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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 12 2023**

**DOCKETED BY**  
*TM*

IN THE MATTER OF THE APPLICATION OF  
WINCHESTER TRANSMISSION, LLC IN  
CONFORMANCE WITH THE REQUIREMENTS  
OF ARIZONA REVISED STATUTES,  
SECTIONS 40-360, ET. SEQ. FOR A  
CERTIFICATE OF ENVIRONMENTAL  
COMPATIBILITY AUTHORIZING THE  
WINCHESTER TRANSMISSION PROJECT  
LOCATED IN COCHISE COUNTY, ARIZONA.

**DOCKET NO. L-21256A-23-0199-00223**

**CASE NO. 223**

**DECISION NO. 79190**

**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) 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 the CEC is in the public interest.



1 THE CEC 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 M. Peterson*  
COMMISSIONER MARQUEZ PETERSON

6  
7 **EXCUSED**  
COMMISSIONER TOVAR

*Ken Thompson*  
COMMISSIONER THOMPSON

*WJ*  
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 12<sup>th</sup> 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**

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IN THE MATTER OF THE  
APPLICATION OF WINCHESTER  
TRANSMISSION, LLC IN  
CONFORMANCE WITH THE  
REQUIREMENTS OF ARIZONA  
REVISED STATUTES, SECTIONS 40-  
360, ET. SEQ., FOR A CERTIFICATE OF  
ENVIRONMENTAL COMPATIBILITY  
AUTHORIZING THE WINCHESTER  
TRANSMISSION PROJECT LOCATED  
IN COCHISE COUNTY, ARIZONA

DOCKET NO.: L-21256A-23-0199-00223

Case No. 223

**CERTIFICATE OF  
ENVIRONMENTAL  
COMPATIBILITY**

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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 August 16,  
2023 (before the Chairman of the Committee) and on September 26, 2023 (before the  
full Committee) in 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  
June 30, 2023 Application of Winchester Transmission, LLC for a Certificate of  
Environmental Compatibility (“Certificate”) in the above-captioned case.

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

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

1 Roman Fontes Appointed Member, representing counties  
2 David Kryder Appointed Member, representing agricultural interests  
3 Margaret "Toby" Little Appointed Member, representing the general public  
4 Jon Gold Appointed Member, representing the general public

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

7 After the conclusion of the hearing, the Committee, after considering the (i)  
8 Application, (ii) evidence, testimony, and exhibits presented by the Applicant, and (iii)  
9 comments of the public, and being advised of the legal requirements of A.R.S. §§ 40-360  
10 through 40-360.13, upon motion duly made and seconded, voted at the Line Siting open  
11 meeting on September 26, 2023, 8 to 0, to grant Applicant, its successors and assigns, this  
12 Certificate for construction of the Winchester Transmission Project ("Project") as  
13 described below.

#### 14 **B. PROJECT DESCRIPTION**

15 The Project consists of an approximately 15-mile 345-kV transmission line and  
16 associated interconnection facilities to interconnect the Applicant's planned energy  
17 facilities (the non-jurisdictional "Solar Project") to the regional electrical transmission  
18 grid at the existing Winchester Substation.

19 All Project facilities will be located in a corridor that ranges from 1,000 feet for the  
20 majority of the route to 4,000 feet in the eastern portion of the route as shown in **Exhibit**  
21 **A** (the "Project Corridor"). The Project Corridor originates on the Solar Project site and  
22 heads west for approximately 13.8 miles, then west-southwest for approximately 1.3 miles  
23 before terminating at the Winchester Substation. The final right-of-way width for the  
24 transmission line within the Project Corridor generally will be 150 feet, expanding up to  
25 250 feet in certain locations according to site-specific design.

#### 26 **CONDITIONS**

27 This Certificate is granted upon the following conditions:  
28

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

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

17           3.     During the development, construction, operation, maintenance and  
18 reclamation of the Project, the Applicant shall comply with all existing applicable air and  
19 water pollution control standards and regulations, and with all existing applicable statutes,  
20 ordinances, master plans and regulations of any governmental entity having jurisdiction,  
21 including, but not limited to, the United States of America, the State of Arizona, Cochise  
22 County, and their agencies and subdivisions, including but not limited to the following:

- 23           a.     All applicable land use regulations;  
24           b.     All applicable zoning stipulations and conditions, including but not  
25                 limited to landscaping and dust control requirements;

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- 1 c. All applicable water use, discharge and/or disposal requirements of  
2 the Arizona Department of Water Resources and the Arizona  
3 Department of Environmental Quality;  
4 d. All applicable noise control standards; and  
5 e. All applicable regulations governing storage and handling of  
6 hazardous chemicals and petroleum products.

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

11 5. The Applicant shall comply with the Arizona Game and Fish Department  
12 (“AGFD”) guidelines for handling protected animal species, should any be encountered  
13 during construction and operation of the Project, and shall continue coordination meetings  
14 with AGFD or U.S. Fish and Wildlife Service on other issues concerning wildlife  
15 including the use of bird diverters (as recommended in the EDM report, Hearing Exhibit  
16 WTP-1) to minimize the potential for bird strikes to transmission lines and conducting  
17 preconstruction Migratory Bird Treaty Act covered nest surveys prior to beginning Project  
18 construction.

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

25 7. The Applicant shall consult the State Historic Preservation Office (“SHPO”)  
26 with respect to cultural resources. The Applicant will complete a Class III cultural  
27 inventory of the portions of the final right-of-way that have not been previously  
28

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

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

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

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

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

- 7 a. Future site of the Project;  
8 b. A phone number and website for public information regarding the  
9 Project; and  
10 c. Refer the Public to the Docket.

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

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

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

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

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

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

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

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

14 a. Ensure grounding and cathodic protection studies are performed to  
15 show that the Project's location parallel to and within one hundred  
16 (100) feet of such pipeline results in no material adverse impacts to  
17 the pipeline or to public safety when both the pipeline and the Project  
18 are in operation. The Applicant shall take appropriate steps to ensure  
19 that any material adverse impacts are mitigated. The Applicant shall  
20 provide to Staff of the Commission, and file with Docket Control, a  
21 copy of the studies performed and additional mitigation, if any, that  
22 was implemented as part of its annual compliance-certification letter;  
23 and

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

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

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

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

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

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

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

#### 14                           **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

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

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

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

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

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

28



1 CERTIFICATE OF MAILING

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

4 Utilities Division – Docket Control  
5 Arizona Corporation Commission  
6 1200 West Washington Street  
7 Phoenix, AZ 85007

8 COPIES of the above emailed/mailed this 3<sup>rd</sup> day of October, 2023:

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

15 Douglas Clark, Interim Director  
16 Utilities Division  
17 Arizona Corporation Commission  
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[bert@ackenlaw.com](mailto:bert@ackenlaw.com)  
Attorney for Winchester Transmission, LLC

By 

# EXHIBIT A

