



BEFORE THE ARIZONA CORPORATION COMMISSION

- 1 JEFF HATCH-MILLER
- 2 Chairman
- 3 WILLIAM A. MUNDELL
- 4 Commissioner
- 5 MARC SPITZER
- 6 Commissioner
- 7 MIKE GLEASON
- 8 Commissioner
- 9 KRISTIN K. MAYES
- 10 Commissioner

11 IN THE MATTER OF THE APPLICATION )  
 12 OF SALT RIVER PROJECT )  
 13 AGRICULTURAL IMPROVEMENT AND )  
 14 POWER DISTRICT ON BEHALF OF )  
 15 ITSELF AND ARIZONA PUBLIC )  
 16 SERVICE COMPANY, SANTA CRUZ )  
 17 WATER AND POWER DISTRICTS )  
 18 ASSOCIATION, SOUTHWEST )  
 19 TRANSMISSION COOPERATIVE, INC. )  
 20 AND TUCSON ELECTRIC POWER IN )  
 21 CONFORMANCE WITH THE )  
 22 REQUIREMENTS OF ARIZONA )  
 23 REVISED STATUTES SECTION 40-360, )  
 24 et. seq., FOR A CERTIFICATE OF )  
 25 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

**APPLICATION FOR REHEARING  
 PURSUANT TO A.R.S. § 40-253(A)  
 AND/OR REQUEST FOR  
 RECONSIDERATION PURSUANT  
 TO A.R.S. § 40-360.07(C)**

AZ CORP COMMISSION  
 DOCUMENT CONTROL

2005 SEP 14 P 3:39

RECEIVED

Pursuant to A.R.S. §§ 40-253(A) and 40-360.07(C) Intervenor, Pulte Home Corporation hereby files its Request for Rehearing/Request for Review ("Request for Review") of the

1 Commission's Final Order issued in Line Siting Case No. 126 on August 25, 2005 (the "Order").  
2 This Request for Review is limited in scope and is being submitted for the sole purpose of  
3 requesting that the Commission modify its Order to extend the existing one mile corridor along the  
4 Union Pacific Railroad south to include the area between Node 81 and a point south approximately  
5 10,800 feet along the northern bank of the Gila River (the "Area of Requested Corridor Extension")  
6 to provide for a full one (1) mile corridor (half mile on either side of the centerline). Extending the  
7 already expanded corridor to the south will allow the approved alignment to be sited to avoid the  
8 heart of a master planned community and a platted subdivision and will reduce impacts on future  
9 residents and homeowners.

10 **I INTRODUCTION**

11 During the Commission's deliberations on this matter certain Commissioners proposed  
12 providing a one mile wide corridor along the portion of the approved alignment running along the  
13 Union Pacific Railroad (the "UPR") between Nodes 81 and 45 in the Florence area. This proposal  
14 ultimately was adopted giving the Applicant greater flexibility and opportunity to avoid existing and  
15 future residents and to work with Pulte to lessen overall impacts on its project. The requested  
16 extension of the one mile wide corridor is consistent with the Line Siting Committee's earlier  
17 attempts to provide an expanded one mile corridor in areas with existing residents and where future  
18 development is planned near Florence.

19 A portion of the expanded corridor travels along the UPR through Pulte Home's Anthem at  
20 Merrill Ranch planned area development ("Anthem"). The location of the approved alignment and  
21 the expanded corridor area in relation to the Anthem project is depicted on the attached Exhibit "A"  
22 (Exhibit "A" is a reproduction of Exhibit L-15 modified only to show the location of the approved  
23 alignment). While the expanded corridor along UPR will provide some flexibility in the Anthem  
24  
25

1 project, the lack of a similarly expanded corridor in the southeastern portion of Anthem leaves Pulte  
2 and the Applicant in the difficult position of trying to work in a small area to avoid already planned  
3 housing and commercial development. Exhibit "B" is a close up look at the area in the southeast of  
4 Anthem and shows the direct conflict between the selected alignment and this already planned  
5 portion of Anthem and surrounding development.

6 This Request asks that the Commission extend the expanded corridor south to reduce  
7 impacts on Pulte's Anthem and surrounding projects in the small area bordered on the north by  
8 Node 81 to a point approximately 10,800 feet south along the northern bank of the Gila River (the  
9 "Area of Requested Corridor Extension"). As the Commission knows, Anthem has final platted  
10 subdivisions that had already begun construction when the alignment was moved from the original  
11 long-standing Preferred Alignment to the UPR through Anthem. The alignment as approved only  
12 provides a 1,000 foot corridor (500 feet on each side of the center line) in the Area of Requested  
13 Corridor Extension.

