



BEFORE THE ARIZONA CORPORATION COMMISSION

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JEFF HATCH-MILLER
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WILLIAM A. MUNDELL
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KRISTIN K. MAYES
Commissioner

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AZ CORP COMMISSION
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IN THE MATTER OF THE APPLICATION)
OF SALT 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

**BRIEF IN SUPPORT OF
INTERVENOR PULTE HOME
CORPORATION'S APPLICATION
FOR REHEARING**

Intervenor Pulte Home Corporation ("Pulte"), at the request of the Arizona Corporation
Commission, hereby files its Brief in Support of its Application for Rehearing. This Brief is made

1 and supported by the Memorandum of Points and Authorities submitted herewith along with the
2 attached exhibits.

3 **MEMORANDUM OF POINTS AND AUTHORITIES**

4 **I. INTRODUCTION**

5 On September 28, 2005, the Arizona Corporation Commission granted Pulte's Application
6 For Rehearing (the "Application"). In granting the Application, the Arizona Corporation
7 Commission requested that the parties submit briefs on this matter to the Commission and this Brief
8 is being submitted in response to that request.

9 The Application and this Brief seek to extend the already approved expanded corridor
10 running along the Union Pacific Railroad ("UPRR") in the Florence area to the south from Node 81
11 approximately 10,800 feet to the north bank of the Gila River. The Application is narrowly tailored
12 to only impact parties that the approved 1,000 foot corridor currently impacts. In fact, in this Brief
13 and at the Commission's request, we are willing to further narrow the Application to request a
14 corridor that incorporates the original corridor extending 500 feet to the west of the centerline of the
15 alignment while expanding the corridor to the east a half (0.5) mile from the centerline. A map
16 depicting this request is attached hereto as Exhibit "A". This adjustment ensures that this request
17 will impact no additional parties. Further, in order to assure that the wider corridor positively
18 impacts the Intervenors, the Town of Florence, the Applicant and the State Land Department, we
19 propose that the Commission insert a condition requiring that Pulte, Vanguard, Florence, SRP and
20 State Land all approve of a final alignment by November 1, 2006 before it is finally selected and
21 built. If no agreement is reached by all the Parties, then it will revert back to the original 1,000 foot
22 corridor in this area.
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1 This Application provides many opportunities to lessen the impact on already platted and
2 soon to be occupied subdivisions while ensuring that no party, State Land included, will be forced
3 to accept an alignment that it does not like.

4 **II. ARGUMENTS**

5 **A. This proposal only impacts parties that were already impacted by the approved**
6 **alignment.**

7 The Corporation Commission has already approved the 1,000 foot corridor, which includes
8 portions of property owned by three different entities in the relevant area. The Arizona State Land
9 Department, Vanguard, and Pulte all own property within the approved 1,000 foot corridor and
10 represent all of those owning property within the requested expanded corridor. There are no other
11 parties owning property within the requested expanded corridor, and there are no other parties
12 owning property directly adjacent to that corridor.

13
14 **B. This proposal requires the approval of all impacted parties before an alignment**
15 **in the expanded corridor can be utilized.**

16 This request ensures that the parties including Pulte, Vanguard, SRP, Florence, and the
17 Arizona State Land Department all agree on a final alignment within the expanded corridor. If
18 unanimous consent for an alignment within the expanded corridor cannot be achieved by November
19 1, 2006, then the Applicant would be required to build within the original 1,000 foot corridor.

20 **C. No party seeks to inhibit SRP's ability to cross the river as it desires.**

21 During the oral argument held September 28, 2005, SRP made it clear for the record that it
22 did not wish and could not agree to cross the Gila River at anything other than a right angle. No
23 impacted party is requesting that SRP change the way in which it intends to cross the river.

24 **D. There are numerous benefits to expanding the corridor in this area.**
25

1 **1. Expanding the corridor in this area would reduce the impact on future**
2 **residents.**

3 As currently sited, the alignment would bring the transmission line through the
4 middle of an already platted subdivision. If it approves this Application, the Corporation
5 Commission will help to alleviate the impact that the approved alignment will have on the future
6 residents of these planned communities. The Application allows SRP, the State, Pulte and
7 Vanguard to place the transmission line in such a way as to reduce the impact on a large number of
8 future residents.

9 **2. Widening the corridor in this area will allow the transmission line to**
10 **take advantage of man-made and/or natural linear features.**

11 By expanding the corridor a half mile to the east, the transmission line will be able to
12 join up with, and run parallel to, the UPRR for a greater distance and could also take advantage of
13 natural washes, existing easements and planned rights-of-way. When the transmission line is
14 running along side the UPRR for example, it is not surrounded on both sides by future residences
15 and planned subdivisions as the approved alignment is at this time. A greater distance traveled
16 along the UPRR is a greater distance traveled along a buffer and out of the way of future residences.
17 There are also a number of other opportunities that exist along roadways and easements that make
18 more sense than bisecting a planned subdivision.

