



RECEIVED

1 David Wm. West, Esq. #001793  
LAW OFFICES OF  
2 DAVID WM. WEST, P.C.  
9249 North Deer Trail  
3 Maricopa, Arizona 85239-4917  
(602) 263-7891  
4 Attorney for SOVA

2005 JUN 23 A 11: 45  
AZ CORP COMMISSION  
DOCUMENT CONTROL

BEFORE THE ARIZONA CORPORATION COMMISSION

5  
6  
7 )  
8 IN THE MATTER OF THE )  
9 APPLICAITON OF SALT RIVER )  
PROJECT AGRICULTURAL )  
10 IMPROVEMENT AND POWER DISTRICT) )  
ON BEHALF OF ITSELF AND )  
11 ARIZONA PUBLIC SERVICE )  
COMPANY, SANTA CRUZ WATER AND )  
12 POWER DISTRICTS ASSOCIATION, )  
SOUTHWEST TRANSMISSION )  
13 COOPERATIVE AND TUCSON )  
ELECTRIC POWER IN CONFORMATION) )  
14 WITH THE REQUIREMENTS OF )  
ARIZONA REVISED STATUTES )  
15 SECTION 40-360, ET. SEQ., FOR )  
A CERTIFICATE OF ENVIRONMENTAL) )  
16 COMPATIBILITY AUTHORIZING )  
CONSTRUCTION OF THE PINAL WEST) )  
17 TO SOUTHEAST VALLEY/BROWNING )  
PROJECT INCLUDING THE )  
18 CONSTRUCTION OF TRANSMISSION )  
LINES FROM PINAL WEST TO THE )  
19 BROWNING SUBSTATION AND OTHER )  
INTER- CONNECTION COMPONENTS )  
20 IN PINAL AND MARICOPA )  
COUNTIES, ARIZONA. )

Docket No. L00000B-04-0126  
Case No. 126  
REQUEST FOR REVIEW OF RECOMMENDED  
CERTIFICATE OF ENVIRONMENTAL  
COMPATIBILITY  
And  
REQUEST FOR ORAL ARGUMENT

Arizona Corporation Commission  
**DOCKETED**  
JUN 23 2005  
DOCKETED BY

21  
22 Save Our Valley Association ("SOVA") respectfully requests a  
23 review of the Power Plant and Transmission Line Siting Committee's  
24 decision in Case No. 126 regarding the 500 KV transmission line  
25 corridor beginning at the Pinal West Substation and extending to the  
26 Santa Rosa Substation, pursuant to A.R.S.§40-360.07.B. Furthermore,

1 SOVA respectfully requests oral argument before the Commission  
2 pursuant to A.R.S. §40-360.07.B.

3 SOVA is an informal committee of approximately 248 homeowners  
4 and landowners<sup>1</sup> effected by the siting of the subject 500 KV  
5 transmission line between the Pinal West and Santa Rosa Substation  
6 ("Area A"). SOVA opposed, before the Siting Committee, the Salt  
7 River Project ("SRP") preferred and alternate routes. SOVA proposed  
8 its own alternate route which was fully detailed and supported in  
9 the Siting Committee records, (and which was also driven and  
10 observed by members of the Siting Committee).

11 At the onset counsel is compelled to communicate to the  
12 Commission the many frustrations and deep disappointments of SOVA  
13 members regarding the siting process to date:

- 14 1. Many affected landowners did not receive notice of  
15 the siting proposed by SRP;
- 16 2. The notices used, while technically correct, were  
17 not easily understood by laymen;
- 18 3. Area A public meetings were the last meetings held  
19 and Area A was the first to be heard by the Siting  
20 Committee, allowing less time for affected  
21 homeowners and landowners to react and mobilize;
- 22 4. The full membership of the Siting Committee was  
23 never in attendance at any of the numerous hearing  
24

---

25 <sup>1</sup>The names and addresses of SOVA members are contained in the  
26 Siting Committee record.

1            dates attended by SOVA members.<sup>2</sup>

2            5. There were no written agendas for the hearing  
3            dates requiring counsel and SOVA members (and  
4            others) to needlessly attend on the basis that  
5            something might happen affecting them.

