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BEFORE THE ARIZONA CORPORATION COMMISSION

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**COMMISSIONERS**

Kristin K. Mayes, Chairman  
Gary Pierce  
Sandra D. Kennedy  
Paul Newman  
Bob Stump

Arizona Corporation Commission

**DOCKETED**

MAR 17 2010

DOCKETED BY NR

IN THE MATTER OF THE APPLICATION OF ARLINGTON VALLEY SOLAR ENERGY, LLC, IN CONFORMANCE WITH THE REQUIREMENTS OF ARIZONA REVISED STATUTES §§ 40-360.03 AND 40-360.06 *et seq.* FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AUTHORIZING CONSTRUCTION OF THE ARLINGTON VALLEY SOLAR ENERGY ("AVSE") PROJECT, AN APPROXIMATELY 125 MW SOLAR GENERATING FACILITY LOCATED IN PORTIONS OF SECTIONS 20, 21 AND 28, WITH ASSOCIATED SWITCHYARD AND GEN-TIE LINES INTERCONNECTING FROM THE AVSE PROJECT SITE TO THE EXISTING HASSAYAMPA SWITCHYARD LOCATED IN SECTION 15, ALL IN TOWNSHIP 1 SOUTH, RANGE 6 WEST, MARICOPA COUNTY, ARIZONA.

CASE NO. 153

Docket No. L-00000PP-09-0548-00153

IN THE MATTER OF THE APPLICATION OF ARLINGTON VALLEY SOLAR ENERGY, LLC, IN CONFORMANCE WITH THE REQUIREMENTS OF ARIZONA REVISED STATUTES §§ 40-360.03 AND 40-360.06 *et seq.* FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AUTHORIZING CONSTRUCTION OF THE ARLINGTON VALLEY SOLAR ENERGY II ("AVSE II") PROJECT, AN APPROXIMATELY 125 MW SOLAR GENERATING FACILITY LOCATED IN PORTIONS OF SECTIONS 25, 26, 27, 35 and 36, AND ASSOCIATED SWITCHYARDS AND GEN-TIE LINES INTERCONNECTING FROM THE AVSE II PROJECT SITE TO THE EXISTING HASSAYAMPA SWITCHYARD LOCATED IN SECTION 15, ALL IN TOWNSHIP 1 SOUTH, RANGE 6 WEST, MARICOPA COUNTY, ARIZONA.

CASE NO. 154

Docket No. L-00000QQ-09-0549-00154

DECISION 71512

(CEC FOR CASE NO. 154)

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 **COMMISSIONERS**

3 Kristin K. Mayes, Chairman  
4 Gary Pierce  
5 Sandra D. Kennedy  
6 Paul Newman  
7 Bob Stump

8 IN THE MATTER OF THE APPLICATION OF  
9 ARLINGTON VALLEY SOLAR ENERGY, LLC,  
10 IN CONFORMANCE WITH THE  
11 REQUIREMENTS OF ARIZONA REVISED  
12 STATUTES §§ 40-360.03 AND 40-360.06 *et seq.*  
13 FOR A CERTIFICATE OF ENVIRONMENTAL  
14 COMPATIBILITY AUTHORIZING  
15 CONSTRUCTION OF THE ARLINGTON  
16 VALLEY SOLAR ENERGY II ("AVSE II")  
17 PROJECT, AN APPROXIMATELY 125 MW  
18 SOLAR GENERATING FACILITY LOCATED  
19 IN PORTIONS OF SECTIONS 25, 26, 27, 35 and  
20 36, AND ASSOCIATED SWITCHYARDS AND  
21 GEN-TIE LINES INTERCONNECTING FROM  
22 THE AVSE II PROJECT SITE TO THE  
23 EXISTING HASSAYAMPA SWITCHYARD  
24 LOCATED IN SECTION 15, ALL IN  
25 TOWNSHIP 1 SOUTH, RANGE 6 WEST,  
26 MARICOPA COUNTY, ARIZONA.

