

ERS

Kevin Thompson – Chair
Nick Myer – Vice Chair
Lea Márquez Peterson
Rachel Walden
René Lopez



KEVIN THOMPSON
Chair

ARIZONA CORPORATION COMMISSION

December 9, 2025

Matthew Fish, Community Development Director of Apache County
Apache County Community Development
P.O. Box 238
75 West Cleveland
St. Johns, Arizona 85936

RE: Application of CG Apache County Wind LLC and CG Apache County Solar LLC (L-21365A-25-0198-00250)

Dear Director Fish:

You recently contacted the Arizona Corporation Commission ("ACC") on behalf of Apache County Community Development requesting the CEC application submitted by CG Apache County Solar LLC and CG Apache County Wind LLC be denied until the applicant submitted and obtained approval of a Conditional Use Permit ("CUP") from the Apache County Planning and Zoning Commission and the Apache County Board of Supervisors.

In response to your letter and other considerations raised in committee, on December 3, 2025, the ACC found the record lacked sufficient public, county, and municipal input. Further, the ACC determined that the Line Sighting Committee ("Committee") did not have the input provided to the ACC by the Apache County planning department among other records provided to the ACC after the close of the Line Siting hearing. Nor was the Committee privy to testimony regarding Apache County proposed ordinances.

While the ACC has jurisdiction over the gen-tie portion of this project only and does not have jurisdiction to regulate non-thermal projects like solar generation and wind generation, the ACC values the input and perspective of local governments in these matters. To date, the two jurisdictions that have weighed in with public votes (the towns of Springerville and Eagar), have both expressed their opposition to this project.

Thus, the ACC found that the public interest was best served by conducting another hearing in the jurisdiction of the project for purposes of additional public, county, and municipal input. It is our intent to develop a more robust record regarding the consideration of the existing plans of local government jurisdictions for other developments in the vicinity of the proposed site before this matter comes before the ACC for another vote.

Our remand does not require the Applicant to resubmit an application, nor does it require the Committee to revisit the matter de novo. Rather, the remand is focused on obtaining additional public, county, and municipal input for the record. The signed remand will be filed in the docket, and a copy is attached to this letter.

We appreciate your concerns and look forward to additional feedback from the county and other interested parties.

Sincerely,



Chair Kevin Thompson

Attachment 1: Copy of Order Remanding for Further Proceedings

CC: Apache County Board of Supervisors

Eagar Town Council

J.vaughan@eagaraz.gov

B.eagar@eagaraz.gov

Springerville Town Council

Kmiller@springervilleaz.gov*

Tsoltis@springervilleaz.gov*

**For distribution to the Mayor and Council*

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 **COMMISSIONERS**

3 KEVIN THOMPSON– CHAIR
4 NICK MYERS - VICE CHAIR
5 LEA MÁRQUEZ PETERSON
6 RACHEL WALDEN
7 RENÉ LOPEZ

8 IN THE MATTER OF THE APPLICATION OF
9 CG APACHE COUNTY WIND LLC AND CG
10 APACHE COUNTY SOLAR LLC, IN
11 CONFORMANCE WITH THE REQUIREMENTS
12 OF ARIZONA REVISED STATUTES §§ 40-360,
13 ET SEQ., FOR A CERTIFICATE OF
14 ENVIRONMENTAL COMPATIBILITY
15 AUTHORIZING THE CONSTRUCTION OF THE
16 LAVA RUN CASE NO. 250
17 INTERCONNECTION PROJECT, A 345-
18 KILOVOLT (KV) ALTERNATING CURRENT
19 GENERATION TIE CERTIFICATE OF
20 ENVIRONMENTAL COMPATIBILITY
21 TRANSMISSION LINE, WITH ASSOCIATED
22 INTERCONNECTION FACILITIES, WITHIN
23 APACHE COUNTY, ARIZONA.

