

INTERVENTION

ORIG



0000013303

RECEIVED

18

Jordan R. Rose # 017452
Court S. Rich # 021290
Kay Bigelow # 012058
JORDEN BISCHOFF McGUIRE ROSE & HISER PLC.
7272 E. Indian School Road Suit 205
Scottsdale, Arizona 85251
(480) 505-3900

2004 NOV 18 P 4: 52
AZ CORP COMMISSION
DOCUMENT CONTROL

ORIGINAL

Attorneys for Intervenors

THE ARIZONA POWER PLANT AND TRANSMISION LINE
SITING COMMITTEE

IN THE MATTER OF THE APPLICATION)
OFSALT RIVER PROJECT AGRICULTURAL)
IMPROVEMENT AND POWER DISTRICT ON)
BEHALF OF ITSELF AND ARIZONA PUBLIC)
SERVICE COMPANY, SANTA CRUZ WATER)
AND POWER DISTRICTS ASSOCIATION,)
SOUTHWEST TRANSMISSION)
COOPERATIVE, INC. AND TUCSON)
ELECTRIC POWER IN CONFORMANCE)
WITH THE REQUIREMENTS OF ARIZONA)
REVISED STATUTES SECTION 40-360, et.)
seq., FOR A CERTIFICATE OF)
ENVIRONMENTAL COMPATIBILITY)
AUTHORIZING CONSTRUCTION OF THE)
PINAL WEST TO SOUTHEAST)
VALLEY/BROWNING PROJECT INCLUDING)
THE CONSTRUCTION OF TRANSMISSION)
LINES FROM PINAL WEST TO THE)
BROWNING SUBSTATION AND OTHER)
INTERCONNECTION COMPONENTS IN)
PINAL AND MARICOPA COUNTIES,)
ARIZONA.)

Docket NO. L-00000B-04-0126

Case No. 126

NOTICE OF INTENT TO INTERVENE

Arizona Corporation Commission
DOCKETED

NOV 18 2004

DOCKETED BY [Signature]

Pursuant to A.R.S. §40-360.05 and A.A.C. R14-3-204, Robson Communities, Inc.,
an Arizona corporation (“Robson”); Westpac Development Corporation, LLC, an Arizona
limited liability company (“Westpac”); Langley Properties, LLC, an Arizona limited
liability company (“Langley”); Vistoso Partners, LLC, and Arizona limited liability

1 company (“**Vistoso**”); Pulte Home Corporation, Inc., a Michigan corporation (“**Pulte**”);
2 Jacob Roberts, Gail Robertson and Lonesome Valley Farms (“**Roberts**”); The Francisco
3 Grande Hotel and Golf Resort and its surrounding property, owned and operated by F.G.
4 Partners LLP (“**Francisco Grande**”); the Maha Ganapati Temple of Arizona (the
5 “**Temple**”); Sun Valley Farms Unit 5 Homeowners’ Association, Inc., an Arizona non-
6 profit corporation (“**Sun Valley HOA**”); Karolyne Clough, an individual; Wanda Wood,
7 individual; Jean Stout, an individual; Linda Beres, an individual; Brenda Scott, an
8 individual; and Jackie Guthrie, an individual (“**Impacted Neighbors**”). The above listed
9 parties, (herein collectively be referred to in this Notice as the “**Intervenors**”) by and through
10 their undersigned counsel, hereby file their Notice of Intent to Intervene in the above
11 captioned matter. The Intervenors respectfully request that the Committee enter the
12 attached Order allowing them to intervene at the Hearing to be held on this matter. This
13 Notice is made and supported by the Memorandum of Points and Authorities submitted
14 herewith and all exhibits attached hereto.
15
16

17
18 **MEMORANDUM OF POINTS AND AUTHORITIES**

19 **I. INTRODUCTION**

20 The Salt River Project Agricultural Improvement and Power District (“**SRP**”) has
21 filed an Application for Certificate of Environmental Compatibility (the “**CEC**
22 **Application**”) for its proposed Pinal West to Southeast Valley/Browning 500 kV
23 Transmission Project (the “**Project**”). The Intervenors all will be directly and materially
24
25

1 impacted by the outcome of this Hearing and all own land within the Project area or have a
2 direct or personal interest in the siting of the Project.

