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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

DEC - 3 2021

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IN THE MATTER OF THE APPLICATION OF ARIZONA PUBLIC SERVICE COMPANY, IN CONFORMANCE WITH THE REQUIREMENTS OF ARIZONA REVISED STATUTES 40-360, ET SEQ., FOR CERTIFICATES OF ENVIRONMENTAL COMPATIBILITY FOR THE THREE RIVERS 230 KILOVOLT TRANSMISSIONS LINE PROJECT, WHICH AUTHORIZES THE CONSTRUCTION OF TWO NEW SINGLE CIRCUIT 230KV TRANSMISSION LINES WITH THE INTERCONNECTIONS ORIGINATING AT THE EXISTING APS RUDD-WHITE TANKS 230KV TRANSMISSION LINE AND THE LINES PROCEEDING WEST AND COUNTING SOUTH TERMINATING AT THE TS16 SUBSTATION, SOUTH HALF OF THE NE QUARTER OF SECTION 8 OF TOWNSHIP 1 NORTH, RANGE 1 WEST AND NORTH HALF OF THE SE QUARTER OF SECTION 8, LOCATED IN GOODYEAR, MARICOPA COUNTY, ARIZONA

DOCKET NO. L-00000D-21-0292-00193

CASE NO. 193

DECISION NO. 78318

Contingency Open Meeting
November 17, 2021
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 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
11 environment 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.

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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 M. Peterson*
5 CHAIRWOMAN MARQUEZ PETERSON

DISSENT
COMMISSIONER KENNEDY

6
7 *Justin Olson*
8 COMMISSIONER OLSON

Anna Tovar
COMMISSIONER TOVAR

James M. O'Connor
COMMISSIONER O'CONNOR



9 IN WITNESS WHEREOF, I, MATTHEW J. NEUBERT,
10 Executive Director of the Arizona Corporation Commission,
11 have hereunto, set my hand and caused the official seal of this
12 Commission to be affixed at the Capitol, in the City of Phoenix,
13 this 3 day of December, 2021.

M. J. Neubert
14
15 MATTHEW J. NEUBERT
16 Executive Director

17 DISSENT: *James M. O'Connor*

18 DISSENT: _____
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21

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

3
4 IN THE MATTER OF THE APPLICATION
5 OF ARIZONA PUBLIC SERVICE
6 COMPANY, IN CONFORMANCE WITH
7 THE REQUIREMENTS OF ARIZONA
8 REVISED STATUTES 40-360, ET SEQ.,
9 FOR A CERTIFICATE OF
10 ENVIRONMENTAL COMPATIBILITY FOR
11 THE THREE RIVERS 230 KILOVOLT
12 TRANSMISSION LINE PROJECT, WHICH
13 AUTHORIZES THE CONSTRUCTION OF
14 TWO NEW SINGLE CIRCUIT 230 KV
15 TRANSMISSION LINES WITH THE
16 INTERCONNECTIONS ORIGINATING AT
17 THE EXISTING APS RUDD-WHITE
18 TANKS 230 KV TRANSMISSION LINE
19 AND THE LINES PROCEEDING WEST
20 AND CONTINUING SOUTH
21 TERMINATING AT THE TS16
22 SUBSTATION, SOUTH HALF OF THE NE
23 QUARTER OF SECTION 8 OF TOWNSHIP
24 1 NORTH, RANGE 1 WEST AND NORTH
25 HALF OF THE SE QUARTER OF SECTION
26 8, LOCATED IN GOODYEAR, MARICOPA
27 COUNTY, ARIZONA.

DOCKET NO. L-00000D-21-0292-00193

Case No. 193

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18 **CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY**

19 **INTRODUCTION**

20 Pursuant to notice given as provided by law, the Arizona Power Plant and
21 Transmission Line Siting Committee (Committee) held public hearings in Goodyear,
22 Arizona, on October 4 - 5, 2021, in conformance with the requirements of the Arizona
23 Revised Statutes (A.R.S.) § 40-360 *et seq.* for the purpose of receiving evidence and
24 deliberating on the August 24, 2021 application (Application) of Arizona Public
25 Service Company (APS or Applicant) for a Certificate of Environmental Compatibility
26 (CEC) in the above-captioned case.