DOCKET NO. L-21365A-25-0198-00250
L-21364A-25-0198-00250

CASE NO. 250

DECISION NO. _____

**ORDER REMANDING FOR FURTHER
PROCEEDINGS**

24 December 3, 2025
25 Open Meeting

18 **BY THE COMMISSION:**

19 On December 3, 2025, the Commission met and heard testimony regarding this Line Siting
20 Matter and the proposed Certificate of Environmental Compatibility. Pursuant to A.R.S. § 40-360 et
21 seq., after due consideration of all relevant matters, the Arizona Corporation Commission
22 (“Commission”) finds and concludes that the Certificate of Environmental Compatibility (“CEC”)
23 issued by the Arizona Power Plant and Transmission Line Siting Committee (“Siting Committee”)
24 lacked sufficient public input and lacked sufficient county and municipal input. The Commission

1 recognizes that the Committee did not have the input provided to the Commission by the Apache
 2 County planning department among other records provided to the Commission after the close of the
 3 Line Siting hearing. Nor was the Siting Committee privy to testimony regarding Apache County
 4 proposed ordinances.

5 The Commission finds that the public interest is best served by conducting another hearing in
 6 the affected area of jurisdiction for the purposes of additional public input, county input, and
 7 municipal input.¹ In this manner the Committee will have a more robust record regarding the
 8 consideration of the existing plans of local government jurisdictions for other developments in the
 9 vicinity of the proposed site. A.R.S. § 40-360(A)(1).

10 The Commission reiterates that it does not have jurisdiction over a significant matter of public
 11 concern that was expressed at the open meeting on December 3, 2025. Namely, the Commission
 12 does not have jurisdiction to impose a CEC requirement, and the many beneficial purposes of a CEC,
 13 on solar generation or wind generation.² Pursuant to A.R.S. § 40-360, the Commission has
 14 jurisdiction over the gen-tie line portion of this project only.

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

- 17 1. The matter is remanded for consideration of additional evidence on county and municipal
 18 land use concerns, land use impacts in Apache County in the area of jurisdiction, and that

21 ¹ This is tantamount to an extension of time under R14-3-209, with the Commission finding good cause exists for the
 22 extension. At the Open Meeting the Applicant waived the time limit of ARS Sec. 40-360.08(B), though we do not
 23 decide today whether that time limit applies in the situation where the Commission has issued a timely order, as it does
 24 here. The Commission is aware no such timely request for more time was made to the Committee Chairman and the
 25 Commission finds no error in the Chairman's handling of the matter.

² State law specifies the Committee's, and the Commission's jurisdiction relative to CEC's, is limited to each separate
 "thermal electric, nuclear or hydroelectric generating unit with a nameplate rating of one hundred megawatts or more"
 ARS 40-360(9). Inasmuch as solar and wind are "non-thermal" generating units, and a single wind turbine generating
 unit may have a 3.5 to 5MW nameplate rating, jurisdiction is lacking both as to the type of generation (non-thermal) and
 the nameplate rating limitation (100MW or more). It is up to the legislature to modify these restrictions if the Committee
 or the Commission is to have jurisdiction over non-thermal generating units or generating units under 100MW.

such evidence can be accorded proper weight in the balancing required by A.R.S. § 40-360.07(B).

2. Additional evidence about land use plans in the affected area of jurisdiction, and any other matter of public concern, is necessary in balancing the need for an adequate, economical, and reliable supply of electric power against the impact on the area of jurisdiction.
3. This remand does not require the Applicant to resubmit an application, nor does it require the Committee to revisit the matter de novo. The remand is focused on additional public, county and municipal input for the record.

IT IS SO ORDERED

CHAIRMAN THOMPSON

VICE CHAIRMAN MYERS

COMMISSIONER MÁRQUEZ PETERSON COMMISSIONER WALDEN COMMISSIONER LOPEZ

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 _____ day of _____, 2025.

DOUGLAS R. CLARK
Executive Director