

IN THE MATTER OF THE APPLICATION OF SOUTHERN CALIFORNIA EDISON 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, 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

As requested by the Arizona Power Plant and Transmission Line Siting Committee, Mr. Donald Begalke, Intervenor in Case No. 130, submits "Findings" in support of a Committee Recommendation to the Arizona Corporation Commission for the Denial of a Certificate of Environmental Compatibility to Southern California Edison's Application for the Devers-Palo Verde No.2 500kV Transmission Line.

The DPV2 Application:

Although thoughts abounded, even during the Hearing's last two days, proceedings provided an occasional or subsequential opportunity for new evidence. Such occurred on October 30, 2006 when the witnesses of the California Independent System Operator Corporation presented testimony. During CAISO's presentation we learned the corporation is a "public utility" - see second bullet on CAISO's Page 3 of the power-point presentation (see copy on Page DB-2).

The new information that CAISO is a utility revived the Hearing's first issue submitted to the Committee June 27, 2006 by Mr. Begalke whether SCE's Application was lawful failing to disclose any co-applicant(s). There are differences in how electrical utility industries exist comparatively Arizona to California.

In Arizona an electrical utility applies for a transmission line as owner of, maintainer of, scheduler for, and the operator of said line plus performs the associated financial business. Since 1998 in California SCE owns and maintains a line considered in CAISO's "controlled grid", but CAISO schedules and operates the SCE line and the financial matters of fees, tariffs et al. We learned that CAISO has decision-making authority with respect to third parties or changes affecting the SCE line.

Subsequently, when SCE applies for an Az.-Ca. interstate transmission line, designated for CAISO's grid, in applying to the ACC should not both SCE and CAISO be co-applicants for DPV2. We learned that the CAISO board had to approve SCE's

Description of CAISO (1)

Who and What is the CAISO?

- A not-for-profit public benefit corporation created by California legislation
- Regulated by the Federal Energy Regulatory Commission as a “public utility”
 - All market rules and rates subject to FERC approval
 - Similar regulatory impact to investor-owned utilities in any state
- Board of Governors appointed by governor of California and confirmed by the legislature

DPV2 proposal before SCE could file their application to the CPUC for the project line, and subsequently prior to SCE's application to the ACC.

At this deadline of November 27, 2006 for Findings on the DPV2 Application, the ACC has not acted in regard to submitted, written queries on CAISO's status associated with California utility-owned transmission lines crossing Arizona.

Answering Mr. Begalke's question, "yes" was SCE Counsel Mr. Mackness' answer that CAISO was operating DPV1. Regarding DPV1, owned, maintained, scheduled, operated and financially-mattered by SCE since 1982 til CAISO began operations March 31, 1998. During 1997-98 why did not SCE file 1997-98 for an amendment to ACC Decision No.51170 for CAISO to perform its functions applicable to DPV1?

In the California system of electrical-utility service, if a transmission line is designated for CAISO's controlled grid, then two utilities are "partners" in the line. In DPV2 SCE and CAISO are partners. Regarding this DPV2 Application, SCE has withheld its partner, CAISO, as co-applicant from the ACC.

Resultantly based on what is now known about the missing co-applicant, the Committee must recommend to the ACC a denial of a CEC for SCE's DPV2 proposal.

The Arizona-California Subregional Grid:

SCE alleges DPV2 will strengthen "the southwestern transmission system". If constructed only cross southwestern Arizona and into southeastern California, the line would only add to the "southern Colorado River area", an interface criteria.

Arizonans, thus, approach DPV2 with respect to the Arizona-California Interface Grid. a Subregional Grid of the Western U.S. Regional Electric Grid that includes the southern tip of the State of Nevada where lines cross connecting Arizona and California.

Throughout all fourteen DPV2 Hearing days, SCE presented no evidence that DPV2 would strengthen the Arizona-California Subregional Grid above what DPV1 already provides in the same pathway.

