

ORIGINAL

DECONCINI McDONALD YETWIN & LACY



0000024242

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

2525 EAST BROADWAY BOULEVARD • SUITE 200 • TUCSON, ARIZONA 85716-5300

(520) 372-5000 (520) 332-5585 (Fax)

28

RECEIVED

EVO DECONCINI (1901-1986)

JOHN R. MCDONALD
RICHARD M. YETWIN
JOHN C. RICHARDSON
SPENCER A. SMITH
DENISE M. BAINTON
WAYNE E. YEHLING
SHELTON L. FREEMAN
ALYCE L. PENNINGTON
NATHAN B. HANNAH
NANCY J. MARCH
IRA M. SCHWARTZ
HEATHER K. GAINES
STACY RUPPRECHT BUTLER
MICHAEL E. NEUMANN

DENNIS DECONCINI
JOHN C. LACY
JAMES A. JUTRY
MICHAEL R. URMAN
GARY F. URMAN
DAVID V. SANDERSON
ALAN L. STEIN
LISA ANNE SMITH
ALICE W. CALLISON
ALAN N. ARIAV
MICHAEL A. CORDIER
SHEFALI MILCZAREK-DESAI
SARAH LYNN WRIGHT

2005 AUG 29 1P 2:11

AZ CORP COMMISSION
DOCUMENT CONTROL

7310 N. 16TH STREET, SUITE 330
PHOENIX, ARIZONA 85020
(602) 282-0500
FAX (602) 282-0520

19 WEST BIRCH AVENUE
FLAGSTAFF, ARIZONA 86001
(928) 214-0466
FAX: (928) 214-6212

517 "C" STREET, NE
WASHINGTON, D.C. 20002-7307
(202) 546-6900
FAX: (202) 543-5044

SARA J. VANCE - OF COUNSEL

August 25, 2005

www.deconcinimcdonald.com

PLEASE REPLY TO TUCSON

rfimbres@dmyl.com

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

**RE: In the Matter of Service Quality Issues, Analysis of Transmission
Alternatives and Proposed Plan of Action in the Santa Cruze Electric
Division of Citizens Utilities Company (Now the Santa Cruz Division of
Unisource Electric)
Case No.: E-01032A-99-0401**

Dear Sir or Madam:

Enclosed please find for filing an original and 14 copies of a Response to Motion in Limine regarding the above matter.

Please file the original returning one copy in the envelope I have provided. Thank you for your time.

Sincerely,

Rebecca Fimbres
Legal Secretary to Nathan B. Hannah

enclosures
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1 DECONCINI McDONALD YETWIN & LACY, RECEIVED
2525 EAST BROADWAY BLVD., SUITE 200
2 TUCSON, AZ 85716-5300
(520) 322-5000

2005 AUG 29 P 2: 12

4 Nathan B. Hannah (AZ # 10908) AZ CORP COMMISSION
Attorneys for Inscription Canyon Ranch, LP DOCUMENT CONTROL

5 **BEFORE THE ARIZONA CORPORATION COMMISSION**

7 IN THE MATTER OF SERVICE
8 QUALITY ISSUES, ANALYSIS OF
9 TRANSMISSION ALTERNATIVES
10 AND PROPOSED PLAN OF ACTION
11 IN THE SANTA CRUZE ELECTRIC
12 DIVISION OF CITIZENS UTILITIES
COMPANY (NOW THE SANTA
CRUZ DIVISION OF UNISOURCE
ELECTRIC).

NO. E-01032A-99-0401

RESPONSE TO MOTION IN LIMINE

13 Inscription Canyon Ranch LP, by and through undersigned counsel, hereby responds
14 in opposition to the Motion in Limine filed by Commission Staff in this matter on August
15 22, 2005. Inscription Canyon Ranch requests that the motion be denied because granting
16 the motion would unnecessarily and improperly limit the presentation of evidence that is
17 relevant to the issues that are to be decided in this matter, and because the motion is fatally
18 vague as to the very question it purports to present, i.e. the nature and scope of the evidence
19 that is sought to be excluded.

20 Staff's motion seeks to have limits placed on the evidence to be presented in this
21 matter, although just what evidence would be excluded is not at all clear from the motion.
22 Staff argues that "any extensive discussion of route alternatives should not be done in this
23 proceeding." Staff's position ignores, however, the practical reality of the issues to be
24 decided in this matter. Discussion of route alternatives is necessarily a part of those issues
25 and should not be preemptively excluded.

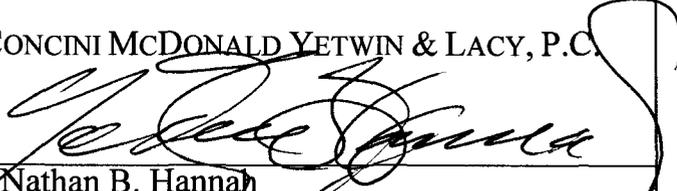
1 The testimony of Gary Rich filed by Marley Cattle Company is a prime example of
2 evidence that goes to the heart of the issues in this matter, yet could easily fall within the
3 vague and overbroad exclusionary ruling sought in the motion. Mr. Rich's testimony
4 presents as an alternative for improving reliability the conversion of the existing
5 transmission line to Santa Cruz County from a single circuit to a double circuit. That
6 alternative obviously implicates "proposed routing alternatives," which Staff contends
7 should not be discussed in this matter. The issue of improving reliability cannot be decided
8 in a vacuum, however, and cannot be properly considered without a discussion of route
9 alternatives.

