



0000207401

BEFORE THE ARIZONA CORPORATION

COMMISSIONERS

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

IN THE MATTER OF THE APPLICATION OF
SALT RIVER PROJECT AGRICULTURAL
IMPROVEMENT AND POWER DISTRICT, IN
CONFORMANCE WITH THE STATUTES,
SECTIONS 40-360, ET. SEQ., FOR A
CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AUTHORIZING PROJECT
HUCKLEBERRY, AN APPROXIMATELY
HALF-MILE 230 KV DOUBLE CIRCUIT
TRANSMISSION LINE AND ASSOCIATED
INTERCONNECTION FACILITIES WITHIN
THE CITY OF MESA, MARICOPA COUNTY,
ARIZONA.

DOCKET NO. L-00000B-22-0113-00204

CASE NO. 204

DECISION NO. 78669

Arizona Corporation Commission
DOCKETED

AUG 22 2022

DOCKETED BY

Open Meeting
August 16, 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.

...

...

...

Decision No. _____

1 The Commission, in reaching its decision, has balanced all relevant matters in the broad public
2 interest, including the need for an adequate, economical, and reliable supply of electric power with the
3 desire to minimize the effect thereof on the environment and ecology of this state, and finds that
4 granting the Project a CEC is in the public interest.

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

- 7 1. The Project is in the public interest because it aids the state in meeting the need for an
8 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
11 and ecology of the state.
- 12 3. The conditions placed on the CEC resolve matters concerning the need for the Project and
13 its impact on the environment and ecology of the state raised during the course of
14 proceedings and, as such, serve as the findings on the matters raised.
- 15 4. In light of these conditions, the balancing in the broad public interest results in favor of
16 granting the CEC.

17 ...

18 ...

19 ...

20 ...

21 ...

22 ...

23 ...

24 ...

25 ...

...

...

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

6 Brandon St. Kennedy
7 COMMISSIONER KENNEDY

8 Justin Olson
9 COMMISSIONER OLSON

10 Anna Tovar
11 COMMISSIONER TOVAR

12 James H. O'Connor
13 COMMISSIONER O'CONNOR



14 IN WITNESS WHEREOF, I, MATTHEW J. NEUBERT,
15 Executive Director of the Arizona Corporation Commission,
16 have hereunto, set my hand and caused the official seal of this
17 Commission to be affixed at the Capitol, in the City of Phoenix,
18 this 22 day of August, 2022.

19 Matthew J. Neubert
20 MATTHEW J. NEUBERT
21 Executive Director

22 DISSENT: _____

23 DISSENT: _____

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

3 IN THE MATTER OF THE APPLICATION
4 OF SALT RIVER PROJECT
5 AGRICULTURAL IMPROVEMENT AND
6 POWER DISTRICT, IN CONFORMANCE
7 WITH THE REQUIREMENTS OF
8 ARIZONA REVISED STATUTES,
9 SECTIONS 40-360, et. seq., FOR A
10 CERTIFICATE OF ENVIRONMENTAL
11 COMPATIBILITY AUTHORIZING
12 PROJECT HUCKLEBERRY, AN
13 APPROXIMATELY HALF-MILE 230 KV
14 DOUBLE CIRCUIT TRANSMISSION
15 LINE AND ASSOCIATED
16 INTERCONNECTION FACILITIES
17 WITHIN THE CITY OF MESA,
18 MARICOPA COUNTY, ARIZONA.

Docket No. L-00000B-22-0113-
00204

Case No. 204

**CERTIFICATE OF
ENVIRONMENTAL
COMPATIBILITY**

RECEIVED
2022 JUN 30 P 4:14
AZ CORP COMMISSION
DOCKET CONTROL

12 **A. INTRODUCTION.**

13 Pursuant to notice given as provided by law, the Arizona Power Plant and
14 Transmission Line Siting Committee (Committee) held a public hearing on June 27
15 through June 28, 2022 in Mesa, Arizona, in conformance with the requirements of
16 Arizona Revised Statutes (A.R.S.) §§ 40-360, *et seq.*, for the purpose of receiving
17 evidence and deliberating on the application (Application) of Salt River Project
18 Agricultural Improvement and Power District (Applicant or SRP) for a Certificate of
19 Environmental Compatibility (Certificate) in the above-captioned case.

