

RECEIVED
AZ CORP COMMISSION
DOCKET CONTROL

2024 AUG 22 A 9 05

1
2
3
4
5
6
7
8
9
10
11
12

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

IN THE MATTER OF THE
APPLICATION OF PINAL COUNTY
ENERGY CENTER, LLC, IN
CONFORMANCE WITH THE
REQUIREMENTS OF ARIZONA
REVISED STATUTES 40-360 ET. SEQ.,
FOR A CERTIFICATE OF
ENVIRONMENTAL COMPATIBILITY
AUTHORIZING THE CONSTRUCTION
OF A 480 MW NATURAL GAS-FIRED,
SIMPLE CYCLE, PEAKING POWER
GENERATING FACILITY LOCATED
NEAR CASA GRANDE, ARIZONA, IN
PINAL COUNTY.

) Docket No. L-21314A-24-0144-00233

)
)
) Case No. 233

)
) **CERTIFICATE OF
ENVIRONMENTAL COMPATIBILITY**
)
)
)

13 **A. INTRODUCTION**

14 Pursuant to notice given as provided by law, the Arizona Power Plant and Transmission
15 Line Siting Committee (“Committee”) held public hearings on August 12 through 15, 2024, in
16 Pinal County, Arizona, in conformance with the requirements of the Arizona Revised Statutes
17 (“A.R.S.”) § 40-360 *et seq.* for the purpose of receiving evidence and deliberating on the June
18 28, 2024 Application of Pinal County Energy Center, LLC (“Applicant”) for a Certificate of
19 Environmental Compatibility (“Certificate”) in the above-captioned case.

20 The following members and designees of members of the Committee were present at
21 one or more of the hearing days for the evidentiary presentations, public comment, and/or for
22 the deliberations:

23 Adam Stafford Chairman, Designee for Arizona Attorney General
Kris Mayes

24 Gabby Saucedo Mercer Designee of the Chairman, Arizona Corporation
25 Commission (“Commission”)
26

1	Leonard Drago	Designee for Director, Arizona Department of
2		Environmental Quality
3	David French	Designee for Director, Arizona Department of
4		Water Resources
5	Nicole Hill	Designee for Director, Governor's Energy Office
6	David Kryder	Appointed Member, representing Agriculture
7	Roman Fontes	Appointed Member, representing Counties
8	Scott Sommers	Appointed Member, representing Cities and Towns
9	Jon Gold	Appointed Member, representing General Public
10	Margaret "Toby" Little	Appointed Member, representing General Public
11	David Richins	Appointed Member, representing General Public

12 Applicant was represented by Jason Y. Moyes of Moyes Sellers & Hendricks Ltd. No
13 parties requested intervention pursuant to A.R.S. § 40-360.05.

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

20 **B. PROJECT DESCRIPTION**

21 The Project is a proposed 480 megawatt ("MW") natural gas-fired electric generation
22 facility consisting of up to ten (10) GE LM6000 simple-cycle gas combustion turbines, each
23 with a nameplate capacity of approximately 48 MW, located on approximately 350 acres of
24 private property in Sections 1 and 12, Township 7 South, Range 4 East, in unincorporated
25 Pinal County, Arizona, south of the City of Casa Grande. Also included on the Project site will
26 be an independent grid-charged 440 MW battery energy storage system ("BESS") that,

1 together with the gas generation facility, will interconnect to the grid via the existing 500 kV
2 Pinal Central to Duke transmission line, which intersects the Project site. Natural gas will be
3 supplied via the existing El Paso Natural Gas (“EPNG”) pipeline that also intersects the Project
4 site. A map and depiction of the proposed Project facilities is shown on **Exhibit A**.

5
6 **CONDITIONS**

7 This Certificate is granted upon the following conditions:

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

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

23 3. During the development, construction, operation, maintenance and reclamation
24 of the Project, the Applicant shall comply with all existing applicable air and water pollution
25 control standards and regulations, and with all existing applicable statutes, ordinances, master
26 plans and regulations of any governmental entity having jurisdiction, including, but not limited

1 to, the United States of America, the State of Arizona, Pinal County, and their agencies and
2 subdivisions, including but not limited to the following:

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

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

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

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

1 7. The Applicant shall consult the State Historic Preservation Office (SHPO)
2 pursuant to A.R.S. § 41-861 through 41-864, the State Historic Preservation Act. Construction
3 for the project shall not occur without SHPO concurrence. Any project involving federal land
4 is a federal undertaking and requires SHPO concurrence on the adequacy of the survey and
5 area of potential effects. The applicant shall coordinate with SHPO regarding the status of
6 Section 106 consultation.

