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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

Arizona Corporation Commission

JIM O'CONNOR – CHAIRMAN **DOCKETED**
LEA MÁRQUEZ PETERSON
ANNA TOVAR **AUG 25 2023**
KEVIN THOMPSON
NICK MYERS **DOCKETED BY**
 Pd

IN THE MATTER OF THE APPLICATION OF
315PC 8ME LLC, IN CONFORMANCE WITH
THE REQUIREMENTS OF A.R.S. § 40-360, ET
SEQ., FOR CERTIFICATES OF
ENVIRONMENTAL COMPATIBILITY
AUTHORIZING THE BOOTH HILLS
TRANSMISSION PROJECT AND ASSOCIATED
INTERCONNECTION FACILITIES, LOCATED
WITHIN MARICOPA COUNTY AND PINAL
COUNTY, ARIZONA.

DOCKET NO. L-21241A-23-0102-00220

CASE NO. 220

DECISION NO. 79072

ORDER

Open Meeting
August 8 and 9, 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-220-A) 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 approval of CEC-220-A is in the public interest.

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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 CEC-220-A effectively minimize its impact on the environment and ecology of the state.
3. The conditions placed on CEC-220-A 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.
4. In light of these conditions, the balancing in the broad public interest results in favor of granting CEC-220-A.

CEC-220-A ISSUED BY THE SITING COMMITTEE IS INCORPORATED

HEREIN AND IS APPROVED BY ORDER OF THE
ARIZONA CORPORATION COMMISSION

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James P. O'Connor
CHAIRMAN O'CONNOR

Lea Marquez Peterson
COMMISSIONER MARQUEZ PETERSON

Anna Tovar
COMMISSIONER TOVAR

Ken Thompson
COMMISSIONER THOMPSON

Myers
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 25th day of August, 2023.

Douglas R. Clark
DOUGLAS R. CLARK
Executive Director

DISSENT: _____

DISSENT: _____

RECEIVED

2023 JUN 22 P 2: 26

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

BUCKET CONTROL

<p>IN THE MATTER OF THE APPLICATION OF 315PC 8ME LLC, IN CONFORMANCE WITH THE REQUIREMENTS OF ARIZONA REVISED STATUTES 40-360 ET. SEQ., FOR A CERTIFICATES OF ENVIRONMENTAL COMPATIBILITY AUTHORIZING THE CONSTRUCTION OF THE BOOTH HILLS TRANSMISSION PROJECT AND ASSOCIATED INTERCONNECTION FACILITIES LOCATED WITHIN MARICOPA COUNTY AND PINAL COUNTY, ARIZONA.</p>	<p>Docket No. L-21241A-23-0102-00220</p> <p>Case No. 220</p> <p>CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY (CEC-220-A)</p>
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A. INTRODUCTION

Pursuant to notice given as provided by law, the Arizona Power Plant and Transmission Line Siting Committee ("Committee") held public hearings on June 5, 2023 and June 6, 2023, in Maricopa County, Arizona, 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 315PC 8me LLC's ("Applicant") April 21, 2023 Application for a Certificate of Environmental Compatibility ("Application") 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") |

1	Leonard Drago	Designee for Director, Arizona Department of Environmental Quality
2	David French	Designee for Director, Arizona Department of Water Resources
3	David Kryder	Appointed Member, representing agricultural interests
4	Margaret Toby Little	Appointed Member, representing the general public
5	Roman Fontes	Appointed Member, representing Counties
6		
7		

8 Applicant was represented by Jason Y. Moyes of Moyes Sellers & Hendricks Ltd. No
9 parties requested intervention pursuant to A.R.S. § 40-360.05.

10 At the conclusion of the hearing, the Committee, after considering the (i) Application,
11 (ii) evidence, testimony, and exhibits presented by the Applicant, and (iii) comments of
12 the public, and being advised of the legal requirements of A.R.S. §§ 40-360 through 40-360.13,
13 upon motion duly made and seconded, voted 7 to 0 to grant the Applicant, its successors and
14 assigns, this Certificate of Environmental Compatibility (“CEC-220-A”) and the companion
15 CEC (“CEC-220-B”) for construction of the Booth Hills Transmission Project and associated
16 substation facilities (collectively, the “Project”) as described below.