From readings and assessment Mr. Begalke on 10/03/06 presented this DPV2 Hearing that the Arizona-California Subregional Grid was weak, lacking a north-south pathway that not only would add strength but also provide reliability benefits. On 10/31/06 the SCE "rebuttal" did not refute the subregional need for a north-south pathway. On 10/04/06 Committee Witness Mr. Bob Smith answered Mr. Begalke's reliability examples, associated with the north-south pathway, when interruptions could occur on Path-49 transmission lines. Although Mr. Smith and Mr. Begalke did not agree on the rerouting of electricity when a Perkins-Mead interruption might occur, the benefits'

understanding for the north-south pathway occurred. The north-south benefits are not only rerouting, but also in black-out response times and new opportunities for other companies, which have been left out of access to the subregional grid.

DPV2 neither strengthens "the southwestern transmission system" nor the Arizona-California Subregional Grid of the Western U.S. Region Electric Grid.

Subregional Exclusions:

We have learned from Mr. Jerry Smith, ACC Staff Witness, on 10/04/06 that SCE was a participant in a Colorado River Transmission Planning Committee. Frame No.5 on Page 3 of Mr. Smith's accompanying supplement, Staff Exhibit No.S-28, includes the "Disappointment" that SCE has proceeded with DPV2 "without an open invitation to others". Az. Participants of the CRTPC, uninvited, are identified on Mr. Smith's accompanying map (see Page DB-5).

SCE's self-interest-only DPV2 actions are not evidence of a commitment to the Arizona-California Subregional Grid, and refute the repeated statement we've heard at this Hearing that utilities cooperate with each other all the time.

1,200 More MW Needed For California Citizens:

SCE alleges DPV2 is needed to deliver 1,200 additional megawatts to California by 2009. Yet, even today 1,200 more MW are deliverable on existing Path-49 lines.