7 8. If any archaeological, paleontological, or historical site or a significant cultural
8 object is discovered on private, state, county, or municipal land during the construction or
9 operation of the Project, the Applicant or its representative in charge shall promptly report the
10 discovery to the Director of the Arizona State Museum (“ASM”), and in consultation with the
11 Director, shall immediately take all reasonable steps to secure and maintain the preservation of
12 the discovery as required by A.R.S. §41-844 or A.R.S. §41-865, as appropriate.

13 9. 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, minimize
15 the destruction of native plants during the construction and operation of the Project.

16 10. The Applicant shall make every reasonable effort to promptly investigate,
17 identify and correct, on a case-specific basis, all complaints of interference with radio or
18 television signals from operation of the Project addressed in this Certificate and where such
19 interference is caused by the Project take reasonable measures to mitigate such interference.
20 The Applicant shall maintain written records for a period of five (5) years of all complaints of
21 radio or television interference attributable to operations, together with the corrective action
22 taken in response to each complaint. All complaints shall be recorded to include notation on
23 the corrective action taken. Complaints not leading to a specific action or for which there was
24 no resolution shall be noted and explained. Upon request, the written records shall be provided
25 to the Staff of the Commission. The Applicant shall respond to complaints and implement
26

1 appropriate mitigation measures. In addition, the Project shall be evaluated on a regular basis
2 so that damaged insulators or other line materials that could cause interference are repaired or
3 replaced in a timely manner.

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

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

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

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

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

21 13. At least ninety (90) days before construction commences on the Project, the
22 Applicant shall provide the Board of Supervisors for Pinal County, and known builders and
23 developers who are building upon or developing land within two and one-half (2.5) miles of
24 the of Project with a written description, including the approximate height and width
25 measurements of all structure types, of the Project. The written description shall identify the
26

1 location of the Project and contain a pictorial depiction of the facilities being constructed. The
2 Applicant shall also encourage the developers and builders to include this information in their
3 disclosure statements. Upon approval of this Certificate by the Commission, the Applicant may
4 commence construction of the Project.

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

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

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

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

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

21 a. Ensure grounding and cathodic protection studies are performed to show
22 that the Project’s location parallel to and within one hundred (100) feet of such pipeline results
23 in no material adverse impacts to the pipeline or to public safety when both the pipeline and
24 the Project are in operation. The Applicant shall take appropriate steps to ensure that any
25 material adverse impacts are mitigated. The Applicant shall provide to Staff of the
26

1 Commission, and file with Docket Control, a copy of the studies performed and additional
2 mitigation, if any, that was implemented as part of its annual compliance-certification letter,
3 and
4

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

12 19. The Applicant shall submit a compliance certification letter annually, identifying
13 progress made with respect to each condition contained in this Certificate, including which
14 conditions have been met. The letter shall be submitted to Commission's Docket Control
15 commencing on January 1, 2026. Attached to each certification letter shall be documentation
16 explaining how compliance with each condition was achieved. Copies of each letter, along
17 with the corresponding documentation, shall be submitted to the Arizona Attorney General's
18 Office. With respect to the Project, the requirement for the compliance letter shall expire on the
19 date the Project is placed into operation. Notification of such filing with Docket Control shall
20 be made to the Board of Supervisors for Pinal County, all parties to this Docket, and all parties
21 who made a limited appearance in this Docket.

22 20. The Applicant shall provide a copy of this Certificate to the Board of Supervisors
23 for Pinal County.

24 21. Any transfer or assignment of this Certificate shall require the assignee or
25 successor to assume, in writing, all responsibilities of the Applicant listed in this Certificate
26

1 and its conditions as required by A.R.S. § 40-360.08(A) and R14-3-213(F) of the Arizona
2 Administrative Code.

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

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

16 24. Applicant shall establish a Community Working Group ("CWG") to share
17 operational study results and coordinate reasonable mitigation strategies where necessary. The
18 CWG will be composed of four members from the local community who live within a one-
19 mile radius of the Project, two members representing the Applicant, and up to two
20 representatives from Pinal County. Applicant shall retain an independent facilitator,
21 acceptable to the CWG, to coordinate quarterly meetings with members of the CWG. It shall
22 be the role of the facilitator to assist in conducting an orderly and productive process. The
23 facilitator may, if necessary, employ dispute resolution mechanisms.

24 Applicant shall deposit into a revolving CWG Fund the amount of six hundred and fifty
25 thousand dollars (\$650,000.00) per year for years one through four, and two hundred and fifty
26

1 thousand dollars (\$250,000.00) per year for years five through ten, commencing on the earlier
2 of (a) February 2026; or (b) three months prior to initial ground-breaking. Each subsequent
3 year during the term shall be funded by November 15th of the previous calendar year. The
4 CWG shall adopt operating principles to direct the disposition of funds.