14 The Commission can alleviate many planning problems for Anthem, the Town of Florence  
15 and for the Applicant if it grants this Request and extends the expanded corridor south in this small  
16 area to the full one mile that law allows. This one mile corridor is the same width of that which was  
17 originally noticed by the Applicant.  
18

19  
20 **II. ARGUMENT**

21 **A. Fundamental fairness dictates that this small portion of the approved**  
22 **alignment be modified to extend the wider corridor**  
23  
24  
25

1 As the extensive record in this matter reflects, Pulte Home's Anthem project is very far  
2 along in the development process. It is because of Pulte's position in the development process that  
3 that in all fairness this expanded corridor should be granted.

4 Pulte has reached final plat and has already begun grading land and installing infrastructure  
5 to begin selling homes in early 2006. Throughout this process Pulte acted in reasonable reliance on  
6 the fact that the Preferred Alignment, the one that both SRP and the Town of Florence supported,  
7 passed west of Anthem. Pulte took the reasonable step of going forward with development plans  
8 without providing for the 500kV line that was ultimately approved in this case.

9 Pulte's plans now need to be modified because the final alignment placed the lines through  
10 Anthem and the transmission lines will now directly and detrimentally impact the Anthem project.  
11 The expanded corridor that the Commission selected along the UPR allows the Applicant and Pulte  
12 to work together to reduce the negative impact of this last minute change. Unfortunately, Pulte and  
13 the Applicant are not given the same degree of flexibility in the Area of Requested Corridor  
14 Extension where the lines bisect one of the Pulte's planned neighborhoods before reaching the UPR.

15  
16 If the already expanded corridor is not extended south in this small area then Pulte may need  
17 to take some or all of the following possible expensive and extremely time consuming steps such as  
18 perhaps: amending its final plat; redesigning the location of a number of lots; losing lots from  
19 subdivision; redesigning infrastructure; rerouting roadways; and others. The wider the corridor in  
20 the Area of Requested Corridor Extension the easier it will be for Pulte and the Applicant to come  
21 up with a cost effective plan to accommodate the lines.

22 When the last minute change that brought about this alignment is coupled with the extent of  
23 planning and infrastructure improvements that Pulte has already made it becomes clear that fairness  
24 dictates reasonable accommodations be made to minimize the negative impact. As a matter of  
25

1 fundamental fairness Pulte asks that this Commission expand the corridor in the Area of Requested  
2 Corridor Extension to allow Pulte and the Applicant to adequately and appropriately react and  
3 incorporate the final approved alignment into the development plans.

4 **B. Extending the expanded corridor south will provide flexibility to reduce**  
5 **conflicts with infrastructure and existing residences in Anthem**

6 Adopting this request and modifying the alignment will reduce conflicts with already  
7 planned and existing infrastructure as well as the numerous residences that will be occupied by the  
8 time this transmission line is constructed. Modifying the Order will allow Pulte, the Applicant and  
9 surrounding developers to work with the Applicant to locate the transmission lines in such a way to  
10 minimize impact on the already planned and approved development.

11 At the Commission hearing Commissioner Mayes summed up the reasons behind and  
12 expressed her support for, granting expanded corridors to give the Applicant greater flexibility  
13 saying, "I don't know how my fellow Commissioners feel, but it seems to me it would help the  
14 utility to miss existing homeowners and things and have greater flexibility." (Tr: 301 1.20-23).  
15 Unfortunately, this expanded corridor did not go quite far enough and left the Applicant and the  
16 Anthem development very little flexibility in dealing with this recent change. The Commission  
17 should take this opportunity to expand this small area of corridor to provide this much needed  
18 flexibility.  
19

20 **C. Expanding the corridor in the Area of Requested Corridor Extension is**  
21 **consistent with the Line Siting Committee's similar attempts to provide flexibility in this area**

22 The Line Siting Committee's recommended decision incorporated a one mile corridor for  
23 the benefit of a development project (Walker Butte) that is very far behind Pulte's Anthem at  
24 Merrill Ranch in the development process. In this Request, Pulte is merely seeking the same  
25

1 accommodation throughout the entire length of its already approved, planned and currently being  
2 constructed Anthem project. The Commission has already provided an expansive corridor through  
3 a portion of Anthem and it is appropriate to modify the earlier Order to allow this expansion through  
4 the Area of Requested Corridor Extension. This action is consistent with the Committee's earlier  
5 decision.