6            6. It was impossible in the public meetings held by  
7            SRP and Graystone to get meaningful and straight  
8            talk information from SRP or its representative,  
9            Graystone (in fact, one SOVA member, in  
10            desperation, wrote a Montana U.S. Senator who  
11            intervened to get some answers to her questions -  
12            - this correspondence is part of the Siting  
13            Committee Record, pages 1346-50 & SOVA Exhibit 9;

14           7. Big developers are treated as very special people  
15           by SRP and the Siting Committee while affected  
16           homeowners are virtually ignored in the actual  
17           siting of the transmission lines.

18           8. The approach of SRP is perhaps best described by  
19           Case Grande Mayor Chuck Walton, a straight-talking  
20           public official who is widely admired and  
21           respected in Pinal County, who said: " I think the  
22           public needs to know, through the whole process,

---

23  
24           <sup>2</sup> When the Siting Committee summarily disposed of the proposed  
25           SOVA Route, only 8 members were in attendance and only 5 very briefly  
26           spoke against the SOVA Route (with no vote taken).

1 SRP made promises they didn't live up to, they did  
2 some things they promised they wouldn't do. I  
3 won't go so far as to say they lied to us, but  
4 they didn't tell us the truth." (Source, Case  
5 Grande, Ariz. DISPATCH, May 11, 2005, page 11).

6 The SOVA Route is visually described in the attached SOVA  
7 Exhibit 5, a part of the Siting Committee Record. The SOVA Route is  
8 designated in green. Within the SOVA Route depicted the Case 61 APS  
9 230 KV Line corridor by dot-dash-dot symbols. The SOVA Route  
10 follows the APS 230 KV corridor except where the corridor cross  
11 State Trust Land. The SOVA Route goes around the subject State Trust  
12 Land to the south and the east. The SOVA Route then connects with  
13 the SRP Preferred and Alternate Routes on White Road to the Santa  
14 Rosa Substation. A more detailed narrative of the SOVA Route is  
15 found in the Siting Committee Record and a copy of that narrative is  
16 attached hereto.

17 The SOVA Route differs from the SRP Route in that it avoids  
18 going through Hidden Valley and its magnificent views sheds.  
19 Instead it goes behind (south) of Haley Hills by going through the  
20 BLM one mile-wide transmission line corridor, following the  
21 certified APS 230 KV transmission line corridor.

22 Approximately fifty percent (50%) of the SOVA Route is open  
23 terrain with no developed land. It consists of BLM land and desert  
24 terrain not likely not to be developed. Although the SOVA Route is  
25 longer, the right-of-way to be acquired is essentially the same.  
26 Less of the SOVA Route would be in rural residential. From a

1 constructability standpoint both the SOVA and SRP Routes are equal,  
2 because the SRP preferred alignment has a significant number of  
3 heavy steel angle structures, the total project cost should be  
4 essentially equal although the SOVA route is somewhat longer.  
5 Finally, the SOVA Route reduces visual intrusion. Siting Committee  
6 Record, Gary Rich, pages 1179-81.

7 SRP's witness testified that the project costs are estimated  
8 as follows:

9 SRP Preferred Route, \$22 million.

10 SRP Alternative Route, \$23 million.

11 SOVA Route, \$21 to \$22 million.

12 Siting Committee Record, pages 876-78.

13 The SOVA Route is approximately 11.3 miles and the preferred  
14 alignment approximately 8.2 miles to the common point. Siting  
15 Committee Records, page 1220. Since the routing through the BLM  
16 land is approximately 3 miles, this leaves about the same private  
17 land between the two routes. Siting Committee Record, pages 1220-  
18 21.

19 SOVA presented highly-qualified experts who testified on the  
20 environmental and engineering aspects of the SOVA Route, and in  
21 support of the SOVA Route. See Siting Committee Record, Kenneth R.  
22 Carothers, page 1102, SOVA Exhibits 1 through 5, and Gary Rich, page  
23 1173, SOVA Exhibits 6 through 8. Mr. Carothers is the manager and  
24 co-owner of Carothers Environmental, an Arizona consulting business.  
25 He has some 18 years experience in environmental matters, including  
26 NEPA and the Endangered Species Act. Mr. Rich, an Arizona resident,

1 has 40 years experience in the research, development, routing,  
2 permitting, design, construction, reconstruction, maintenance and  
3 upgrades of high voltage lines.

