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BEFORE THE ARIZONA CORPORATION COMMISSION

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 2 LEA MÁRQUEZ PETERSON
 Chairwoman
 3 SANDRA D. KENNEDY
 Commissioner
 4 JUSTIN OLSON
 Commissioner
 5 ANNA TOVAR
 Commissioner
 6 JIM O'CONNOR
 Commissioner

7
 8 IN THE MATTER OF THE APPLICATION)
 OF CHEVELON BUTTE RE LLC, IN)
 CONFORMANCE WITH THE)
 9 REQUIREMENTS OF ARIZONA REVISED)
 STATUTES 40-360, ET SEQ., FOR A)
 10 CERTIFICATE OF ENVIRONMENTAL)
 COMPATIBILITY AUTHORIZING THE)
 11 CHEVELON BUTTE WIND GEN-TIE)
 PROJECT, WHICH INCLUDES THE)
 12 CONSTRUCTION OF A NEW 345KV)
 13 TRANSMISSION LINE AND ASSOCIATED)
 14 INTERCONNECTION FACILITIES)
 ORIGINATING IN COCONINO COUNTY)
 15 AND INTERCONNECTING WITH THE APS)
 16 PREACHER CANYON-CHOLLA 345KV)
 LINE IN NAVAJO COUNTY, ARIZONA.)

DOCKET NO. L-21080A-19-0171-00182

DECISION NO. 78388

ORDER

**APPLICATION TO AMEND DECISION
NO. 77436**

Arizona Corporation Commission

DOCKETED

DEC 28 2021

DOCKETED BY *dd*

17 Open Meeting
 18 December 15 and December 16, 2021
 19 Phoenix, Arizona

20 BY THE COMMISSION:

FINDINGS OF FACT

Background

23 1. On September 24, 2021, Chevelon Butte RE, L.L.C. (“Applicant” or “Chevelon”),
 24 submitted an application pursuant to A.R.S. § 40-252 (“Application”) requesting that the Arizona
 25 Corporation Commission (“Commission”) amend Decision No. 77436, which approved the
 26 Certificate of Environmental Compatibility in Line Siting Case No. 182 (“CEC 182”). CEC 182
 27 authorized Chevelon to construct one 345 kilovolt (“kV”) transmission line, two new substations
 28 (“Substation 1” and “Substation 2”), and one new switching station (“Switching Station”) to

1 interconnect the Applicant's planned Chevelon Butte Wind Project to the regional transmission
2 system.

3 2. The Application requests that the Commission amend CEC 182 to specifically
4 authorize Chevelon to construct nominally higher, and a different type of, transmission structures
5 for seven structures in a single isolated location. Specifically, the Applicant requests explicit
6 authorization for 160-foot tower heights and an updated tower design that differs slightly from the
7 conceptual designs presented in the original CEC application. Staff believes this is a substantial
8 change.

9 3. Chevelon states Decision No. 77436, did not establish a maximum structure height,
10 nor did it specifically limit the tower types that could be used, but is requesting the Commission
11 amend Decision No. 77436, in an abundance of caution and to provide regulatory certainty.

12 **Staff Analysis and Recommendations**

13 4. Based on a review of the Application, the original line siting application, and
14 transcripts of the hearing, Commission Utilities Division Staff ("Staff") believes the maximum pole
15 height and structure type discussed in the original application and during the hearing differ from the
16 Applicant's current proposal. Therefore, Staff believes it is necessary for the Commission to grant
17 the Application and refer this matter to the Line Siting Committee for an additional evidentiary
18 hearing.

19 5. Staff recommends the request pursuant to § 40-252 be granted, and that the
20 Commission refer the matter to the Line Siting Committee for the Line Siting Committee to obtain
21 additional testimony on all the issues raised in the Application.

22 CONCLUSIONS OF LAW

23 1. The Commission has jurisdiction over Chevelon Butte RE, L.L.C. and the subject
24 matter contained herein pursuant to Article XV of the Arizona Constitution and A.R.S. §§ 40-252
25 and 40-360 *et seq.*

26 2. Notice of the proceeding has been given in the manner provided by law.