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

23 Paul A. Katz Chairman, Designee for Arizona Attorney General
24 Mark Brnovich

25 Zachary Branum Designee of the Chairman, Arizona Corporation
26 Commission (Commission)

1	Leonard C. Drago	Designee for Director, Arizona Department of
2		Environmental Quality
3	David French	Designee for Director, Arizona Department of Water
4		Resources
5	Mary Hamway	Appointed Member, representing incorporated cities
6		and towns
7	Rick Grinnell	Appointed Member, representing counties
8	James Palmer	Appointed Member, representing agricultural interests
9	Jack Haenichen	Appointed Member, representing the general public
10	Margaret "Toby" Little	Appointed Member, representing the general public

11 The Applicant was represented by Bert Acken of Jennings, Strouss & Salmon,
12 PLC, and by Alysha Gilbert of SRP.

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

19 **B. PROJECT OVERVIEW.**

20 SRP is developing Project Huckleberry (the Project) to serve a data center by
21 constructing a new approximately 0.5-mile 230 kV double-circuit transmission line and
22 associated interconnection facilities from the new Prickly Pear 230 kV Substation to the
23 certificated Southeast Power Link 230 kV transmission line (Decision No. 76963) as
24 shown in Exhibit A. The new 230 kV transmission line will be located within an SRP
25 right-of-way on Arizona State Trust Land. The new Prickly Pear 230 kV Substation will
26 be located on private land. The approved right-of-way is 100 feet within a 300-foot-wide

1 corridor. The typical transmission structure heights will be in the range of 100 to 185 feet
2 but will not exceed 199 feet.

3 **CONDITIONS**

4 This Certificate is granted upon the following conditions:

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

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

21 3. During the development, construction, operation, maintenance and
22 reclamation of the Project, the Applicant shall comply with all existing applicable air and
23 water pollution control standards and regulations, and with all existing applicable
24 statutes, ordinances, master plans and regulations of any governmental entity having
25 jurisdiction including, but not limited to, the United States of America, the State of
26

1 Arizona, Maricopa County, and their agencies and subdivisions, including but not limited
2 to the following:

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

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

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

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

26 7. The Applicant shall consult the State Historic Preservation Office (SHPO)
with respect to cultural resources. If any archaeological, paleontological, or historical site
or a significant cultural object is discovered on state, county or municipal land during the

1 construction or operation of the Project, the Applicant or its representative in charge shall
2 promptly report the discovery to the Director of the Arizona State Museum (ASM), and
3 in consultation with the Director, shall immediately take all reasonable steps to secure
4 and maintain the preservation of the discovery as required by A.R.S. § 41-844.

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

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

23 10. If human remains and/or funerary objects are encountered during the course
24 of any ground-disturbing activities related to the construction or maintenance of the
25 Project, the Applicant shall cease work on the affected area of the Project and notify the
26

1 Director of the ASM as required by A.R.S. § 41-865 for private land, or as required by
2 A.R.S. § 41-844 for state, county, or municipal lands.

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

- 7 a. Future site of the Project;
- 8 b. A phone number and website for public information regarding the
9 Project; and
- 10 c. Refer the Public to the Docket <https://edocket.azcc.gov/search/docket-search/item-detail/26170>.

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

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

15 12. At least ninety (90) days before construction commences on the Project, the
16 Applicant shall provide the City of Mesa, the Board of Supervisors for Maricopa County,
17 and known builders and developers who are building upon or developing land within one
18 (1) mile of the of the centerline of the Project with a written description, including the
19 approximate height and width measurements of all structure types, of the Project. The
20 written description shall identify the location of the Project and contain a pictorial
21 depiction of the facilities being constructed. The Applicant shall also encourage the
22 developers and builders to include this information in their disclosure statements. Upon
23 approval of this Certificate by the Commission, the Applicant may commence
24 construction of the Project.