4 SRP's witnesses testified that the environmental concerns  
5 regarding the SOVA Route were essentially the same as the concerns  
6 regarding the SRP Routes and would involve the same mitigation  
7 techniques. See Siting Committee Record, page 884 and pages 917  
8 through 920; also, see Carothers, pages 1116-17.

9 SRP's witness testified that, if there were a two (2) year  
10 delay from 2007 to 2009 in the project, they could continue to  
11 provide services to customers using existing sources. See Siting  
12 Committee Record, Robert E. Kondziolka, page 325.

13 The APS 230 KV line corridor SOVA proposes to use was  
14 certified in Case 61 in 1982, 23 years ago. The APS 230 KV  
15 transmission line was to originate at the Santa Rosa Substation and  
16 proceed west until intersecting with the existing TEP 345 KV  
17 transmission line. It was then to parallel the TEP line for  
18 approximately five (5) miles, crossing Vekol Wash and Haley Hills to  
19 just south of the El Paso Natural Gas pipeline, etc. Kurbs  
20 testimony, page 6.

21 In Case 61, Martin E. Kurbs of APS, testified that line  
22 construction would begin in June, 1984 and was scheduled for  
23 completion between June and December, 1985. The timetable was in  
24 conjunction with APS planning to provide service to the proposed  
25 Provident oil refinery to be located south of Mobile, Arizona. Oct.  
26 16, 1982, Siting Committee transcript, pages 8-9 and 16. Also,

1 testimony of Russell D. Hulse of APS, Oct. 15, 1982, Siting  
2 Committee transcript, page 6.

3 As we all know, no oil refinery was, or is being, built near  
4 Mobile, Arizona. Presumably the oil refinery in question is to be  
5 built near Yuma, Arizona. Moreover, APS did not build the subject  
6 230 KV line during 1984-85, or ever. Thus the Case 61 APS 230 KV  
7 corridor remains vacant, and can and should be utilized as the SOVA  
8 Route.

9 Evidently the boogeman which inappropriately and incorrectly  
10 spooked members of the Siting Committee regarding the SOVA proposed  
11 Route was the disappointing results of Case No. 111. In that Case  
12 TEP proposed siting a transmission line to Nogales through Forest  
13 Service land. The Forest Service required full NEPA compliance and,  
14 after several years, it rejected the route.

15 There is absolutely no parallel to be drawn between the TEP  
16 route and the SOVA proposed Route. First, the SOVA proposed Route  
17 would go through Bureau of Land Management ("BLM") land  
18 administrated by the Phoenix office of the BLM. The Phoenix office  
19 of the BLM has never yet required a full NEPA Environmental Impact  
20 Statement ("EIS"). Second, while the TEP route was a new route, the  
21 BLM route proposed by SOVA is an established one-mile wide BLM  
22 transmission line corridor with an existing line and other approved  
23 lines. Siting Committee Record, page 1188, line 23 through page  
24 1190, line 9.

25 While never even raised as an issue in the SRP/Greystone  
26 public meetings held in Area A, reliability suddenly became a big

1 issue in the Siting Committee hearings for the first time. Gary  
2 Rich, SOVA's highly-qualified expert witness, responded by  
3 recommending " a 2,000 foot corridor separation" through the BLM  
4 one-mile wide transmission line corridor. Mr. Rich's went on to  
5 state:

6 "By applying this corridor separation criteria that has  
7 been established and well used over many years, is that  
8 it can be applied to this project [the SOVA Route] and  
9 will provide the necessary reliability."

