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

IN THE MATTER OF THE
APPLICATION OF YUMA BN, LLC, IN
CONFORMANCE WITH THE
REQUIREMENTS OF ARIZONA
REVISED STATUTES, SECTIONS 40-
360, ET. SEQ., FOR CERTIFICATES OF
ENVIRONMENTAL COMPATIBILITY
AUTHORIZING THE ORCHARD SOLAR
230 KV TRANSMISSION LINE PROJECT
AND ASSOCIATED
INTERCONNECTION FACILITIES
LOCATED IN YUMA COUNTY,
ARIZONA

Docket No.: L-00000A-22-0313-00213

Case No. 213

**CERTIFICATE OF
ENVIRONMENTAL
COMPATIBILITY (CEC)**

cnb
AZ COMMISSION
ON
ENVIRONMENTAL
QUALITY CONTROL
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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 January 30, 2023, and January 31, 2023, in Yuma 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 the December 19, 2022 Application of YUMA bn, LLC, for Certificates 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:

Paul Katz	Chairman, Designee for Arizona Attorney General
	Mark Brnovich
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

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Water Resources

- Mary Hamway Appointed Member, representing cities and towns
- Rick Grinnell Appointed Member, representing counties
- James Palmer Appointed Member, representing agricultural interests
- Karl Gentles Appointed Member, representing the general public
- Margaret Toby Little Appointed Member, representing the general public

The Applicant was represented by Bert Acken of Acken Law. The following parties were granted intervention pursuant to A.R.S. § 40-360.05: Arizona Public Service Company (“APS”) represented by Linda Benally, in-house counsel.

At the conclusion of the hearing, the Committee, after considering the (i) Application, (ii) evidence, testimony, and exhibits presented by the Applicant, and (iii) comments of the public, and being advised of the legal requirements of A.R.S. §§ 40-360 through 40-360.13, upon motion duly made and seconded, voted 8 to 0, to grant Applicant, its successors and assigns, this Certificate of Environmental Compatibility (“CEC-1”) and the companion CEC (“CEC-2”) for construction of the Orchard Solar 230 kV Transmission Line Project (“Project”) as described below.

B. PROJECT DESCRIPTION

The Project will consist of a double-circuit capable 230kV transmission line and associated interconnection facilities to interconnect the Applicant’s planned solar energy generating facility of up to 300 MW (the “Orchard Solar Facility”) and a green hydrogen production and liquefaction facility to the regional electrical transmission grid at the existing Arizona Public Service Company (“APS”) Orchard Substation. The Project may consist of both underground and above ground segments. Only the above ground segments are covered by the Application and considered by the Committee. The first

2
3 circuit is needed to serve the Project; the second circuit is needed to serve future growth in
4 the area.

5 Two CECs are being approved for the Project to allow for the potential assignment
6 of the portion of the Project covered by CEC-2 to APS. This CEC, CEC-1, is for the
7 portion of the Project from and including the Project Substation to the future point of
8 change of ownership (“POCO”). The companion CEC, CEC-2, is for the portion of the
9 Project that originates at the POCO near the Project Substation to the point of
10 interconnection at the Orchard Substation.

11 Project facilities covered by CEC-1 include: (1) the Project Substation to step up
12 power from the Orchard Solar Facility to transmission voltage; (2) the 230 kV
13 transmission line segment from the green hydrogen facility to the Project Substation; and
14 (3) the green hydrogen facility’s up to eight electrolyzer substations, each of which
15 includes a 230 kV to 34.5 kV transformer to step down power from transmission voltage
16 to serve the green hydrogen facility.

17 All Project facilities covered by CEC-1 are within the Facility Siting Area, which is
18 a rectangular area extending 2,600 feet east from South Avenue 1E and 1,250 feet south
19 from East County 19th Street, as shown in **Exhibit A**.

