdam Dairy, the Rijlaarsdam Family Trust, the Jacob and Mary Rijlaarsdam
26 Trust, Robinson Farms, Inc., Robo Land LLC, the H. and Glenda Stechnij Trust, and
27

1 Pieter and Jody Van Rijn, represented by Court S. Rich and Eric A. Hill of the Rose
2 Law Group

3 And the following municipalities participated through a notice of intent to be a party, under
4 A.R.S. § 40-360.05

- 5 • City of Mesa, represented by Wilbert J. Taebel, City of Mesa City Attorney's Office;
- 6 • Town of Queen Creek represented by James T. Braselton and Vail C. Cloar of
7 Dickinson Wright, PLLC.

8 At the conclusion of the hearing, the Committee, after considering the (i)
9 Application, (ii) evidence, testimony and exhibits presented by Applicant and parties, and
10 (iii) the comments of the public, and being advised of the legal requirements of A.R.S. §§
11 40-360 through 40-360.13, upon motion duly made and seconded, voted 9 to 0 to grant the
12 Applicant, its successors and assigns, this Certificate for construction of the Project.

13 **B. Overview Project Description.**

14 The Project includes the construction and operation of approximately 7 miles of
15 new 230 kilovolt ("kV") double-circuit transmission from the existing Santan-Browning
16 230kV line to a new substation ("RS-31") located east of the Loop 202/SR-24 interchange
17 and terminating at the permitted, future Abel-Pfister-Ball¹ 230kV line.

18 Project components are located in the City of Mesa, Arizona and the Town of
19 Queen Creek, Arizona, and Maricopa County, Arizona. The proposed transmission line
20 and substation are needed to support future customer needs and economic development in
21 the Southeast region of Salt River Project's service territory.

22 **C. Approved CEC Route Corridor and Route Description.**

23 The route herein approved ("CEC Route") is approximately 7 miles in length and
24 includes a 230kV/69kV substation (RS-31), and crosses private and public lands within the
25

26 ¹ The Abel-Pfister-Ball transmission line (Decision 71441, Case 148) was previously named Abel-
27 Moody. The line was renamed between 2010 and 2011 to Abel-Pfister-Ball.

1 City of Mesa, Maricopa County and the Town of Queen Creek, and is generally depicted in
2 Exhibit A. The transmission line will be constructed within an approximate 100 foot right
3 of way (some locations may vary based on final engineering and design), the location of
4 which will be determined as set forth in this Certificate. The Project is divided into four
5 segments:

6 1. Northern Segment. The northern segment will originate at the existing
7 Santan-Browning 230kV transmission line (point P1 on Exhibit A) and end at the site of
8 the RS-31 substation. From the first existing pole on the Browning Santan line east of the
9 Loop 202, the line shall proceed in a diagonal direction to the ADOT right of way (as
10 shown on Exhibit A). The line right of way will then proceed parallel to and abutting (to
11 the extent reasonably feasible for a linear right of way) the eastern ADOT right of way
12 boundary of the Loop 202. At a point where the Loop 202 begins to transition to the west,
13 shown on Exhibit A in the approximate area of point P2, the line shall proceed into the
14 orange shaded area to the ultimate RS-31 site. The poles will be located at least 200 feet
15 from the day care center located at the intersection of the Loop 202 and Warner Road.

16 For the portion of the segment abutting the Loop 202 right of way, Applicant may
17 deviate from a construction parallel and abutting the ADOT right of way, but only where
18 reasonably necessary, in good faith, to avoid obstructions, for sound engineering reasons,
19 to provide for a linear right of way where the boundaries of the ADOT right of way are
20 irregular, or by agreement with the underlying property owner. In no event shall the
21 deviation cause the line right of way to extend beyond a corridor of 200 feet from the edge
22 of the ADOT right of way.

23 2. Substation Site: The RS-31 substation will be located on approximately 25
24 acres to be located within the 163 acre area depicted on Exhibit A.

25 3. Central Segment: The central segment will originate at the RS-31 substation
26 site. It will proceed from the substation within the orange area shown on Exhibit A in the
27

1 orange area, and then shall cross the SR-24 freeway at the approximate location shown on
2 Exhibit A to the point identified as point P3.