10 Siting Committee Record, pages 1188-1192.

11 Moreover, the record contains discussion regarding the pros  
12 and cons of double-circuiting 500 KV transmission lines. Mr. Rich's  
13 position is"

14 "Double circuit 500 KV lines have been built in the  
15 west for 30 years that I'm aware of, with a great  
16 degree of reliability. I know of no statistical or  
17 anecdotal data that would suggest that a double circuit  
18 500 KV line is any less reliable than two single  
19 circuit 500 KV lines in the same corridor.

20 Siting Committee Record, page 1218.

21 Only at issue is whether or not SRP and the Commission Staff will  
22 leave the nineteenth and early twentieth centuries and embrace  
23 proven, cost-saving modern technology!

24 The tragedy of siting the SRP Route through Hidden Valley is  
25 perhaps best described by A. Wayne Smith, a member of the Siting  
26 Committee. Mr. Smith, while going along with the SRP Route, stated:

1 "I think that you all know my values probably in the  
2 past has always been towards aesthetics, and I find in  
3 the field trip this is probably the more beautiful area  
4 that we traversed any of these routes.

5 \* \* \*

6 It's a shame that, as I say, this is probably the  
7 most aesthetic area that this application goes  
8 through . . . ."

9 Siting Committee Record, page 4045.

10 Why destroy the beauty of Hidden Valley when the proposed 500  
11 KV transmission line can be routed through existing, established  
12 transmission line corridors!

13 RESPECTFULLY SUBMITTED this 23<sup>rd</sup> day of June, 2005.

14  
15   
16 David Wm. West  
17 Attorney for  
18 SAVE OUR VALLEY ASSOCIATION

18 ORIGINAL hand-delivered to  
19 the Commissioners' Division,

20 And

21 An Original and 25 copies  
22 of the foregoing filed this  
23 23<sup>rd</sup> day of June, 2005,  
with:

24 Docket Control  
25 Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, Arizona, 85007

26 And

1 COPIES of the foregoing mailed  
2 this 23<sup>rd</sup> day of June, 2005, to:

3 Laurie A. Woodall, Chairman  
4 Arizona Power Plant and  
5 Transmission Line  
6 Siting Committee  
7 Office of the Attorney General  
8 1275 West Washington  
9 Phoenix, AZ 85007-2926

10 Diane Targovnik, Esq.  
11 Legal Division  
12 Arizona Corporation Commission  
13 1200 West Washington Street  
14 Phoenix, AZ 85007  
15 (Attorney for Staff of Utilities Division of ACC)

16 Ernest G. Johnson, Director  
17 Utilities Division  
18 Arizona Corporation Commission  
19 1200 West Washington Street  
20 Phoenix, AZ 85007

21 Kelly J. Barr, Esq.  
22 Salt River Project Law Department  
23 P.O. Box 52025 PAB 221  
24 Phoenix, AZ 85072-0221

25 Laura Raffaelli, Esq.  
26 Salt River Project  
27 Legal Services Dept.  
28 Mail Station PAB 207  
29 P.O. Box 52025  
30 Phoenix, AZ 85072-0221  
31 (Attorney for Salt River Project)

32 Kenneth C. Sundlof, Jr., Esq.  
33 Jennings Strouss & Salmon PLC  
34 201 East Washington, 11<sup>th</sup> Floor  
35 Phoenix, AZ 85044  
36 (Attorney for Salt River Project)

37 Mr. Walter Meek  
38 AUIA  
39 2100 N. Central Ave., Suite 210  
40 P.O. Box 34805  
41 Phoenix, AZ 85067

42 John R. Dacey, Esq.  
43 Gammage & Burnham  
44 One Renaissance Square, 18<sup>th</sup> Floor  
45 Two North Central Ave  
46 Phoenix, AZ 85004  
47 (Attorney for Miller Holdings, Inc.)