19 **3. This proposal will protect State Land's rights.**

20 The condition proposed herein and detailed below will protect State Land's interest
21 in its property. State Land has been consulted and, given the short time period and lack of certainty,
22 has refused to commit to a particular alignment. By conditioning the actual use of the expanded
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1 corridor on State Land's written approval, the Commission is ensuring that no line will be built to
2 which State Land does not expressly agree.

3 **4. If the corridor is not expanded in this area, Pulte may be forced to**
4 **redesign its project that is far along in the planning stages.**

5 As the Commission is well aware, Pulte Homes has platted and granted subdivisions
6 within its Anthem at Merrill Ranch master planned community that the currently approved corridor
7 would bisect. If the corridor is not expanded, then Pulte may be required to go back through various
8 levels of the planning process with the Town of Florence and repeat many of the same zoning and
9 design processes that it has already been through. Of course, this could potentially cause Pulte to
10 incur setbacks in its project and may delay the completion of this much anticipated subdivision. In
11 conjunction with this concern is the fact that the Town of Florence is currently experiencing a large
12 rush of planning and zoning requests and its already overburdened planning staff could be further
13 stretched thin by having to review new plans for a project it has already approved.

14
15 **5. The current corridor will result in a disjointed community.**

16 As you can see by referencing the map attached as Exhibit "A", if the line were built
17 along the current centerline of the alignment, it would create an unusual separation that would
18 divide the planned Anthem community. In fact, it will isolate approximately 300-400 homes out of
19 the 9,100 home Anthem at Merrill Ranch community. These homes would be artificially separated
20 in a small triangle in the southeast corner of the development. Granting this Application allows the
21 parties to work together to avoid this result.

22 **6. The applicant favors greater flexibility in designing its transmission**
23 **lines.**

1 As SRP has extensively testified, it prefers to have a greater area in which to plan and
2 engineer the placement of its transmission lines and this request would give SRP that flexibility.

3 **III. LANGUAGE OF PROPOSED AMENDMENT**

4 In order to approve this Application and give the parties the flexibility to plan for the future
5 location of the transmission line and to reduce the impact on future residents of the area, the
6 following language is proposed to be inserted into Order No. 68093, at Page 2, Line 21 after the
7 word "it" strike the language completing that sentence and add the following language:

8 ...reaches a point 10,800 feet south of Node 81/Union Pacific Railroad ("UPRR")
9 where it continues north within a corridor extending west 500 feet from the
10 centerline of the alignment and east a half (0.5) mile from the centerline of the
alignment until it intersects with the UPRR (N185-N175-N169-N81).

11 After Order No. 68093 is amended as requested herein, the paragraph beginning on page 2,
12 line 21 will read as follows:

13 The alignment turns north paralleling Valley Farms Road with a 1,000 foot corridor
14 until it reaches a point 10,800 feet south of Node 81/Union Pacific Railroad
15 ("*UPRR*") where it continues north within a corridor extending west 500 feet from
16 the centerline of the alignment and east a half (0.5) mile from the centerline of the
17 alignment until it intersects with the UPRR (N 185-N175-N169-N81). The
18 alignment continues northwest, parallel to the UPRR within a .5 mile corridor on
each side of the alignment centerline of the UPRR, until it converges with the
Magma Railroad (N81-N45). It then extends northeast, paralleling the Magma
Railroad within a 1,000 foot wide corridor to the proposed SEV-SRP RS-22
substation (N45-N44).

19 Additionally, we propose that the following condition be added to ensure that no party is
20 negatively impacted within the expanded corridor. In Order No. 68093 at P. 4, L. 8, modify that
21 sentence to reflect the addition of condition #31. Further, at P. 4 L. 22 add the following language
22 for new condition 31:

- 23 31. For the segment of the approved corridor lying between Node 81/UPRR on the north
24 and a point 10,800 feet south along the north bank of the Gila River, the approved
25 corridor shall be 1,000 feet along the centerline unless by November 1, 2006, Pulte
Home Corporation, Vanguard Properties, the State Land Department, SRP, and the

1 Town of Florence agree on a specific alignment within the wider corridor approved
2 by the Commission. The alignment shall not interfere with the Applicant's proposed
crossing of the Gila River.