17 **B. PROJECT DESCRIPTION**

18 The proposed Project consists of two separate gen-tie components that will share the
19 same transmission corridor: an approximately 2.8-mile-long 345kV transmission line and
20 substation (the “Pinyon Gen-tie”), and an approximately 5.3-mile-long 500kV transmission
21 line and substation (the “Caballero Gen-tie”). The purpose of the Project is to interconnect two
22 independent yet adjacent, solar photovoltaic and battery storage facilities (the 300 MW Pinyon
23 Solar Project and the 200 MW Caballero Solar Project) (collectively the “Solar Facilities”) to
24 the regional electrical transmission grid at the Pinal West Substation, located in Pinal County,
25 Arizona. The Pinyon Gen-tie will interconnect at the 345kV terminal owned by Tucson
26

1 Electric Power (“TEP”), while the Caballero Gen-tie will interconnect at the 500kV terminal
2 owned by Salt River Project (“SRP”).

3 Because the two neighboring Solar Facilities and their associated gen-ties will likely be
4 constructed on different timelines, at different voltages, and interconnect at separate terminals
5 owned by two different utilities, two CECs are being provided to allow for the potential future
6 assignment of either of the two gen-tie components of the Project. This CEC, CEC-220-A, is
7 for the portion of the Project described above as the Pinyon Gen-tie. The companion CEC,
8 CEC-220-B is for the portion of the Project described above as the Caballero Gen-tie.

9 Utilizing a 200-foot-wide corridor, the proposed Pinyon Gen-tie will begin at the
10 Pinyon Substation, located in a portion of Section 11 of Township 5 South, Range 1 East, and
11 will connect to the TEP 345-kV portion of the Pinal West Substation, located at Section 18 of
12 Township 5 South, Range 2 East, as shown in **Exhibits A and B**. The western end of the
13 proposed route extends east from the Pinyon Substation for approximately 0.2 mile on land
14 managed by the U.S. Bureau of Land Management (“BLM”) before crossing onto private lands
15 and extending generally eastward for another 2.6 miles to connect to the Pinal West Substation.

16 Starting 0.2 mile east of the Pinyon Substation, the two gen-ties share a common 200-
17 foot-wide transmission corridor eastward until the Pinal West Substation, as shown in **Exhibits**
18 **A and B**.

19 **C. CONDITIONS**

20 This Certificate is granted upon the following conditions:

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

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

11 3. During the development, construction, operation, maintenance, and reclamation
12 of the Project, Applicant shall comply with all existing applicable air and water pollution
13 control standards and regulations, and with all existing applicable statutes, ordinances, master
14 plans and regulations of any governmental entity having jurisdiction including, but not limited
15 to, the United States of America, the State of Arizona, Maricopa County, Pinal County, and
16 their agencies and subdivisions, including but not limited to the following:

- 17 a. All applicable land use regulations;
- 18 b. All applicable zoning stipulations and conditions including, but not
19 limited to, landscaping and dust control requirements;
- 20 c. All applicable water use, discharge and/or disposal requirements of the
21 Arizona Department of Water Resources and the Arizona Department of Environmental
22 Quality;
- 23 d. All applicable noise control standards;
- 24 e. All applicable regulations governing storage and handling of hazardous
25 chemicals and petroleum products; and
26

1 f. All applicable Federal Regulations governing the handling of protected
2 objects as described in both the National Historic Preservation Act and the Native American
3 Graves Protection and Repatriation Act.

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

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

12 6. Applicant shall design the Project's interconnection facilities to incorporate
13 reasonable measures to minimize electrocution of and impacts to avian species in accordance
14 with Applicant's avian protection program. Such measures will be accomplished through
15 incorporation of Avian Power Line Interaction Committee guidelines set forth in the current
16 versions of Suggested Practices for Avian Protection on Power Lines and Reducing Avian
17 Collisions with Power Lines manuals.