10 Inscription Canyon Ranch believes that all other parties to this proceeding, with the
11 possible exception of UNSE/TEP, will agree that exclusion of any discussion of proposed
12 routing alternatives would deprive the Commission of potentially valuable information in
13 determining what measures should be taken to improve reliability. Staff's apparent concern
14 that this matter will devolve into a discussion of issues not relevant to improving reliability
15 is unfounded based upon the submissions of the parties. None of the parties have presented
16 evidence in this proceeding, that, for example, the proposed "Western Route" should be
17 favored over the proposed "Central Route." Such evidence has not been presented because,
18 at least as far as Inscription Canyon Ranch is aware, no one has contended that
19 considerations of reliability would be a factor in a choice between those routing
20 alternatives. If reliability considerations are a factor in choosing between routing
21 alternatives, however, those considerations, and hence the routing alternatives, plainly can
22 and should properly be considered in this proceeding.

23 Staff's motion would unnecessarily and detrimentally limit the information to be
24 presented on the central issue in this proceeding, which is how to improve reliability in
25 Santa Cruz County. Because the limitation sought by staff would impair consideration of
26 the central issue in this proceeding, the motion should be denied.

1 Respectfully submitted this 25th day of August, 2005.

2 DECONCINI McDONALD YETWIN & LACY, P.C.

3
4 By: 

5 Nathan B. Hannah
6 2525 E. Broadway Blvd., Suite 200
7 Tucson, AZ 85716-5300
8 Attorneys for Inscription Canyon Ranch, LP
9
10
11

12 The Original and thirteen (13) copies
13 of the foregoing were mailed this
14 25th day of August, 2005 to:

15 Docket Control
16 Arizona Corporation Commission
17 1200 West Washington Street
18 Phoenix, AZ 85007

19 COPY of the Foregoing mailed this
20 25th day of August, 2005, to:

21 Laurie A. Woodall, Chairman
22 Arizona Power Plant and Transmission
23 Line Siting Committee
24 Office of the Attorney General
25 1275 W. Washington Street
26 Phoenix, AZ 85007

Jane L. Rodda
Administrative Law Judge
Arizona Corporation Commission
400 W. Congress, Suite 218
Tucson, AZ 85701 1352

- 1 Steven Glaser
Tucson Electric Power Company
- 2 PO Box 711
- 3 Tucson, AZ 85702

- 4 Raymond S. Heyman
Roshka Heyman & Dewulf
- 5 One Arizona Center
400 East Van Buren Street, Suite 800
- 6 Phoenix, AZ 85004

- 7 Steven J. Duffy
Ridge & Isaacson
- 8 3101 N. Central Avenue, Suite 1090
- 9 Phoenix, AZ 85012

- 10 Holly J. Hawn
Santa Cruz County Attorney
- 11 2150 N. Congress Drive, Suite 201
- 12 Nogales, AZ 85621

- 13 Timothy M. Hogan
Arizona Center for Law in the Public Interest
- 14 202 E. McDowell Road, Suite 153
- 15 Phoenix, AZ 85004

- 16 Jeffrey Harris
Public Service Company of New Mexico
- 17 2401 Aztec Road NE, MSZ245
- 18 Albuquerque, NM 87107

- 19 Thomas Campbell
Lewis & Roca
- 20 40 N. Central Avenue
- 21 Phoenix, AZ 85004

- 22 Donald Weinstein
Sonoita Crossroads Community Forum
- 23 PO Box 228
- 24 Sonoita, AZ 85637

- 25
- 26

- 1 William L. Kurtz
Ellen L. Kurtz
- 2 HC 65 Box 7990
- 3 Amado, AZ 85645

- 4 David Hodges
Ecosystem Defense & Policy Director
- 5 Sky Island Alliance
PO Box 41165
- 6 Tucson, AZ 85717

- 7 Bob Witzeman
- 8 Maricopa Audubon Society
4619 E. Arcadia Lane
- 9 Phoenix, AZ 85018

- 10 Emilio E. Falco
- 11 PO Box 3371
Tubac, AZ 85646

- 12
- 13 Jean England Neibauer
Rock Corral Ranch
- 14 PO Box 177
Tumacacori, AZ 85640

- 15
- 16 Lainie Levick
Sierra Club, Rincon Group
- 17 738 N. 5th Avenue, #214
Tucson, AZ 85701

