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BEFORE THE ARIZONA CORPORATI

COMMISSIONERS

JIM O'CONNOR – Chairman  
LEA MÁRQUEZ PETERSON  
ANNA TOVAR  
KEVIN THOMPSON  
NICK MYERS

Arizona Corporation Commission

DOCKETED

JAN 24 2024

DOCKETED BY

TM

IN THE MATTER OF THE APPLICATION OF  
TUCSON ELECTRIC POWER COMPANY, IN  
CONFORMANCE WITH THE  
REQUIREMENTS OF A.R.S. \* 40-360, ET SEQ.,  
FOR CERTIFICATE OF ENVIRONMENTAL  
COMPATIBILITY AUTHORIZING THE  
AEROSPACE RESEARCH CAMPUS  
TRANSMISSION PROJECT FOR A NEW  
SEGMENT OF 138 KV TRANSMISSION LINE  
AND A PROPOSED SWITCHYARD. THE  
TRANSMISSION LINE WOULD BIFURCATE  
THE APPLICANTS EXISTING SONORAN TO  
SOUTH 138 KV CIRCUIT (SECTION 4,  
TOWNSHIP 16 SOUTH, RANGE 14 EAST)  
AND LOOP INTO THE PROPOSED FRANCO  
WASH SWITCHYARD (SECTION 31,  
TOWNSHIP 15 SOUTH, RANGE 14 EAST).  
THE PROPOSED TRANSMISSION LINE AND  
SWITCHYARD WOULD BE LOCATED  
WITHIN THE CITY OF TUCSON AND PIMA  
COUNTY.

DOCKET NO. L-00000C-23-0284-00227

CASE NO. 227

DECISION NO. 79250

**ORDER**

Open Meeting  
January 9, 2024  
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.

Decision No. \_\_\_\_\_

1 The Commission, in reaching its decision, has balanced all relevant matters in the broad  
2 public interest, including the need for an adequate, economical, and reliable supply of electric power  
3 with the desire to minimize the effect thereof on the environment and ecology of this state, and finds  
4 that granting the Project a CEC is in the public interest.

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

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

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1 THE CEC ISSUED BY THE SITING COMMITTEE IS INCORPORATED  
2 HEREIN AND IS APPROVED BY ORDER OF THE  
3 ARIZONA CORPORATION COMMISSION

4   
5 CHAIRMAN O'CONNOR

  
COMMISSIONER MARQUEZ PETERSON

6  
7   
8 COMMISSIONER TOVAR

  
COMMISSIONER THOMPSON

  
COMMISSIONER MYERS



10 IN WITNESS WHEREOF, I, DOUGLAS R. CLARK,  
11 Executive Director of the Arizona Corporation Commission,  
12 have hereunto, set my hand and caused the official seal of this  
13 Commission to be affixed at the Capitol, in the City of Phoenix,  
14 this 24<sup>th</sup> day of January, 2024.

15   
16 DOUGLAS R. CLARK  
17 Executive Director

18 DISSENT: \_\_\_\_\_

19 DISSENT: \_\_\_\_\_

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

IN THE MATTER OF THE APPLICATION  
OF TUCSON ELECTRIC POWER  
COMPANY, IN CONFORMANCE WITH  
THE REQUIREMENTS OF A.R.S. § 40-360,  
ET SEQ., FOR A CERTIFICATE OF  
ENVIRONMENTAL COMPATIBILITY  
AUTHORIZING THE AEROSPACE  
RESEARCH CAMPUS TRANSMISSION  
PROJECT FOR A NEW SEGMENT OF 138 KV  
TRANSMISSION LINE AND A PROPOSED  
SWITCHYARD. THE TRANSMISSION LINE  
WOULD BIFURCATE THE APPLICANT'S  
EXISTING SONORAN TO SOUTH 138 KV  
CIRCUIT (SECTION 4, TOWNSHIP 16 SOUTH,  
RANGE 14 EAST) AND LOOP INTO THE  
PROPOSED FRANCO WASH SWITCHYARD  
(SECTION 31, TOWNSHIP 15 SOUTH, RANGE  
14 EAST). THE PROPOSED TRANSMISSION  
LINE AND SWITCHYARD WOULD BE  
LOCATED WITHIN THE CITY OF TUCSON  
AND PIMA COUNTY.