5 Applicant shall produce and provide timely documentation of the following items for
6 review by CWG:

7 **Pre-Construction**

- 8 ○ Pre-construction final engineering design reports,
- 9 ○ Landscaping design,
- 10 ○ Ingress/egress plan to the Project main entrance,
- 11 ○ Emergency Response Plan and notification parameters (reviewed annually),
- 12 ○ Project construction timeline, and
- 13 ○ Traffic study for delivery of equipment.

14 **Operational Period**

- 15 ○ Air Emissions Reporting,
- 16 ○ Compliance reporting with the Commission,
- 17 ○ Generation production summary data (fuel, MWhs, etc.),
- 18 ○ Groundwater pumping reporting,
- 19 ○ Reports on evaporation pond (liner condition, sample of water, etc.),
- 20 ○ Reports on any known wildlife impacts,
- 21 ○ Review the Emergency Response Plan and notification parameters,
- 22 ○ Report of any Lost Time Accidents,
- 23 ○ Disclosure of any reportable spills, and
- 24 ○ Report on any sound and lighting concerns and the Applicant's response,
- 25 which shall be reasonable.
- 26

1 Applicant shall report on the findings and actions taken by the CWG in each annual
2 certification letter filed with the Commission.

3 25. Applicant shall comply with all applicable National Fire Protection Association
4 Codes and Standards for all components of the Project. Applicant shall prepare a
5 comprehensive Emergency Response Plan in coordination with the appropriate local area
6 police and fire departments or Authorities Having Jurisdiction (“AHJ”). This Emergency
7 Response Plan shall include a notification plan to provide information to community residents
8 relative to potential emergency situations arising from the Project. Applicant agrees to work
9 with the AHJ to jointly develop on-site and off-site evacuation plans, as may be reasonably
10 appropriate. Copies of these plans will be made available to the public and on Applicant's
11 website to the extent plans are not confidential. This cooperative work and plan shall be
12 completed prior to operation of the Project.

13 26. Applicant shall repair any construction related damages caused to existing off-
14 site access roads used during construction.

15 27. Within 120 days after commercial operation of the Project commences,
16 Applicant shall conduct a noise survey overseen by a qualified, independent third party. The
17 results of the survey shall be made available to the public and reported to the Commission. If
18 the results exceed Pinal County noise ordinance standards, Applicant shall implement
19 additional noise mitigation as necessary to achieve compliance with those standards.

20 28. Applicant’s use of groundwater for the Project shall not exceed 420 acre feet per
21 year, averaged over a consecutive three-year period.

22 29. The Applicant agrees that it will not seek to expand the thermal generation at the
23 site without seeking to amend the existing Certificate before the Committee and the
24 Commission.

25 30. At the end of the Project’s useful life, Applicant will comply with all original
26

1 equipment manufacturer (“OEM”) directed procedures for the safe disposal or recycling of
2 Project equipment. Applicant shall work with Pinal County on an adequately documented
3 Decommissioning Plan.

4 31. Applicant agrees to comply with all applicable federal, state, and local
5 regulations relative to storage and transportation of chemicals, water, and hazardous materials
6 used at the plant.

7 32. In performing each of the conditions in this Order, Applicant, in conjunction
8 where applicable with the CWG and Pinal County, shall consider and attempt to maximize the
9 positive effect of its activities on the values of the homes in the surrounding neighborhoods.

10 **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

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

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

14 2. When constructed in compliance with the conditions imposed in this Certificate,
15 the Project aids the state, preserving a safe and reliable electric transmission system within the
16 operating requirements of the balancing authority and any counterparty.

17 3. During the course of the hearing, the Committee considered evidence on the
18 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 effectively
20 minimize the impact of the Project on the environment and ecology of the state.

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

25 6. The Project is in the public interest because the Project’s contribution to meeting
26

1 the need for an adequate, economical, and reliable supply of electric power outweighs the
2 minimized impact of the Project on the environment and ecology of the state.

