

INTERVENTION  
ORIGINAL



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Court S. Rich 021290  
ROSE LAW GROUP pc  
7272 E. Indian School Road Suite 360  
Scottsdale, Arizona 85251  
(480) 505-3900

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Attorneys for Intervenors

THE ARIZONA POWER PLANT AND TRANSMISSION 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 BECOME A  
PARTY AND APPLICATION FOR  
INTERVENTION

Arizona Corporation Commission  
DOCKETED

MAR - 4 2005

DOCKETED BY

Pursuant to A.R.S. § 40-360.05(A)(4) and A.A.C. R14-3-204, Aspen Farms, LLC;  
Aspen Farms II, LLC; Aspen Farms Realty Group, LLC; and Aspen Felix, LLC (collectively,  
“Aspen”), and Mr. Dwayne Dobson (“Dobson”) by and through undersigned counsel herby submit  
this Notice of Intent to be a Party and Application to Intervene in the above captioned matter.

1 Aspen is the owner of an approximately 1,200 acre parcel (the "Aspen Property") that is currently  
2 being annexed into the Town of Florence. The northern portion of the Eastern Alignment bisects  
3 the Property and if selected could be damaging to both the Property and the future of the Town of  
4 Florence. Dobson controls entities that own approximately 1,900 acres of property located to the  
5 northwest corner of Felix and Arizona Farms Roads (the "Dobson Property"). The northern portion  
6 of the Eastern Alignment slices through the Dobson Property along the CAP canal and would have  
7 a detrimental impact on the future development of that parcel and the future of Florence. Aspen and  
8 Dobson respectfully request that the Power Plant and Transmission Line Siting Committee (the  
9 "Committee") grant them intervention status to present witness testimony and evidence and to  
10 participate in cross-examination of witnesses. This Notice and Application is made and supported  
11 by the Memorandum of Points and Authorities Submitted herewith.  
12

## 13 MEMORANDUM OF POINTS AND AUTHORITIES

### 14 I. INTRODUCTION

#### 15 A. The Properties

##### 16 1. Aspen

17 The Aspen Property is an important part of the future of the Town of Florence. The  
18 Property is located southeast and southwest of the intersection of Valley Farms Road and Arizona  
19 Farms Road right in the residential heart of the future of Florence. The northern portion of the  
20 Applicant's proposed Eastern Alignment bisects the Property and would have a devastating affect  
21 on its future.  
22

##### 23 2. Dobson

24  
25

1 The Dobson Property is located to the northwest of the intersection of Valley Farms and  
2 Felix Roads to the northwest of the Aspen Property. The Dobson Property consists of  
3 approximately 1,900 acres of property currently being planned for residential development.

4 **B. The Importance of this Property**

5 Centex Homes ("Centex") is in the process of purchasing the Aspen Property. Centex  
6 Homes is one of the largest homebuilders in the world and its presence in Florence is of the utmost  
7 importance to the future of the area. Centex is currently planning the Aspen Property to  
8 accommodate approximately 4,300 homes. Centex's presence in Florence is a sign of the area's  
9 prosperity and if the Committee approves the northern portion of the Eastern Alignment it could be  
10 jeopardizing Centex's purchase and in so doing it could be depriving Florence of a partnership with  
11 a world class builder.

12 **C. Florence's Resolution**

13 The Town of Florence has recognized the importance of the Aspen Property, the Dobson  
14 Property and others along the proposed Eastern Alignment and its Council passed a Resolution in  
15 favor of the Preferred Alignment in this area. Dobson and Aspen's presence in this hearing is  
16 important to assist Florence and the community in protecting this important area for the future of the  
17 Town.

18 **II. ARGUMENT**

19 **A. The Committee has the Authority to Grant this Application to Intervene**

20 The Committee has broad discretion in granting party status at any time during these  
21 proceedings. A.R.S. § 40-360.05 provides that, "The parties to a certification proceeding shall  
22 include: .... 4. Such other persons as the committee or hearing officer may *at any time* deem  
23 appropriate." A.R.S. § 40-360.05(A)(4) (emphasis added). In fact, during the last hearing session  
24  
25

1 regarding Area C, the Committee utilized this power in granting intervention status to the Trinity  
2 Church. The Trinity Church is located in Area B and even though this portion of the hearing had  
3 concluded the Committee utilized the provisions of A.R.S. § 40-360.05(A)(4) to allow it limited  
4 intervention in this matter.