20 **CONDITIONS**

21 This Certificate is granted upon the following conditions:

22 1. This authorization to construct the Project shall expire ten (10) years from
23 the date this Certificate is approved by the Arizona Corporation Commission, with or
24 without modification. Construction of the Project shall be complete, such that the Project
25 is in service within this ten-year timeframe. However, prior to the expiration of the time
26 period, the Applicant may request that the Commission extend the time limitation.
27

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

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

- 21 a. All applicable land use regulations;
- 22 b. All applicable zoning stipulations and conditions, including but not
23 limited to landscaping and dust control requirements;
- 24 c. All applicable water use, discharge and/or disposal requirements of
25 the Arizona Department of Water Resources and the Arizona
26 Department of Environmental Quality;
- 27 d. All applicable noise control standards; and

e. All applicable regulations governing storage and handling of hazardous chemicals and petroleum products.

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

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

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

7. The Applicant shall consult the State Historic Preservation Office (SHPO) with respect to cultural resources. If any archaeological, paleontological, or historical sites or a significant cultural object is discovered on state, county or municipal land during the construction or operation of the Project, the Applicant or its representative in charge shall promptly report the discovery to the Director of the Arizona State Museum (ASM), and in consultation with the Director, shall immediately take all reasonable steps to secure and maintain the preservation of the discovery as required by A.R.S. § 41-844.

8. The Applicant shall comply with the notice and salvage requirements of the Arizona Native Plant Law (A.R.S. §§ 3-901 *et seq.*) and shall, to the extent feasible,

3 minimize the destruction of native plants during the construction and operation of the
4 Project.

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

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

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

- 27 a. Future site of the Project;

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

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

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

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

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

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

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

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

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

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

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

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

18 19. The Applicant shall provide a copy of this Certificate to the Board of
19 Supervisors for Yuma County and the City of Yuma.

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

24 21. In the event the Applicant, its assignee, or successor, seeks to modify the
25 Certificate's terms at the Commission, it shall provide copies of such request to the Board
26 of Supervisors for Yuma County, the City of Yuma, all parties to this Docket, and all
27 parties who made a limited appearance in this Docket.

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

12 **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

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

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

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

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

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

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

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.

DATED this 2nd day of February, 2023.

THE ARIZONA POWER PLANT AND
TRANSMISSION LINE SITING COMMITTEE

By: _____


Paul A. Katz, Chairman

3
4 CERTIFICATION OF MAILING

5 Pursuant to A.A.C. R14-3-204, the **ORIGINAL** of the foregoing and 26 copies were filed
6 this 2 day of February, 2023 with:

7 Utilities Division – Docket Control
8 ARIZONA CORPORATION COMMISSION
9 1200 W. Washington Street
10 Phoenix, Arizona 85007

11 **COPIES** of the foregoing mailed this 2nd day of February, 2023 to:

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

18 Elijah Abinah, Director
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20 Arizona Corporation Commission
21 1200 West Washington Street
22 Phoenix, AZ 85007

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24 Acken Law
25 111 E. Dunlap Ave, Suite 1-172
26 Phoenix, AZ 85020
27 Attorney for YUMA bn, LLC

28 Linda J. Benally
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Lisa Atkins, Commissioner
1110 West Washington Street
Phoenix, Arizona 85007

Yuma County
Ian McGaughey, County Administrator
198 South Main Street
Yuma, Arizona 85364

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City of Yuma
Jay Simonton
Interim City Administrator
1 City Plaza
Yuma, Arizona 85364

Lisa L. Glennie
Glennie Reporting Services, LLC
1555 East Oranewood
Phoenix, Arizona 85020
admin@glennie-reporting.com
Court Reporter


By: 
CEC 213

EXHIBIT A

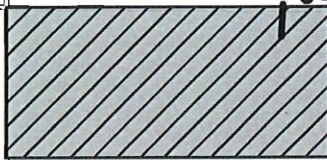
EXHIBIT A

E County 18th St

S. Avenue 1E

S. Avenue 2E

E County 19th St

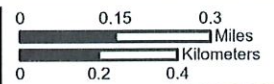


 Facility Siting Area (CEC-1)

 Gen-Tie

 Major Roads

Yuma County, AZ
NAD 1983 StatePlane Arizona
West FIPS 0203
32.5511°N 114.6103°W



Base Map: County Imagery 2022,
accessed January 2023
Updated: 1/19/2023
Project No. 71837-04, phase 02
Layout: CEC 1 - Map 1
Aprx: 71837_CEC_Duo

1:24,000

SWCA
ENVIRONMENTAL CONSULTANTS