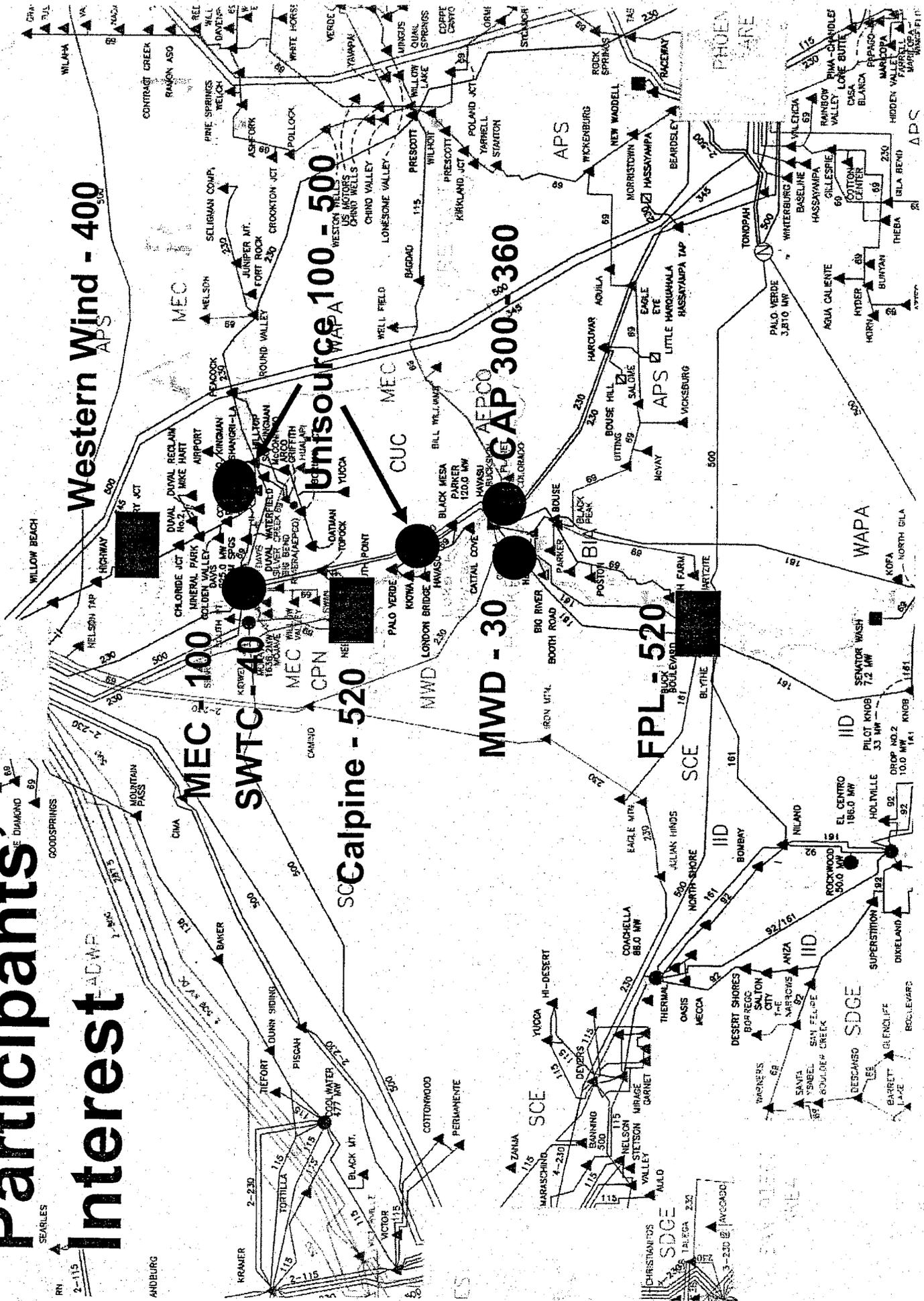
Using Mr. Bob Smith's information (10/04/06) that DPV1 had been upgraded to the rating of 1,802 MW (see Page DB-7) and SCE Witness Mr. Pfeifenberger's data that the load from the PVNGS onto DPV1 is only 1,034 MW, allowing for a reserve DPV1 could carry 588 more MW to California today. Please, note that the 1,200 MW is for the State of California, and not just for SCE (copy of Draft EIR/EIS P.ES-2 on Page DB-8). Additionally, the combined-remaining four 500kV Path-49 transmission lines to California could carry the remaining 612 MW. Mr. Bob Smith did not disagree with Mr. Begalke that the Path-49 lines were underutilized, and the lines could each be set for 2,250 MW capacities.

We learned about SRP's Project 9300, upgrading both the Perkins-Mead and the Navajo-Crystal 500kV Transmission Lines. 9300 will add 1,250 more MW to the subregional grid. From the data of the DPV2 Draft EIR/EIS, California will be able to import an additional 645 MW when the upgrade is completed in 2008.

On 10/31/06 SCE Witness Mr. Holmes reported to the Hearing attendees the in-state California generations, under construction and/or planned, that will add 1,000s of MW, some by 2009, more after, to California's own production totals.