18 7. Applicant shall consult the State Historic Preservation Office ("SHPO") with
19 respect to cultural resources. Applicant will complete a Class III cultural inventory of the
20 portions of the Project Area that have not been previously adequately surveyed to identify and
21 evaluate the cultural resources that may be present. If any archaeological, paleontological, or
22 historical sites or a significant cultural object is discovered on state, county or municipal land
23 during the construction or operation of the Project, Applicant or its representative in charge
24 shall promptly report the discovery to the Director of the Arizona State Museum ("ASM") and
25 in consultation with the Director, shall immediately take all reasonable steps to secure and
26 maintain the preservation of the discovery as required by A.R.S. § 41-844.

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

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

16 10. If human remains and/or funerary objects are encountered during the course of
17 any ground-disturbing activities related to the construction or maintenance of the Project,
18 Applicant shall cease work on the affected area of the Project and notify the Director of the
19 ASM as required by A.R.S. § 41-865 for private land, or as required by A.R.S. § 41-844 for
20 state, county, or municipal lands.

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

- 25 a. Future site of the Project;
- 26

- 1 b. A phone number and website for public information regarding the Project;
2 and
3 c. Refer the Public to the Docket.

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

6 Applicant shall make every reasonable effort to communicate the decision either
7 approving or disapproving the Certificate in digital media.

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

17 13. Applicant shall use non-specular conductor and non-reflective surfaces for the
18 transmission line structures on the Project.

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

23 15. Applicant shall follow the most current Western Electricity Coordinating Council
24 (“WECC”) and North American Electric Reliability Corporation (“NERC”) planning
25 standards, as approved by the Federal Energy Regulatory Commission (“FERC”), National
26

1 Electrical Safety Code (“NESC”) standards, and Federal Aviation Administration (“FAA”)
2 regulations.

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

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

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

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

22 18. The designation of the corridor in this Certificate, as shown in **Exhibits A and B**,
23 does not authorize a right-of-way greater than 200 feet wide for the transmission line nor does
24 it grant Applicant exclusive rights within the corridor outside of the final designated
25 transmission right-of-way.

26

1 19. Applicant shall submit a compliance certification letter annually, identifying
2 progress made with respect to each condition contained in this Certificate, including which
3 conditions have been met. The letter shall be submitted to Docket Control commencing on
4 June 1, 2024. Attached to each certification letter shall be documentation explaining how
5 compliance with each condition was achieved. Copies of each letter, along with the
6 corresponding documentation, shall be submitted to the Arizona Attorney General's Office.
7 With respect to the Project, the requirement for the compliance letter shall expire on the date
8 the Project is placed into operation. Notification of such filing with Docket Control shall be
9 made to the BLM, the Board of Supervisors for Maricopa and Pinal Counties, all parties to this
10 Docket, and all parties who made a limited appearance in this Docket.

11 20. Applicant shall provide a copy of this Certificate to the BLM and the Board of
12 Supervisors for Maricopa and Pinal Counties.

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

17 22. In the event Applicant, its assignee, or successor, seeks to modify the
18 Certificate's terms at the Commission, it shall provide copies of such request to the BLM, the
19 Board of Supervisors for Maricopa and Pinal Counties, all parties to this Docket, and all parties
20 who made a limited appearance in this Docket.

21 23. The Certificate Conditions shall be binding on Applicant, its successors,
22 assignee(s) and transferees, and any affiliates, agents, or lessees of Applicant who have a
23 contractual relationship with Applicant concerning the construction, operation, maintenance, or
24 reclamation of the Project. Applicant shall provide in any agreement(s) or lease(s) pertaining to
25 the Project that the contracting parties and/or lessee(s) shall be responsible for compliance with
26 the Conditions set forth herein, and Applicant's responsibilities with respect to compliance

1 with such Conditions shall not cease or be abated by reason of the fact that Applicant is not in
2 control of or responsible for operation and maintenance of the Project facilities.