**CASE NO. 154**

**Docket No. L-00000QQ-09-0549-00154**

**DECISION NO. 71512**

16 Open Meeting  
17 March 2, 2010  
18 Phoenix, Arizona

19 **BY THE COMMISSION:**

20 Pursuant to A.R.S. § 40-360, *et seq.*, after due consideration of all relevant matters, the  
21 Arizona Corporation Commission ("Commission") finds and concludes that the Certificate of  
22 Environmental Compatibility ("CEC") issued by the Arizona Power Plant and Transmission Line  
23 Siting Committee ("Siting Committee") is hereby approved as modified by this Order.

24 The Commission, in reaching its decision, has balanced all relevant matters in the broad  
25 public interest, including the need for an adequate, economical and reliable supply of electric power  
26 with the desire to minimize the effect thereof on the environment and ecology of this state, and finds  
27 that the CEC for the above-captioned application for siting approval is in the public interest as  
28 modified by this Order.

1 The Commission modifies the CEC to add the following condition:

2 23. Before commencing construction of Project facilities located parallel to and within  
3 100 feet of any existing natural gas or hazardous liquid pipeline, the Applicant, or its  
4 assignee(s), shall:

5 a. Perform the appropriate grounding and cathodic protection studies to show  
6 that the Project's location parallel to and within 100 feet of such pipeline  
7 results in no material adverse impacts to the pipeline or to public safety when  
8 both the pipeline and the Project are in operation. If material adverse impacts  
9 are noted in the studies, Applicant, or its assignee(s), shall take appropriate  
10 steps to ensure that such material adverse impact are mitigated. Applicant, or  
11 its assignee(s), shall file in Commission Docket Control reports of the studies  
12 performed; and

13 b. Perform a technical study simulating an outage of the Project that may be  
14 caused by the collocation of the Project parallel to and within 100 feet of the  
15 existing natural gas or hazardous liquid pipeline. This study should either: (i)  
16 show that such outage does not result in customer outages; or (ii) include  
17 operating plans to minimize any resulting customer outages. Applicant, or its  
18 assignee(s), shall file a copy of this study in Commission Docket Control.  
19

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

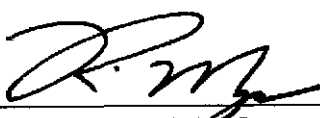
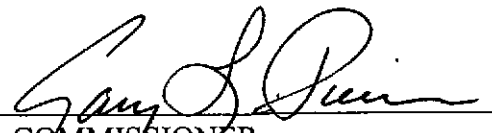



- 22 1. The Project is in the public interest because it aids the state in meeting the need for  
23 an adequate, economical and reliable supply of electric power.
- 24 2. In balancing the need for the Project with its effect on the environment and ecology  
25 of the state, the conditions placed on the CEC as modified by the Commission  
26 effectively minimize its impact on the environment and ecology of the state.
- 27 3. The conditions placed on the CEC as modified by the Commission resolve matters  
28 concerning the need for the Project and its impact on the environment and ecology of

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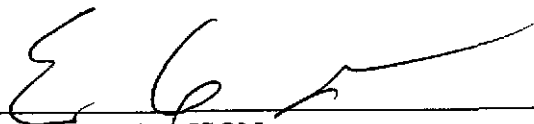
the state raised during the course of proceedings, and as such, serve as the findings on the matters raised.

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.

**THE CEC ISSUED BY THE SITING COMMITTEE IS  
INCORPORATED HEREIN AND IS APPROVED AS MODIFIED 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 17<sup>th</sup> day of MARCH 2010.