1 Ursula H. Gordwin, Esq.  
Assistant City Attorney  
2 City of Casa Grande  
510 East Florence Boulevard  
3 Casa Grande, AZ 85222  
(Attorney for City of Casa Grande)  
4

5 Roger K. Ferland, Esq.  
Michelle De Blasi, Esq.  
Quarles Brady Streich Lang, LLP  
6 One Renaissance Square  
Two North Central Avenue  
7 Phoenix, AZ 85004-2391  
(Counsel for Del Mar Development,  
8 Robert & Rob Knorr of Knorr Farms,  
and Trinity Baptist Church)  
9

10 Leonard M. Bell, Esq.  
Martin & Bell, LLC  
365 East Coronado, Suite 200  
11 Phoenix, AZ 85004  
(Counsel for Casa Grande Mountain Limited Partnership)  
12

13 George J. Chasse, General Partner & Limited Partner  
Casa Grande mountain Limited Partnership  
5740 East Via Los Ranchos  
14 Paradise Valley, AZ 85253

15 Lawrence V. Robertson, Jr., Esq.  
Munger, Chadwick, PLC  
16 National Bank Plaza, Suite 300  
333 North Wilmot  
17 Tucson, AZ 85711  
(Counsel for Walker Butte 700, LLC et al)  
18

19 James E. Mannato, Esq.  
775 North Main Street  
P.O. Box 2670  
20 Florence, AZ 85232  
(Counsel for the Town of Florence)  
21

22 Jordan Rich Rose, Esq.  
Court S. Rich, Esq.  
Kay Bigelow, Esq.  
23 Rose Law Group, PC  
7272 East Indian School Road, Suite 306  
24 Scottsdale, AZ 85251-0001  
(Counsel for Langley Properties, LLC, et al)  
25  
26

1 Karrin Kunasek Taylor, Esq.  
William Edward Lally, Esq.  
2 Biskind Hunt & Taylor, PLC  
11201 North Tatum Blvd., Suite 330  
3 Phoenix, AZ 8502 (Counsel for Pital  
Sandia, LLC; First American Title  
4 Company, as Trustee of its Trust  
Nos. 8572, 8573, and 8574;  
5 Wuertz Farming Limited Company,  
LLC; Sundance Farms Limited  
6 Partnership, LLP; McKinney Farming  
Company; Sarah Wuertz; Gregory Wuertz;  
7 Carol Wuertz Behrens; and David Wuertz)

8 James J. Heiler, Esq.  
APCO Worldwide  
9 5800 Kiva Lane  
Scottsdale, AZ 85253  
10 (Counsel for Meritage Homes Corporation)

11 Paul E. Gilbert, Esq.  
Beus Gilbert PLLC  
12 4800 North Scottsdale Road  
Suite 6000  
13 Scottsdale, AZ 85251-7630

14 Steven A. Hirsch, Esq.  
Rodney W. Ott, Esq.  
15 Bryan Cave LLP  
One Renaissance Square, Suite 2200  
16 Two North Central Avenue  
Phoenix, AZ 85004-4406  
17 (Counsel for Vanguard Properties, et al)