3 From point P3, along the constructed portion of the SR-24 freeway, to point P4 on
4 Exhibit A, the line right of way shall parallel and abut (to the extent reasonably feasible for
5 a linear right of way) the southwest side of the SR-24 right of way as shown on Exhibit A.
6 For this portion Applicant may deviate from a construction parallel and abutting SR-24
7 right of way, but only where reasonable necessary, in good faith, to avoid obstructions, for
8 sound engineering reasons, to provide for a linear right of way where the boundaries of the
9 SR-24 right of way are irregular, or by agreement with the underlying property owner. If
10 requested by ADOT, the Phoenix-Mesa Gateway Airport or the City of Mesa, the line right
11 of way may deviate from the SR-24 right of way boundary to allow room for a future
12 drainage channel. In no event shall a deviation cause the right of way to extend beyond a
13 corridor of 300 feet from the edge of the southwest boundary of SR-24 right of way unless
14 additional deviation is needed to avoid plans for a future drainage channel.

15 From point P4, along the unconstructed portion of the SR-24 freeway, to point P5
16 on Exhibit A, the line right of way shall parallel and abut (to the extent reasonably feasible
17 for a linear right of way) the southwest side of the SR-24 right of way, as it may be
18 determined in the future (or if not determined, as may be reasonably estimated). For this
19 portion Applicant may deviate from a construction parallel and abutting the SR-24 right of
20 way, but only where reasonably necessary, in good faith, to avoid obstructions, for sound
21 engineering reasons, to provide for a linear right of way where the boundaries of the SR-24
22 right of way are irregular, or by agreement with the underlying property owner. In no event
23 shall the deviation cause the line right of way to extend beyond a corridor of 150 feet from
24 the edge of the southwest boundary of the SR-24 right of way.

25 4. Southern Segment. The southern segment shall be constructed on a Crismon
26 Road alignment beginning at point P5 on Exhibit A to the permitted but currently unbuilt
27

1 Abel-Pfister-Ball 230kV line (point P6 on Exhibit A). From point P5 on Exhibit A to
2 Germann Road, the line may be constructed either on the east or west side of Crismon
3 Road, or may cross from one side to the other. South of Germann Road, the line will be
4 constructed on the east side. The existing 69kV line on the east side of Crismon Road shall
5 be collocated on the new structures. The line right of way shall parallel and abut the
6 Crismon Road right of way, as its ultimate width may be planned by the City of Mesa
7 and/or the Town of Queen Creek. The line right of way may deviate from a construction
8 parallel and abutting the Crismon Road right of way, but only where reasonable necessary,
9 in good faith, to avoid obstructions, for sound engineering reasons, or by agreement with
10 the underlying property owner. The transmission line shall be constructed so as to avoid
11 the existing house on the Northwest corner of Crismon and Germann Roads. In no event
12 shall the deviation cause the line right of way to extend beyond a corridor of 150 feet from
13 the edge of the future Crismon Road right of way.

14 **CONDITIONS**

15 This Certificate is granted upon the following conditions:

16 1. During the development, construction, operation, maintenance and
17 reclamation of the Project, the Applicant shall comply with all existing applicable air and
18 water pollution control standards and regulations, and with all existing applicable statutes,
19 ordinances, master plans, and regulations of any governmental entity having jurisdiction,
20 including, but not limited to, the United States of America, the State of Arizona, Maricopa
21 County, the City of Mesa, the Town of Queen Creek and their agencies or subdivisions,
22 including but not limited to the following:

- 23 1.1 All applicable land use regulations;
- 24 1.2 All applicable zoning stipulations and conditions, including, but
25 not limited to, landscaping and dust control requirements;
- 26 1.3 All applicable water use, discharge and/or disposal requirements of the
27 Arizona Department of Water Resources and the Arizona Department of
Environmental Quality;

- 1.4 All applicable noise control standards; and
- 1.5 All applicable regulations governing storage and handling of hazardous chemicals and petroleum products.

2.

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

3.

The Applicant shall obtain all approvals and permits necessary to construct, operate and maintain the Transmission Line Project required by any governmental entity having jurisdiction including, but not limited to, the United States of America, the State of Arizona, Maricopa County, the City of Mesa, the Town of Queen Creek and their agencies and subdivisions.

4.

The Applicant shall consult with the State Historical Preservation Office ("SHPO") and consulted tribes with respect to cultural resources. If human remains and/or funerary objects are encountered on private land during the course of any ground-disturbing activities related to the construction of the Transmission Line Project, the

1 Applicant shall cease work on the affected area of the Transmission Line Project and notify
2 the Director of the Arizona State Museum as required by A.R.S. § 41-865.

3 5. 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 construction and operation of the
6 Transmission Line Project.

7 6. The Applicant shall comply with the Arizona Game and Fish Department
8 (“AGFD”) guidelines for handling protected animal species, should any be encountered
9 during construction and operation of the Transmission Line Project, and shall consult with
10 AGFD as necessary on other issues concerning wildlife.