- 18
- 19 Jeff McGuire
PO Box 1046
- 20 Sun City, AZ 85372

- 21 Mike Whalen
Mesa City Council
- 22 PO Box 1466
- 23 Mesa, AZ 85211

- 24
- 25
- 26

- 1 Margaret Trujillo
Maricopa County RBHA
2 Service Integration Officer - Value Options
444 N. 44th Street, Suite 400
3 Phoenix, AZ 85008
4
- 5 Ray Williamson, Utilities Engineer
Arizona Corporation Commission
1200 W. Washington Street
6 Phoenix, AZ 85007
7
- 8 Anthony Como
Deputy Director - Electric Power Regulation
Office of Fossil Energy
9 US Department of Energy
1000 Independence Avenue, SW
10 Washington, DC 20585
11
- 12 Jeanie A. Derby
Coronado National Forest Supervisor's Office
US Department of Agriculture
13 300 W. Congress
14 Tucson, AZ 85701
15
- 16 Shela McFarlin, Field Manager
US Department of Interior
Bureau of Land Management Field Office
17 12661 E. Broadway
18 Tucson, AZ 85748
19
- 20 Linda Beals, Manager
Right-of-Way Section
Arizona State Land Department
1616 W. Adams Street
21 Phoenix, AZ 85007
22
- 23 Lori Faeth
Policy Advisor for Natural Resources and Environment
Executive Office of the Governor
24 State of Arizona
1700 W. Washington Street
25 Phoenix, AZ 85007
26

1 Paul Johnson, Sr.
White House Task Force (WH-1)
2 1000 Independence Avenue, SW
3 Washington, DC 20585

4 Jeremy A. Lite
Kevin D. Quigley
5 Quarles & Brady Streich Lang, LLP
Renaissance One
6 Two N. Central Avenue
7 Phoenix, AZ 85004 3391

8 Michele L. Lorenzen
Ryley Carlock & Applewhite
9 One N. Central Avenue, Suite 1200
10 Phoenix, AZ 85004

11 Walter W. Meek
Arizona Utility Investors Association
12 2100 N. Central Avenue, Suite 210
13 Phoenix, AZ 85004

14 Hugh Holub
777 N. Grand Avenue
15 Nogales, AZ 85621

16 P. Lawrence Klose
17 City Attorney
City of Nogales
18 777 N. Grand Avenue
19 Nogales, AZ 85621

20 Richard F. Ahern
US Department of Energy, Room 6A-113, GC-51
21 1000 Independence Avenue, SW
22 Washington, DC 25085

23 Marshall Magruder
PO Box 1267
24 Tubac, AZ 85646

25
26

1 Paul W. Rasmussen
Arizona Department of Environmental Quality (ADEQ)
2 1110 W. Washington Street
3 Phoenix, AZ 85007

4 Gregg Houtz
Arizona Department of Water Resources (ADWR)
5 500 N. Third Street
6 Phoenix, AZ 85004 3903

7 Mark McWhirter
Arizona Department of Commerce Energy Office
8 Second Floor North, Suite 220
9 1700 W. Washington Street
Phoenix, AZ 85007

10 A. Wayne Smith
11 6106 South 32nd Street
12 Phoenix, AZ 85040

13 Sandie Smith, Supervisor
Pinal County Board of Supervisors
14 575 N. Idaho Road, #101
15 Apache Junction, AZ 85219

16 Stephen Ahern
Residential Utility Consumer Office (RUCO)
17 1110 W. Washington Street, Suite 220
18 Phoenix, AZ 85007

19 Stephen Tencza
Glenn Hansel
20 International Boundary and Water Commission
865 Rio Rico Industrial park
21 Rio Rico, AZ 85648

22 Brian Segee
23 Defenders of Wildlife
1130 Seventeenth Street
24 Washington, DC 20046 4604

25

26

1 C. Webb Crockett
Patrick J. Black
2 Fennemore Craig, P.C.
3 3003 N. Central Avenue, Suite 2600
Phoenix, AZ 85012 2913

4 Christopher Kempley, Chief Counsel
5 Legal Division
6 Arizona Corporation Commission
1200 W. Washington Street
7 Phoenix, AZ 85007

8 Ernest Johnson, Director
9 Utilities Division
Arizona Corporation Commission
10 1200 W. Washington Street
Phoenix, AZ 85007

11
12 Arizona Reporting Service, Inc.
2627 N. Third Street, Suite Three
13 Phoenix, AZ 85004 1104

14 Matt Skroch
Sky Island Alliance
15 PO Box 41165
Tucson, AZ 85717

16 Jessie Shinn
17 Assistant to the Director
Tucson, Audubon Society
18 300 E. University Blvd, #120
Tucson, AZ 85705

19 Howard Shanker
20 The Shanker Law Firm, PLC
600 East Baseline Road, Ste., C-8
21 Tempe, AZ 85283-1210

22 Lyn Farmer
Chief, Hearing Division
23 Arizona Corporation Commission
1200 West Washington Street
24 Phoenix, AZ 85007

25
26 I:\FILES\DOCS\CROL01\200589\PLDG\EP5670.DOC