Docket No. L-00000C-23-0284-00227

Case No. 227

**CERTIFICATE OF  
ENVIRONMENTAL  
COMPATIBILITY**

AZ CORP COMMISSION  
DOCKET CONTROL

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17 **A. INTRODUCTION**

18 Pursuant to notice given as provided by law, the Arizona Power Plant and  
19 Transmission Line Siting Committee ("Committee") held public hearings in Tucson,  
20 Arizona, on December 4, 2023, through December 5, 2023, in conformance with the  
21 requirements of the Arizona Revised Statutes ("A.R.S.") § 40-360 *et seq.* for the  
22 purpose of receiving evidence and deliberating on the October 20, 2023 Application  
23 of Tucson Electric Power Company ("TEP" or "Applicant") for a Certificate of  
24 Environmental Compatibility ("Certificate") authorizing construction of an  
25 approximately 3-mile 138 kilovolt ("kV") transmission line and the new 138 kV  
26 Franco Wash Switchyard in Tucson, Pima County, Arizona ("Aerospace Research  
27 Campus Transmission Project" or "the Project").

28 The following members and designees of members of the Committee were

1 present at one or more of the hearing days for the evidentiary presentations, public  
2 comment, and/or the deliberations:

3 Adam Stafford Chairman, Designee for Arizona Attorney General Kris  
4 Mayes

5 Gabby Mercer Designee of the Chairman, Arizona Corporation  
6 Commission ("Commission")

7 Leonard Drago Designee for Director, Arizona Department of  
8 Environmental Quality

9 David French Designee for Director, Arizona Department of Water  
Resources

10 Scott Somers Appointed Member, representing cities and towns

11  
12 Roman Fontes Appointed Member, representing counties

13 David Kryder Appointed Member, representing agricultural interests

14 Margaret "Toby" Little Appointed Member, representing the general public

15 Jon Gold Appointed Member, representing the general public

16 David Richins Appointed Member, representing the general public

17 The Applicant was represented by Meghan H. Grabel and Elias Ancharski of  
18 Osborn Maledon, P.A. and in-house counsel for TEP, Megan C. Hill.

19 At the conclusion of the hearing, the Committee, after considering the  
20 (i) Application, (ii) evidence, testimony, and exhibits presented by the Applicant, and  
21 (iii) comments of the public, and being advised of the legal requirements of A.R.S. §§  
22 40-360 through 40-360.13, upon motion duly made and seconded, voted 10 to 0 in  
23 favor of granting Applicant, its successors and assigns, this Certificate for the  
24 construction of the Project.

25 **B. Overview Project Description**

26 The Project will consist of building a new 138 kV transmission line  
27 approximately 3 miles in length to loop the existing TEP 138 kV system to the  
28 planned 138 kV Franco Wash Switchyard in Tucson, Pima County, Arizona.

1 The Project will be co-located on monopole structures with existing TEP 46  
2 kV sub-transmission lines. The 46 kV lines are currently installed on the north side of  
3 East Old Vail Connection Road in a double-circuit configuration. One of the 46-kV  
4 circuits will be transferred to new structures that will be installed north of the existing  
5 46 kV line. These new and existing monopoles will house both lines, with the new  
6 138 kV conductor strung on one side and the existing 46 kV conductor on the other.

7 The transmission line originates east of the intersection of East Old Vail  
8 Connection Road and South Country Club Road, continuing northerly before turning  
9 west to parallel the road for approximately 1.5 miles into the proposed Franco Wash  
10 Switchyard. The line will exit the switchyard and continue westerly to the 138/46 kV  
11 transmission line and turn southeasterly for approximately .25 miles then turning  
12 easterly along East Old Vail Connection Road for approximately 1.5 miles to South  
13 Country Club Road, where it will turn southerly and connect into the existing 138 kV  
14 line.