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

4 Paul A. Katz	Chairman, Designee for Arizona Attorney General
5 Leonard Drago	Designee for Director, Arizona Department of Environmental 6 Quality
7 John R. Riggins	Designee for Director, Arizona Department of Water Resources
8 Zachary Branum	Designee of the Chairman, Arizona Corporation Commission
9 Karl Gentles	Appointed Member, representing the general public
10 Jack Haenichen	Appointed Member, representing the general public
11 Margaret Little	Appointed Member, representing the general public
12 Mary Hamway	Appointed Member, representing cities and towns
13 Rick Grinnell	Appointed Member, representing counties
14 James Palmer	Appointed Member, representing agriculture

16 The Applicant was represented by Linda J. Benally of APS and J. Matthew
 17 Derstine of Snell and Wilmer, LLP. No parties have intervened in this matter.

18 At the conclusion of the hearing, the Committee, after considering the (i)
 19 Application, (ii) evidence, testimony, and exhibits presented by the Applicant, and (iii)
 20 comments of the public, and being advised of the legal requirements of A.R.S. §§ 40-
 21 360 through 40-360.13, upon motion duly made and seconded, voted 10 to 0, to grant
 22 APS and its successors and assigns this CEC for construction of the Three Rivers 230
 23 kilovolt (kV) Transmission Line Project (Project) as described below.

24 OVERVIEW OF THE PROJECT

25 The Project consists of a single-circuit 230kV transmission line connecting the
 26 Rudd-White Tanks 230kV transmission line (Rudd-White Tanks Line) to the Three
 27

1 Rivers Substation and a second independent single-circuit 230kV transmission line
2 connecting the Three Rivers Substation back to the Rudd-White Tanks Line, double-
3 circuit 230kV lines at highway crossings (one line energized as of the date of this
4 Certificate), and double-circuit lines entering and exiting the Three Rivers Substation.

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

6 CONDITIONS

7 This Certificate is granted upon the following conditions, enforceable against
8 APS or its successor-in-interest relating to the Project:

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

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

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

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

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

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

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

23 6. APS shall design the Project to incorporate reasonable measures to
24 minimize electrocution of and impacts to avian species. Such measures will be
25 accomplished through compliance with the Avian Power Line Interaction Committee
26 guidelines set forth in the 2006 Electrocution Manual and the 2012 Collision Manual.

27 7. APS shall consult with the Arizona State Land Department ("ASLD") and
28 the State Historical Preservation Office (SHPO) with respect to cultural resources. If any

1 archaeological, paleontological, or historical site or a significant object is discovered on
2 state, county, or municipal land during the construction or operation of the Project, APS
3 or its representative in charge shall promptly report the discovery to the Director of the
4 Arizona State Museum (ASM), and in consultation with the Director, shall immediately
5 take all reasonable steps to secure and maintain the preservation of the discovery as
6 required by A.R.S. § 41-844.

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

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

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

27 11. Within one hundred twenty (120) days of the Commission's decision
28 approving this Certificate, APS shall post signs in or near public rights-of-way, to the

1 extent authorized by law, along the route of the Project giving notice of the Project.

2 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
5 Project; and
- 6 c. Refer the Public to the Docket <https://edocket.azcc.gov/Search/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.

10 APS shall make every reasonable effort to communicate the decision approving
11 the Certificate using digital media.

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

20 13. APS shall use non-specular conductors and non-reflective surfaces for the
21 transmission line structures on the Project.

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

27 15. APS shall follow the most current Western Electricity Coordinating
28 Council (WECC) and North American Electric Reliability Corporation (NERC)

1 planning standards, as approved by the Federal Energy Regulatory Commission (FERC),
2 National Electrical Safety Code (NESC) standards and Federal Aviation Administration
3 (FAA) regulations.

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

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

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

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

26 18. APS shall submit a compliance certification letter annually, identifying
27 progress made with respect to each condition contained in this Certificate, including
28 which conditions have been met. The letter shall be submitted to the Commission's

1 Docket Control commencing December 1, 2022. Attached to each certification letter
2 shall be documentation explaining how compliance with each condition was achieved.
3 Copies of the letter, along with the corresponding documentation, shall be submitted to
4 the Arizona Attorney General's Office. With respect to the Project, the requirement for
5 the compliance certification letter shall expire on the date the Project is placed into
6 operation. Notification of such filing with Docket Control shall be made to the Board of
7 Supervisors for Maricopa County, cities of Goodyear and Avondale, all parties to this
8 Docket, and all parties who made a limited appearance in this Docket.

9 19. APS shall provide a copy of this Certificate to the Board of Supervisors
10 for Maricopa County and cities of Goodyear and Avondale.