3
4 **II. THE INTERVENORS: The Intervenors are an Enormous Unified**
5 **Group Supporting the Preferred Alignment**

6 The Intervenors are individuals and entities representing a diverse range of interests.
7
8 The Intervenors own or have an interest in a total of 56,357 acres of land within the Project
9 area. The Intervenors are representing approximately 197,249 existing or future residences.
10 The Intervenors are unified in support of the Preferred Alignment. The Intervenors are
11 willing to accept that the lines must cross their property and will *not* be arguing (like most
12 others) to push the burden of the lines onto their neighbors for their own benefit. The
13 Intervenors favor the Preferred Alignment even though it will cross or follow their land
14 almost every step of the way. In fact, it will be shown that no other group will be impacted
15 as greatly by these sitings as the Intervenors listed in this Notice and that they are still
16 willing to accept the power lines on their property.
17

18 The Intervenors include, individual homeowners with existing homes that will be
19 directly impacted by the outcome of this Hearing (collectively the "Impacted Neighbors");
20 developers and landowners that own or have interests in tracts of land on which large scale
21 residential and commercial developments are planned (collectively the "Developers"); the
22 owners of Francisco Grande Hotel and Golf Resort and the surrounding property
23 ("Francisco Grande") that will be directly impacted by the siting of the 500kV lines
24 proposed in the CEC Application; a 10,000 member Hindu Temple, the only Hindu Temple
25

1 in the State of Arizona (the "Temple"); and the Sun Valley Farms Unit 5 Homeowners'
2 Association ("Sun Valley HOA") representing a large residential community within the
3 Project area. The Committee's decision on this CEC Application will have a direct and
4 material impact on each and every one of the Applicants herein. (a complete list of all of
5 the Intervenors making this Notice is attached as Exhibit "2");

6 The location of each of the Intervenors' impacted properties can be found by
7 referencing the map attached hereto as Exhibit "1" (map attached to Original filed with
8 Corporation Commission and additional maps will be filed as Supplements). Many of the
9 Intervenors, including Robson, Westpac, Vistoso and Pulte own or hold an interest in land
10 by and through subsidiary or related entities that utilize different corporate names; a full list
11 of the various entities and individuals on whose behalf this Notice is filed is attached hereto
12 as Exhibit "2".
13
14
15

16 **III. ARGUMENT: The Intervenors Listed in this Notice Should be Permitted**
17 **to Intervene in the Hearing on this Matter**

18 Pursuant to A.R.S. § 40-360.05, the Committee may allow the Intervenors as it
19 deems appropriate. Given the location of the Intervenors' properties and the important
20 interests that this line siting will impact, each of the Intervenors should be allowed to
21 intervene in this matter.
22
23
24
25

1 **1. The Impacted Neighbors should be Permitted to Intervene**

2 The Impacted Neighbors include homeowners that will be directly and materially
3 impacted by the outcome of this Hearing. By referencing the map attached hereto as
4 Exhibit "1", the Committee can see that each of the Impacted Neighbors lives within the
5 Project area and lives adjacent to one of the proposed routes or segment options. The
6 Impacted Neighbors have interests including the protection of their view corridors, the
7 protection of their development plans and rights, the protection of their neighborhoods, and
8 the avoidance of possible unsafe or unhealthy conditions that the 500kV lines can create.
9 For these reasons alone the Impacted Neighbors should be allowed to intervene in this
10 matter.
11

12
13 **2. The Developers should Be Permitted to Intervene**

14 The Developers own or have an interest in approximately 56,000 acres of land within
15 the Project area. Collectively, the Developers have invested hundreds of millions of dollars
16 in land within the Project area and have devoted countless hours and efforts.. The proper
17 development of these properties is contingent upon the location of these 500kV power lines.
18 As the Developers and their witnesses will testify at the Hearing, the location of the power
19 lines will be of utmost importance to their planning, design, and marketing and will have a
20 significant impact on the viability of certain properties or portions thereof for beneficial use.
21 Additionally, each of the Developers owns property that may require the dedication or
22 condemnation of an easement depending on the outcome of this Hearing. As property
23 owners that are likely to lose beneficial use of a portion of their property, the Developers
24
25

1 should be allowed to intervene in this proceeding to protect their property rights and
2 interests.