3
4 **D. FINDINGS OF FACT AND CONCLUSIONS OF LAW**

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

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

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

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


12 4. The Project and the Conditions placed on the Project in this Certificate
13 effectively minimize the impact of the Project on the environment and ecology of the 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 ecology
16 of the state arising during the course of the proceedings, and, as such, serve as findings and
17 conclusions on such matters.

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

21 DATED this 22 day of June, 2023

22 THE ARIZONA POWER PLANT AND
23 TRANSMISSION LINE SITING COMMITTEE

24
25 By 
26 Adam Stafford, Chairman

1 **CERTIFICATE OF MAILING**

2 Pursuant to A.A.C. R14-3-204, the **ORIGINAL** of the
3 foregoing and 25 copies were filed this 22 day of
4 June, 2023 with:

5 **Utilities Division - Docket Control**
6 **Arizona Corporation Commission**
7 **1200 West Washington Street**
8 **Phoenix, AZ 85007**

9 **COPIES** of the above mailed this 22 day of June,
2023 to:

10 Robin Mitchell, General Counsel
11 Arizona Corporation Commission
12 1200 W. Washington Street
13 Phoenix, Arizona 85007
14 rmitchell@azcc.gov
15 *Counsel for Legal Division Staff*

Elijah Abinah, Director
Utilities Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

14 Lisa L. Glennie
15 Glennie Reporting Services, LLC
16 1555 East Orangewood
17 Phoenix, Arizona 85020
18 admin@glennie-reporting.com
19 *Court Reporter*

Jason Y. Moyes
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1850 N. Central Ave., Suite 1100
Phoenix, AZ 85004
jasonmoyes@law-msh.com
Attorney for 311SV 8me LLC