  
ERNEST G. JOHNSON  
Executive Director

DISSENT: \_\_\_\_\_

DISSENT: \_\_\_\_\_

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

IN THE MATTER OF THE APPLICATION OF  
ARLINGTON VALLEY SOLAR ENERGY, LLC, IN  
CONFORMANCE WITH THE REQUIREMENTS OF  
ARIZONA REVISED STATUTES §§ 40-360.03 AND 40-  
360.06 *et seq.* FOR A CERTIFICATE OF  
ENVIRONMENTAL COMPATIBILITY AUTHORIZING  
CONSTRUCTION OF THE ARLINGTON VALLEY  
SOLAR ENERGY ("AVSE") PROJECT, AN  
APPROXIMATELY 125 MWSOLAR GENERATING  
FACILITY LOCATED IN PORTIONS OF SECTIONS 20,  
21 AND 28, WITH ASSOCIATED SWITCHYARDS  
AND GEN-TIE LINES INTERCONNECTING FROM  
THE AVSE PROJECT SITE TO THE EXISTING  
HASSAYAMPA SWITCHYARD LOCATED IN  
SECTION 15, ALL IN TOWNSHIP 1 SOUTH, RANGE 6  
WEST, MARICOPA COUNTY, ARIZONA.

**Docket No. L-00000PP-09-0548-00153**  
**Case No. 153**

IN THE MATTER OF THE APPLICATION OF  
ARLINGTON VALLEY SOLAR ENERGY II, LLC, IN  
CONFORMANCE WITH THE REQUIREMENTS OF  
ARIZONA REVISED STATUTES §§ 40-360.03 AND 40-  
360.06 *et seq.* FOR A CERTIFICATE OF  
ENVIRONMENTAL COMPATIBILITY AUTHORIZING  
CONSTRUCTION OF THE ARLINGTON VALLEY  
SOLAR ENERGY II ("AVSE II") PROJECT, AN  
APPROXIMATELY 125 MW SOLAR GENERATING  
FACILITY LOCATED IN PORTIONS OF SECTIONS 25,  
26, 27, 35 AND 36, AND ASSOCIATED  
SWITCHYARDS AND GEN-TIE LINES  
INTERCONNECTING FROM THE AVSE PROJECT  
SITE TO THE EXISTING HASSAYAMPA  
SWITCHYARD LOCATED IN SECTION 15, ALL IN  
TOWNSHIP 1 SOUTH, RANGE 6 WEST, MARICOPA  
COUNTY, ARIZONA.

**Docket No. L-00000QQ-09-0549-00154**  
**Case No. 154**

**CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY**

**Case No. 154: AVSE II**

1 Pursuant to notice given as provided by law, the Arizona Power Plant and Transmission  
 2 Line Siting Committee (the "Committee") held public hearings on January 26 and 27, 2010, in  
 3 conformance with the requirements of Arizona Revised Statutes ("A.R.S.") §§ 40-360, *et seq.*,  
 4 for the purpose of receiving evidence and deliberating on the Application of **Arlington Valley**  
 5 **Solar Energy II, LLC** ("Applicant") for a Certificate of Environmental Compatibility  
 6 ("Certificate") in the above-captioned Case No.154.

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

9	John Foreman	Chairman, Designee for Arizona Attorney General Terry Goddard
10	Paul Rasmussen	Designee for Director, Arizona Department of Environmental Quality
11	Gregg Houtz	Designee for Director, Arizona Department of Water Resources
12		
13	Jessica Youle	Designee for Director, Energy Office, Arizona Department of Commerce
14		
15		
16	David Eberhart	Designee for Chairman, Arizona Corporation Commission
17		
18	William Mundell	Appointed Member (participating on January 26, 2010)
19	Jeff McGuire	Appointed Member
20	Patricia Noland	Appointed Member
21	Michael Palmer	Appointed Member
22	Michael Whalen	Appointed Member
23	Barry Wong	Appointed Member

24 Applicant was represented by Jay Moyes and Steve Wene of Moyes Sellers & Sims,  
 25 Ltd. No parties sought intervention or made a limited appearance.

1           At the conclusion of the hearings, the Committee, having received the Application,  
2 the appearances of the parties, the evidence, testimony, and exhibits presented at the  
3 hearings, and being advised of the legal requirements of A.R.S. §§ 40-360 to 40-360.13,  
4 *upon motion duly made and seconded*, voted 10 to 0 to grant Applicant this Certificate of  
5 Environmental Compatibility (Case No. 154) for the below-described Project.

