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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

DEC 1 2 2023

DOCKETED BY

IN THE MATTER OF THE APPLICATION OF AURORA SOLAR LLC, A WHOLLY OWNED SUBSIDIARY OF AVANGRID RENEWABLES LLC (AVANGRID) FOR ITS APPLICATION FOR THE APPROVAL OF TWO SEPARATE CERTIFICATED OF ENVIRONMENTAL CAPABILITY FOR A PROPOSED 230-KILOVOLT (KV) ALTERNATING CURRENT GENERATION TRANSMISSION TIE-IN LINE (GEN-TIE LINE) AND ASSOCIATED SUBSTATION FACILITIES (COLLECTIVELY, "PROJECT") LOCATED IN UNINCORPORATED NAVAJO COUNTY, ARIZONA.

DOCKET NO. L-21254A-23-0184-00222

CASE NO. 222-A

DECISION NO. 79187

ORDER

Open Meeting
November 29, 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 222-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

1 with the desire to minimize the effect thereof on the environment and ecology of this state, and finds
2 that approval of CEC 222-A is in the public interest.

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

- 5 1. The Project is in the public interest because it aids the state in meeting the need for an
6 adequate, economical, and reliable supply of electric power.
- 7 2. In balancing the need for the Project with its effect on the environment and ecology of the
8 state, the conditions placed on CEC 222-A effectively minimize its impact on the
9 environment and ecology of the state.
- 10 3. The conditions placed on CEC 222-A resolve matters concerning the need for the Project
11 and its impact on the environment and ecology of the state raised during the course of
12 proceedings and, as such, serve as the findings on the matters raised.
- 13 4. In light of these conditions, the balancing in the broad public interest results in favor of
14 granting CEC 222-A.

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1 CEC 222-A ISSUED BY THE SITING COMMITTEE IS INCORPORATED

2 HEREIN AND IS APPROVED BY ORDER OF THE

3 ARIZONA CORPORATION COMMISSION

4 *James P. O'Connor*
CHAIRMAN O'CONNOR

Lea Marquez Peterson
COMMISSIONER MARQUEZ PETERSON

6
7 **EXCUSED**
COMMISSIONER TOVAR

Ken Thompson
COMMISSIONER THOMPSON

Myers
COMMISSIONER MYERS



9 IN WITNESS WHEREOF, I, DOUGLAS R. CLARK,
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 12th day of December, 2023.

Douglas R. Clark
DOUGLAS R. CLARK
Executive Director

16 DISSENT: _____

18 DISSENT: _____

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

IN THE MATTER OF THE APPLICATION OF AURORA SOLAR LLC IN CONFORMANCE WITH THE REQUIREMENTS OF ARIZONA REVISED STATUTES §§ 40-360, ET SEQ., FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AUTHORIZING THE OBED MEADOW 230-KV GENERATION TIE-LINE PROJECT, WHICH INCLUDES THE CONSTRUCTION OF A SUBSTATION AND GENERATION TIE-LINE ORIGINATING APPROXIMATELY 2.4 MILES SOUTHWEST OF THE APS CHOLLA SUBSTATION ON PRIVATE LAND UNDER THE JURISDICTION OF NAVAJO COUNTY, ARIZONA, AND TERMINATING IN THE APS CHOLLA SUBSTATION IN NAVAJO COUNTY, ARIZONA.

Docket No. L-21254A-23-0184-00222

CASE NO. 222

CEC 222-A

**CERTIFICATE OF
ENVIRONMENTAL
COMPATIBILITY**

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14 **A. INTRODUCTION**

15 Pursuant to notice given as provided by law, the Arizona Power Plant and
16 Transmission Line Siting Committee (“Committee”) held public hearings on August 7, 8,
17 and 9, 2023, in Coconino County, Arizona, in conformance with the requirements of the
18 Arizona Revised Statutes (“A.R.S.”) § 40-360 *et seq.* for the purpose of receiving
19 evidence and deliberating on the June 23, 2023, Application of Aurora Solar LLC
20 (“Applicant”) for Certificates of Environmental Compatibility (“Certificates”) in the
21 above-captioned case.

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

25 Adam Stafford Chairman, Designee for Arizona Attorney General

26 Kris Mayes

27 Leonard Drago Designee for Director, Arizona Department of
28 Environmental Quality

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2 David French Designee for Director, Arizona Department of
3 Water Resources

4 Gabby Saucedo Mercer Designee of the Chairman, Arizona Corporation
5 Commission (“Commission”)

6 Scott Somers Appointed Member, representing cities and towns

7 Margaret Toby Little Appointed Member, representing the general public

8 David Kryder Appointed Member, representing agricultural interests

9 Roman Fontes Appointed Member, representing Counties

10 Dave Richins Appointed Member, representing General Public

11 Colonel Jon H. Gold Appointed Member, representing General Public

12 The Applicant was represented by Jeffrey W. Crockett of Crockett Law Group
13 PLLC. No parties requested intervention pursuant to A.R.S. § 40-360.05.

14 After the conclusion of the hearing, the Committee, after considering the
15 (i) Application, (ii) evidence, testimony, and exhibits presented by the Applicant, and
16 (iii) comments of the public, and being advised of the legal requirements of A.R.S. §§ 40-
17 360 through 40-360.13, upon motion duly made and seconded at the Line Siting Open
18 Meeting held on September 26, 2023, voted 7 to 0 to grant the Applicant, its successors
19 and assigns, this Certificate for construction of the Obed Meadow 230kV transmission
20 line and associated substation facilities (collectively, the “Project”) as described below.