Participants

Interest



Testimony of Robert Kondziolka and Bob Smith

**Palo Verde to Devers II
Transmission Line Siting Hearing
Case No. 130
September 25, 2006**

Committee Exhibit 2

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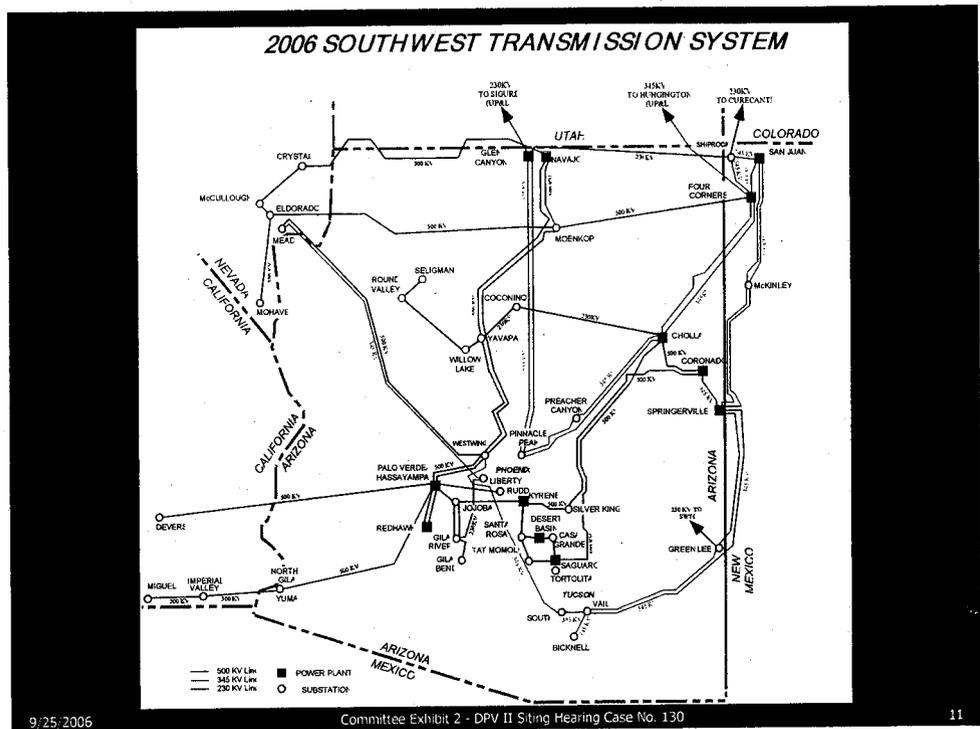
Robert Kondziolka Witness Background

- Educational Background
 - BS Engineering, University of Arizona
- Professional Background
 - SRP Manager Transmission Planning 1999-2006
 - 27 years experience in electric utility design, construction, maintenance, project management, and planning
 - Registered Professional Engineer – Arizona
 - Southwest Area Transmission (SWAT) - Chair
 - Western Electricity Coordinating Council
 - Planning Coordination Committee – Vice Chair
 - Joint Guidance Committee – Chair
 - Western Congestion Analysis Task Force – Chair
 - Transmission Expansion Planning Policy Committee

9/25/2006

Committee Exhibit 2 - DPV II Siting Hearing Case No. 130

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Path 49 = East of the River (EOR)

Line	Control Area	Owners	Allocation of Rating (MW)
Navajo-Crystal	LADWP	NPC - 26%	371
		LADWP - 49%	695
		USB - 25%	356
		TOTAL = 1422	
Moenkopi-El Dorado	APS	APS (SCE) - 100%	1555
Perkins-Mead	WAPA	APS - 18%	236
		SRP - 18%	236
		WAPA - 32%	412
		LADWP - 32%	416
TOTAL = 1300			
Liberty-Mead	WAPA	WAPA - 100%	450
Palo Verde-Devers	CAISO	SCE - 100%	1802
Hassayampa-North Gila	CAISO	APS - 11%	168
		IID - 13%	195
		SDG&E - 76%	1163
TOTAL			8055

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Committee Exhibit 2 - DPV II Siting Hearing Case No. 130

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After construction of the DPV1 line, applications to construct the DPV2 line between Devers Substation and PVNGS were submitted by SCE in 1985. Following reviews of SCE's PEA (1985) and the CPUC EIR (1987) in compliance with the California Environmental Quality Act (CEQA) and subsequent filing and review of SCE's 1988 Amended Application and PEA (SCE, 1988), the CPUC issued a decision approving the DPV2 project as then proposed. The Interim Order issued in December 1988 granted a CPCN to SCE that allowed construction of the project, conditioned upon compliance with an environmental mitigation program and other conditions as specified in the CPUC Final EIR (1987).