3 DATED this 22nd day of August, 2024.

5 THE ARIZONA POWER PLANT AND
6 TRANSMISSION LINE SITING COMMITTEE

7 

8 By: _____
9 Adam Stafford, Chairman

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

1 **CERTIFICATE OF MAILING**

2 Pursuant to A.A.C. R14-3-204, the **ORIGINAL** of the foregoing and 25 copies were
3 filed this 22nd day of August, 2024 with:

4 **Utilities Division - Docket Control**

5 Arizona Corporation Commission
6 1200 West Washington Street
7 Phoenix, AZ 85007

8 **COPIES** of the above mailed this 22nd day of August, 2024 to:

9 Tom Van Flein, General Counsel
10 Arizona Corporation Commission
11 1200 W. Washington Street
12 Phoenix, Arizona 85007
13 TVanFlein@azcc.gov
14 *Counsel for Legal Division Staff*

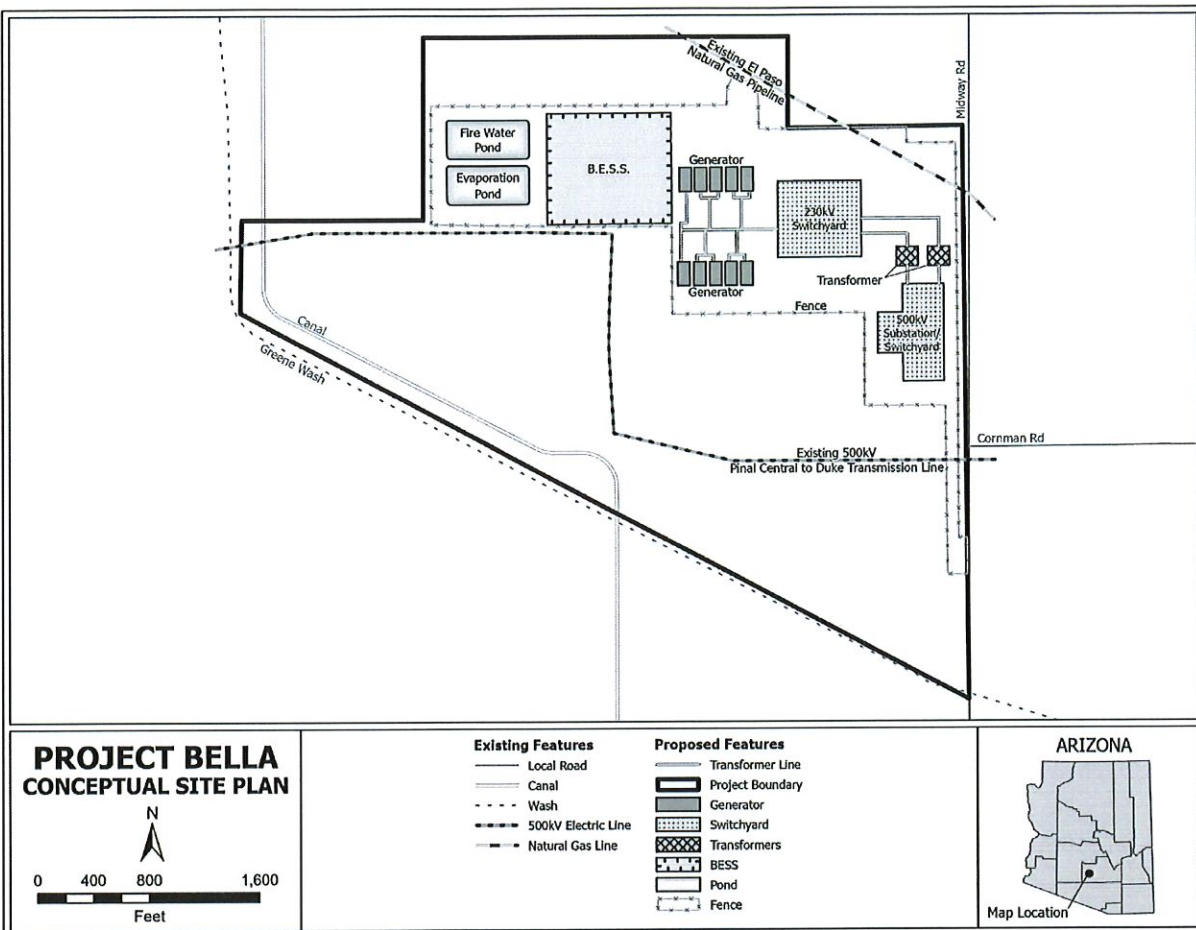
15 Britton Baxter and Ranelle Paladino,
16 Directors
17 Utilities Division
18 Arizona Corporation Commission
19 1200 West Washington Street
20 Phoenix, Arizona 85007

21 Lisa L. Glennie
22 Glennie Reporting Services, LLC
23 1555 East Oranewood
24 Phoenix, Arizona 85020
25 admin@glennie-reporting.com
26 *Court Reporter*

Jason Y. Moyes
Moyes Sellers & Hendricks
1850 N. Central Ave., Suite 1100
Phoenix, AZ 85004
jasonmoyes@law-msh.com
Attorney for Pinal County Energy Center, LLC

By 

EXHIBIT A



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27