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**BEFORE THE ARIZONA CORPORATIO**

**COMMISSIONERS**

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

Arizona Corporation Commission

**DOCKETED**

**MAR 15 2024**

**DOCKETED BY**

IN THE MATTER OF THE APPLICATION OF  
SUNDOG ENERGY CENTER LLC, IN  
CONFORMANCE WITH THE  
REQUIREMENTS OF ARIZONA REVISED  
STATUTES, SECTIONS 40-360. ET. SEQ., FOR  
CERTIFICATE OF ENVIRONMENTAL  
COMPATIBILTY AUTHORIZING THE  
SUNDOG SOLAR 230KV GENERATION TIE  
LINE PROJECT LOCATED IN PINAL  
COUNTY, ARIZONA.

DOCKET NO. L-21284A-23-0335-00229

CASE NO. 229

DECISION NO. **79316**

**ORDER**

Open Meeting  
March 12, 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.

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 granting the Project a CEC is in the public interest.

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

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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.
2. In balancing the need for the Project with its effect on the environment and ecology of the state, the conditions placed on the CEC effectively minimize its impact on the environment and ecology of the state.
3. The conditions placed on the CEC resolve matters concerning the need for the Project and its impact on the environment and ecology of the state raised during the course of proceedings and, as such, serve as the findings on the matters raised.
4. In light of these conditions, the balancing in the broad public interest results in favor of 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 *James P. O'Connor*  
5 CHAIRMAN O'CONNOR

*Levi Marquez Peterson*  
6 COMMISSIONER MARQUEZ PETERSON

7 *Anna Tovar*  
8 COMMISSIONER TOVAR

*Ken Thompson*  
9 COMMISSIONER THOMPSON

*Myers*  
10 COMMISSIONER MYERS



11 IN WITNESS WHEREOF, I, DOUGLAS R. CLARK,  
12 Executive Director of the Arizona Corporation Commission,  
13 have hereunto, set my hand and caused the official seal of this  
14 Commission to be affixed at the Capitol, in the City of Phoenix,  
15 this 15<sup>th</sup> day of March, 2024.

16 *Douglas R. Clark*  
17 DOUGLAS R. CLARK  
18 Executive Director

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

20 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 SUND OG ENERGY CENTER LLC, IN  
CONFORMANCE WITH THE  
REQUIREMENTS OF ARIZONA REVISED  
STATUTES, SECTIONS 40-360, ET. SEQ.,  
FOR CERTIFICATE OF  
ENVIRONMENTAL COMPATIBILITY  
AUTHORIZING THE SUND OG SOLAR  
230KV GENERATION TIE LINE PROJECT  
LOCATED IN PINAL COUNTY,  
ARIZONA.

DOCKET NO.: L-21284A-23-0335-00229

Case No. 229

**CERTIFICATE OF  
ENVIRONMENTAL  
COMPATIBILITY**

ARIZONA  
POWER PLANT  
AND TRANSMISSION  
LINE SITING  
COMMITTEE  
FEB 06 2024 10:11 AM

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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 February 5-6, 2024, in Pinal 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 December 20, 2023 Application of SunDog Energy Center LLC (“Applicant”) 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
Nicole Hill	Designee for Director, Governor’s Energy Office

1 Scott Somers Appointed Member, representing cities and towns  
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 David Richins Appointed Member, representing the general public

6 The Applicant was represented by Bert Acken of Acken Law and Sarah A. Noe of  
7 Ballard Spahr LLP. No parties requested intervention pursuant to A.R.S. § 40-360.05.

8 At the conclusion of the hearing, the Committee, after considering the (i)  
9 Application, (ii) evidence, testimony, and exhibits presented by the Applicant, and (iii)  
10 comments of the public, and being advised of the legal requirements of A.R.S. §§ 40-360  
11 through 40-360.13, upon motion duly made and seconded, voted 10 to 0, to grant  
12 Applicant, its successors and assigns, this Certificate for construction of the SunDog Solar  
13 230kV Generation Tie Line Project ("Project") as described below.

14 **B. PROJECT DESCRIPTION**

15 The Project consists of an approximately 1.7-mile 230 kV transmission line and  
16 associated interconnection facilities to interconnect the Applicant's planned energy  
17 facilities (the non-jurisdictional "Solar Energy Station") to the regional electrical  
18 transmission grid at the Pinal Central Substation in the City of Coolidge, Pinal County.