18  
19 L. Q. H. West

20 C:\My Documents\RANCH\SRP Power Line\ACC Request for Review.srv.wpd

21

22

23

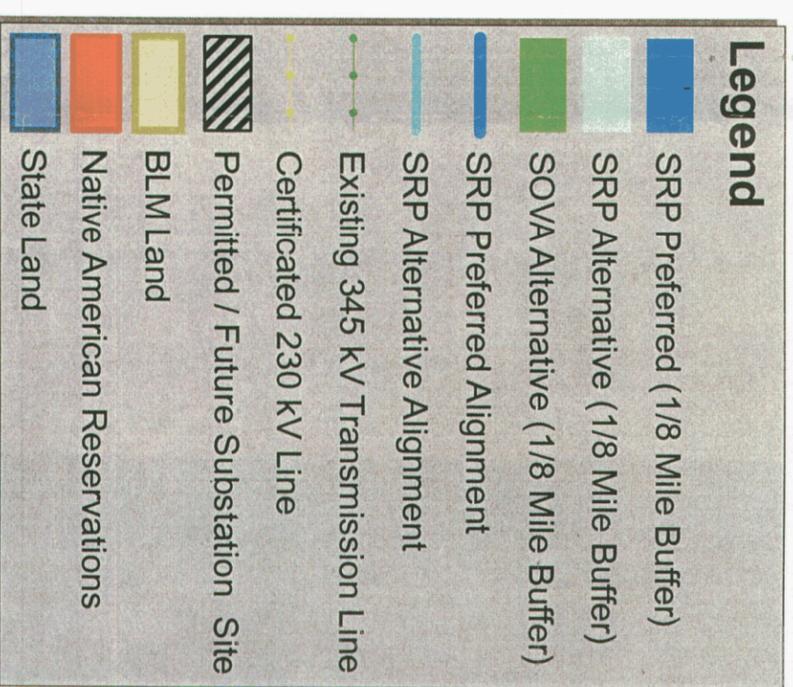
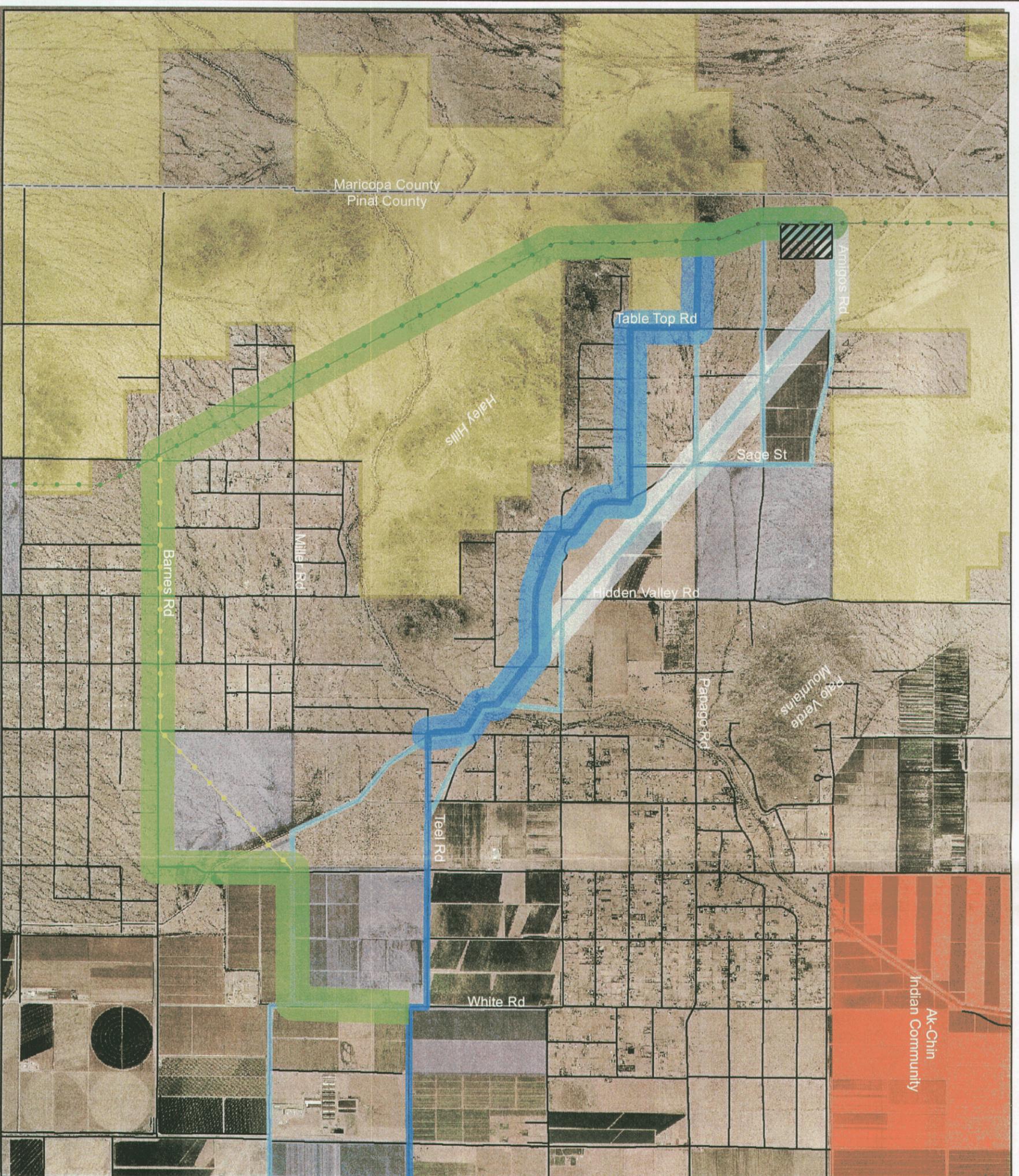
24