The BLM approved the DPV2 project and the proposed route following completion of a Final Supplemental EIS (BLM, 1988) in compliance with NEPA, and issued a Record of Decision in 1989. Later that year, the BLM issued a Right-of-Way Grant to SCE for the construction, operation, and maintenance of DPV2 across federal land, pursuant to Title V of the Federal Land Policy and Management Act of 1976. In 1989, the U.S. Fish and Wildlife Service issued a Certificate of Right-of-Way Compatibility for the portion of the DPV2 route that crosses the Kofa National Wildlife Refuge in Arizona. In 1997, intervening events, including electric industry restructuring, led SCE to request abandonment of construction of the DPV2 project, and the CPUC granted SCE's request.

Proposed Project Purpose and Need

SCE's stated objectives for the Proposed Project are fourfold:

- **Increase California's Transmission Import Capability.** According to SCE, DPV2 will increase California's transmission import capability by 1,200 MW providing greater access to sources of low-cost energy currently operating in the Southwest.
- **Enhance the Competitive Energy Market.** SCE states that DPV2 is expected to enhance competition amongst energy suppliers by increasing access to the California energy market, providing siting incentives for future energy suppliers, and providing additional import capability.
- **Support the Energy Market in the Southwest.** DPV2 would expand the Western Electricity Coordinating Council (WECC) interstate regional transmission network and would increase the ability for California and the Southwest to pool resources, and provide emergency support in the event of generating unit outages or natural disasters.
- **Provide Increased Reliability, Insurance Value, and Operating Flexibility.** DPV2 would improve the reliability of the regional transmission system, providing insurance against major outages such as the loss of a major generating facility or of another high-voltage transmission line.

The CAISO conducted an independent review of DPV2 and also found the DPV2 project to be a necessary and cost-effective addition to the CAISO controlled grid.¹ The CAISO Board approved the DPV2 project on February 24, 2005 and directed SCE to proceed with the permitting and construction of the transmission project, preferably to be completed by the summer of 2009. However, because the project is designed to provide economic benefits and it is not primarily a reliability enhancement project, SCE did not present a specific project objective related to the date of project operation.

Findings Page DB-8

¹ <http://www.caiso.com/docs/09003a6080/34/e4/09003a608034e440.pdf>.

1,200 more MW for California will be exceeded by 2009, imports from Arizona plus California's own added generations - all without the need for DPV2.

Does Arizona Need DPV2?

Mr. Bob Smith answers that no west-to-east flow on DPV2 is expected, responding to Mr. Palmer's 10/04/06 inquiry. A "zero" has no value to Arizona, no permanent incoming electricity over an interstate transmission line.

SCE has reported no DPV1 transmission problems to the Committee, including any west-to-east flows of any possible power needed for Arizona utilities' needs. An already improved DPV1, now set at 1,802 MW, with a future of added MW capacity, affirms Mr. Smith's no west-to-east DPV2 flow answer.

The DPV1 line is a "taker", meaning that between the PVNGS and the Colorado River no switchyard exists that would allow power onto an Arizona line to an Arizona service area. Arizona does not need DPV2, another "taker", not contributing to help needs in western Arizona.

Both APS and SRP have service areas in La Paz County. Yes, the Arizona-portion of the DPV Corridor should be reserved for transmission line usage by Arizona utilities, a good Arizona business decision rather than a taker with "no west-to-east DPV2 flow".

Arizona electrical and natural gas customers will not like their bills increased because of this DPV2 proposal. Mr. Begalke (10/03/06) pointed out the June 19, 2006 news articles that electrical ratepayers' increases may be \$230 million 2009-2014. SCE Witness Mr. Pfeifenberger stated the same amount, \$230,000,000.00. Staff Witness Dr. Rajat Deb stated \$242 million. Some costs might be mitigated, but any numbers are speculative. Staff Witness Mr. Bob Gray reported how DPV2 would cause higher demand for natural gas, and higher demand causes higher costs (see Page DB-10). The Arizona business-user or resident-user of both electricity and natural gas will be hit twice with higher bills caused by DPV2. Arizona ratepayers do not need DPV2.

No, the State of Arizona does not need DPV2.