21 **B. PROJECT DESCRIPTION**

22 The Project will consist of a 230kV alternating current generation intertie
23 transmission line (“Gen-Tie”) and associated substation facilities (“Project Substation”)
24 connecting Applicant’s planned 200-megawatt (“MW”) solar photovoltaic power plant
25 (that may be paired with a 200-MW battery storage system) to the Arizona Public Service
26 Company (“APS”) Cholla Substation located at the Cholla Power Plant. The Project will
27 be located entirely within unincorporated Navajo County, Arizona. The overall length of
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1 the Gen-Tie will be approximately 2.8 miles, depending upon the final alignment. Two
2 Certificates are being requested by the Applicant to allow for the future transfer of
3 ownership to APS of that portion of the Gen-Tie which will be constructed on land owned
4 by APS within the Cholla Substation. This Certificate, identified as CEC 222-A, is for the
5 portion of the Gen-Tie that originates at the Project Substation and runs east and northeast
6 a distance of approximately 2.54 miles to the point of ownership change immediately
7 outside the Cholla Substation fence or APS property line.

8 The Gen-Tie covered by this Certificate would be located on approximately 43.5
9 acres of privately-owned land, and the Project Substation would occupy approximately
10 five acres of privately-owned land within Applicant's power plant site. The Project
11 Substation is planned for two main power transformers with two 230kV circuit breakers,
12 twelve 34.5kV feeder breakers, switches, a control house, and a substation structure
13 within an approximately seven-foot-tall-fenced enclosure.

14 The Gen-Tie for this Certificate and Project Substation will be located within the
15 1,000-foot-wide corridor shown on **Exhibit A**. The right-of-way width for the Gen-Tie
16 will be 150 feet.

17 CONDITIONS

18 This Certificate is granted upon the following conditions:

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

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

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

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

23 4. The Applicant shall obtain all approvals and permits necessary to construct,
24 operate and maintain the Project required by any governmental entity having jurisdiction
25 including, but not limited to, the United States of America, the State of Arizona, Navajo
26 County, and their agencies and subdivisions.

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1 5. The Applicant shall comply with the Arizona Game and Fish Department
2 (“AGFD”) guidelines for handling protected animal species, should any be encountered
3 during construction and operation of the Project, and shall consult with AGFD or U.S.
4 Fish and Wildlife Service, as appropriate, on other issues concerning wildlife.

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

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

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

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

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

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

- 20 a. Future site of the Project;
- 21 b. A phone number and website for public information regarding the
22 Project; and
- 23 c. Refer the Public to the Docket.

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

26 The Applicant shall make every reasonable effort to communicate the decision
27 either approving or disapproving the Certificate in digital media.

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

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

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

17 15. The Applicant shall follow the most current Western Electricity
18 Coordinating Council ("WECC") and North American Electric Reliability Corporation
19 ("NERC") planning standards, as approved by the Federal Energy Regulatory
20 Commission ("FERC"), National Electrical Safety Code ("NESC") standards, and Federal
21 Aviation Administration ("FAA") regulations.

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

25 17. The Applicant shall provide Commission Staff with a copy of the System
26 Impact Study ("SIS") for the Project within fifteen (15) days of Applicant's receipt of the
27 SIS.

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

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

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

22 19. The designation of the corridor in this Certificate, as shown in Exhibit A,
23 does not authorize a right-of-way greater than 150 feet wide for the transmission line nor
24 does it grant the applicant exclusive rights within the corridor outside of the final
25 designated transmission right-of-way.

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

10 21. The Applicant shall provide a copy of this Certificate to the Board of
11 Supervisors for Navajo County.

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

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

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

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FINDINGS OF FACT AND CONCLUSIONS OF LAW

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

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

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

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

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

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

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

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7. The Project substation is not jurisdictional because the definition of a "transmission line" under A.R.S. § 40-360(10) only includes "new switchyards to be used

1 therewith," not substations.

2 DATED this 3rd day of October, 2023.

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THE ARIZONA POWER PLANT AND
TRANSMISSION LINE SITING COMMITTEE

By: 
Adam Stafford, Chairman

CERTIFICATE OF MAILING

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

Utilities Division – Docket Control
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

COPIES of the above emailed/mailed this 3rd day of October, 2023:

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Court Reporter

By  _____

EXHIBIT A

\\ces700\gis\1\CEIS\Projects\DEN1018_002_Avangrid_Thrua_CIA5_AZ\GIS\Layouts\Obed_Meadows\CEC_Permit\CEC_Permit\CEC_Permit.aprx

02 T017N R018E 01
1:25,000 NAD 1983 UTM Zone 12N

EXHIBIT A
CEC 222-A

0 0.66 1.3 Miles

Source: ESRI, BTRS, US CENSUS, BLM, PLSS



NOT FOR CONSTRUCTION



- Project Features
- Gen-Tie Line
- Requested Gen-Tie Corridor (1,000ft)
- Project Substation
- Solar Generation Facility
- Transportation
- Interstate Highway
- Local Road
- Railroad
- Boundaries
- PLSS Township
- PLSS Section

Navajo County, AZ

Exhibit A
Gen-Tie Line Route
CEC 222-A

Aurora Solar LLC
Obed Meadow
Generation Tie Line Project