6           The Project as approved consists of an up to 125 Megawatt (MW) nominal net  
7 output solar generating facility (the "Generation Facility") together with associated 115kV  
8 and 500kV switchyards and 115 kV and 500 kV gen-tie electric lines (collectively, the  
9 "Gen-tie Facilities") to interconnect the Generation Facility to the existing Hassayampa  
10 500kV switchyard and the electric transmission grid. (The Generation Facility and the Gen-  
11 tie Facilities collectively constitute the "Project"). The Committee acknowledges that  
12 Applicant has proposed that the Generation Facility may utilize either (1) Photovoltaic (PV)  
13 solar technology, or (2) concentrating solar thermal (CSP) technology. If CSP technology is  
14 selected, the Generation Facility may, at Applicant's option, include equipment to provide  
15 complementary firming generation capability when solar radiation is insufficient. The  
16 firming may be provided by utilizing one of either (i) solar thermal storage (STS)  
17 technology or (ii) natural gas co-firing technology using an auxiliary boiler but no  
18 additional steam turbine. If CSP with firming is used, however, the Generation Facility's  
19 nominal output of 125MW shall not be increased, and shall not exceed 1500 hours per  
20 calendar year of generation using gas co-firing.

21           Pursuant to the jurisdiction of the Committee over the proposed CSP option  
22 Generating Facility and the proposed Gen-tie Facilities, expressly granted under A.R.S. §  
23 40-360 (9) and (10), this Certificate expressly authorizes construction of the Project using  
24 the CSP option, with or without either the STS option or the natural gas co-firing option for  
25 firming generation capability, but does not mandate the selection of any of such options for  
the Generating Facility. The Generating Facility will be located on approximately 1160  
acres comprising portions of Sections 25, 26, 27, 35 and 36 of Township 1 South, Range 6  
West, G&SRB&M, Maricopa County, Arizona. Applicant may utilize either one of, or

1 portions of, either alternative corridor for the final location and construction of the Gen-tie  
2 Facilities, as identified on the location map of the Project set forth in **Exhibit A** to this  
3 Certificate; and may use a combination of single and/or double circuit principal  
4 transmission structures and configurations approximately of the types and sizes represented  
5 by the drawings attached as **Exhibit B** to this Certificate, using overhead and/or  
6 underground configurations as feasible to make the necessary incidental crossings of  
7 existing transmission lines, all to be determined by Applicant after due consultation with the  
8 affected existing transmission line owners and in accordance with sound engineering  
9 principles, governing interconnection standards and applicable safety and reliability  
10 standards.

#### 11 CONDITIONS

12 This Certificate is granted upon the following conditions:

- 13 1. These conditions shall apply to Applicant, its successor(s) and assignee(s).
- 14 2. Applicant shall obtain all required approvals and permits required by the United  
15 States, the State of Arizona, the County of Maricopa, and any other  
16 governmental entities having jurisdiction necessary to construct the Project.
- 17 3. Applicant shall comply with all existing applicable statutes, ordinances, master  
18 plans, county comprehensive plans, and regulations of the State of Arizona,  
19 Maricopa County, the United States, and any other governmental entities  
20 having jurisdiction over the construction and operation of the Project.
- 21 4. This authorization to construct the Project shall expire seven years from the date  
22 the Certificate is approved by the Commission; provided, however, that prior to  
23 such expiration Applicant may request that the Commission extend this time  
24 limitation.
- 25 5. In the event that the Project requires an extension of the term of this Certificate,  
Applicant shall use commercially reasonable means to directly notify by first  
class mail all landowners and residents within one mile of the Project Site, and  
all persons who made public comment at this proceeding, of the date, time and



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place of the proceeding in which the Commission shall consider such request for extension.