3 **3. Francisco Grande should be Permitted to Intervene**

4 Francisco Grande is located within the Project area and is especially susceptible to
5 being impacted by the placement of power lines. Francisco Grande relies on having
6 beautiful open view corridors to market it to the upscale resort visitor. It has a substantial
7 and material interest in insuring that this Project does not detrimentally impact its ability to
8 attract guests and remain financially viable. Additionally, Francisco Grande is located in
9 close proximity to one of the proposed lines and should be allowed to intervene to protect its
10 interests.
11

12
13
14 **4. The Temple should be Permitted to Intervene**

15 The Temple is located directly along SRP's Preferred Route and this Hearing will
16 significantly and materially impact the Temple. The Temple is Arizona's only Hindu
17 Temple and has a 10,000 person strong membership from all over the State of Arizona. The
18 Temple spent years carefully selecting a location to build and now must intervene to be sure
19 that the 500kV power lines will travel along the north side of Teel Road near Ralston Road
20 to protect itself from the devastating impacts that would come with the lines being sited on
21 the south side of Teel Road near its property. The Temple recently had its ceremonial
22 religious groundbreaking and if the lines are sited on the south side of Teel Road it will
23 cause the Temple to be moved and will delay the final construction of the Temple by at least
24
25

1 five years. The Temple must be allowed to intervene in this matter to protect its important
2 interests.

3
4 **5. The Sun Valley HOA should be Permitted to Intervene**

5 The Sun Valley HOA represents a community with sixty-one (61) residences that are
6 located along one of the proposed routes. The presence of a 500kV power line near this
7 community will materially impact each and every one of its residents. Sun Valley HOA
8 should be permitted to intervene in this matter.
9

10
11 **IV. THE INTERVENORS SUPPORT THE PREFERRED ALIGNMENT EVEN**
12 **THOUGH IT CROSSES MUCH OF THEIR LAND**

13 Each of the Intervenors listed in this Notice is in support of SRP's "Preferred
14 Alignment" despite the fact that almost all of the Intervenors will be adversely impacted by
15 such lines. The Committee will see that nearly all of the other intervenors are going to be
16 arguing to have the lines sited as far away from their property as possible. This group of
17 Intervenors is far different. The Intervenors listed in this Notice will not be attempting to
18 push the burden of line crossings onto their neighbors but will be reasonably accepting the
19 lines onto their property throughout the Project area and advocating for various sides of the
20 street for specific line placement. The undersigned are continuing to work with SRP to
21 refine these placements issues prior to the start of the hearing, we will address, if necessary,
22 such concerns before the Committee. The Intervenors want to make the Committee aware
23
24
25

1 that they have been involved in the public process with the Applicant (SRP) and are
2 satisfied that the lines must cross their property and support SRP's Preferred Alignment.

3
4 WHEREFORE, the Intervenors respectfully request that the Committee enter the
5 attached Order allowing them to intervene in this matter.

6
7
8 DATED this 18 day of November 2004.

9 Jorden Bischoff McGuire Rose & Hiser PLC

10 

11 _____
12 Court S. Rich, #021290
13 7272 E. Indian School Road Suit 205
14 Scottsdale, Arizona 85251
15 Attorneys for Plaintiff

16 Pursuant to A.A.C. R14-3-204,
17 the ORIGINAL and 25 copies were
18 filed this 18 day of November, 2004,
19 with:

20 Docket Control
21 Arizona Corporation Commission
22 1200 W. Washington
23 Phoenix AZ 85007

24 COPY of the foregoing mailed this
25 18 day of November, 2004, to:

Janice Allward
Lisa Vandenberg
Legal Division
Arizona Corporation Commission
1200 W. Washington
Phoenix AZ 85007
Attorney for Commission Staff