11 7. This authorization to construct the Transmission Line Project shall expire ten
12 (10) years from the date the Certificate is approved by the Arizona Corporation
13 Commission (the “Commission”). Construction of the transmission Line Project shall be
14 complete, such that the Transmission Line Project is in service within this 10-year
15 timeframe. However, prior to the expiration of the time period, the Applicant may request
16 that the Commission extend this time limitation.

17 8. In the event that the Transmission Line Project requires an extension of the
18 term(s) of this Certificate prior to completion of construction, the Applicant shall file such
19 a time extension request at least one hundred eighty (180) days prior to the expiration date
20 of the Certificate. The Applicant shall use reasonable means to promptly notify all cities
21 and towns within a five (5) mile radius of the centerline of the Transmission Line Project
22 and all landowners and residents within a one (1) mile radius of the centerline of the
23 Transmission Line Project, all persons who made public comment at this proceeding who
24 provided a mailing or email address, and all parties to this proceeding of the request and
25 the date, time, and place of the hearing or open meeting during which the Commission will
26
27

1 consider the request for extension. Notification shall be no more than three (3) business
2 days after the Applicant is made aware of the hearing date or the open meeting date.

3 9. In the event the Applicant, its assignees, or successors, seeks to modify the
4 Certificate terms at the Commission, it shall provide copies of such request to the Board of
5 Supervisors of Maricopa County, the City of Mesa, the Town of Queen Creek, all parties to
6 this Docket, and all parties who made a limited appearance in this Docket.

7 10. The Applicant, or its assignees(s), or successors, shall design the
8 Transmission Line Project to incorporate reasonable measures to minimize impacts to
9 avian species. Such design will be accomplished through compliance with the 2006
10 standards of the Avian Power Line Interaction Committee, and address the application of
11 recommended measures to minimize the risk of collision, as described in the 2012
12 guidelines of the Avian Power Line Interaction Committee.

13 11. The Applicant shall use non-specular conductors and non-reflective surfaces
14 for the transmission line structures on the Transmission Line Project.

15 12. The Applicant shall provide a copy of this Certificate to the Board of
16 Supervisors for Maricopa County, the City of Mesa and the Town of Queen Creek.

17 13. The Applicant shall follow the most current Western Electricity Coordinating
18 Council ("WECC") and North American Electric Reliability Corporation ("NERC")
19 planning standards, as approved by the Federal Energy Regulatory Commission ("FERC"),
20 and National Electrical Safety Code ("NESC") standards.

21 14. The Applicant shall comply with all regulations and requirements of the
22 Federal Aviation Administration.

23 15. The Applicant shall submit a compliance certification letter annually,
24 identifying progress made with respect to each condition contained in this Certificate,
25 including which conditions have been met. Each letter shall be submitted to Commission's
26 Docket Control commencing on September 1, 2019. Attached to each certification letter
27

1 shall be documentation explaining how compliance with each condition was achieved.
2 Copies of each letter, along with the corresponding documentation, shall be submitted to
3 the Arizona Attorney General's Office. With respect to the Transmission Line Project, the
4 requirement for the compliance letter shall expire on the date the Transmission Line
5 Project is placed into operation. Notification of such filing with Docket Control shall be
6 made to the Board of Supervisors for Maricopa County, the City of Mesa, the Town of
7 Queen Creek, all parties to this Docket, and all parties who made a limited appearance in
8 this Docket.

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

13 17. At least ninety (90) days, but not more than three hundred sixty-five (365)
14 days before construction commences on the Transmission Line Project, the Applicant shall
15 provide cities and towns within five (5) miles of the Transmission Line Project, Maricopa
16 County and known builders and developers who are building upon or developing land
17 within one (1) mile of the centerline of the Transmission Line Project with a written
18 description, including height and width measurements of all structure types, of the
19 Transmission Line Project. The written description shall identify the location of the
20 Transmission Line Project and contain a pictorial depiction of the facilities. The Applicant
21 shall also encourage the developers and builders to include this information in their
22 disclosure statements.

