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BEFORE THE ARIZONA CORPORATION C

Arizona Corporation Commission

DOCKETED

OCT 16 2012

COMMISSIONERS

Gary Pierce, Chairman

Sandra D. Kennedy

Paul Newman

Bob Stump

Brenda Burns

DOCKETED BY

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IN THE MATER 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 SUPERIOR-SILVER KING
115 kV TRANSMISSION LINE SEGMENT
RELOCATION PROJECT, WHICH INCLUDES THE
RELOCATION OF APPROXIMATELY ONE MILE
OF 115kV TRANSMISSION LINE ONE-QUARTER
MILE TO THE NORTHWEST, APPROXIMATELY
ONE MILE WEST OF THE TOWN OF SUPERIOR,
PINAL COUNTY, ARIZONA.

Docket No. L-00000B-12-0277-00166

Case No. 166

DECISION NO. 73551**Open Meeting****Oct. 4, 2012****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.

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...

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
7 environment and 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
10 proceedings, 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.

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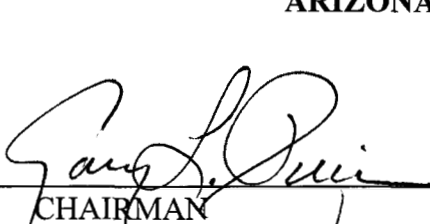
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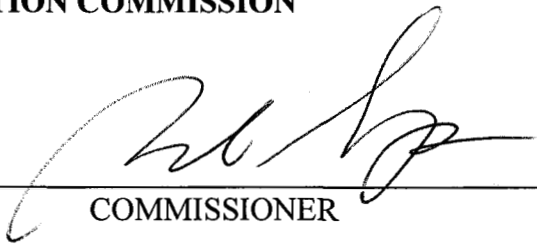
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THE CEC ISSUED BY THE SITING COMMITTEE IS
INCORPORATED HEREIN AND IS APPROVED BY ORDER OF THE
ARIZONA CORPORATION COMMISSION

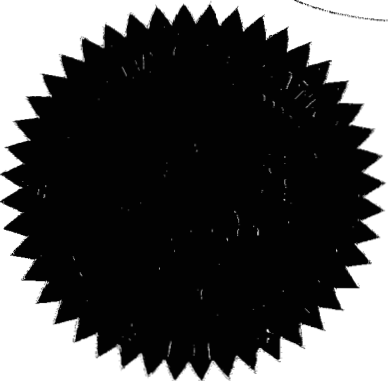

CHAIRMAN


COMMISSIONER

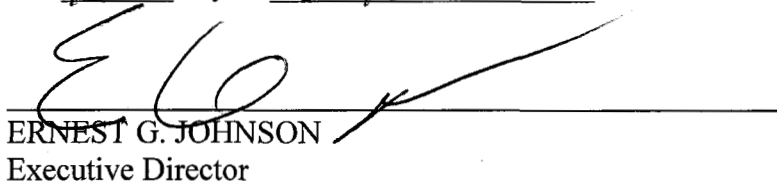

COMMISSIONER


COMMISSIONER


COMMISSIONER



IN WITNESS WHEREOF, I, ERNEST G. JOHNSON,
Executive Director of the Arizona Corporation Commission,
have hereunto, set my hand and caused the official seal of this
Commission to be affixed at the Capital, in the City of Phoenix,
this 16th day of October 2012.


ERNEST G. JOHNSON
Executive Director

DISSENT: _____

DISSENT: _____

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

3 IN THE MATTER OF THE APPLICATION OF
4 SALT RIVER PROJECT AGRICULTURAL
5 IMPROVEMENT AND POWER DISTRICT,
6 IN CONFORMANCE WITH THE
7 REQUIREMENTS OF ARIZONA REVISED
8 STATUTES, SECTIONS 40-360, *et seq.*,
9 FOR A CERTIFICATE OF ENVIRONMENTAL
10 COMPATIBILITY AUTHORIZING THE
11 SUPERIOR-SILVER KING 115kV
12 TRANSMISSION LINE SEGMENT
13 RELOCATION PROJECT, WHICH
14 INCLUDES THE RELOCATION OF
15 APPROXIMATELY ONE MILE OF 115kV
16 TRANSMISSION LINE ONE-QUARTER
17 MILE TO THE NORTHWEST,
18 APPROXIMATELY ONE MILE WEST OF THE
19 TOWN OF SUPERIOR, PINAL COUNTY,
20 ARIZONA.

Docket No. L-00000B-12-0277-00166

Case No. 166

21 **CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY**

22 Pursuant to notice given as provided by law, the Arizona Power Plant and
23 Transmission Line Siting Committee (the "Committee") held a public hearing on
24 August 22, 2012 in Apache Junction, Arizona, in conformance with the requirements
25 of Arizona Revised Statutes ("A.R.S.") §§ 40-360, *et seq.*, for the purpose of
26 receiving evidence and deliberating on the Application of Salt River Project
Agricultural Improvement and Power District ("Applicant") for a Certificate of
Environmental Compatibility ("Certificate") in the above-captioned case (the
"Project").

The following members and designees of members of the Committee were
present at one or more of the hearings for the evidentiary presentations and/or for
the deliberations:

Hon. John Foreman

Chairman, Designee for Arizona Attorney General,
Tom Horne

1	Trevor Baggione	Designee for Director, Arizona Department of Environmental Quality
2	Jack Haenichen	Designee for Director, Arizona Governor's Office of Energy Policy
3		
4	Patricia Noland	Appointed Member
5	Mike Palmer	Appointed Member
6	David Richins	Appointed Member
7	F. Ann Rodriguez	Appointed Member
8	Paul Walker	Appointed Member

9 The Applicant was represented by Russell Rea of the law firm of Jennings,
10 Strouss & Salmon, P.L.C. No parties requested intervention.