6 **D. There is no opposition to this request**

7 Importantly, this request to expand the corridor of this small length of line faces no known  
8 opposition from other parties as it only impacts the Anthem project and the development of  
9 Intervenor Vanguard Properties to the south. Vanguard has been consulted in this regard and has  
10 not expressed any opposition to expanded corridors in this area.

11 **E. The Applicant supports using expanded corridors to work with developers**

12 Expanding this corridor will be to the Applicant's benefit in that SRP will have greater  
13 flexibility in planning for and building this line in an area soon to be crowded with homes and other  
14 improvements. As you can see in Exhibit "B" there is extensive planning in Anthem and to the  
15 south in the Area of Requested Corridor Extension that will make it more difficult for the Applicant  
16 and impacted developers to accommodate the line in a narrow corridor.

17  
18 The Applicant earlier embraced the idea of an expanded corridor in similar circumstances  
19 before the Line Siting Committee citing its ability to work with landowners and to use flexibility to  
20 reduce negative impacts. In fact, SRP's counsel actually asked the Committee for an expanded mile  
21 wide corridor near Florence saying, "trust us and give us the flexibility with the mile wide corridors  
22 and we will get things worked out." (Tr: 4274 l. 8-10). Mr. Sundlof further indicated that SRP liked  
23 the mile wide corridor that the Committee approved because it gave them greater ability to work  
24 with developers saying at one point it, "...gives us the flexibility to work within the Walker Butte  
25

1 area.” (Tr: 4275 l. 3-4). Finally, Mr. Sundlof later told the Commission that “I am sure the  
2 engineers at SRP would be very happy to have a wider corridor...” (Tr: 297 l. 20-22).

3 Further, since the conclusion of the Commission hearings on this matter representatives of  
4 Pulte have had had two meetings with Dan Hawkins from SRP who has at least preliminarily  
5 expressed SRP’s support of extending the one mile corridor to the south in this limited area with the  
6 support of other impacted landowners.

7 **F. The expanded corridor will give SRP the option of joining up with the UPR a**  
8 **half a mile sooner**

9 Throughout the siting process SRP has repeatedly looked to follow existing “linear features”  
10 whenever appropriate. If the Commission extended the expanded corridor into the Area of  
11 Requested Corridor Extension it will allow the line to meet up with the UPR right-of-way  
12 approximately a half mile to the east of where it currently intersects the alignment. This would  
13 mean that an extra half mile of line could follow the UPR and minimize the impacts on residents of  
14 the area. The alternative is to have a longer length of line pass through the middle of the Anthem  
15 project thereby impacting a greater number of residents on both sides of the alignment.  
16

17 **III. CONCLUSION**

18 Extending the expanded corridor south in the Area of Requested Corridor Extension  
19 provides many advantages to both Pulte and the Applicant and the Order should be modified to  
20 incorporate this Request. It is not just an issue of fairness to Pulte but the flexibility inherent in the  
21 expanded corridor will solve many issues. The flexibility will reduce negative impacts on the  
22 Applicant and Pulte as well as future homeowners. The expanded corridor will allow Pulte and the  
23 Applicant to work together to site the line to avoid future homeowners and will reduce the need for  
24 Pulte and the Town of Florence to rework existing and approved plans which will be a burdensome  
25

1 and time consuming process. There is no known objection to this narrow Request and it is likely  
2 that the Applicant would welcome the flexibility to engineer and plan around the residences and  
3 improvements that will be in place before this project is built. This proposal is also consistent with  
4 the earlier actions of the Line Siting Committee and modifications that the Commission itself  
5 supported in this matter.

