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DOCKETED

AUG 14 2006

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**BEFORE THE ARIZONA POWER PLANT AND
TRANSMISSION LINE SITING COMMITTEE**

IN THE MATTER OF THE APPLICATION)
OF SOUTHERN CALIFORNIA EDISON)
COMPANY AND ITS ASSIGNEES IN)
CONFORMANCE WITH THE REQUIREMENTS)
OF ARIZONA REVISED STATUTES SECTIONS)
40-360.03 AND 40-360.06 FOR A CERTIFICATE)
OF ENVIRONMENTAL COMPATIBILITY)
AUTHORIZING CONSTRUCTION OF A 500kV)
ALTERNATING CURRENT TRANSMISSION)
LINE AND RELATED FACILITIES IN)
MARICOPA AND LA PAZ COUNTIES IN)
ARIZONA ORIGINATING AT THE)
HARQUAHALA GENERATING STATION)
SWITCHYARD IN WESTERN MARICOPA)
COUNTY AND TERMINATING AT THE)
DEVERS SUBSTATION IN RIVERSIDE)
COUNTY, CALIFORNIA)

) Docket No. L-00000A-06-0295-00130

) Case No. 130

**MOTION FOR EARLY DETERMINATION THAT
WEST HARQUAHALA ALTERNATIVE ROUTE SHOULD NOT BE APPROVED**

Come now Harquahala Valley Irrigation District, Harquahala Valley Power District and Langley Properties, LLC, intervenors in the above matter, and move that the Power Plant and Line Siting Committee ("Committee") enter an early determination that the West Harquahala Alternative Route ("WHA") be removed from these proceedings.

This request is made to save the Committee and these intervenors the time and associated expense in continuing to engage in these hearings and present witnesses to discredit the WHA route when: (a) this alternative was rejected by this Committee and the Arizona Corporation Commission ("ACC") when DPV-1 was approved; and (b) the Applicant's witnesses have testified that WHA is not a preferred alternative and that the best route is to the east out of the Harquahala Generating Station to a new switchyard east of the Harquahala Valley.

MEMORANDUM OF POINTS AND AUTHORITIES

A. THE WEST HARQUAHALA ALTERNATIVE ROUTE HAS PREVIOUSLY BEEN REJECTED BY THIS COMMITTEE AND THE ARIZONA CORPORATION COMMISSION.

In 1978, Southern California Edison ("SCE") filed an application with this Committee to construct what was to become DPV-1. As part of that application, the WHA route was proposed with the same rationale given for it (i.e., that it was shorter and cheaper to build). In Case 34 (Decision 49226), it was determined by this Committee and the ACC that the line should, instead, be built south of the District.

In 1980, in Case 48 (Decision 51170), the Committee and the ACC entered its Order approving the current routing of DPV-1, which again rejected the WHA and moved the line 3-4 miles north of the District.

It does not appear from the testimony of SCE's witnesses that there is any reason to change the ruling from that in Case 48. In fact, the witnesses have testified that the WHA is not the preferred alternative. The preferred alternative is a route that proceeds eastward from the HGC about five miles to a new switchyard, the Harquahala Junction Switchyard, where the new line would utilize the existing utility corridor approved in the DPV-1 case.

Furthermore, the Maricopa County Planning and Zoning Commission, the City of Scottsdale, and the supervisor from the Maricopa County Board of Supervisors who represents the Harquahala Valley area have all written letters decrying the WHA route and stating their strong opposition to that route.

B. THE DPV-1 AND PREFERRED ROUTE DO NOT PRESENT ANY ENVIRONMENTAL PROBLEMS WHEREAS THE WEST HARQUAHALA ALTERNATIVE ROUTE LEADS TO GREAT ENVIRONMENTAL IMPACTS THAT CANNOT BE MITIGATED.

Mr. Siegal, SCE's lead consultant for preparation of this CEC application, testified that the WHA had the highest environmental impacts of any route being proposed (page 35, Supplemental Packet, Application for a Certificate of Environmental Capability, Devers-Palo Verde No. 2 Transmission Line Project, submitted by Southern Cal. Edison Company). As shown on page Y of tab 2 of the Supplemental Packet, the WHA route would pass through nine miles of prime agricultural land and bisect a planned platted subdivision. The visual impacts could not be mitigated and the fact that it would be taking prime agricultural land out of the cultivation also could not be mitigated.

In addition, the proposed power line along the WHA route would cause material adverse impact on the irrigation systems and other facilities and operations of the farmers in the District.

C. "JUDICIAL ECONOMY" CRIES FOR REJECTION OF THE WEST HARQUAHALA ALTERNATIVE ROUTE.

There are six days of additional hearings now scheduled in this matter with the possibility of more. At least two of these intervenors have indicated that they would each present a witness.

By granting this motion, four intervenors would no longer need to participate to refute the WHA alternative, thus saving hours of hearing time by avoiding time for cross-examination time by four intervenors as well as the time for presentation of two additional witnesses. It would save the Committee valuable time and associated expense as well as save the clients considerable money in attorney fees and witness fees.

We have been informed that another intervenor will be presenting a position that does not involve the WHA route but will be very controversial and potentially time-consuming and will require our clients to pay attorneys fees to attend even more sessions of these hearings to protect their positions and interests so long as the WHA route is still open for consideration.

D. AN ALTERNATIVE.

If the Chair of the Committee does not think it possible for the Committee to grant this motion at this time, then we ask the Committee to follow the example it set in Siting Case 126 wherein it relieved undue burdens on intervenors caused by the often extensive time spent analyzing issues wholly unrelated to a particular intervenor's interests. We ask that after the intervenors that are a party to this Motion have presented their witnesses, the record should be closed on the WHA route and no further discussion occur on the WHA route until the Committee starts its deliberations. That would mean that these intervenors would at least not have to attend any further hearings until the Committee starts its deliberations. Given the number of other intervenors that are not at all concerned with this

routing alternative and the extensive and complicated issues remaining in this matter, it appears a bright line does exist between the issues raised herein and the remaining issues to be investigated.

This request is very similar to the Committee's precedent set in Case 126. In that case, the Committee broke the proposed route into three segments and heard evidence at separate times for each segment and forbid discussion of the other segments during a hearing on a particular segment. At the end of the hearings, the Committee voted on the route as a whole. Following this procedure with respect to this application's only alternative alignment will also lead to judicial economy and convenience of the parties and to the Committee.

E. CONCLUSION.

For each of the above reasons, we ask that this motion be granted and that the Committee enter its findings now that the WHA route is not a viable alternative and should not be considered further in these proceedings and subsequent hearings before the Commission.

Respectfully submitted this 14th day of August, 2006.

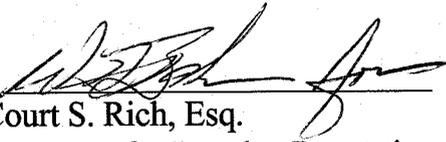
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25 copies of this Notice of Intent have been filed with the
Director of Utilities, the Arizona Corporation Commission
This 14th day of August, 2006.

Copy sent same date to:

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