

ORIGINAL



0000057720

BEFORE THE ARIZONA CORPORATION COMMISSION

RECEIVED

Arizona Corporation Commission

3052

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

COMMISSIONERS

JEFF HATCH-MILLER, Chairman
WILLIAM A. MUNDELL
MIKE GLEASON
KRISTIN K. MAYES
BARRY WONG

2006 AUG -9 A 11: 16

AZ CORP COMMISSION
DOCUMENT CONTROL

DOCKETED

AUG -9 2006

DOCKETED BY	nr
-------------	----

IN THE MATTER OF THE APPLICATION OF SOUTHERN CALIFORNIA EDISON COMPANY, PURSUANT TO A.R.S. §40-252, FOR AN AMENDMENT OF ACC DECISION NO: 51170 OR, IN THE ALTERNATIVE, A DECLARATION OF NO SUBSTANTIAL CHANGE

DOCKET NO: E-20465A-06-0457

STAFF'S RESPONSE TO SOUTHERN CALIFORNIA EDISON'S REQUEST TO AMEND DECISION NO. 51170, OR IN THE ALTERNATIVE, A DECLARATION OF NO SUBSTANTIAL CHANGE

THE APPLICATION

On July 10, 2006, Southern California Edison Company ("SCE") filed its Application in the above-referenced docket. SCE requests that the Arizona Corporation Commission ("Commission") issue a finding that the construction of 13 double circuit towers in the Copper Bottom Pass in western Arizona built as part of the Devers to Palo Verde No. 1 transmission line ("DPV1") was either consistent with Commission Decision No. 51170 (the "Decision") or was not a substantial deviation from that Decision. If the Commission determines that the construction of the 13 double circuit towers was a substantial deviation, SCE requests that the Commission, pursuant to A.R.S. § 40-252, amend the Decision to authorize the 13 double circuit towers.

In support of its Application, SCE asserts the following: 1) that the 13 double circuit towers constitute only 3% of the total number of towers; 2) that the Bureau of Land management ("BLM") ordered the double circuit towers; and, 3) SCE asserts that the reason BLM ordered the double circuit towers was for "environmental and engineering purposes because the portion of the Copper Bottom pass where these double circuit towers are built is narrow and rugged terrain".

...
...

STAFF'S POSITION AND ARGUMENT

1
2 Staff is in general agreement with SCE's reference to the Whispering Ranch (Decision No.
3 58793), and agrees that the question of whether a proposed change from an approved CEC constitutes
4 a "substantial" change is a matter that should be presented to the Commission in an Application to
5 amend a CEC (pursuant to A.R.S. § 40-252), or to the Line Siting Committee in an Application for a
6 new CEC. The Whispering Ranch Decision presents cogent analysis in support of the notion that the
7 Commission has authority under A.R.S. § 40-252 (Decision No. 58793, pp. 5-9), which Staff
8 endorses.

9 Staff would characterize the initial issue presented by SCE's Application in this matter as
10 determining whether the construction of DPV1 was in conformance with Decision No. 51170. If the
11 Commission determines that SCE's installation of 13 double circuit towers in Copper Bottom pass
12 was not authorized by Decision No. 51170 and, in fact, constituted a substantial change from the
13 authorization granted in that Decision, then the Commission should assess whether to amend the
14 CEC, pursuant to A.R.S. § 40-252 to authorize the 13 double circuit towers, require that SCE submit
15 an Application for an amended CEC for DPV1 to the Line siting Committee, or direct some alternate
16 relief.

17 Staff believes that it is clear that the installation of the 13 double circuit towers is not in
18 conformance with Decision No. 51170, and plainly constitutes a substantial change from the
19 authorization under the CEC. SCE admits in its Application (at page 2, lines 14-18) that there is no
20 mention in Decision No. 51170 of the installation of any double circuit towers along the route of
21 DPV1. Nor does SCE find any evidence that the installation of any double circuit towers along the
22 route of DPV1 was discussed during the course of that proceeding. All of the Exhibits appended to
23 Decision No. 51170 refer to the project as "Devers-Palo Verde 500kV **Single Circuit** Transmission
24 Line System" (emphasis added). Finally, SCE concedes in its Application that the double circuit
25 towers are substantially different than single circuit towers, noting at page 4 that they are 20 feet
26 narrower and 90 feet taller than a single circuit lattice tower.