5 **B. Reasons to Grant Aspen and Dobson Intervenor Status**

6 **1. As Affected Property Owners it would be Unjust to Deny Aspen and**  
7 **Dobson Intervenor Status**

8 Aspen and Dobson are affected property owners that, along with the Town of Florence, will  
9 potentially suffer devastating impacts if the northern portion of the Eastern Alignment is selected.  
10 Just as the other property owners that are already involved in this matter, Aspen and Dobson have a  
11 right to be heard on the placement of the lines that will impact their properties. Because this  
12 Committee has the express power to allow intervention at this point it should use this power with an  
13 eye towards inclusion rather than exclusion of affected property owners.  
14

15 **2. Aspen and Dobson have a Stronger Argument than Trinity Church**

16 Because of the timing of this Application, Dobson and Aspen have an argument that is even  
17 stronger than the arguments that Trinity Church presented when it was granted intervention earlier  
18 in this hearing. When the Committee allowed Trinity Church to intervene it did so even though the  
19 church's area of interest had passed. Aspen and Dobson, unlike Trinity Church, still have the  
20 opportunity to present evidence and give testimony because they are only concerned with Area C.  
21 As the Committee knows, no Intervenor has begun presenting direct evidence in Area C and, unlike  
22 Trinity Church, Aspen and Dobson would have the opportunity to present evidence in the normal  
23 course of the proceedings. There would be no need to restrict or monitor their involvement in the  
24 proceedings as they could step in line with the other Intervenors.  
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**3. Recent Occurrences have Given Aspen and Dobson a Reason to get**

**Involved**

Like all other Intervenors over the past year, SRP and the Town of Florence have repeatedly told Aspen and Dobson that the northern portion of the Eastern Alignment is without support. Recently, the City of Coolidge passed a Resolution in favor of the Eastern Alignment. Given this recent event Aspen and Dobson are concerned and would like to be able to present evidence to the Committee explaining why the portion of the Eastern Alignment to the north of Highway 287 is unacceptable to the future successful development of all of Florence.

**4. It would not have made Sense for Aspen and Dobson to Monitor the**

**Entire Hearing**

Aspen and Dobson are only concerned with these properties in Area C and it would have been unreasonable for them to have employed Council to sit through the entire lengthy hearing when. Given the recent developments, Aspen and Dobson want to insure that their voices can be heard in this matter before it is too late.

**5. Centex Immediately Plans to begin Development of the Aspen Property**

Unlike the Intervenors known collectively as Walker Butte et al, Aspen and Centex have immediate plans to develop the Aspen Property. Centex, like Pulte Homes has real plans to build homes where the Eastern Alignment is currently proposed. The placement of the power lines along the northern portion of the Eastern Alignment would affect thousands of actual new home owners throughout the Aspen Property. While there are no immediate plans to develop the Walker Butte property, Centex, as one of the largest homebuilders in the world, is absolutely committed to the swift approval and construction of thousands of homes on the Aspen Property. In contrast, Walker

1 Butte is merely conceptual at this time and it is believed that no homebuilder has been contracted  
2 with to build.

3 **6. Aspen's Annexation into Florence is almost Complete**

4 The Aspen Property has begun the annexation process into the Town and this process should  
5 be completed within the next two to three months. During this time Centex is working with the  
6 Town to simultaneously gain approvals on all plans so that construction can begin as soon as  
7 possible, likely before the end of the year. Once the land to the south is annexed into the Town  
8 Dobson will then be able to annex his piece as well.

9 **C. Aspen and Dobson's Inclusion in these Proceedings will not Prejudice any**  
10 **Party**

11 Aspen and Dobson will not be raising any additional issues and will be arguing in concert  
12 with all Intervenor other than Walker Butte. This will not cause any delay to the proceedings and  
13 Aspen and Dobson will be making the same types of arguments that can be reasonably expected  
14 from other Intervenor. Aspen and Dobson realize that public comment is an available option,  
15 however, public comment does not allow them to be involved in the presentation of evidence and  
16 the cross-examination of other parties. Aspen and Dobson respectfully request the ability to  
17 participate in this matter as an intervenor rather than through the public comment option.  
18

19  
20 DATED this 4<sup>th</sup> day of March 2005.