1

OVERSIZED
MAP

PLEASE
SEE
THE ORIGINAL
FOLDER

DOCKET
L-00000B-04-0126

2

EXHIBIT 2

Developer	Property Owner/Interest Holder	Project	Location	Acres	Density	Units
1 Langley	Elmore, Jackson, & Brimhall	McLean Ranch 320	NWC Teel Rd. & John Wayne Pkwy	320	3.5	1,120
2 Langley	Langley Farms Investments, LLC	Marticopa 80	SEC White Rd. & Teel Rd.	80	3.5	280
3 Westpac	Miller & White 815, LLC	Terrazo	SEC Ralston Rd. & Barmes Rd.	815	3.5	2,853
4 Vistoso	Vanderbilt Farms, LLC	Vanderbilt Village	SEC of Amarillo Valley Rd. and Clayton Rd.	1,510	3.5	5,285
5 Robson / El Dorado	Red River / El Dorado 6500 LLC	Rancho Sierra	SEC of Maricopa Rd. and Teel Rd.	3,932	3.5	13,762
6 Vistoso	Vanderbilt Farms, LLC	Midway	SEC Amarillo Valley Rd & Miller Rd.	3,761	3.5	13,164
7 Vistoso	Vanderbilt Farms, LLC	Unnamed	SEC Fuqua Rd. & Barmes Rd.	1,490	3.5	5,215
8 Langley	LLF Stanmar Estates, LLC	Turf 431	SEC Fuqua Rd. & Clayton Rd.	431	3.5	1,509
9 Langley	BCY Limited Partnership Cache Investments, LLC Langley Farms Investments, LLC Emerson Investments, LLC Harvard Capital LP	Stanfield 843	NWC of Stanfield Rd. & Carranza Rd.	843	3.5	2,951
10 Vistoso	Vanderbilt Farms, LLC	Cottonwood Ranch	SEC of Trekeil & Kortsen	241	3.5	844
11	Maha Ganapali Temple of AZ	Hindu Temple	SWC of Teel Rd. & Ralston Rd.	15	3.5	53
12 Langley	CCB Stanfield Estates, LLC	Marticopa 193	SEC Stanfield Rd. & Barmes Rd.	193	3.5	676
13 Vistoso	Vanderbilt Farms, LLC	Talia	N of NEC of Stanfield Rd. and Hwy 84	1,280	3.5	4,480
14 Westpac	Santa Cruz Ranch, LLC Santa Cruz Land Company, LLC	Santa Cruz Ranch	SEC Murphy Rd. & Val Vista Rd.	1,879	3.5	6,577
15 Vistoso	Vanderbilt Farms, LLC	Thude-Jifflet Masterplan	SEC Anderson Rd. & Clayton Rd.	2,380	3.5	8,330
16 Vistoso	BCY Limited Partnership Cache Investments, LLC	S of the SEC Indian Valley Rd. & Carranza Rd.	SEC of the SEC Indian Valley Rd. & Carranza Rd.	4,780	3.5	16,730
17 Langley	LLF Walgrand 280, LLC	Grasty 283	NWC Selma Hwy & Montgomery Rd	775	3.5	2,713
18 Langley	Vanderbilt Farms, LLC	McCortney Ranch	SEC Burris Rd. & Peters Rd.	283	3.5	991
19 Vistoso	Pulte Home Corporation	Grande Valley	SEC of Trekeil Rd. & McCortney Rd.	493	2.3	1,134
20 Pulte	Pulte Home Corporation	Martin Ranch	SEC of Indian Valley Rd. & Val Vista Rd.	1340	3.5	4,690
21 Pulte	Langley Estates, LLC	Nichols Ranch 320	Signal Peak & Val Vista	565	4	2,260
22 Langley	Affare Limited Partnership, Casal Limited Partnership, SMT Investors Limited Partnership, Fred Westland, C. Thomas Cummings, Joseph Lineman, Langley Land LLC	Langley 431	SEC I-10 & Selma Hwy.	320	3.5	1,120
23 Langley		Langley 431	SEC Overfield Rd. & Earley Rd.	431	3.5	1,509
24 Langley	McLean Farms, LLC Casa Kele, LLC Cheryl A. Terry, Kristin A. Terry	Langley Ranch 320	SWC Val Vista Rd. & Toltec Buttes Rd.	320	3.5	1,120
25 Robson	Sun Lakes-Casa Grande Development LLC	Sun Lakes Casa Grande	SEC Overfield Rd. & Selma Hwy.	2,900	3.5	10,150
