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BEFORE THE ARIZONA CORPORATIC

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
WILMOT ENERGY CENTER II, LLC FOR
APPROVAL OF IT'S INTERCONNECTION
PROJECT, AN ABOVEGROUND,
APPROXIMATELY 6.6-MILE-LONG, 138-
KILVOLT (KV) GENERATION TIE
TRANSMISSION LINE WITH WILL CONNECT
THE WILMONT ENERGY CENTER II 100-MW
RENEWABLE ENERGY GENERATING
STATION AND 100-MW BATTERY ENERGY
STORAGE SYSTEM.

DOCKET NO. L-21282A-23-0326-00228

CASE NO. 228

DECISION NO. **79317****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:

Decision No. 79317

- 1 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
- 3 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.
- 4
- 5 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.
- 6
- 7 4. In light of these conditions, the balancing in the broad public interest results in favor of
granting the CEC.

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


CHAIRMAN O'CONNOR


COMMISSIONER MARQUEZ PETERSON


COMMISSIONER TOVAR


COMMISSIONER THOMPSON


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 15th day of March, 2024.


DOUGLAS R. CLARK
Executive Director

DISSENT: _____

DISSENT: _____

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

3 IN THE MATTER OF THE APPLICATION
4 OF WILMOT ENERGY CENTER II, LLC,
5 IN CONFORMANCE WITH THE
6 REQUIREMENTS OF ARIZONA
7 REVISED STATUTES §§ 40-360, ET SEQ.,
8 FOR A CERTIFICATE OF
9 ENVIRONMENTAL COMPATIBILITY
10 AUTHORIZING CONSTRUCTION OF
11 THE WILMOT ENERGY CENTER II
12 INTERCONNECTION PROJECT
13 CONNECTING THE PLANNED WILMOT
14 ENERGY CENTER II SOLAR ENERGY
15 GENERATING STATION AND BATTERY
16 ENERGY STORAGE SYSTEM TO THE
17 REGIONAL ELECTRID GRID THROUGH
18 THE EXISTING, TUCSON ELECTRIC
19 POWER, 138 KV CISNE SWITCH-YARD,
20 ALL LOCATED WITHIN THE CITY OF
21 TUCSON AND PIMA COUNTY,
22 ARIZONA.

Docket No. L-21282A-23-0326-00228

CASE NO. 228

CEC 228

2024 JUN 25 A 9:52
ARIZONA POWER PLANT
AND TRANSMISSION LINE
SITING COMMITTEE

14 **CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY**

15 **A. INTRODUCTION**

16 Pursuant to notice given as provided by law, the Arizona Power Plant and
17 Transmission Line Siting Committee ("Committee") held public hearings on January 16
18 and 17, 2024, in the City of Tucson, Pima County, Arizona, in conformance with the
19 requirements of the Arizona Revised Statutes ("A.R.S.") § 40-360 *et seq.* for the purpose
20 of receiving evidence and deliberating on the December 1, 2023, Application of Wilmot
21 Energy Center II, LLC ("Applicant") for a Certificate of Environmental Compatibility
22 ("Certificate") in the above-captioned case.

23 The following members and designees of members of the Committee were present
24 at one or more of the hearing days for the evidentiary presentations, public comment,
25 and/or for the deliberations:
26

27 Adam Stafford

Chairman, Designee for Arizona Attorney General

28 Kris Mayes

1	Gabby Saucedo Mercer	Designee of the Chairman, Arizona Corporation
2		Commission (“Commission”)
3	Leonard Drago	Designee for Director, Arizona Department of
4		Environmental Quality
5	David French	Designee for Director, Arizona Department of
6		Water Resources
7	Nicole Hill	Designee for the Governor’s Energy Office
8	Scott Somers	Appointed Member, representing cities and towns
9	Margaret “Toby” Little	Appointed Member, representing the general public
10	David Kryder	Appointed Member, representing agricultural interests
11	Roman Fontes	Appointed Member, representing Counties
12	Dave Richins	Appointed Member, representing General Public
13	Jon H. Gold	Appointed Member, representing General Public

14 The Applicant was represented by Jeffrey W. Crockett of Crockett Law Group
 15 PLLC. No parties requested intervention pursuant to A.R.S. § 40-360.05.