6. Applicant shall comply with the most current Western Electricity Coordinating Council/North American Electric Reliability Corporation planning standards as approved by the Federal Energy Regulatory Commission, and National Electrical Safety Code construction standards.
7. Applicant shall comply with the notice and salvage requirements of the Arizona Native Plant Law (A.R.S. §§ 3-901, et seq.) and shall, to the extent feasible, minimize the destruction of native plants during Project construction.
8. If any archaeological, paleontological or historical site or object that is at least fifty years old is discovered on state, county or municipal land during Project-related activities, the person 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, as required by A.R.S. § 41-844
9. If human remains and/or funerary objects are encountered on private land during the course of any ground-disturbing activities relating to the development of the subject property, Applicant shall cease work on the affected area of the Project and notify the Director of the Arizona State Museum as required by A.R.S. § 41-865.
10. Applicant shall follow any published guidelines adopted by the Arizona Game and Fish Department or the United States Fish and Wildlife Service for handling contacts during the construction and operation of the Project with any species designated as endangered. Applicant shall also follow any published and adopted guidelines for handling contacts with any species of greatest conservation need as designated by the Arizona Game and Fish Department. If no published and adopted guidelines exist, Applicant shall use reasonable care to avoid any harm to individuals of the designated species. If the avoidance of harm to individuals is not possible, Applicant shall contact the Arizona Game and Fish Department and the United States Fish and Wildlife Service to obtain

1 any applicable permits and appropriate guidance for removing the individual  
2 members of the species contacted from the area of the Project.

3 11. Before construction on the Gen-tie Facilities' transmission lines may commence,  
4 Applicant shall file a construction mitigation and restoration plan ("Plan") with  
5 ACC Docket Control. Where practicable, the Plan shall specify Applicant's plans  
6 for construction access and methods to minimize impacts to wildlife and to  
7 minimize vegetation disturbance outside of the Gen-tie Facilities right-of-way  
8 particularly in drainage channels and along stream banks, if any, and to re-  
9 vegetate, unless waived by the landowner, native areas of construction  
10 disturbance to their preconstruction state outside of transmission line right of way  
11 after construction has been completed. The Plan shall specify Applicant's plans  
12 for coordination with the Arizona Game and Fish Department and the State  
13 Historic Preservation Office. Applicant shall use existing roads for construction  
14 and access where practicable and the Plan shall specify the manner in which  
15 Applicant makes use of existing roads.

16 12. Within 120 days of the Commission decision granting this Certificate, Applicant  
17 will erect and maintain at the Generation Facility site a sign of not less than 4  
18 feet by 8 feet dimensions. Applicant will also post signs in public rights-of-way,  
19 to the extent authorized by law, giving notice of the Gen-tie Facilities locations.  
20 Applicant shall place signs in prominent locations at reasonable intervals such  
21 that the public is notified along the full length of the corridors until the Gen-tie  
22 Facilities are constructed. Such signage shall be no smaller than a normal  
23 roadway sign. All of the above-required signs shall advise:

- 24 (a) That the site has been approved for the construction of Project facilities;
- 25 (b) The expected date of completion of the Project facilities;
- (c) A phone number for public information regarding the Project;
- (d) The name of the Project;
- (e) The name of the Applicant; and
- (f) The website of the Project