26 Langley	Langley Kenworthy Estates, LLC	Coolidge 308	SEC Martin Rd & Skousen Rd	308	3.5	1,078
27 Langley	Langley Spring Mall, LLC	Langley Mall 320	SEC of Wheeler Rd. and Bartlett Rd.	320	3.5	1,120
28 Langley	Langley Heley Hills, LLC	Hayley Hills 229	SEC Yeager Rd. & Hiller Rd.	229	3.5	802
29 Langley	Little Langley, LLC	Arizona Farms	SEC Felix Rd. & Heritage Rd.	187	3.5	655
30 Vistoso	Vanderbilt Farms, LLC	Bella Vista	SEC Quail Run Ln. & Arizona Farms Rd.	2,848	3.5	9,968
31 Vistoso	Vanderbilt Farms, LLC	Sun Valley Farms	SEC Walker Granite Rd. & Skyline Dr.	2,800	3.5	9,800
32 Langley	Insight VII Investments, LLC	Scotts Ranch 320	SEC of Felix Rd. and Magna Rd.	640	3.5	2,240
33 Langley	LLF Holland Farms 854, LLC	Holland 854	SEC of Toltec Butte Rd. and Rodeo Rd.	320	3.5	1,120
34 Langley	Pulte Home Corporation	Merrill Ranch	SEC of Sunshine Blvd. and Kleck Rd.	854	3.5	2,989
35 Pulte	Jean Stout	NA	SEC of Felix Rd. and Hiller Rd.	5,734	3.5	20,069
36	Wanda Wood	NA	6314 N. Deer Trail	5		
37	Linda Beres	NA	7382 N. Maple Street	4		
38	Langley Toltec Estates, LLC	NA	5198 N. Hidden Valley Rd.	3		
39 Robson	Dermer Family Trust	Kently Ranch 240	SEC of Ethington Rd. & Selma Hwy.	240	3.5	840
40 Robson	HWY 287 Florence & Curry Rd. Farms	Unnamed	SEC of Signal Peak Rd. & Florence Blvd.	1,830	3.5	6,405
41 Robson	FG Partners, LLP	Unnamed	SEC of Curry Rd. & Florence Blvd.	320	3.5	1,120
42 Francisco Grande	The Sunland Gin Land LLC	Unnamed	SEC of Montgomery Rd. and Florence Blvd.	825	3.5	2,888
43 Robson	SAE LLC	Unnamed	SEC of Sunland Gin Rd. and Corman Rd.	90	3.5	315
44 Robson	Stanmar Valley Land ILTD PSHIP	Unnamed	SEC of Cox Rd. and Corman Rd.	40	3.5	140
45 Robson	Karolyne Clough	NA	SEC of Anderson Rd. and Selma Hwy.	184	3.5	644
46	Langley Stanfield Estates, LLC	Stanfield 220	55620 W Ivory Rd.	3		
47 Langley	Brenda Soot	NA	SEC of Murphy Rd. and Selma Hwy.	200	3.5	700
48	Jackie Guthrie	NA	94183 W. Clearview	3		
49	Jacob Roberts, Gail Robertson, Lonesome Valley Farms	NA	19410 W. Black Knob St.	4		
50	Jacob Roberts, Gail Robertson, Lonesome Valley Farms	NA	NWC of Tweedy Rd & Selma Hwy	2,763	3.5	9,671
51	Langley Pecho Views 160 LLC, Carmichael & Sons LTD	NA	SEC of Skousen & Vah-Ki Rd.	1,020	3.5	3,570
52 Langley	All States Associates of Holland II 945, LLC	Picacho Views 160	SEC Milligan & Fast Track Rd.	160	3.5	560
53 Langley	Langley Dessert Views, LLC Boa Sorte limited Partnership	Holland II 953	SEC of Randolph Rd. & Fast Track Rd.	953	3.5	3,336
54 Langley	Langley Sunshine Park, LLC	Wills Ranch 240	SEC Florence Blvd & Fast Track Rd	240	3.5	840
55 Langley	Peters & Midway 150 LLC, JMP Peters & Midway 150 LLC, RPD	Langley Sunshine Park 263	SEC Hauser Rd & Eleven Mile Corner Rd	263	3.5	921
56 Langley	Peters & Midway 150, LLC JPN Peters & Midway 150, LLC	Midway Ranches 150	SEC Peters Rd & Midway Rd	150	3.5	525
57 Langley	LLF Picacho Citrus, LLC	Picacho Citrus 1440	SEC & SEC Milligan Rd & Wheeler Rd	1,440	3.5	5,040
Totals				56,357		196,863