6  
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14 Pursuant to A.A.C. R14-3-204,  
15 The ORIGINAL and 40 copies were  
16 filed this 14<sup>th</sup> day of September, 2005,  
17 with:

18 Docket Control  
19 Arizona Corporation Commission  
20 1200 W. Washington  
21 Phoenix AZ 85007

22 BY: 

23 COPY of the foregoing emailed this  
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BY: 

# **EXHIBIT A**

March 7, 2005

Approved 1 mile Corridor

# MERRILL RANCH

A Merrill Trust Community

## Anthem @ Merrill Ranch



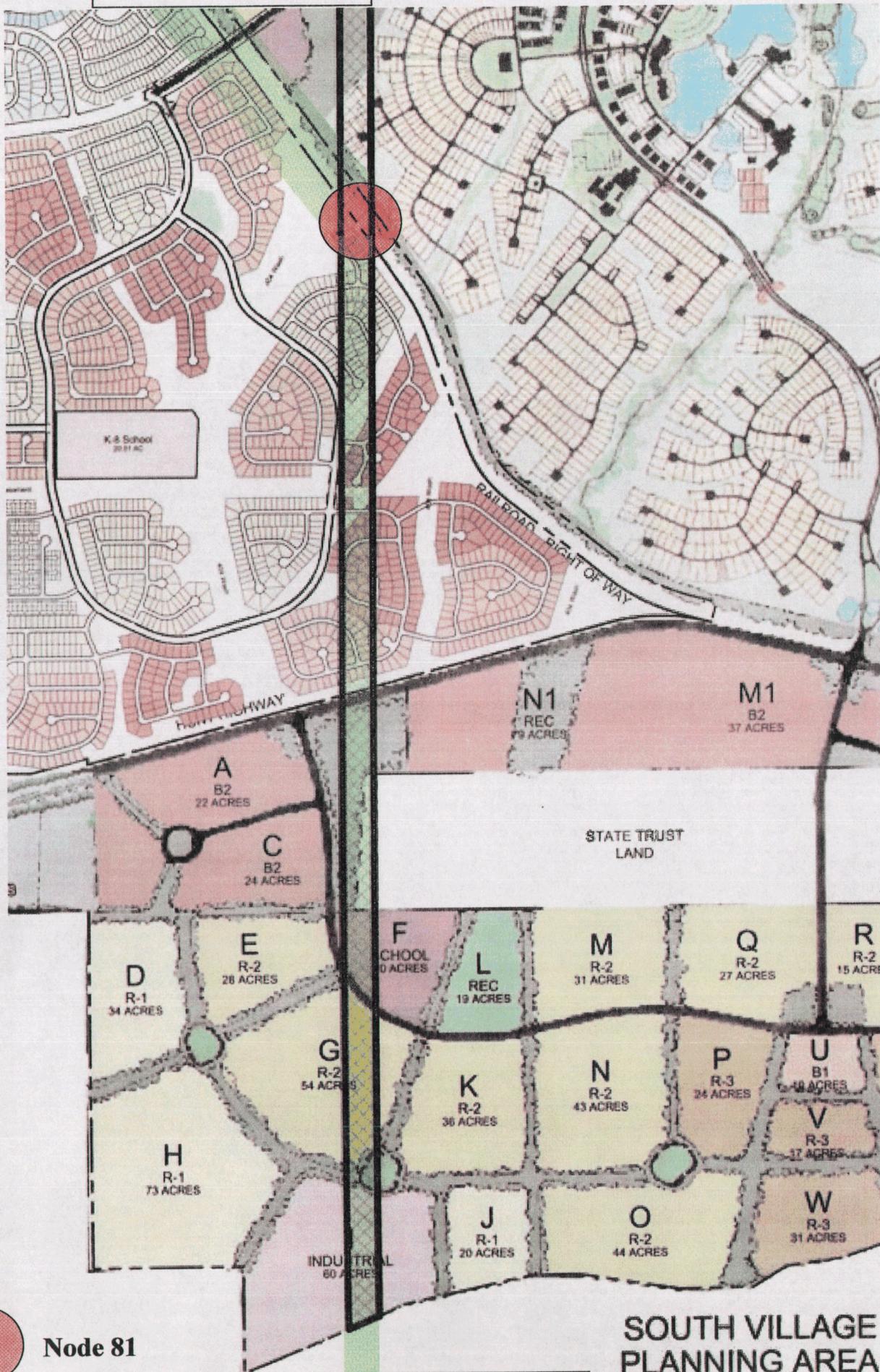
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 Phone: 303.755.1000  
 Fax: 303.755.1001

Approved 1000' Corridor

Node 81

# **EXHIBIT B**

Approved 1 mile Corridor



Node 81

Approved 1000' Corridor

SOUTH VILLAGE  
PLANNING AREA