13. Applicant shall design the Gen-tie Facilities to incorporate reasonable measures to  
minimize impacts to raptors.

- 1 14. Applicant shall use non-specular conductor and dulled surfaces for the Gen-Tie  
2 Facilities' structures.
- 3 15. In connection with the construction of the Project, Applicant shall use  
4 commercially reasonable efforts, where practicable and consistent with  
5 applicable laws to encourage use of qualified Arizona legal resident  
6 contractors, laborers, and suppliers of goods and services. In addition,  
7 Applicant shall file, as part of its annual compliance certification requirement,  
8 (A) a report listing the number of persons who were hired during the previous  
9 calendar year for construction jobs at the Project who identify themselves, upon  
10 hiring, as legal residents of Arizona; and (B) a report listing the names of  
11 businesses in Arizona, with whom Applicant has executed during the previous  
12 calendar year substantial contracts to provide goods and services during  
13 construction of the Project, together with the total dollar payments, in the  
14 aggregate for each list of businesses, to be paid by Applicant pursuant to those  
15 contracts.
- 16 16. Applicant shall provide copies of this Certificate to the Maricopa County Department  
17 of Development Services, the Arizona State Land Department, the State Historic  
18 Preservation Office, and the Arizona Game and Fish Department.
- 19 17. Prior to the date construction commences on the Project, Applicant will provide  
20 known homebuilders and developers of record within one mile of the Project the  
21 identity, location, and a pictorial depiction of the type of power plant being  
22 constructed, accompanied by a written description, and encourage the developers  
23 and homebuilders to include this information in the developers' and homebuilders'  
24 homeowners' disclosure statements.
- 25 18. Applicant shall submit a self-certification letter annually, identifying progress  
made with respect to each condition contained in the Certificate, including which  
conditions have been met. Each letter shall be submitted to the Commission  
Docket Control on or before March 1, beginning in 2011. Attached to each  
certification letter shall be documentation explaining how compliance with each  
condition was achieved. Copies of each letter along with the corresponding

1           documentation shall be submitted to the Arizona Attorney General and Department  
2           of Commerce Energy Office. The requirement for the self-certification shall expire  
3           on the date the Project is placed into operation.

4           19. If Applicant selects the CSP technology for the Generation Facility, the Applicant  
5           shall make all commercially reasonable efforts to minimize the use of groundwater  
6           during construction and operation of the Project and such groundwater is limited to  
7           withdrawals pursuant to Type 1 rights or hydrologic testing permits. Reports to the  
8           Arizona Department of Water Resources required by applicable law with respect to  
9           the Type 1 Non-irrigation Grandfathered Rights shall also be filed with the  
          Commission Docket Control.

10          20. If Applicant selects the CSP technology for the Generation Facility, Applicant shall  
11          enter into a land subsidence monitoring agreement with the Arizona Department of  
12          Water Resources.

13          21. Applicant shall obtain and comply with the applicable air quality permit(s) and all  
14          air emissions regulations of the Maricopa County Air Quality Control Department,  
15          Arizona Department of Environmental Quality, and United States Environmental  
          Protection Agency.

16          22. Applicant shall allow and provide for joint ownership and/or use of the authorized  
17          new 115kV—500kV Switchyard and 500kV interconnection transmission line  
18          components of the Gen-tie Facilities (the "500kV Components") by the party who  
19          holds a Certificate of Environmental Compatibility issued in Case No. 153, and it is  
20          acknowledged that such 500kV Components are approved as a single facility  
21          common to both generation facilities projects and their respective certificates, and  
22          are not intended to be nor authorized to be constructed in duplicate.




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electric power outweighs the minimized impact of the Project on the environment and ecology of the state.

- 9. The conditions placed on this Certificate by the Committee resolve matters concerning the need for the Project and its impact 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.
- 10. In light of these conditions, the balancing in the broad public interest results in favor of granting this Certificate.

