

INTERVENTION  
ORIGINAL



18

1 **Jordan R. Rose # 017452**  
2 **Court S. Rich # 021290**  
3 **JORDEN BISCHOFF McGUIRE ROSE & HISER PLC.**  
4 **7272 E. Indian School Road Suite 205**  
5 **Scottsdale, Arizona 85251**  
6 **(480) 505-3900**

Arizona Corporation Commission  
**DOCKETED**

JAN 13 2005

DOCKETED BY

7 **Attorneys for Intervenor**

8  
9 **THE ARIZONA POWER PLANT AND TRANSMISION LINE**  
10 **SITING COMMITTEE**

11 IN THE MATTER OF THE APPLICATION )  
12 OF THE ARIZONA PUBLIC SERVICE )  
13 COMPANY IN CONFORMANCE WITH THE )  
14 REQUIREMENTS OF ARIZONA REVISED )  
15 STATUTES SECTION 40-360, et. seq., FOR A )  
16 CERTIFICATE OF ENVIRONMENTAL )  
17 COMPATIBILITY AUTHORIZING THE )  
18 WEST VALLEY NORTH PROJECT )  
19 INCLUDING THE CONSTRUCTION OF )  
20 APPROXIMATELY 25 MILES OF 230 kV )  
21 TRANSMISSION LINES AND TWO )  
22 SUBSTATIONS IN MARICOPA COUNTY, )  
23 ARIZONA, ORIGINATING AT THE TS2 )  
24 SUBSTATION IN SECTION 25; TOWNSHIP 3 )  
25 NORTH, RANGE 2 WEST G&SRB&M AND )  
CONTINUING TO THE PROPOSED TS1 )  
SUBSTATION IN SECTION 20, TOWNSHIP )  
4 NORTH, RANGE 2 WEST, G&SRB&M )  
AND TERMINATING AT THE PROPOSED )  
TS5 SUBSTATION IN SECTION 29, )  
TOWNSHIP 4 NORTH, RANGE 4 WEST, )  
G&SRB&M. )

Docket NO. L-00000D-04-0127

Case No. 127

**NOTICE OF INTENT TO INTERVENE**

AZ CORP COMMISSION  
DOCUMENT CONTROL

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21 Pursuant to A.R.S. §40-360.05 and A.A.C. R14-3-204, Citrus & Northern LLC, SAK,  
22 Family Limited Partnership, Marilyn and John Hall d/b/a/ Westside Wholesale Growers, Warren  
23 and Jane Guard, Ed & Bonny Brogdon, Pasqual and Christine Rudolfo, Bill and Teri Weaver,  
24 Elijio and JoEllen Saenz, Robert and Mary Webster, Carol Campise, Richard Winn, Ada Winn,  
25 Chris and Christie France, Tom Davis, Jeff Schedin, Wayne Lorenzana, Larry Epps, Steve

1 Ruffing, Pete and Judy Mowry, Catherine Dunn, Mike and Noelia Rudolfo, Thomas Mills, David  
2 & Margaret Morales and Brandi DiVoto, (collectively the “South Side of Olive Avenue  
3 Property Owners”) hereby apply to the Arizona Power Plant and Transmission Line Siting  
4 Committee (the “Committee”) for an order granting South Side of Olive Avenue Property  
5 Owners leave to intervene in the above-captioned proceeding. The Committee should grant  
6 South Side of Olive Avenue Property Owners leave to intervene because these owners will be  
7 directly, substantially, affected by the transmission line proposed by Arizona Public Service  
8 Company (“APS”) in its Application for a Certificate of Environmental Compatibility (“CEC”) in  
9 the above-captioned matter. This Motion is made and supported by the Memorandum of  
10 Points and Authorities that follows.

11  
12 **MEMORANDUM OF POINTS AND AUTHORITIES**

13 **I. INTRODUCTION**

14  
15 The South Side of Olive Avenue Property Owners own 2.5 of the 3 miles of land on the  
16 south side of Olive Avenue along which APS proposes one of its alternative alignments.

17 Citrus & Northern LLC owns a 640 acre master-planned development known as “White  
18 Tank Foothills” approved on July 2, 2003, by the Maricopa County Board of Supervisors for  
19 1,286 single-family homes, a 15 acre elementary school site, a one acre area for a Rural-Metro  
20 Facility, and 20 acres of commercial development.

21 SAK, F.L.P. owns the 577 acre community of Dove Trails which also contains a 15 acre  
22 school site, 849 homes, acreage commercial, five acres of park and 110 acres of commercial  
23 development.

24 There are also 33 individual land owners on the south side of Olive Avenue that are  
25 joining in this Notice of Intent to Intervene and that are listed above.

1 **II. ARGUMENT**

2 **A. Any Alignment Along Olive Avenue will have a Detrimental Impact on the**  
3 **Environment and use of Neighboring Property**

4 The alternative transmission alignment, siting the APS 230kV transmission lines on Olive  
5 Avenue, especially on the south side of Olive, will have a serious and extremely detrimental  
6 impact on the South Side of Olive Avenue Property Owners' master planned communities,  
7 existing single-family residential homes and the environment. This area of Maricopa County is  
8 planned in the General Plan and White Tank/Grand Avenue Area Plan as a gateway to the White  
9 Tank Mountains, and was planned to develop with small lot residential homes. The proposed  
10 plan, especially if the lines are located on the south side of Olive Avenue, will make this vision  
11 set forth in the General Plan nearly impossible to achieve.

12 As currently proposed, the 160 foot transmission towers will destroy much of the  
13 usefulness of the property located as close as approximately 150 feet from some single-family  
14 homes. There are also serious concerns about the environmental impact of these poles so close  
15 to the developments and the elementary school. Additionally, because APS will need between  
16 an approximately 150 foot and 1,500 foot buffer zone/easement area around the transmission  
17 lines, between 100-695 of the already approved homes in the area will be destroyed, the  
18 approved elementary school site in White Tank Foothills will have to be shrunk significantly,  
19 moved or entirely taken due to siting on Olive Avenue, and the already approved commercial  
20 sites will no longer be possible. The loss to the developers, existing single-family homeowners  
21 on Olive Avenue and the community as a result of a line siting decision accepting the alternative  
22 alignment, will be extreme and could, in some instances, be devastating.

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24 **B. The are Many more Favorable and less Detrimental Alternatives to the**  
25 **Alternative Alignment Along Olive Ave**



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Pursuant to A.A.C. R14-3-204,  
the ORIGINAL and 25 copies were  
filed this \_\_\_ day of January, 2005,  
with:

Docket Control  
Arizona Corporation Commission  
1200 W. Washington  
Phoenix AZ 85007

COPY of the foregoing mailed (or emailed where noted) this  
\_\_\_ day of January, 2005, to:

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