California's Congestion:

On August 21, 2006 SCE Witness Ms. Cabbell presented "congestion" at this Hearing. From S. Nv. to into SCE's service area are several transmission lines, and learning from the Final EIR/EIS on Page C-106 (Vol. 3) SCE does not own all of those west-bound lines. Collectively, California utilities own those lines, which have existed for years. Congestion has also existed with those lines for years, and has increased as the California importations have increased from Arizona, Nevada and other states. Why

Natural Gas Impacts of Proposed Devers – Palo Verde 2 Transmission Line

- Natural gas is the fuel on the margin for electric generation in the Southwest most of the time
- Natural gas demand in the central Arizona is expected to increase as gas-fired generation is run more to provide greater exports to California via the proposed Devers – Palo Verde 2 line, particularly if California fails to construct in-state generation to meet growing demand in California
- The DPV-2 line would increase Arizona's connection to the heavily natural gas reliant California electricity market (natural gas consists of 51.6 % of mwh generated in California in 2004 vs 27.0 % in Arizona). Source: Energy Information Administration

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Natural Gas Impacts of Proposed Devers – Palo Verde 2 Transmission Line (cont.)

- Additional natural gas demand growth in Arizona resulting from the proposed DPV-2 line will likely require additional acquisition of interstate pipeline capacity by electric generators, possibly via acquisition of existing capacity or construction of new capacity
- The need for development of natural gas storage in Arizona and/or access to storage facilities elsewhere in the Southwest will be exacerbated by the proposed DPV-2 line

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have the California utilities collectively not fixed the congestion problems from the S. Nv. into SCE's service area? We've heard at this Hearing that utilities are cooperating all the time.

We heard from Ms. Cabbell that DPV2 was needed to overcome California's congestion problems S. Nv. into California.

Mr. Begalke asked about fixing congestion using some "direct-current transmission lines"? Professionals in the industry apply a "direct-current fix" to congestion problems. On October 4, 2006 Mr. Kondziolka testified that one of the lines from Page, Az. to the Pinnacle Peak Substation, Az. would be changed to a direct-current line to decrease and/or eliminate the congestion experienced along that Arizona route.

Frame 50 on Page 25 (see Page DB-12) of the Kondziolka/Bob Smith supplement shows a "New DC" line from the Perkins Substation, Az. to Mira Loma, Ca. Notice the setting for the New DC, in parentheses under "Adelanto", the capacity of the line is 3,100 MW. A DC line of 3,100 MW delivers twice the MW of an AC line, reducing and/or eliminating congestion problems, in an area where east-to-west flows over several lines of the same general route, exist.

Are the California utilities cooperating to fix their severe congestion problem S. Nv. into Ca.? No evidence was presented by any SCE witness informing this Hearing that any work was tried by the collective California utilities to fix that congested area.

Congestion in Ca. is a problem. At this Hearing that problem is being used as an excuse. An excuse is not a reason to build a 500kV line, DPV2, across Arizona.

The Environments:

THE AGRICULTURAL ENVIRONMENT was impacted by DPV1 in far northeastern Harquahala Valley, Decision No. 51170. Takings again occurred for the Harquahala-Hassayampa 500kV line in the Valley. The prior paragraphs' evidences in these Findings establish that DPV2 should not be built in Arizona. No additional agricultural takings in Harquahala Valley are valid.

The Kofa National Wildlife Refuge:

The Kofa Refuge is a very sensitive desert area, already negatively impacted by DPV1. The Sierra Club witnesses on 10/03/06 at this Hearing testified the biological details, and why Kofa should not be further negatively, environmentally impacted by DPV2.