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

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

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

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

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

- 16 a. Ensure grounding and cathodic protection studies are performed to show
17 that the Project's location parallel to and within one hundred (100) feet
18 of such pipeline results in no material adverse impacts to the pipeline or
19 to public safety when both the pipeline and the Project are in operation.
20 The Applicant shall take appropriate steps to ensure that any material
21 adverse impacts are mitigated. The Applicant shall provide to Staff of
22 the Commission, and file with Docket Control, a copy of the studies
23 performed and additional mitigation, if any, that was implemented as
24 part of its annual compliance-certification letter; and
25 b. Ensure that studies are performed simulating an outage of the Project
26 that may be caused by the collocation of the Project parallel to and

1 within one hundred (100) feet of the existing natural gas or hazardous
2 liquid pipeline. The studies should either: (a) show that such simulated
3 outage does not result in customer outages; or (b) include operating
4 plans to minimize any resulting customer outages. The Applicant shall
5 provide a copy of the study results to Staff of the Commission and file
6 them with Docket Control as part of the Applicant's annual compliance
7 certification letter.

8 18. The Applicant shall submit a compliance certification letter annually,
9 identifying progress made with respect to each condition contained in this Certificate,
10 including which conditions have been met. The letter shall be submitted to Commission's
11 Docket Control commencing on May 1, 2023. Attached to each certification letter shall
12 be documentation explaining how compliance with each condition was achieved. Copies
13 of each letter, along with the corresponding documentation, shall be submitted to the
14 Arizona Attorney General's Office. With respect to the Project, the requirement for the
15 compliance letter shall expire on the date the Project is placed into operation. Notification
16 of such filing with Docket Control shall be made to the City of Mesa, the Board of
17 Supervisors for Maricopa County, all parties to this Docket, and all parties who made a
18 limited appearance in this Docket.

19 19. The Applicant shall provide a copy of this Certificate to the City of Mesa
20 and the Board of Supervisors for Maricopa County.

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

25 21. In the event the Applicant, its assignee, or successor, seeks to modify the
26 Certificate terms at the Commission, it shall provide copies of such request to the City of

1 Mesa, the Board of Supervisors for Maricopa County, all parties to this Docket, and all
2 parties who made a limited appearance in this Docket.

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

12 **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

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

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

16 2. The Project aids the state, preserving a safe and reliable electric
17 transmission system.

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

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

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

DATED this 30th day of June, 2022.

By Paul A. Katz
Paul A. Katz, Chairman

1 Pursuant to A.A.C. R14-3-204, the **ORIGINAL** of the foregoing and 25 copies were
2 filed this ~~30th~~ day of June, 2022 with:

3 Utilities Division – Docket Control
4 Arizona Corporation Commission
1200 West Washington Street
Phoenix, AZ 85007

5 COPIES of the above emailed/mailed this 30 day of June, 2022:

6 Robin Mitchell, General Counsel
7 Arizona Corporation Commission
1200 West Washington Street
Phoenix, AZ 85007
8 Counsel for Legal Division Staff
rmitchell@azcc.gov

9 Elijah Abinah, Director
10 Utilities Division
Arizona Corporation Commission
11 1200 West Washington Street
Phoenix, AZ 85007
12 eabinah@azcc.gov

13 Glennie Report Services, LLC
14 1555 East Oranewood
Phoenix, AZ 85020
Court Reporter
15 admin@glennie-reporting.com

16 Albert H. Acken
Jennings Strouss & Salmon, P.L.C.
17 One East Washington Street, Suite 1900
Phoenix, AZ 85004
18 Attorney for Salt River Project
backen@jsslslaw.com

19 Alysha Gilbert
20 Salt River Project
P.O. Box 52025, PAB381
21 Phoenix, AZ 85072-2025
Attorney for Salt River Project
22 alysha.gilbert@srpnet.com

23
24 By 
25
26

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

Exhibit A

- LEGEND**
- Project Huckleberry Components**
- Proposed Double-Circuit 230kV Transmission Line Corridor
 - Proposed Prickly Pear 230/69kV Substation
- Other Components**
- Existing 69kV Transmission Line
 - Certificated Southeast Power Link 230kV Transmission Line
 - 69kV Transmission Line (under construction)
 - Customer-Dedicated 69kV Line (under construction)
 - State Highway
 - Road
 - Flood Control Channel
 - Existing Substation
 - Certificated Scott 230/69kV Substation
 - Customer-Owned 69/34.5kV Substation (under construction)
 - Jurisdictional Land Ownership
 - State Land

