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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

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DOCKETED BY

KM

IN THE MATTER OF THE APPLICATION OF  
RWE RENEWABLES DEVELOPMENT, LLC.,  
IN CONFORMANCE WITH THE  
REQUIREMENTS OF ARIZONA REVISED  
STATUTES, SECTIONS 40-360, ET. SEQ., FOR  
CERTIFICATES OF ENVIRONMENTAL  
COMPATIBILITY AUTHORIZING THE  
FORGED ETHIC WIND ENERGY  
INTERCONNECTION PROJECT LOCATED IN  
COCONINO COUNTY, ARIZONA.

DOCKET NO. L-21261A-23-0219-00225

CASE NO. 225A

79167

DECISION NO. \_\_\_\_\_

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-225A) 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 CEC-225A for the above-captioned application for siting approval is in the public interest as

1 modified by the Order.

2 The Commission modifies CEC-225A by:

- 3 • Deleting “Township 26N, Section 6E, Range 7” and inserting “Township 26N, Range
- 4 6E, Section 7” at page 2, line 27, and
- 5 • Deleting “SE” and inserting “5E” at page 3, line 4.

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

- 8 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.
- 9 2. In balancing the need for the Project with its effect on the environment and ecology of  
10 the state, the conditions placed on CEC-225A as modified by the Commission  
effectively minimize its impact on the environment and ecology of the state.
- 11 3. The conditions placed on CEC-225A as modified by the Commission resolve matters  
12 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  
13 the matters raised.
- 14 4. In light of these conditions, the balancing in the broad public interest results in favor  
of granting CEC-225A as modified by the Commission.

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CEC-225-A ISSUED BY THE SITING COMMITTEE IS INCORPORATED HEREIN  
AND IS APPROVED AS MODIFIED BY ORDER OF THE  
ARIZONA CORPORATION COMMISSION

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*James M. O'Connor*  
CHAIRMAN O'CONNOR

*Lea Marquez Peterson*  
COMMISSIONER MARQUEZ PETERSON

*Anna Tovar*  
COMMISSIONER TOVAR

*Ann 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 3<sup>rd</sup> 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 RWE  
RENEWABLES DEVELOPMENT,  
LLC, IN CONFORMANCE WITH THE  
REQUIREMENTS OF ARIZONA  
REVISED STATUTES, SECTIONS 40-  
360, ET. SEQ., FOR A CERTIFICATE  
OF ENVIRONMENTAL  
COMPATIBILITY AUTHORIZING  
THE FORGED ETHIC WIND ENERGY  
INTERCONNECTION PROJECT  
LOCATED IN COCONINO COUNTY,  
ARIZONA.

DOCKET NO.: L-21261A-23-0219-00225

Case No. 225

**CERTIFICATE OF  
ENVIRONMENTAL  
COMPATIBILITY**

**CEC-225A**

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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 September 5 and 6, 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 RWE Renewables Development, 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                            |

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

7 The Applicant was represented by Bert Acken of Acken Law. The following  
8 parties were granted intervention pursuant to A.R.S. § 40-360.05: Arizona Public Service  
9 Company ("APS"), represented by Linda J. Benally and Jennifer Spina of Pinnacle West  
10 Capital Corporation.

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

17 **B. PROJECT DESCRIPTION**

18 The Project consists of an approximately 5-mile 500-kV transmission line and  
19 associated interconnection facilities to interconnect the Applicant's planned energy  
20 facilities (the non-jurisdictional "Wind Project") to the regional electrical transmission  
21 grid at a planned APS Switchyard ("APS Switchyard") in Coconino County on the  
22 Moenkopi-Cedar Mountain 500-kV transmission line.

23 All Project facilities will be located in a corridor as shown in **Exhibit A** (the  
24 "Project Corridor"). The requested Project Corridor extends between the non-  
25 jurisdictional Project Substation and the APS Switchyard. The Project Corridor starts as a  
26 rectangular area buffered around the planned location for the Project Substation on private  
27 property in Township 26N, Section 6E, Range 7. The Project Corridor then proceeds  
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1 south for approximately 0.3 miles as a 200-foot-wide area before turning southwest at the  
2 northern edge of the Moenkopi to Cedar Mountain 500-kV transmission line. The Project  
3 Corridor then proceeds southwest as a 300-foot-wide area for approximately 4.4 miles.  
4 Once the Project Corridor reaches Township 26N, Range SE, Section 21, the Project  
5 Corridor widens to include private property in Section 21 that is north of the southern  
6 limit of the Moenkopi to Cedar Mountain 500-kV transmission line right-of-way. The  
7 Project Corridor widens in Section 21 to accommodate potential routing variants for the  
8 Project to enter the APS Switchyard and provide an area in which to site the APS  
9 Switchyard. The final right-of-way width for the transmission line within the Project  
10 Corridor will be up to 200 feet.

11 Two CECs are being approved for the Project to allow for future ownership  
12 transfer of a portion of the Project. As shown in Exhibit A, this CEC, CEC-225A, is for  
13 the portion of the Project that originates at the Wind Project to the planned APS  
14 Switchyard. The companion CEC-225B is for the APS Switchyard.

#### 15 CONDITIONS

16 This Certificate is granted upon the following conditions:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 18. The designation of the corridor in this Certificate, as shown in Exhibit A,  
18 does not authorize a right-of-way greater than 200 feet wide for the transmission line nor  
19 does it grant the applicant exclusive rights within the corridor outside of the final  
20 designated transmission right-of-way.

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

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

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

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

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

24 **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

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

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

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

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

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

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

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

19 7. The Project substation is not jurisdictional because the definition of a  
20 “transmission line” under A.R.S. § 40-360(10) only includes “new switchyards to be used  
21 therewith”, not substations.

22 DATED this 14 day of September, 2023.

24 THE ARIZONA POWER PLANT AND  
25 TRANSMISSION LINE SITING COMMITTEE

26 By:   
27 Adam Stafford, Chairman

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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](mailto:rmitchell@azcc.gov)  
Counsel for Legal Division Staff

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

Lisa L. Glennie  
Glennie Reporting Services, LLC  
1555 East Orangewood  
Phoenix, Arizona 85020  
[admin@glennie-reporting.com](mailto:admin@glennie-reporting.com)  
Court Reporter

Albert H. Acken  
Acken Law  
111 E. Dunlap Ave, Suite 1-172  
Phoenix, AZ 85020  
[bert@ackenlaw.com](mailto:bert@ackenlaw.com)  
Attorney for RWE Renewables Development, LLC

Linda Benally  
Jennifer Spina  
Pinnacle West Capital Corporation Law Department  
400 North 5th Street MS 8695  
Phoenix, Arizona 85004  
[Linda.Benally@pinnaclewest.com](mailto:Linda.Benally@pinnaclewest.com)  
[Jenniter.Spina@pinnaclewest.com](mailto:Jenniter.Spina@pinnaclewest.com)  
*Attorneys for Intervenor APS*

///

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1 APS State Regulatory  
2 Attn: Rachael Leonard  
3 400 N. 5th Street, MS 9708  
4 Phoenix, Arizona 85072  
5 ArizonaPublicServiceRegulatorvDepartment@apsc.com

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# EXHIBIT A

