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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

JIM O'CONNOR – CHAIRMAN
LEA MÁRQUEZ PETERSON
ANNA TOVAR
KEVIN THOMPSON
NICK MYERS

Arizona Corporation Commission

DOCKETED

NOV 3 2023

DOCKETED BY

ICM

IN THE MATTER OF THE APPLICATION OF
1886 SOLAR ENERGY STATION LLC, IN
CONFORMANCE WITH THE REQUIREMENTS
OF ARIZONA REVISED STATUTES,
SECTIONS 40-360, ET. SEQ., FOR A
CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AUTHORIZING THE 1886
SOLAR ENERGY STATION
INTERCONNECTION PROJECT LOCATED IN
COCONINO COUNTY, ARIZONA.

DOCKET NO. L-21260A-23-0218-00224

CASE NO. 224

DECISION NO. 79166

Open Meeting
October 26, 2023
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 modified 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 the CEC for the above-captioned application for siting approval is in the public interest as modified by the Order.

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The Commission modifies the CEC by:

- Deleting “SE” and inserting “5E” at page 2, line 25.

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

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.
2. In balancing the need for the Project with its effect on the environment and ecology of the state, the conditions placed on the CEC as modified by the Commission effectively minimize its impact on the environment and ecology of the state.
3. The conditions placed on the CEC as modified by the Commission resolve matters concerning the need for the Project and its impacts 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.
4. In light of these conditions, the balancing in the broad public interest results in favor of granting the CEC as modified by the Commission.

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

James P. O'Connor
CHAIRMAN O'CONNOR

Lee Marquez Peterson
COMMISSIONER MARQUEZ PETERSON

Anna Tovar
COMMISSIONER TOVAR

Ken Thompson
COMMISSIONER THOMPSON

WJ
COMMISSIONER MYERS



IN WITNESS WHEREOF, I, DOUGLAS R. CLARK,
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 Capitol, in the City of Phoenix,
this 3rd day of November, 2023.

Douglas R. Clark

DOUGLAS R. CLARK
Executive Director

DISSENT: _____

DISSENT: _____

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

IN THE MATTER OF THE APPLICATION
OF 1886 SOLAR ENERGY STATION LLC,
IN CONFORMANCE WITH THE
REQUIREMENTS OF ARIZONA REVISED
STATUTES, SECTIONS 40-360, ET. SEQ.,
FOR A CERTIFICATE OF
ENVIRONMENTAL COMPATIBILITY
AUTHORIZING THE 1886 SOLAR
ENERGY STATION INTERCONNECTION
PROJECT LOCATED IN COCONINO
COUNTY, ARIZONA

DOCKET NO.: L-21260A-23-0218-00224

Case No. 224

**CERTIFICATE OF
ENVIRONMENTAL
COMPATIBILITY**

A. INTRODUCTION

Pursuant to notice given as provided by law, the Arizona Power Plant and Transmission Line Siting Committee (“Committee”) held public hearings on September 7 and 8, 2023, in Coconino County, in conformance with the requirements of the Arizona Revised Statutes (“A.R.S.”) § 40-360 et seq. for the purpose of receiving evidence and deliberating on the July 24, 2023 Application of 1886 Solar Energy Station LLC (“Applicant”) for a Certificate of Environmental Compatibility (“Certificate” or “CEC”) in the above-captioned case.

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 for the deliberations:

Adam Stafford	Chairman, Designee for Arizona Attorney General Kris Mayes
Gabby Mercer	Designee of the Chairman, Arizona Corporation Commission (“Commission”)
Leonard Drago	Designee for Director, Arizona Department of Environmental Quality
David French	Designee for Director, Arizona Department of Water Resources

1 Scott Somers Appointed Member, representing cities and towns
 2 David Kryder Appointed Member, representing agricultural interests
 3 Margaret "Toby" Little Appointed Member, representing the general public
 4 Jon Gold Appointed Member, representing the general public

5 The Applicant was represented by Bert Acken of Acken Law. No parties requested
 6 intervention pursuant to A.R.S. § 40-360.05.

7 At the conclusion of the hearing, the Committee, after considering the (i)
 8 Application, (ii) evidence, testimony, and exhibits presented by the Applicant, and (iii)
 9 comments of the public, and being advised of the legal requirements of A.R.S. §§ 40-360
 10 through 40-360.13, upon motion duly made and seconded, voted 7 to 0, to grant
 11 Applicant, its successors and assigns, this Certificate for construction of the 1886 Solar
 12 Energy Station Interconnection Project ("Project") as described below.

13 **B. PROJECT DESCRIPTION**

14 The Project consists of an approximately 5-mile 500-kV transmission line and
 15 associated interconnection facilities to interconnect the Applicant's planned energy
 16 facilities (the non-jurisdictional "Solar Energy Station") to the regional electrical
 17 transmission grid at a planned Arizona Public Service Company ("APS") Switchyard in
 18 Coconino County on the Moenkopi-Cedar Mountain 500 kV transmission line.

19 All Project facilities will be located in a corridor as shown in **Exhibit A** (the
 20 "Project Corridor"). Starting at the west end of the Project, the Project Corridor extends
 21 approximately 150 feet south of the non-jurisdictional Solar Energy Station Substation,
 22 500 feet west of the Solar Energy Station Substation, and 500 feet north of the Solar
 23 Energy Station Substation. The Project Corridor then proceeds northeast as a 500-foot-
 24 wide corridor north of the existing Moenkopi to Cedar Mountain 500-kV transmission line
 25 right of way. Once the Project Corridor reaches Township 26N, Range SE, Section 21, the
 26 Project Corridor widens to include private property in Section 21 that is north of the
 27 Moenkopi to Cedar Mountain 500-kV transmission line right of way. The Project Corridor
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1 widens in this Section 21 to accommodate potential routing variants for the Project to
2 approach and enter the planned APS Switchyard. The final right-of-way width for the
3 transmission line within the Project Corridor will be 250 feet.