21 ROSE LAW GROUP pc

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24 Court S. Rich, #021290  
25 7272 E. Indian School Road Suite 205  
Scottsdale, Arizona 85251  
Attorneys for Intervenor

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Pursuant to A.A.C. R14-3-204,  
The ORIGINAL and 25 copies were  
filed this 4<sup>th</sup> day of March, 2005,  
with:

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

COPY of the foregoing mailed this  
4<sup>th</sup> day of March, 2005, to:

Janice Allward  
Lisa Vandenberg  
Legal Division  
ARIZONA CORPORATION COMMISSION  
1200 W. Washington  
Phoenix AZ 85007  
Attorney for Commission Staff

Diane Targovnik, Esq. E-mail: [dtargovnik@cc.state.az.us](mailto:dtargovnik@cc.state.az.us)  
ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix AZ 85007

Ernest G. Johnson, Director  
Utilities Division  
ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, AZ 85007

Kelly J. Barr, Esq. E-mail: [kjbarr@srpnet.com](mailto:kjbarr@srpnet.com)  
SALT RIVER PROJECT  
Law Department  
PAB 221  
P.O. Box 52025  
Phoenix AZ 85072-0221

Laura Raffaelli, Esq. E-mail: [lfraffae@srpnet.com](mailto:lfraffae@srpnet.com)  
SRP - LEGAL SERVICES DEPARTMENT  
Mail Station PAB 207  
P.O. Box 52025  
Phoenix, AZ 85072-2025

Kenneth C. Sundlof, Jr., Esq. E-mail: [Sundlof@jsslaw.com](mailto:Sundlof@jsslaw.com)  
JENNINGS STROUSS & SALMON PLC

1 P.O. Box 34805  
Phoenix AZ 85067

2 Alicia M. Corbett, Esq. E-mail: [acorbett@gblaw.com](mailto:acorbett@gblaw.com)  
3 John R. Dacey, Esq. E-mail: [jdacey@gblaw.com](mailto:jdacey@gblaw.com)  
GAMMAGE & BURNHAM  
4 One Renaissance Square, Eighteenth Floor  
Two North Central Avenue  
5 Phoenix AZ 85004

6 Ursula H. Gordwin, Esq. E-mail: [ugordwin@ci.casa-grande.az.us](mailto:ugordwin@ci.casa-grande.az.us)  
Assistant City Attorney  
7 K. Scott McCoy, Esq. E-mail: [scottm@ci.casa-grande.az.us](mailto:scottm@ci.casa-grande.az.us)  
City Attorney  
8 CITY OF CASA GRANDE  
9 510 East Florence Boulevard  
Casa Grande AZ 85222

10 Roger K. Ferland, Esq. E-mail: [rferland@quarles.com](mailto:rferland@quarles.com)  
11 Michelle De Blasi, Esq. E-mail: [mdeblasi@quarles.com](mailto:mdeblasi@quarles.com)  
QUARLES BRADY STREICH LANG, LLP  
12 One Renaissance Square  
Two North Central Avenue  
13 Phoenix AZ 85004-2391

14 Leonard M. Bell, Esq. E-mail: [Leonard.bell@azbar.org](mailto:Leonard.bell@azbar.org)  
15 MARTIN & BELL, L.L.C.  
365 East Coronado, Suite 200  
16 Phoenix AZ 85004

17 George J. Chasse, General Partner & Limited Partner  
CASA GRANDE MOUNTAIN LIMITED PARTNERSHIP  
18 5740 East Via Los Ranchos  
Paradise Valley, AZ 85253

19 Lawrence V. Robertson, Jr., Esq. E-mail: [LVRRobertson@mungerchadwick.com](mailto:LVRRobertson@mungerchadwick.com)  
20 MUNGER, CHADWICK, P.L.C.  
National Bank Plaza, Suite 300  
21 333 North Wilmot  
22 Tucson AZ 8571

23 Karrin Kunasek Taylor, Esq. E-mail: [karrint@biskindlaw.com](mailto:karrint@biskindlaw.com)  
William Edward Lally, Esq. E-mail: [williaml@biskindlaw.com](mailto:williaml@biskindlaw.com)  
24 BISKIND HUNT & TAYLOR, P.L.C.  
11201 N. Tatum Blvd., Suite 330  
25 Phoenix, AZ 85028

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24  
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James E. Mannato, Esq. E-mail: [james.mannato@town.florence.az.us](mailto:james.mannato@town.florence.az.us)  
Florence Town Attorney  
775 North Main Street  
P.O. Box 2670  
Florence AZ 85232

James J. Heiler, Esq. E-mail: [jjheiler@aol.com](mailto:jjheiler@aol.com)  
APCO Worldwide  
5800 Kiva Lane  
Scottsdale AZ 85253