27 It is clear to Staff that the 13 double circuit towers in Copper Bottom Pass were not
28 contemplated by SCE's Application for a CEC for DPV1. It is also Staff's opinion that the differing

1 dimensions of the 13 double circuit towers from that of single circuit towers presents reliability
2 concerns, particularly if those towers were used to carry an additional transmission line, as is
3 seemingly contemplated in Case No. 130. Staff believes the installation of the 13 double circuit
4 towers requires review, even if they were not contemplated for use in connection with DPV2.

5 Furthermore, the very case SCE cites in its Application, the Whispering Ranch Decision
6 references the parallel case in support of Staff's position. It is worth noting parenthetically, that
7 while the issue of electromagnetic field ("EMF") dominates the discussion of whether the DC to AC
8 conversion constitutes a substantial change, the Whispering Ranch Decision does refer specifically to
9 the differences in design and dimension of the towers that SRP sought to employ. However, the issue
10 presented by the current Application is conclusively addressed in Decision No. 58793, page 7, line 19
11 through page 8, line 2. The request by Tucson Gas & Electric Company ("TG&E") (predecessor to
12 Tucson Electric Power Company) to amend its CEC in case No. 12 is a precise parallel to SCE's
13 current Application. TG&E's request was granted by Decision No. 48059, pursuant to A.R.S. § 40-
14 252.

15 Perhaps the most significant distinction between the request in this Application and that of
16 TG&E that resulted in Decision No. 48059 is that TG&E asked before it built the double circuit
17 towers. In this case, the double circuit towers have been constructed and are in use, albeit only
18 carrying a single line.

19 Staff believes the Commission has authority to consider this matter under A.R.S. § 40-252.
20 However, Staff believes that an evidentiary record is essential to the Commission's consideration of
21 whether to amend Decision No. 51170 as requested by SCE. Staff further believes that the inquiry
22 will involve all of the elements that would be implicated in an initial decision to authorize the
23 construction of double circuit towers at the locations in which SCE has constructed them. Staff does
24 not believe that the approval of the double circuit towers by BLM is a sufficient basis upon which to
25 rest the determination. Accordingly, it is Staff's recommendation that the Commission should
26 consider SCE's Application pursuant to A.R.S. § 40-252. Staff requests that the Commission appoint
27 the Line Siting Committee to act as its Hearing Officer in connection with this matter. The procedure
28 ...

1 is consistent with that utilized in the Whispering Ranch matter, as well as the above referenced
2 TG&E matter.

3
4 RESPECTFULLY SUBMITTED this 8th day of August, 2006.

5
6 *Christopher C. Kempley*

7 Christopher C. Kempley, Chief Counsel
8 Keith Layton, Attorney
9 Legal Division
10 Arizona Corporation Commission
11 1200 West Washington Street
12 Phoenix, Arizona 85007
13 (602) 542-3402

14
15
16 Original and thirteen (13) copies
17 of the foregoing were filed this
18 8th day of August, 2006 with:

19 Docket Control
20 Arizona Corporation Commission
21 1200 West Washington Street
22 Phoenix, Arizona 85007

23 Copy of the foregoing mailed this
24 8th day of August, 2006 to:

25 Thomas H. Campbell, Esq.
26 Albert Acken, Esq.
27 LEWIS AND ROCA, LLP
28 40 N. Central Avenue, 19th Floor
Phoenix, AZ 85004

Laurie Woodall, Esq.
Office of the Attorney General
1275 W. Washington Street
Phoenix, AZ 85007

COPY of the foregoing also provided
electronically to all intervenors in
Docket No: L-00000A-06-0295-00130

29
30
31 *Albert Acken*