27 3. The Commission, having reviewed and considered the motion to amend Decision No.
28 77436 and the Staff Memorandum, concludes that it is in the public interest to grant the request

1 pursuant to § 40-252 and refers this matter to the Line Siting Committee for an additional evidentiary
2 hearing.

3 ORDER

4 IT IS THEREFORE ORDERED that the request pursuant to § 40-252 be granted. IT IS
5 FURTHER ORDERED that Decision No. 77436 and CEC 182 are hereby amended pursuant to §
6 40-252 as follows:

7 **On Page 1, line 24 of Decision No. 77436, DELETE ‘granted’ and REPLACE WITH the**
8 **following:**

9 ‘modified’

10 **On Page 1, line 28 of Decision No 77436, DELETE ‘granting the Project a CEC is in the**
11 **public interest’ and REPLACE WITH the following:**

12 ‘the CEC for the above-captioned application for siting approval is in the public
13 interest as modified by the Order’

14 **On Page 2, line 1 of Decision No. 77436, INSERT the following:**

15 ‘The Commission modifies the CEC to add the following conditions:

16 On Page 2, Line 19 of CEC 182, INSERT the following after “one (1) 345
17 kV transmission line”:

18 “(except for a one-mile segment, which will be a double-circuit 345
19 kV line in the area described in Condition 26)”

20 **On Page 10, Line 24 of CEC 182, INSERT new Condition #26:**

21 #26. Chevelon may construct the structures as depicted in Exhibit B up to 160 feet
22 above ground in the area shown in Exhibit C to this CEC. The segment of the line
23 depicted in Exhibit C will be constructed as a 345 kV double-circuit line.”

24 **ATTACH to CEC 182 the following exhibits that were filed with the Commission on**
25 **September 24, 2021:**

26 “Exhibit B – Structure depiction

27 Exhibit C – Map”
28

1 **On Page 2, line of Decision No. 77436, INSERT the following after** ‘the conditions placed
2 on the CEC’:

3 ‘as modified by the Commission’

4 **On Page 2, line 8 of Decision No. 77436, INSERT the following after** ‘the conditions
5 placed on the CEC’:

6 ‘as modified by the Commission’

7 **On Page 2, line 15 of Decision No 77436, INSERT the following after** ‘granting the CEC’:

8 ‘as modified by the Commission’

9 IT IS FURTHER ORDERED that upon written request from Chevelon Butte RE, L.L.C.,
10 Staff shall file Decision No. 77436 and CEC 182 in the docket as modified by the Commission
11 herein.

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IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY THE ORDER OF THE ARIZONA CORPORATION COMMISSION

Lea Marquez Peterson

CHAIRWOMAN MARQUEZ PETERSON

Jordan St. Kennedy

COMMISSIONER KENNEDY

Justin Olson

COMMISSIONER OLSON

Anna Tovar

COMMISSIONER TOVAR

James O'Connor

COMMISSIONER O'CONNOR



IN WITNESS WHEREOF, I, MATTHEW J. NEUBERT, 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 28 day of December, 2021.

Matthew J. Neubert

MATTHEW J. NEUBERT
EXECUTIVE DIRECTOR

DISSENT: _____

DISSENT: _____

EOA:LH:ihf/SJE

1 Chevelon Butte RE, L.L.C
2 Docket No. L-21080A-19-0171-00182

3 Albert Acken
4 Dickinson Wright PLLC
5 111 East Dunlap Avenue, Suite 1-172
6 Phoenix, Arizona 85020
7 aacken@jsslaw.com
8 bert@ackenlaw.com

9 **Consented to Service by Email**

10 Terrance Unrein
11 Chevelon Butte RE LLC.
12 2180 South 1300 East, Suite 600
13 Salt Lake City, Utah 84106-4462

14 Robin Mitchell
15 Director/Chief Counsel, Legal Division
16 Arizona Corporation Commission
17 1200 West Washington Street
18 Phoenix, Arizona 85007
19 legaldiv@azcc.gov

20 **Consented to Service by Email**

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EXHIBIT B

Decision No 78388