25

26

# Pinal West/SEV Browning Project Proposed SOVA Route

## Exhibit Number SOVA - 5



Aerial Flight Date: July, 2004



Scale 1 : 40,000

1 feel for not only this project, or other projects that  
2 would be proposed. I also reviewed the biennial  
3 transmission assessment from the Corporation Commission.

4 I talked to the BLM, I have met with SRP, I  
5 have met with the Corporation Commission, I have met with  
6 SRP's environmental consultant, I've also done field  
7 reconnaissance of the area.

8 Q. When you say field reconnaissance, could you  
9 be a little more specific in that regard?

10 A. I reviewed, in the field, the SRP preferred  
11 routes, their alternate routes, as well as the route that  
12 was being put forth as the SOVA route.

13 Q. I wonder if we might have what is the last  
14 slide in the PowerPoint presentation up on the screen.  
15 Slide 12, is that still available?

16 Mr. Rich, do you have a laser pointer  
17 available to you?

18 A. Yes, I do.

19 Q. Would you describe for the members of the  
20 Committee and the parties and for the record in sufficient  
21 detail that can be reflected in the record the proposed  
22 SOVA alignment that you personally have recommended  
23 following your review, starting with the Pinal West  
24 substation and proceeding over towards the point of  
25 intersection at White and Teel Roads.

1           A.       The proposed alignment begins at Pinal West  
2       substation, paralleling the existing TEP Westwing 345,  
3       Westwing 345 line to South. It exits Pinal West, follows  
4       the existing corridor through open desert terrain down to,  
5       right about this angle point, which has been referred to  
6       by various people as, quote, the pinch point. It's a very  
7       narrow saddle that the existing line traverses.

8           SRP preferred alternative is in the same  
9       corridor for the first section coming out of Pinal West.  
10      It breaks off to the east with the route that we are  
11      looking at continues south, paralleling the TEP 345  
12      corridor, down, crossing the detention basin in this area,  
13      continues down, exits the BLM property at Miller Road,  
14      continues to parallel with the TEP line down to Barnes,  
15      continues along Barnes over to Ralston, at which point it  
16      turns north one mile to Miller, east, along Miller to  
17      White, and then north on White Road to the intersection  
18      with the preferred corridor.

19           The route basically follows the TEP 230 kV  
20      route that was certificated in Case 64, with the exception  
21      of the section of state land where, because of comments  
22      that I had received in talking to various individuals and  
23      others, that the state lands does not look kindly to  
24      diagonalizing through their property. So we have made the  
25      suggestion that the SOVA route would go along the

1 boundaries of the state property.

2 Q. Mr. Rich, is the 230 kV line that you just  
3 referred to the APS proposed line that would run between  
4 Santa Rosa substation and Gila Bend substation?

5 A. Yes, it is.

6 Q. If I were to correct you and suggest that that  
7 line was approved in Siting Committee Case No. 61 instead  
8 of 64, would you accept that correction?

9 A. Yes, I would.

10 Q. This afternoon, or actually, just before we  
11 broke for the noon recess, one of the attorneys asked  
12 Mr. Carothers whether, from a biological or cultural  
13 resources perspective, the SOVA route was more preferable  
14 than either the SRP preferred route or the SRP alternate,  
15 and Mr. Carothers' response was no, it was not necessarily  
16 any more preferable. They were essentially the same.

17 Let me ask you, from your consulting and  
18 professional perspective, to describe to the Committee  
19 what you believe to be the advantages of SOVA's route  
20 versus Salt River Project's preferred and alternate  
21 routes.

22 A. I think there are a number of distinct  
23 advantages to the SOVA route.

24 One, I feel the main primary advantages is the  
25 fact that approximately 50 percent of the route is in open