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CEC-220-A

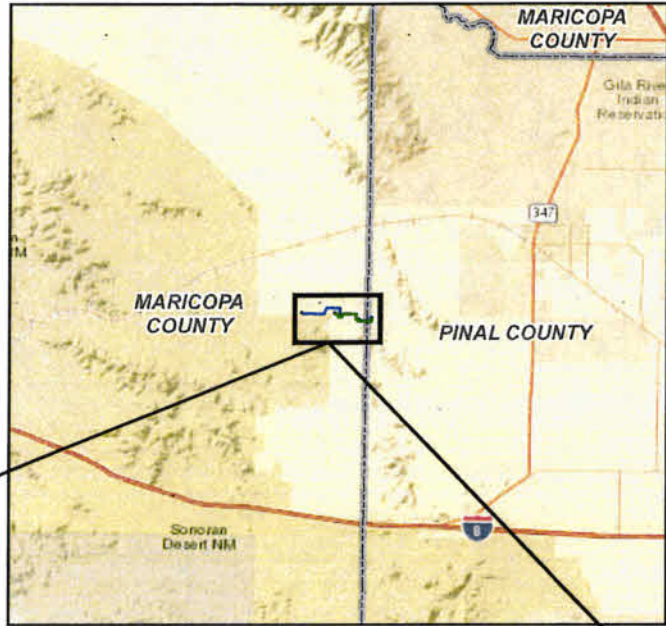
EXHIBIT A

ARIZONA

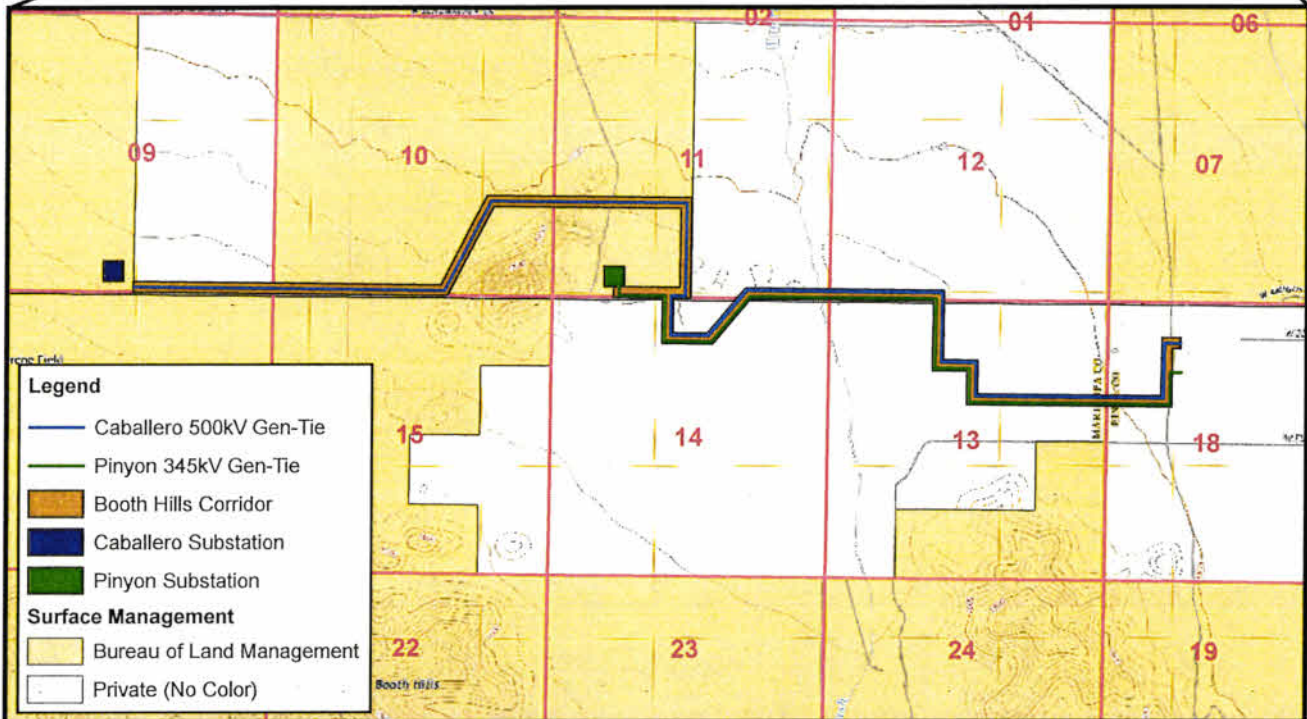
PROJECT VICINITY



PROJECT LOCATION



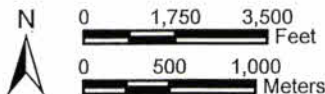
Approximate Scale 1 inch equals 10 miles



T5S, R1E, Portions of Sections 9-14,
 T5S, R2E, a Portion of Section 18,
 Maricopa and Pinal Counties, Arizona,
 Enid, Haley Hills, and Mobile USGS 7.5' Quadrangles
 Projection: NAD 1983 UTM Zone 12N
 Surface Management: BLM ArcGIS Service accessed 3/22/2023
 Image Source: ArcGIS Online, World Street Map

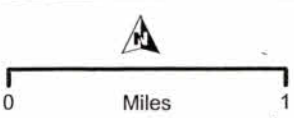
AVANTUS
 Booth Hills
 Transmission Project