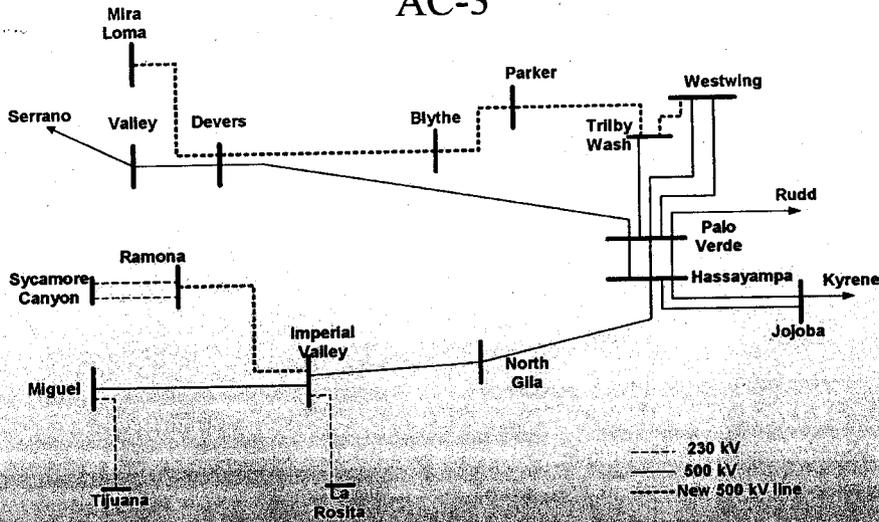
Recreational and Visual Environments are very important to Kofa tourists and visitors, and DPV2 would severely degrade the Refuge's outdoor opportunities in the Crystal Hill



CALIFORNIA ISO

California Independent System Operator

AC-3



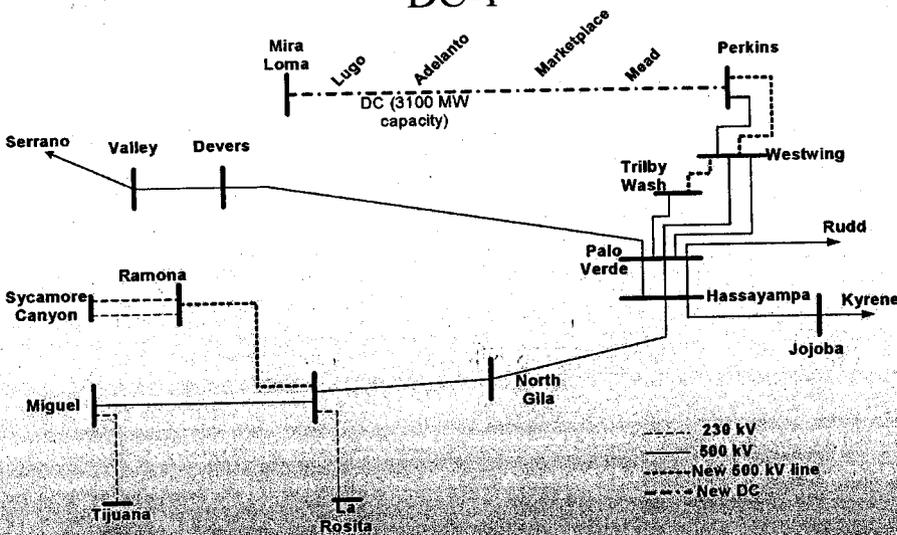
9/25/2006 Committee Exhibit 2 - DPV II Siting Hearing Case No. 130 49



CALIFORNIA ISO

California Independent System Operator

DC-1



9/25/2006 Committee Exhibit 2 - DPV II Siting Hearing Case No. 130 50

area and along Pipeline Road. Quartsite, Az. has grown in population because of increased tourism business associated with the Kofa Refuge. (Begalke, 10/03/06)

When driving the Pipeline Rd. in Kofa, folks can not get away from DPV1, the line is there all the time, the towers are dominantly intrusive being about 1/3rd mile apart. Views are already ruined by DPV1. Unable to get away from another 500kV line along Pipeline, doubling the towers will magnify the degradations, which are counter to the reasons the U.S.A. established the Kofa Refuge.

On 10/03/06 Mr. Begalke provided this Hearing with copies of Page D.3-39 (see Page DB-14) from the Draft EIR/EIS informing of the stand against DPV2 by the U.S. Fish and Wildlife Service. That position by USFWS remains today.