THE ARIZONA POWER PLANT AND  
TRANSMISSION LINE SITING COMMITTEE



Hon. John Foreman, Chairman

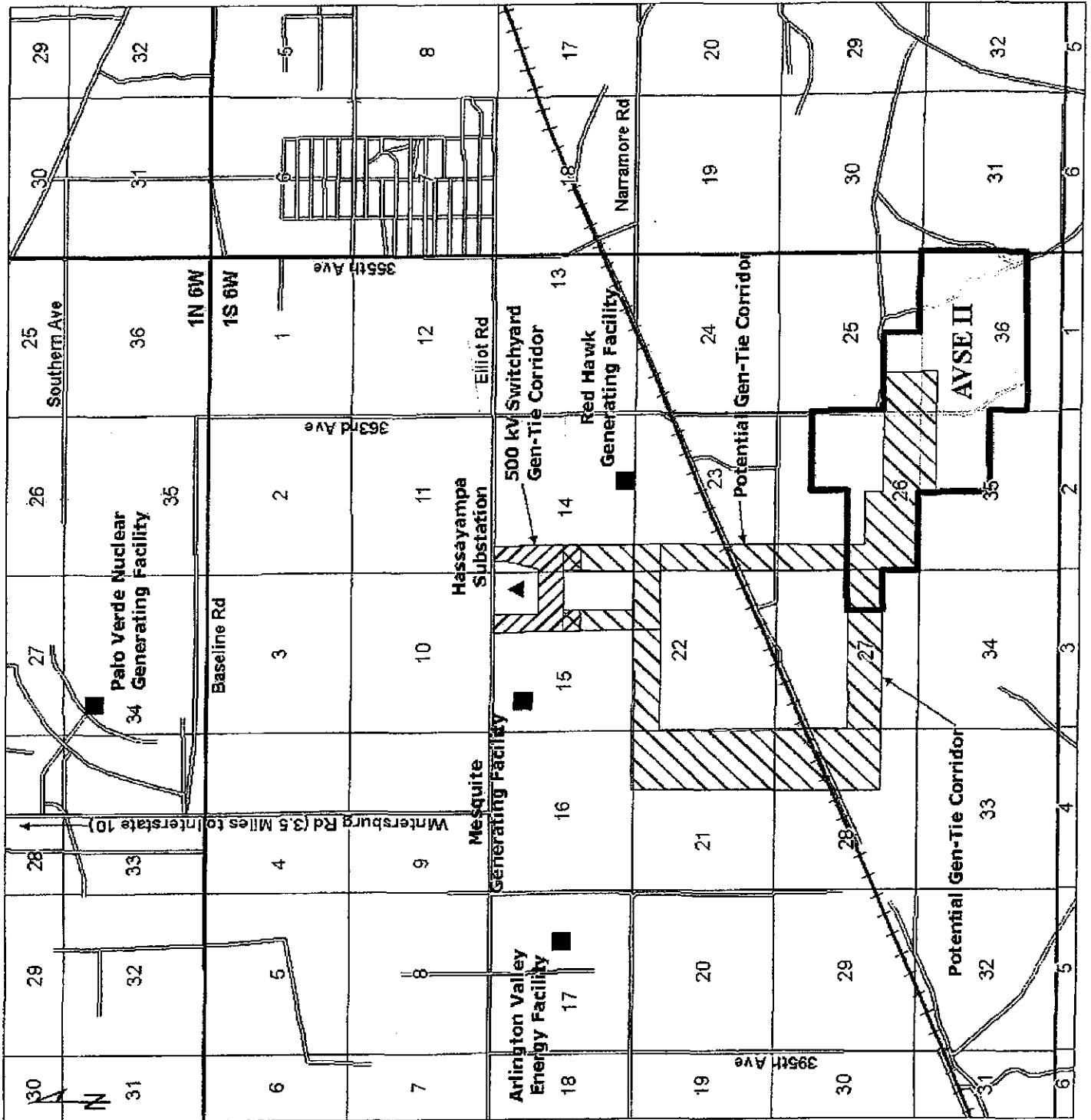
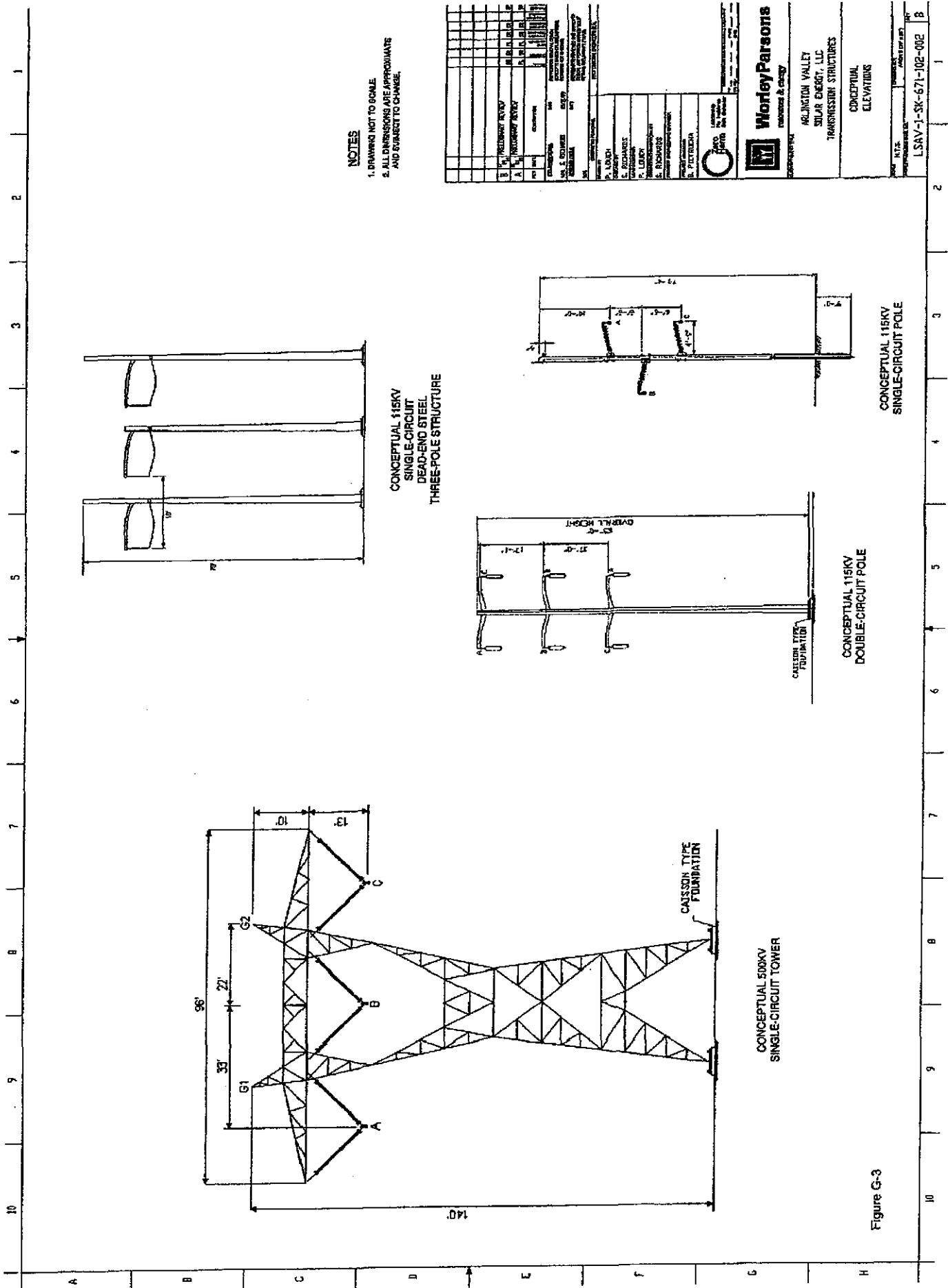


Exhibit A to Case No. 154



**NOTES**  
 1. DRAWING NOT TO SCALE.  
 2. ALL DIMENSIONS ARE APPROXIMATE AND SUBJECT TO CHANGE.

PROJECT NO.	LSAV-1-SK-671-102-002
DATE	08/11/11
SCALE	AS SHOWN
PROJECT NAME	ARLINGTON VALLEY SOLAR ENERGY, LLC TRANSMISSION STRUCTURES
CLIENT	SOLAR ENERGY, LLC
DESIGNER	WORLEYPARSONS
CHECKED BY	S. RICHARDS
DESIGNED BY	S. RICHARDS
APPROVED BY	S. RICHARDS
DATE	08/11/11
PROJECT LOCATION	ARLINGTON VALLEY SOLAR ENERGY, LLC
PROJECT DESCRIPTION	TRANSMISSION STRUCTURES
PROJECT NUMBER	LSAV-1-SK-671-102-002
PROJECT TITLE	CONCEPTUAL ELEVATIONS
PROJECT NUMBER	LSAV-1-SK-671-102-002
PROJECT TITLE	CONCEPTUAL ELEVATIONS

Exhibit B to Case No. 154