4 CONDITIONS

5 This Certificate is granted upon the following conditions:

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

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

22 3. During the development, construction, operation, maintenance and
23 reclamation of the Project, the Applicant shall comply with all existing applicable air and
24 water pollution control standards and regulations, and with all existing applicable statutes,
25 ordinances, master plans and regulations of any governmental entity having jurisdiction,
26 including, but not limited to, the United States of America, the State of Arizona, Coconino
27 County, and their agencies and subdivisions, including but not limited to the following:
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- 1 a. All applicable land use regulations;
- 2 b. All applicable zoning stipulations and conditions, including but not
- 3 limited to landscaping and dust control requirements;
- 4 c. All applicable water use, discharge and/or disposal requirements of
- 5 the Arizona Department of Water Resources and the Arizona
- 6 Department of Environmental Quality;
- 7 d. All applicable noise control standards; and
- 8 e. All applicable regulations governing storage and handling of
- 9 hazardous chemicals and petroleum products.

10 4. The Applicant shall obtain all approvals and permits necessary to construct,

11 operate and maintain the Project required by any governmental entity having jurisdiction

12 including, but not limited to, the United States of America, the State of Arizona, Coconino

13 County, 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's interconnection facilities to

19 incorporate reasonable measures to minimize electrocution of and impacts to avian

20 species in accordance with the Applicant's avian protection program. Such measures will

21 be accomplished through incorporation of Avian Power Line Interaction Committee

22 guidelines set forth in the current versions of *Suggested Practices for Avian Protection on*

23 *Power Lines* and *Reducing Avian Collisions with Power Lines* manuals.

24 7. The Applicant shall consult the State Historic Preservation Office (“SHPO”)

25 with respect to cultural resources. The Applicant will complete a Class III cultural

26 inventory of the portions of the final right-of-way that have not been previously

27 adequately surveyed to identify and evaluate the cultural resources that may be present. If

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

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

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

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

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

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

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

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

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

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

- 14 a. Ensure grounding and cathodic protection studies are performed to
15 show that the Project's location parallel to and within one hundred
16 (100) feet of such pipeline results in no material adverse impacts to
17 the pipeline or to public safety when both the pipeline and the Project
18 are in operation. The Applicant shall take appropriate steps to ensure
19 that any material adverse impacts are mitigated. The Applicant shall
20 provide to Staff of the Commission, and file with Docket Control, a
21 copy of the studies performed and additional mitigation, if any, that
22 was implemented as part of its annual compliance-certification letter;
23 and
- 24 b. Ensure that studies are performed simulating an outage of the Project
25 that may be caused by the collocation of the Project parallel to and
26 within one hundred (100) feet of the existing natural gas or hazardous
27 liquid pipeline. The studies should either: (a) show that such
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1 simulated outage does not result in customer outages; or (b) include
2 operating plans to minimize any resulting customer outages. The
3 Applicant shall provide a copy of the study results to Staff of the
4 Commission and file them with Docket Control as part of the
5 Applicant's annual compliance certification letter.

6 18. The designation of the corridor in this Certificate, as shown in Exhibit A,
7 does not authorize a right-of-way greater than 250 feet wide for the transmission line nor
8 does it grant the applicant exclusive rights within the corridor outside of the final
9 designated transmission right-of-way.

10 19. The Applicant shall submit a compliance certification letter annually,
11 identifying progress made with respect to each condition contained in this Certificate,
12 including which conditions have been met. The letter shall be submitted to Commission's
13 Docket Control commencing on December 1, 2024. Attached to each certification letter
14 shall be documentation explaining how compliance with each condition was achieved.
15 Copies of each letter, along with the corresponding documentation, shall be submitted to
16 the Arizona Attorney General's Office. With respect to the Project, the requirement for the
17 compliance letter shall expire on the date the Project is placed into operation. Notification
18 of such filing with Docket Control shall be made to the Board of Supervisors for
19 Coconino County, all parties to this Docket, and all parties who made a limited
20 appearance in this Docket.

21 20. The Applicant shall provide a copy of this Certificate to the Board of
22 Supervisors for Coconino County.

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

1 22. In the event the Applicant, its assignee, or successor, seeks to modify the
2 Certificate's terms at the Commission, it shall provide copies of such request to the Board
3 of Supervisors for Coconino County, all parties to this Docket, and all parties who made a
4 limited appearance in this Docket.

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

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 and the southwest region of the United States in
18 meeting the need for an adequate, economical, and reliable supply of renewable electric
19 power.

20 2. When constructed in compliance with the conditions imposed in this
21 Certificate, the Project aids the state, preserving a safe and reliable electric transmission
22 system.

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

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

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CERTIFICATE OF MAILING

Pursuant to A.A.C. R14-3-204,
the Original and 26 copies were
filed this 14 day of September, 2023 with:

Docket Control
Arizona Corporation Commission
1200 W. Washington Street
Phoenix, AZ 85007

Copy of the above was mailed
this 14 day of September, 2023 to:

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

Douglas Clark, Interim Director
Utilities Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, AZ 85007

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Attorney for 1886 Solar Energy Station LLC



CEC 224

EXHIBIT A