23 18. Within one hundred twenty (120) days of the Commission decision
24 approving this Certificate, the Applicant will post signs in or near public rights of way
25 giving notice of the Transmission Line Project corridor to the extent authorized by law.
26 The Applicant shall place such signs in prominent locations at reasonable intervals (no
27

1 more than one-half mile, subject to obtaining permission from the landowner) so that the
2 public is notified along the full length of the Project until the transmission structures are
3 constructed. To the extent practicable, within forty-five (45) days of securing easement or
4 right of way for the Project, the Applicant shall erect and maintain signs providing public
5 notice that the property is the site of a future transmission line or substation. Such signage
6 shall be no smaller than a normal roadway sign. The signs shall advise:

7 a. Future site of an SRP power line;

8 b. A phone number and website for public information regarding the Project;

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

11 19. Within one hundred twenty (120) days of the Commission's decision
12 granting this Certificate, the Applicant shall make good faith efforts to commence
13 discussions with the City of Mesa and the Town of Queen Creek, the Arizona Department
14 of Transportation, the Phoenix-Mesa Gateway Airport, Maricopa County and private
15 landowners on whose property the Transmission Line Project corridor is located, including
16 that PPGN shall be a notified party, to identify the specific location for the Transmission
17 Line Project's right of way and placement of poles. A copy of this Certificate shall be
18 provided to such private landowners and the Arizona Department of Transportation, the
19 Phoenix-Mesa Gateway Airport, the City of Mesa, the Town of Queen Creek and Maricopa
20 County. A description of the good faith efforts and discussions shall be included in the
21 annual compliance-certification letter.

22 20. The Applicant shall participate in good faith in state and regional
23 transmission study forums to coordinate transmission expansion plans related to the
24 Transmission Line Project and to resolve transmission constraints in a timely manner.

25 21. When Transmission Line Project's facilities are located parallel to and within
26 100 feet of any existing natural gas or hazardous pipeline, the Applicant shall:
27

- 1 a. Ensure grounding and cathodic protection studies are performed to show that
2 the Project's location parallel to and within 100 feet of such pipeline results
3 in no material adverse impacts to the pipeline or to public safety when both
4 the pipeline and the Project are in operation. The Applicant shall take
5 appropriate steps to ensure that any material adverse impacts are mitigated.
6 The Applicant shall provide to the Commission Staff and file with Docket
7 Control a copy of the measurements performed and additional mitigation, if
8 any, that were implemented as part of its annual compliance certification
9 letter; and
- 10 b. Ensure that measurements are performed simulating an outage simulation of
11 the applicable project that may be caused by the collocation of the project
12 parallel to and within 100 feet of the existing natural gas or hazardous liquid
13 pipeline. The measurements should either: i) show that such simulated
14 outage does not result in customer outages; or ii) include operating plans to
15 minimize any resulting customer outages. The Applicant shall provide a
16 copy of the measurement results to the Commission Staff and file it with
17 Docket Control as part of the Applicant's annual compliance certification
18 letter.
- 19 22. The Applicant will have the discretion to determine the orientation of the RS-
20 31 Substation on the site consistent with its electrical and operational needs. Prior to the
21 construction of the RS-31 Substation, or afterwards as may be appropriate to the
22 development of the area, the Applicant and the City of Mesa shall in good faith jointly
23 develop a plan to appropriately mitigate the visual impact of the RS-31 Substation within
24 the substation footprint. In developing the plan, the Applicant and the City shall consider
25 the current development in the area, the security of the site, and shall design the plan to

1 reasonably control the costs that the plan will impose on the Applicant's customers while
2 simultaneously addressing the goals and objectives of the City of Mesa in the area.

3 23. The Applicant shall pursue reasonable efforts to work with private
4 landowners on whose property the Transmission Line Project will be located and PPGN, to
5 mitigate the impacts of the location, construction, and operation of the Transmission Line
6 Project on private land and negotiate such right of way agreements in good faith. A
7 description of the good faith efforts and discussions shall be included in the annual
8 compliance-certification letter.

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

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

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

21 1. The Transmission Line Project aids the state and the Southwest region in
22 meeting the need for an adequate, economical and reliable supply of electric power.

23 2. The Transmission Line Project aids the state in preserving a safe and reliable
24 electric transmission system.

25 3. The Applicant made reasonable efforts to work with landowners to minimize
26 the impact of the power lines.

1 4. The conditions placed on the Transmission Line Project in this Certificate
2 effectively minimize the impact of the Transmission Line Project on the environment and
3 ecology of the state.

4 5. The conditions placed on the areas for construction of the Transmission Line
5 Project are reasonably narrow so as to not unnecessarily burden adjacent property owners.

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

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

14 DATED this 17 day of September, 2018.

15 **THE ARIZONA POWER PLANT AND**
16 **TRANSMISSION LINE SITING**
17 **COMMITTEE**

18 

19 By _____
 Thomas Chenal, Chairman

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

Exhibit A

