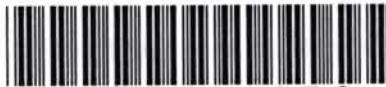




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January 5, 2026

Arizona Corporation Commission
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RE: Repsol – Conditional Use Permit Application

Dear Mr. Chairman, Members of the Line Siting Committee, Fellow Officials and Members of the Public:

My name is Nelson Davis, I currently represent District III on the Apache County Board of Supervisors including the residents who live, work and steward this land.

I would like to address a question that both the Line Siting Committee and the Arizona Corporation Commission have raised. That being where Apache County's involvement is in these hearings. Let me explain. Over the last year and a half, the County's Community Development team has been holding meetings with the representatives from Repsol regarding their intended timeframe for applying for a Conditional Use Permit (CUP) for all projects. There was never, as far as I know, a discussion about never applying for the permits. Each estimated timeframe has been extended and as of today Repsol has **not** applied for any permit with Apache County. My purpose in writing this letter today is not to try to support or to deny the projects that Repsol is planning but to enforce the process that must be adhered to as these projects progress, including the Gen Tie Line.

We are here because Repsol has taken the position that Apache County has no authority over its Lava Run Project and associated infrastructure, specifically the Generation-Tie Line, and therefore does not require County approval or a Conditional Use Permit. This was stated by Repsol's attorney at the Arizona Corporation Commission hearing. It was also said that Repsol did not need the approval of the Arizona Corporation Commission. That position is *incorrect* and it must be addressed clearly and firmly.

While it is true that portions of this project are located on Arizona State Trust Land, that fact does not exempt the project nor Repsol from compliance with Apache County land-use authority where that authority clearly applies.

The Generation-Tie Line is the key issue between us.

A Gen-Tie Line is not an abstract concept, it is a physical, linear utility corridor that crosses land, affects neighboring properties, impacts roadways, alters view sheds, and creates permanent land use

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consequences. Regardless of who owns the land beneath it, the Gen-Tie Line functions as infrastructure within Apache County's jurisdiction.

Apache County has clear statutory authority to regulate land use, zoning, and compatible development within its boundaries, particularly where utility corridors, environmental impacts, public safety, and long-term planning are concerned. That authority does not disappear simply because a developer chooses State Land as part of its footprint.

State Trust Land is not sovereign land. It is held in trust for the benefit of Arizona's schools and public institutions, and is still subject to local regulation, coordination, and compatibility requirements. The Arizona Corporation Commission Line Siting Committee does not replace Apache County's authority; it complements it. The committee evaluates broad routing and public interest considerations, but counties retain the right-and responsibility- to enforce zoning, permitting and land use compatibility within their borders.

Apache County's comprehensive plan, zoning ordinances, and Conditional Use Permit process exist to ensure that infrastructure projects are compatible with surrounding land uses, that impacts are mitigated, and that residents have a voice. A Gen-tie Line that crosses miles of county land, interfaces with county roads, and affects neighboring, private and Tribal lands unquestionably trigger those responsibilities.

To support that Apache County no role here is not only legally flawed-it undermines the principles of local governance and public accountability.

If Repsol's position were accepted, it would set a dangerous precedent: that any large-scale energy developer could bypass county review simply by anchoring a Project on State Trust Land while exporting impacts to surrounding communities. That is not the law and is not acceptable.

Apache County is not opposing renewable energy. We recognize its importance and its future. What we are insisting upon is respect for the rule of law, transparency, and the rights of local governments and residents.

The Cities request is straightforward and reasonable: Repsol must comply with Apache County's Zoning and Conditional Use Permit requirements for the Gen-Tie Line and associated infrastructure that falls within Apache County's jurisdiction.

In closing, let me make this observation. Had Repsol followed the normal procedure regarding a Conditional Use Permit from Apache County, both the Line Siting Committee and the Corporation Commission board would have had in their possession the outcome of the Board of Supervisors board to make the decision of the State board that much easier.

Thank You



Nelson Davis
Supervisor, District III,
Apache County Board of Supervisors