16 At the conclusion of the hearing, the Committee, after considering the
 17 (i) Application, (ii) evidence, testimony, and exhibits presented by the Applicant, and
 18 (iii) comments of the public, and being advised of the legal requirements of A.R.S. §§ 40-
 19 360 through 40-360.13, upon motion duly made and seconded , voted 11 to 0 to grant the
 20 Applicant, its successors and assigns, this Certificate for construction of the Wilmot
 21 Energy Center II Interconnection Project (collectively, the “Project”) as described below.

22 **B. PROJECT DESCRIPTION**

23 The Project is an above ground, approximately 6.6-mile-long, 138-kilovolt (“kV”)
 24 generation tie transmission line (“Gen-Tie”) that will connect the planned Wilmot Energy
 25 Center II 100 megawatt (“MW”) renewable energy generating station, 100-MW battery
 26 energy storage system and associated substation (the “Solar Facility” and the “Project
 27 Substation”) to the regional electric grid through the existing Tucson Electric Power 138-
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1 kV Cisne Switchyard ("Cisne Switchyard"). The Project will traverse Arizona State Trust
2 land in the City of Tucson and private property in unincorporated Pima County. The
3 Solar Facility and Project Substation will be in unincorporated Pima County.

4 The Gen-Tie will be located in a corridor as shown in **Exhibit A** (the "Project
5 Corridor"). The requested Project Corridor extends between the Project Substation and
6 the Cisne Switchyard. At its southern terminus, the Project Corridor begins as a
7 rectangular area approximately 1,600 feet east-west by 2,640 feet north-south; the
8 rectangular area includes a portion of State Trust land and two privately-owned parcel
9 (parcels 305-23-0140 and 305-22-0050). The Project Substation, and hence the beginning
10 of the Interconnection Project, will be sited within the rectangular area. The rectangular
11 area is approximately 1 mile east of Wilmot Road, immediately south of Andrada Road.
12 North and west of the rectangular area, the Project Corridor has a uniform width of 600
13 feet and is centered on the proposed route for the Interconnection Project (i.e., 300 feet on
14 each side of the proposed alignment).

15 The proposed route for the Gen-Tie starts at the Project Substation approximately
16 one mile east of Wilmot Road, on the south side of Andrada Road. From the Project
17 Substation, the Gen-Tie proceeds north a short distance, crossing Andrada Road and
18 entering Arizona State Trust land before turning west. The Gen-Tie then proceeds west
19 along the north side of Andrada Road for approximately one mile before turning north.
20 The Gen-Tie then proceeds north along the east side of Wilmot Road for approximately
21 2.6 miles until it reaches an existing transmission right-of way. At the transmission right-
22 of-way, the Gen-Tie crosses perpendicular to the existing transmission lines, either as an
23 overhead or underground line, and proceeds north for approximately one-half mile before
24 turning west. The Gen-Tie then proceeds west for approximately 500 feet where it
25 crosses Wilmot Road. From the west side of Wilmot Road, the Gen-Tie proceeds west-
26 southwest for approximately 0.3 mile, then proceeds west-northwest for approximately
27 1.3 miles, and then proceeds north for approximately 0.2 mile. The Gen-Tie then turns
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1 northwest for approximately 0.2 mile, then turns west for approximately 0.7 mile. Finally,
2 the Gen-Tie turns south for approximately 260 feet, entering the Cisne Switchyard, which
3 is the point of interconnection. The requested right-of-way width for the Gen-Tie is 100
4 feet. The maximum height of the structures shall not exceed 199 feet.