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

15 21. In the event APS, its assignee, or successor seeks to modify the Certificate
16 terms at the Commission, it shall provide copies of such request to the Board of
17 Supervisors for Maricopa County, cities of Goodyear and Avondale, all parties to this
18 Docket, and all parties who made a limited appearance in this Docket.

19 22. The Certificate Conditions shall be binding on APS, its successors,
20 assignee(s), and transferees and any affiliates, agents, or lessees of APS who have a
21 contractual relationship with APS concerning the construction, operation, maintenance,
22 or reclamation of the Project. APS shall provide in any agreement(s) or lease(s)
23 pertaining to the Project that the contracting parties and/or lessee(s) shall be responsible
24 for compliance with the Conditions set forth herein, and APS's responsibilities with
25 respect to compliance with such Conditions shall not cease or be abated by reason of the
26 fact that APS is not in control of or responsible for operation and maintenance of the
27 Project facilities.

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2 **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

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

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

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

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

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

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

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

22 DATED this 7th day of October, 2021.

23 THE ARIZONA POWER PLANT AND
24 TRANSMISSION LINE SITING
25 COMMITTEE

26 By: Paul A. Katz
27 Paul A. Katz, Chairman

28

EXHIBIT A

APPROVED CORRIDOR

The corridor begins at the Rudd to White Tanks transmission line with an 800-foot-wide corridor, including 700 feet to the north and 100 feet to the south of the northern access control line of I-10, then heads west along said access control line across the Agua Fria River, approximately 0.25 miles to the east boundary line of parcel 500-02-093.

The corridor then narrows to 300 feet wide, including 200 feet to the north and 100 feet to the south of said access control line, continuing west approximately 1.8 miles to the 143rd Avenue alignment.

The corridor then heads south approximately 0.1 miles as it crosses the I-10 and remains 300 feet wide. At this point the corridor proceeds west, including 200 feet to the south and 100 feet to the north of the access control line of I-10, approximately 0.5 miles to Bullard Avenue.

At this point the corridor widens to 400 feet, including 200 feet on each side of the centerline of Bullard Avenue, and proceeds south approximately 0.65 miles to Van Buren Street.

South of Van Buren Street, the corridor narrows to 200 feet wide with its eastern boundary coincident with the centerline of Bullard Avenue as it continues south for approximately 0.5 miles to the northern property line of APS's Bullard Substation, parcel 500-10-716G.

From this point, the corridor widens to 400 feet, with its southern boundary coincident with the northern property line of APS's Bullard Substation, parcel 500-10-716G, and heads west for approximately 0.3 miles.

At Bullard Avenue, the corridor is 300 feet wide as it heads east, including the south 150 feet of parcel 500-10-859 and the north 150 feet of parcel 500-09-436, approximately 0.38 miles to 143rd Avenue.

The corridor then narrows to 150 feet wide with its eastern boundary coincident with the centerline of 143rd Avenue as it proceeds north approximately 0.22 miles.

The corridor then widens to 300 feet, including the south 150 feet of parcel 500-10-731C and the north 150 feet of parcel 500-10-859, approximately 0.11 miles to the east boundary line of parcel 500-10-858.

At this point, the corridor narrows to 200 feet wide with its eastern boundary coincident with the centerline of 145th Avenue and proceeds north approximately 0.28 miles to Van Buren Street.






The corridor then narrows to 150 feet wide, with its southern boundary coincident with the centerline of Van Buren Street, and heads east approximately 2.08 miles to the east boundary line of parcel 500-02-013V.

The corridor then widens to 1,200 feet, with its southern boundary coincident with the centerline of Van Buren Street as it continues east, across the Agua Fria River, approximately 0.22 miles to the existing APS Rudd to White Tanks transmission line.




EXHIBIT A Three Rivers Transmission Line Project

Approved Corridor





Project Features

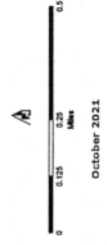
-  Parcel Boundary
-  CEC Corridor
-  Three Rivers (TS16) Substation
-  Compass Datacenter Site
-  I-10 Access Control Line

Planned Transmission Facilities

-  69kV Substation
-  69kV Line
-  Existing Single-Circuit 69kV Line to be rebuilt as Double-Circuit 69kV Line

Existing Transmission Facilities

-  69kV Substation
-  345kV Transmission Line
-  230kV Transmission Line
-  69kV Transmission Line



October 2021