15 The width of the corridor varies from 1,750 feet wide beginning approximately  
16 0.3 miles east of the boundary between sections 32 and 33 of Township 15S, Range  
17 14 East through section 32. Beginning at the boundary of sections 31 and 32 of  
18 Township 15S, Range 14 East, the corridor is 500 feet centered on the proposed route.

19 A map of the Project, including the Project corridor, is attached as **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  
23 from the date this Certificate is approved by the Commission, with or without  
24 modification ("Time Period"). Construction of the Project shall be complete, defined  
25 as the Project being in-service, within this ten-year timeframe. However, prior to the  
26 expiration of the Time Period, the Applicant may request that the Commission extend  
27 the Time Period.

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

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

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

1 (e) All applicable regulations governing storage and handling of  
2 hazardous chemicals and petroleum products.

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

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

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

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

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

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

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

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

2 (b) provide a phone number and website for public information  
3 regarding the Project; and

4 (c) refer the Public to the Docket.

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

7 The Applicant shall communicate the decision either approving or  
8 disapproving the Certificate on the Project website.

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

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

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

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

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

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

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

19 (b) Ensure that studies are performed simulating an outage of the Project  
20 that may be caused by the collocation of the Project parallel to and  
21 within one hundred (100) feet of the existing natural gas or  
22 hazardous liquid pipeline. The studies should either: (a) show that  
23 such simulated outage does not result in customer outages, or (b)  
24 include operating plans to minimize any resulting customer outages.  
25 The Applicant shall provide a copy of the study results to Staff of the  
26 Commission and file them with Docket Control as part of the  
27 Applicant’s annual compliance certification letter.  
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1           18.    The designation of the corridor in this Certificate, as shown in **Exhibit**  
2 **A**, does not authorize a right-of-way greater than 100 feet wide for the transmission  
3 line nor does it grant the applicant exclusive rights within the corridor outside of the  
4 final designated transmission right-of-way.

5           19.    The Applicant shall submit a compliance certification letter annually,  
6 identifying progress made with respect to and current status of each condition  
7 contained in this Certificate. The letter shall be submitted to the Commission's  
8 Docket Control commencing on December 1, 2025. Attached to each certification  
9 letter shall be documentation explaining how compliance with each condition was  
10 achieved. Copies of each letter, along with the corresponding documentation, shall be  
11 submitted to the Arizona Attorney General's Office. With respect to the Project, the  
12 requirement for the compliance letter shall expire on the date the Project is placed into  
13 operation. Notification of such filing with Docket Control shall be made to Pima  
14 County, the City of Tucson, ASLD, all parties to this Docket, and all parties who  
15 made a limited appearance in this Docket.

16           20.    The Applicant shall provide a copy of this Certificate to Pima County,  
17 the City of Tucson, and ASLD.

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

22           22.    In the event the Applicant, its assignee, or successor, seeks to modify  
23 the Certificate terms at the Commission, it shall provide copies of such request to  
24 Pima County, the City of Tucson, ASLD, all parties to this Docket, and all parties  
25 who made a limited appearance in this Docket.

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

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

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

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

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

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

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

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


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

DATED this 7<sup>th</sup> day of December, 2023.