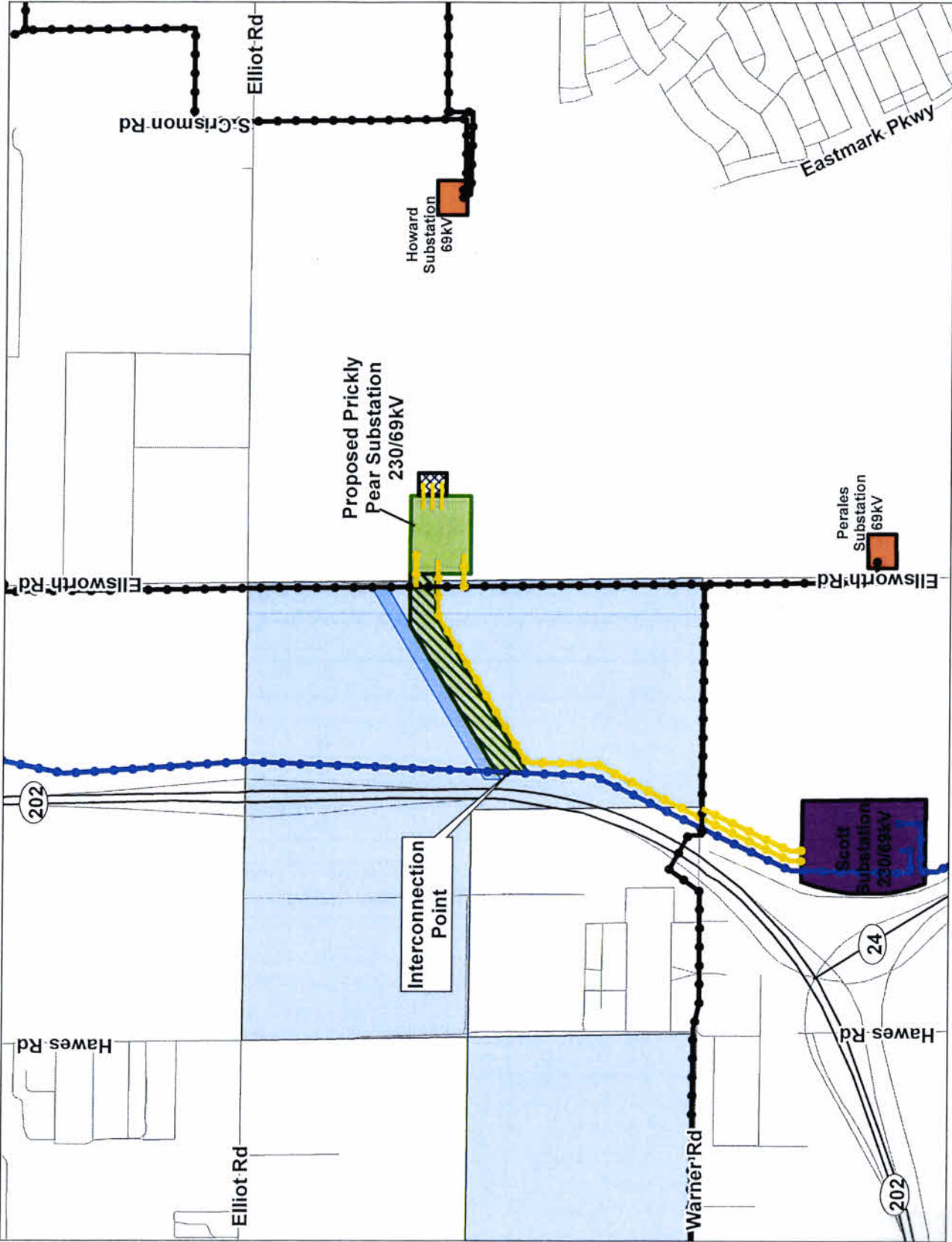


0 500 1,000 1,500 2,000
Feet



**PROJECT HUCKLEBERRY
PROJECT DETAILS**

Map Extent: City of Mesa, AZ
Date: 4/19/22
Author: osw



SPCS NAD 83, AZ Central, Feet Data Sources: BLM, City of Mesa, ESRI, Maricopa Co. SRP