5 CONDITIONS

6 This Certificate is granted upon the following conditions:

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

12 2. In the event that the Project requires an extension of the term(s) of this
13 Certificate prior to completion of construction, the Applicant shall file such time
14 extension request at least one hundred and eighty (180) days prior to the expiration of the
15 Certificate. The Applicant shall use reasonable means to promptly notify the Board of
16 Supervisors of Pima County, the Mayor and Council of the City of Tucson, the Arizona
17 State Land Department ("ASLD"), and all landowners and residents within a five (5) mile
18 radius of the centerline of the Project, all persons who made public comment at this
19 proceeding who provided a mailing or email address, and all parties to this proceeding.
20 The notification provided will include the request and the date, time, and place of the
21 hearing or open meetings during which the Commission will consider the request for
22 extension. Notification shall be no more than three (3) business days after the Applicant is
23 made aware of the hearing date or the open meeting date.

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

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

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

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

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

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

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

15 9. The Applicant shall make every reasonable effort to promptly investigate,
16 identify and correct, on a case-specific basis, all complaints of interference with radio or
17 television signals from operation of the Project addressed in this Certificate and where
18 such interference is caused by the Project take reasonable measures to mitigate such
19 interference. The Applicant shall maintain written records for a period of five (5) years of
20 all complaints of radio or television interference attributable to operations, together with
21 the corrective action taken in response to each complaint. All complaints shall be recorded
22 to include notation on the corrective action taken. Complaints not leading to a specific
23 action or for which there was no resolution shall be noted and explained. Upon request,
24 the written records shall be provided to the Staff of the Commission. The Applicant shall
25 respond to complaints and implement appropriate mitigation measures. In addition, the
26 Project shall be evaluated on a regular basis so that damaged insulators or other line
27 materials that could cause interference are repaired or replaced in a timely manner.
28

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

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

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

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

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

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

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

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

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

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

16 17. The Applicant shall provide Commission Staff with a copy of all System
17 Impact Studies ("SIS") for the Project within fifteen (15) days of Applicant's receipt of
18 the SIS.

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

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

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

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

17 20. The Applicant shall submit a compliance certification letter annually,
18 identifying progress made with respect to each condition contained in this Certificate,
19 including which conditions have been met. The letter shall be submitted to Commission's
20 Docket Control commencing on April 1, 2025. Attached to each certification letter shall
21 be documentation explaining how compliance with each condition was achieved. Copies
22 of each letter, along with the corresponding documentation, shall be submitted to the
23 Arizona Attorney General's Office. With respect to the Project, the requirement for the
24 compliance letter shall expire on the date the Project is placed into operation. Notification
25 of such filing with Docket Control shall be made to the Board of Supervisors for Pima
26 County, the Mayor and Council of the City of Tucson, ASLD, all parties to this Docket,
27 and all parties who made a limited appearance in this Docket.
28

1 21. The Applicant shall provide a copy of this Certificate to the Board of
2 Supervisors for Pima County, ASLD, and the Mayor and Council of the City of Tucson.

3 22. 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 23. 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 Pima County, the Mayor and Council of the City of Tucson, ASLD, all
10 parties to this Docket, and all parties who made a limited appearance in this Docket.

11 24. 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
13 have 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.

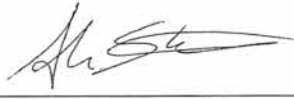
7 5. The conditions placed on the Project in this Certificate resolve matters
8 concerning balancing the need for the Project with its impact on the environment and
9 ecology of the state arising during the course of the proceedings, and, as such, serve as
10 findings and conclusions on such matters.

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 25 day of January, 2024.

19 THE ARIZONA POWER PLANT AND
20 TRANSMISSION LINE SITING COMMITTEE

21 By: 
22 Adam Stafford, Chairman
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2 **CERTIFICATE OF MAILING**

3 Pursuant to A.A.C. R14-3-204, the **ORIGINAL** of the foregoing and 25 copies were filed
4 this 25 day of January, 2024 with:

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

9 COPIES of the above emailed/mailed this 25 day of January, 2024:

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

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By 

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EXHIBIT A