THE ARIZONA POWER PLANT AND  
TRANSMISSION LINE SITING COMMITTEE

By:   
Adam Stafford, Chairman

**CERTIFICATE OF MAILING**

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

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

COPIES of the above emailed/mailed  
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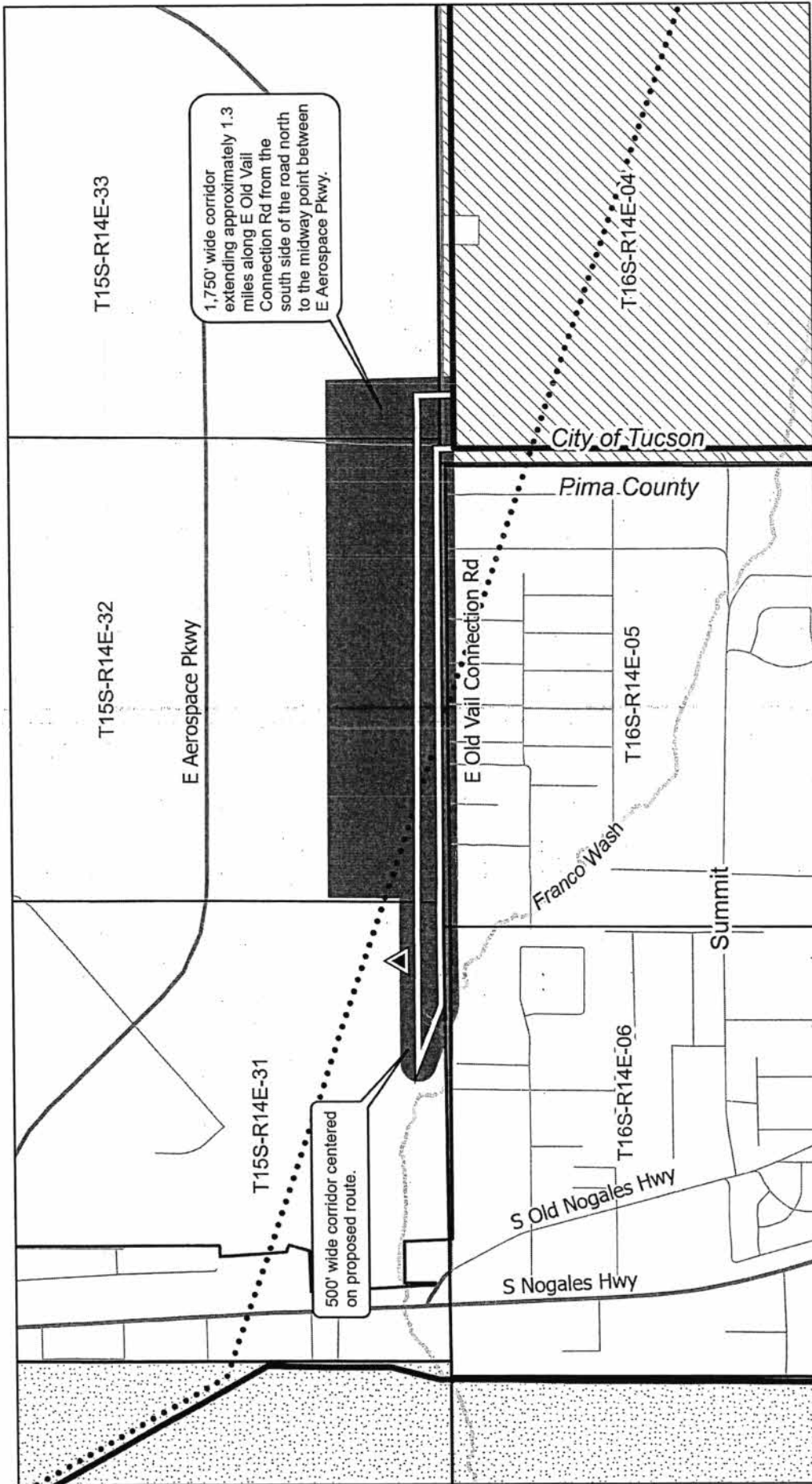
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By 

# Exhibit A

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**TEP**  
Tucson Electric Power  
**Exhibit A**

**Aerospace Research  
Campus Transmission  
Project**

**L-00000C-23-0284-00227**  
**Approved CEC Corridor**

Sources: Esri, Tucson Electric Power, Pima County, and Bureau of Land Management.  
Projection: NAD 1983 UTM Zone 12N  
Basemap: Custom

This map is for planning purposes only. TEP and UNS Energy make no warranty of its accuracy.

Scale: 1:24,000

0 1/4 Mile

**Approved CEC Corridor**

**Proposed Route Centerline**

**Existing 138 KV Transmission Line (TEP)**

**Existing 115KV Transmission Line (WAPA)**

**Proposed Franco Wash Switchyard**

**Municipal Boundaries**

Township - Range - Section

**Surface Management**

Private (No Color)

State

San Xavier District, Tohono O'odham Nation