19 All Project facilities will be located in a variable-width corridor as shown in  
20 **Exhibit A** (the "Project Corridor"). The Project will originate at the non-jurisdictional  
21 Project Substation proposed to be located in the northeast quarter of Section 26, Township  
22 6 South, Range 7 East. From the Project Substation, the Project will be routed east for  
23 approximately 0.6 miles, then turn south for approximately 0.5 miles, paralleling Alexis  
24 Lane. From there, the Project is routed east for approximately 0.5 miles, continuing to  
25 parallel Alexis Lane. From there, the Project would be routed 0.05 miles south, then 0.15  
26 miles east, and then 0.07 miles southeast until it reaches the Point of Interconnection, the  
27 Pinal Central Substation.

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- 1 a. All applicable land use regulations;
- 2 b. All applicable zoning stipulations and conditions, including but not
- 3 limited to landscaping and dust control requirements;
- 4 c. All applicable water use, discharge and/or disposal requirements of
- 5 the Arizona Department of Water Resources and the Arizona
- 6 Department of Environmental Quality;
- 7 d. All applicable noise control standards; and
- 8 e. All applicable regulations governing storage and handling of
- 9 hazardous chemicals and petroleum products.

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

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

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

24 7. The Applicant shall consult the State Historic Preservation Office (“SHPO”)  
25 with respect to cultural resources. If any archaeological, paleontological, or historical sites  
26 or any significant cultural objects are discovered during the construction or operation of  
27 the Project, the Applicant or its representative in charge shall promptly report the  
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1 discovery to the Director of the Arizona State Museum (“ASM”), and in consultation with  
2 the Director, shall immediately take all reasonable steps to secure and maintain the  
3 preservation of the discovery as required by A.R.S. § 41-844. Additionally, the Applicant  
4 shall complete a Class III cultural resources inventory of the portions of the Project right-  
5 of-way that have not been previously surveyed to modern standards. If any archaeological,  
6 paleontological, or historical properties are encountered, the inventory shall provide  
7 recommendations on how to mitigate any adverse effects on those historic properties.  
8 Finally, to mitigate potential effects on site AZ AA:2:284(ASM), any ground disturbance  
9 within 50 feet of the site boundary shall be monitored by a qualified archaeologist. If  
10 ground disturbance within the site is necessary, additional data recovery shall occur within  
11 the Project footprint prior to construction, excluding any areas that have been previously  
12 investigated.

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

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

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

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

- 12 a. Future site of the Project;
- 13 b. A phone number and website for public information regarding the  
14 Project; and
- 15 c. Refer the Public to the Docket.

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

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

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

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

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

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

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

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

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

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

12          18.   The designation of the corridor in this Certificate, as shown in **Exhibit A**,  
13          does not authorize a right-of-way greater than 100 feet wide for the transmission line nor  
14          does it grant the applicant exclusive rights within the corridor outside of the final  
15          designated transmission right-of-way.

16          19.   The Applicant shall submit a compliance certification letter annually,  
17          identifying progress made with respect to each condition contained in this Certificate,  
18          including which conditions have been met. The letter shall be submitted to Commission's  
19          Docket Control commencing on August 1, 2025. Attached to each certification letter shall  
20          be documentation explaining how compliance with each condition was achieved. Copies  
21          of each letter, along with the corresponding documentation, shall be submitted to the  
22          Arizona Attorney General's Office. With respect to the Project, the requirement for the  
23          compliance letter shall expire on the date the Project is placed into operation. Notification  
24          of such filing with Docket Control shall be made to the Board of Supervisors for Pinal  
25          County, the City of Coolidge, all parties to this Docket, and all parties who made a limited  
26          appearance in this Docket.

1           20. The Applicant shall provide a copy of this Certificate to the Board of  
2 Supervisors for Pinal County and the City of Coolidge.

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

7           22. In the event the Applicant, its assignee, or successor, seeks to modify the  
8 Certificate's terms at the Commission, it shall provide copies of such request to the Board  
9 of Supervisors for Pinal County, the City of Coolidge, all parties to this Docket, and all  
10 parties who made a limited appearance in this Docket.

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

20                           **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

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

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

26           2. When constructed in compliance with the conditions imposed in this  
27 Certificate, the Project aids the state, preserving a safe and reliable electric transmission  
28

1 system.

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

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


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

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

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

18 DATED this 8<sup>th</sup> day of February, 2024.

20 THE ARIZONA POWER PLANT AND  
21 TRANSMISSION LINE SITING COMMITTEE

22 By:   
23 Adam Stafford, Chairman

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**CERTIFICATE OF MAILING**

Pursuant to A.A.C. R14-3-204, the **ORIGINAL** of the foregoing and 25 copies were filed this 8<sup>th</sup> day of February, 2024, with:

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

COPIES of the above emailed/mailed this 8<sup>th</sup> day of February, 2024:

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By 

# EXHIBIT A