VICINITY MAP
 Figure 1

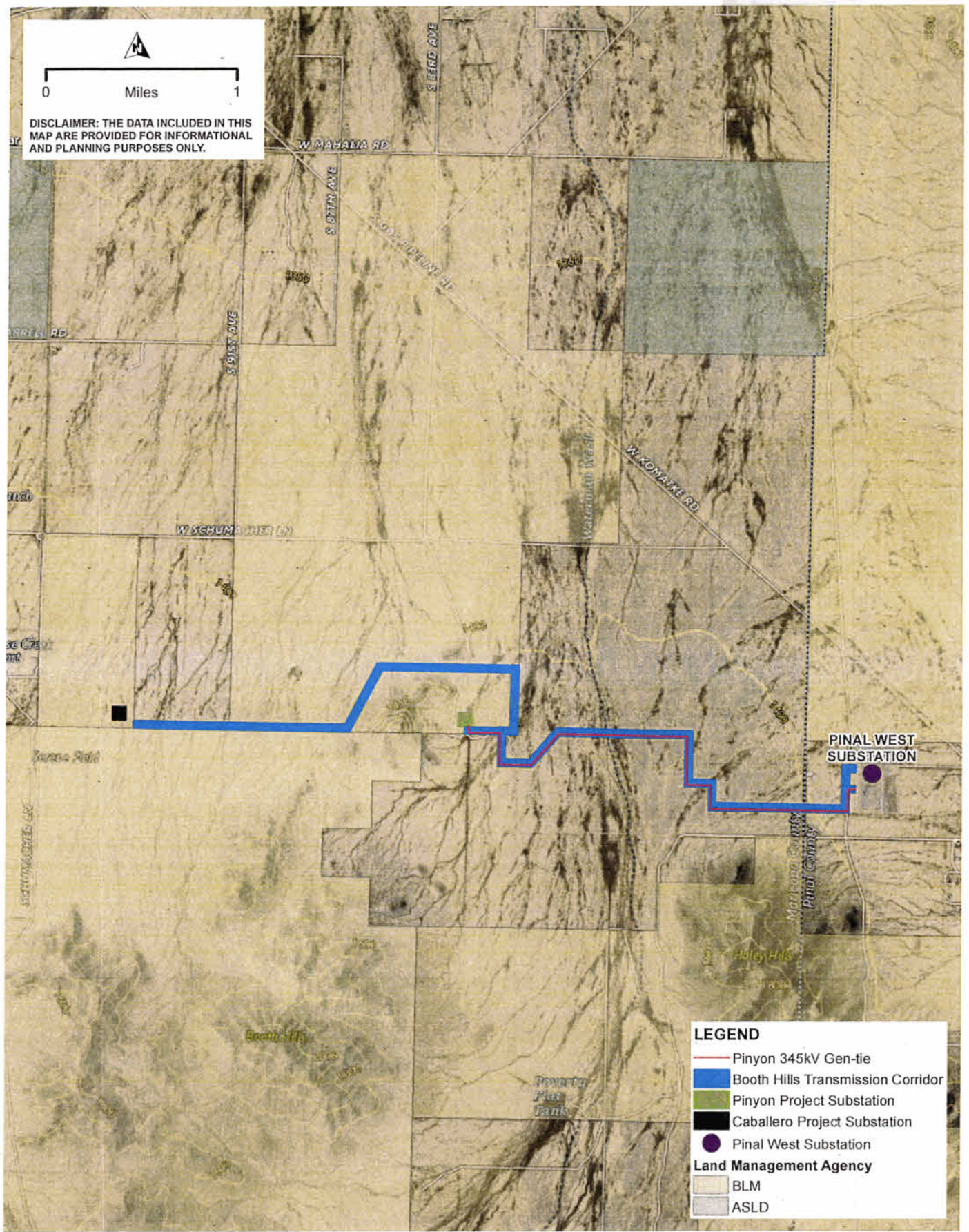


CEC-220-A

EXHIBIT B



DISCLAIMER: THE DATA INCLUDED IN THIS MAP ARE PROVIDED FOR INFORMATIONAL AND PLANNING PURPOSES ONLY.



LEGEND

- Pinyon 345kV Gen-tie
- █ Booth Hills Transmission Corridor
- █ Pinyon Project Substation
- █ Caballero Project Substation
- Pinal West Substation

Land Management Agency

- BLM
- ASLD

**BOOTH HILLS TRANSMISSION PROJECT
OVERVIEW MAP - PINYON GEN-TIE & SUBSTATION**

EXHIBIT B



SERVICE LAYER CREDITS: SOURCE: ESRI, MAXAR, EARTHSTAR GEOGRAPHICS, AND THE GIS USER COMMUNITY
USGS THE NATIONAL MAP: ORTHOIMAGERY AND US TOPO. DATA REFRESHED DECEMBER, 2022.