3 **IV. CONCLUSION.**

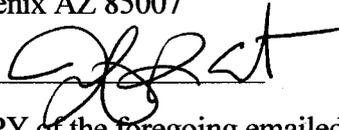
4 Granting this Application and expanding the corridor in the described area will provide for
5 greater flexibility in siting the transmission line. There are certain man-made and geological
6 features that can be taken advantage of that will significantly reduce the impact on the future
7 residents, the State of Arizona, the Town of Florence, and impacted developers. This expanded
8 corridor will not impact any property owner other than those that are currently impacted by the
9 Commission's decision and can only be utilized if all parties expressly agree to a final alignment.

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11 

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16 Pursuant to A.A.C. R14-3-204,
17 The ORIGINAL and 40 copies were
18 filed this 11 day of October, 2005,
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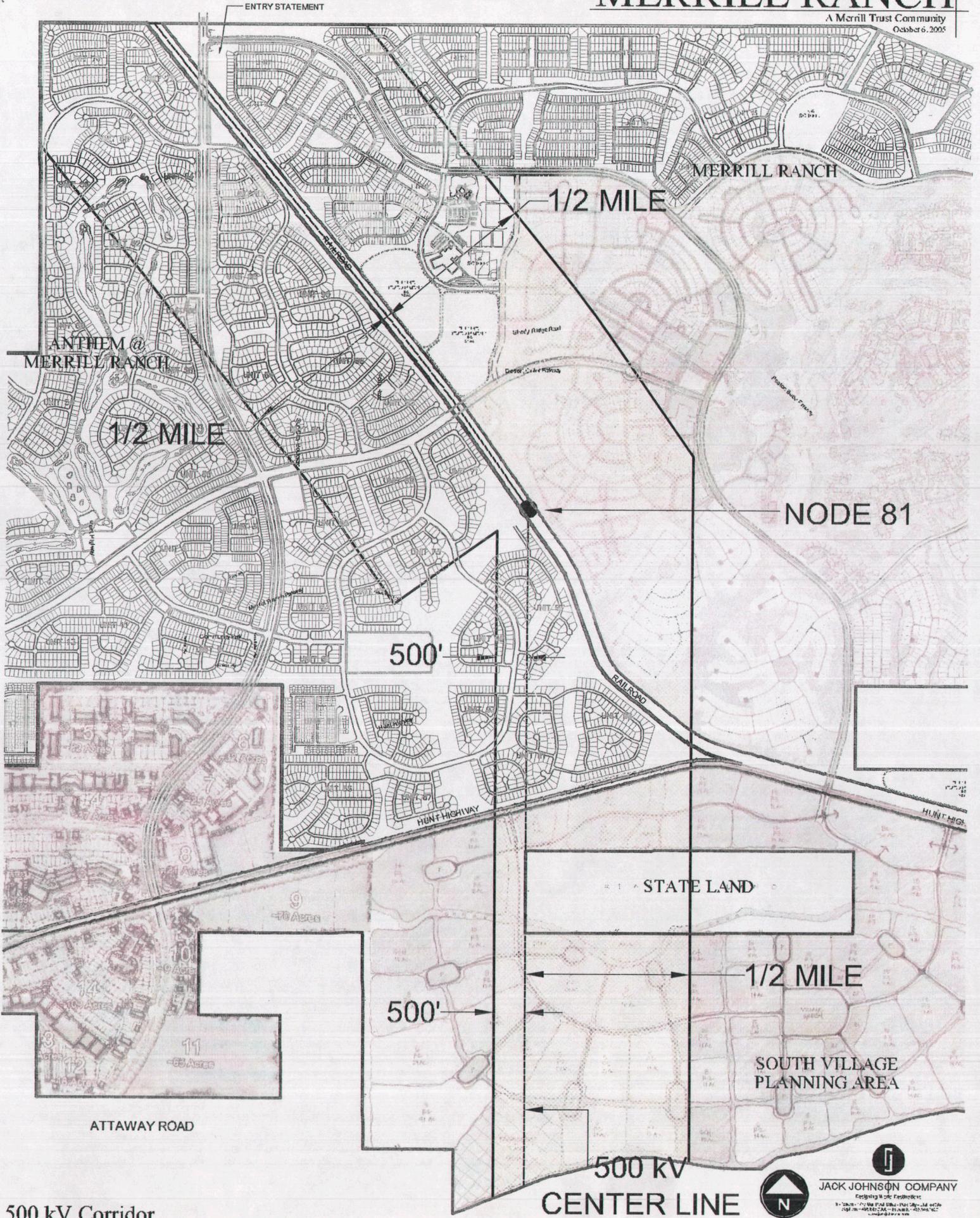
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EXHIBIT A

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A Merrill Trust Community
October 6, 2005



500 kV Corridor




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