

REFERENCE TITLE: replacement units; certificates; environmental compatibility

State of Arizona
House of Representatives
Fifty-seventh Legislature
Second Regular Session
2026

HB 2389

Introduced by
Representative Martinez

AN ACT

AMENDING SECTION 40-360.03, ARIZONA REVISED STATUTES; RELATING TO THE
POWER PLANT AND TRANSMISSION LINE SITTING COMMITTEE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 40-360.03, Arizona Revised Statutes, is amended
3 to read:

4 40-360.03. Application for certificate of environmental
5 compatibility before construction of facilities;
6 electronic format; rules; exception

7 A. Except as provided in ~~subsection~~ SUBSECTIONS B AND C of this
8 section, every utility that plans to construct a plant or transmission
9 line, or both, in this state shall first file with the commission an
10 application for a certificate of environmental compatibility. The
11 application shall be in a form prescribed by the commission and shall be
12 accompanied by information with respect to the proposed type of facilities
13 and description of the site, including the areas of jurisdiction affected
14 and the estimated cost of the proposed facilities and site. The
15 application shall also be accompanied by a receipt that evidences payment
16 of the appropriate fee required by section 40-360.09. The commission shall
17 promptly refer the application and accompanying information to the
18 chairman of the committee for the committee's review and decision. The
19 application and accompanying information may be submitted to the
20 commission in an electronic format. The commission may adopt rules to
21 accept electronic filings under this section and to ensure that proper
22 notice is provided electronically to interested parties.

23 B. A utility may replace a conductor or wire on a transmission line
24 or may replace an existing transmission line structure or structures with
25 a new transmission line structure or structures without seeking a new
26 certificate of environmental compatibility and without holding a hearing
27 under this article if the replacement is on a transmission line that
28 previously received a certificate of environmental compatibility or that
29 was in use or authorized before August 13, 1971. All replacement
30 conductors or structures shall comply with the terms and conditions of the
31 applicable existing certificate of environmental compatibility.

32 C. A UTILITY MAY REPLACE AN EXISTING PLANT WITH A REPLACEMENT PLANT
33 OR CONSTRUCT A NEW PLANT IMMEDIATELY ADJACENT TO AN EXISTING PLANT WITHOUT
34 FILING FOR OR RECEIVING A NEW CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY
35 FOR THE NEW OR REPLACEMENT PLANT IF ALL OF THE FOLLOWING CONDITIONS ARE
36 MET:

37 1. THE UTILITY PROVIDES TO THE COMMISSION THIRTY DAYS' WRITTEN
38 NOTICE AND HOLDS AT LEAST ONE PUBLIC COMMENT SESSION IN THE COUNTY WHERE
39 THE EXISTING PLANT IS LOCATED.

40 2. THE NEW OR REPLACEMENT PLANT IS LOCATED ON OR IMMEDIATELY
41 ADJACENT TO THE SITE OF A PLANT THAT HAS PREVIOUSLY RECEIVED A CERTIFICATE
42 OF ENVIRONMENTAL COMPATIBILITY PURSUANT TO THIS ARTICLE OR THAT WAS IN USE
43 OR AUTHORIZED BEFORE AUGUST 13, 1971.

1 3. THE AGGREGATE NAMEPLATE RATING OF ALL PLANTS THAT WILL BE
2 LOCATED ON AND IMMEDIATELY ADJACENT TO THE SITE AFTER CONSTRUCTION WILL BE
3 EQUAL TO OR GREATER THAN THE AGGREGATE NAMEPLATE RATING OF ALL EXISTING
4 PLANTS LOCATED ON AND IMMEDIATELY ADJACENT TO THE SITE BEFORE
5 CONSTRUCTION.