11 At the conclusion of the hearing, the Committee, having received the
12 Application, the evidence, testimony and exhibits presented at the hearing, and
13 being advised of the legal requirements of A.R.S. §§ 40-360 to 40-360.13, upon
14 motion duly made and seconded, voted 8 to 0 to grant the Applicant this Certificate
15 of Environmental Compatibility (Case No. 166) for construction of the Project.

16 The Project as approved consists of the relocation of approximately one mile of
17 the Superior-Silver King 115kV transmission line, to a location approximately one-
18 quarter mile to the northwest of its existing location in Pinal County, near the town
19 of Superior. The Project originates at an angle or turning structure along the
20 existing Superior-Silver King 115kV line in the northeast quarter of Section 34,
21 Township 1 South, Range 12 East. From this location, the 115kV transmission line
22 will turn north toward existing 230kV and 500kV transmission corridors. In
23 proximity to these high-voltage corridors, the 115kV line will turn northeast and
24 parallel along the south side of the existing transmission corridors. The proposed
25 relocation terminates approximately one mile to the northeast at another angle or
26 turning structure in the southwest quarter of Section 26, Township 1 South, Range

12 East. The corridor is defined as the centerline of the existing 230kV line to the centerline of the existing 115kV line, entirely located on Resolution Copper Mining's property. A general location map of the Project is set forth in **Exhibit A**.

CONDITIONS

This Certificate is granted upon the following conditions:

1. The Applicant shall comply with all existing applicable statutes, ordinances, master plans and regulations of any governmental entity having jurisdiction during the construction of the Project – including the United States, the State of Arizona, or Pinal County.

2. The Applicant shall make every reasonable effort to identify and correct, on a case-specific basis, all complaints of interference with radio or television signals from operation of the transmission line addressed in this Certificate. The Applicant shall maintain written records for a period of five years of all complaints of radio or television interference attributable to operation, 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.

3. If any archaeological site, paleontological site, historical site or an object that is at least fifty years old is discovered on state, county or municipal land during the construction of the Project, the Applicant or its representative in charge shall promptly report the discovery to the Director of the Arizona State Museum, and in consultation with the Director, shall immediately take all reasonable steps to secure and maintain the preservation of the discovery, pursuant to A.R.S. § 41-844.

4. If human remains and/or funerary objects are encountered on private land during the course of any ground-disturbing activities relating to the construction

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

3 5. 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 protected native plants during Project construction.

6 6. This authorization to construct this Project shall expire five (5) years
7 from the date the Certificate is approved by the Arizona Corporation Commission
8 (the "Commission"). However, prior to expiration, the Applicant may request that
9 the Commission extend this time limitation.

10 7. Applicant, or its assignee(s), shall design the transmission lines to
11 incorporate reasonable measures to minimize impacts to raptors.

12 8. Applicant, or its assignee(s), shall use non-specular conductor and
13 dulled surfaces for the Project's transmission line structures.

14 9. Before construction on this Project may commence, the Applicant shall
15 file a construction mitigation and restoration plan ("Plan") with ACC Docket Control.
16 Where practicable, the Plan shall specify that the Applicant use existing roads for
17 construction and access, minimize impacts to wildlife, minimize vegetation
18 disturbance outside of the Project right-of-way, and re-vegetate, unless re-
19 vegetation is waived by the landowner, native areas following construction
20 disturbance. Applicant agrees to follow Arizona Game and Fish Department
21 guidelines for handling Sonoran desert tortoises should they be encountered during
22 construction.

23 10. The Applicant shall provide copies of this Certificate to the Town of
24 Superior, Pinal County, the State Historic Preservation Office, and the Arizona Game
25 and Fish Department.
26

1 11. Applicant will follow the latest Western Electricity Coordinating
2 Council/North American Electric Reliability Corporation Planning standards as
3 approved by the Federal Energy Regulatory Commission, and National Electrical
4 Safety Code construction standards.

5 12. The Applicant shall submit a self-certification letter annually, identifying
6 progress made with respect to each condition contained in the Certificate, including
7 which conditions have been met. Each letter shall be submitted to the Docket
8 Control of the Arizona Corporation Commission on November 1 beginning in 2013.
9 Attached to each certification letter shall be documentation explaining how
10 compliance with each condition was achieved. Copies of each letter along with the
11 corresponding documentation shall be submitted to the Arizona Attorney General and
12 the Arizona Governor's Office of Energy Policy. The requirement for the self-
13 certification shall expire on the date the Project is placed into operation.

14 **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

15 This Certificate incorporates the following findings of fact and conclusions of
16 law:

17 1. The Project aids the state in meeting the need for an adequate,
18 economical and reliable supply of electric power, consistent with the goal of working
19 with landowners to minimize the impact of the power lines.

20 2. The Project and the conditions placed on the Project in the CEC by the
21 Committee effectively minimize the impact of the Project on the environment and
22 ecology of the state.

23 3. The Project is in the public interest because the Project's contribution to
24 minimizing the impact of the power lines on the landowner, while meeting the need
25 for the adequate, economical and reliable supply of electric power, outweighs any
26 impact of the Project on the environment and ecology of the state.

1 DATED this 29th day of August, 2012.

2 **THE ARIZONA POWER PLANT AND**
3 **TRANSMISSION LINE SITING**
4 **COMMITTEE**

5 By 
6 HONORABLE JOHN FOREMAN, CHAIRMAN
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