SCE Witness Mr. Ahumada's 10/31/06 statements regarding blading spur roads and the Kofa manager were disappointing, and did not rebut Mr. Begalke's 10/03/06 quote from the USFWS permit for SCE's DPV1 - see pages 7 and 8 of the permit document (Pages DB-17-18) "10d." reads "Permittee (SCE) will not blade existing roads or spur roads unless approved by the compliance officer."

Mr. Begalke (10/03/06) also learned by telephone on 08/23/06 from Kofa Manager Mr. Paul Kornes of a citizen's report of blading along Pipeline Rd. spurs, an occurrence that allegedly happened late-July or early-August. Mr. Begalke mailed Mr. Kornes that same day a FOIA request on the report and investigation.

On October 17, 2006, two weeks after Mr. Begalke's presentation at this Hearing, the USFWS mails their response to the 8/23/06 request (see Pages DB-19-20). The citizen's information lacked details, thus the USFWS' perusal of the alleged spur blading became no record. Having also asked if SCE had filed any compliance schedules for January-August 2006, again USFWS had no record. If SCE or any of their contractors are doing work related to spur roads in Kofa, it is very curious that no compliance request and no record are on file at the regional offices of the USFWS..

Kofa has been damaged by DPV1. DPV2 would only increase environmental damage, and harm Kofa tourists and visitors' recreational and visual experiences in the Refuge. The associated tourism business in/around Quartsite, Az. also should not be harmed. The USFWS remains opposed to DPV2, and the Kofa Refuge does not need DPV2.

Safety Environment:

Questions and concerns came from a Siting Committee Member, and the ACC Staff (Staff Exhibit No. S-22, Page 19) about the planned side-by-side DPV1 towers and DPV2 towers. Although a SCE witness expressed an industry answer, the assurance factor is unknown. Mr. Begalke (10/03/06) raised the Homeland Security issues, but

Table D.3-6. Consistency with Applicable Land Use Plans and Policies

Agency Regulating Visual Resources	Regulation or Policy	Project Consistent?	Method of Consistency
U.S. Bureau of Land Management Yuma District	<p>Lower Gila South Resource Management Plan</p> <p>VRM Classifications are specified (Classes II and III in the project area) in the Resource Management Plan (<i>see above for description of Class II and Class III management objectives</i>).</p>	Yes	<p>The Proposed Project would span the Colorado River, which is assigned a VRM Class II from riparian border to riparian border. The visual change associated with the conductor span only would be low and would meet the VRM Class II objective of a low degree of visual change. The Proposed Project would also cross BLM Yuma District lands with VRM Class III designations in the following areas: (a) north of the Eagletail Mountains, (b) across the Ranegras and La Posa Plains, and (c) through Copper Bottom Pass in the Dome Rock Mountains to the Colorado River. The low-to-moderate levels of change that would be caused by the project in these areas would meet the VRM Class III objective of a moderate (or lower) degree of visual change. While the new line would not repeat the basic elements of the existing natural features in the landscape, it would repeat the characteristics of the existing line. Although the project would be visible, it would not dominate the view of the casual observer. See Figures D.3-7A and D.3-7B for views of La Posa Plain, and Figures D.3-8A (existing view) and D.3-8B (simulation) for views of the Colorado River crossing.</p>
U.S. Fish and Wildlife Service Kofa National Wildlife Refuge	<p>Kofa National Wildlife Refuge & Wilderness and New Water Mountains Wilderness Interagency Management Plan and EA, 1996. Page 29, Management Strategy, Objective 1: Preservation of Wilderness Values.</p> <p>Objective 1: Preservation of Wilderness Values</p>	No	<p>The Proposed Project would result in the placement of new structures within the Refuge, which would adversely affect views from Crystal Hill Road and Pipeline Road. The new structures would cause a noticeable increase in structure prominence and industrial character and would result in a moderate-to-high degree of additional view blockage of the background Livingston Hills. The construction of new or use of existing access and spur roads may also result in increased land scarring. Therefore, the project would not be consistent with the objective of maintaining or enhancing the wilderness values of naturalness by minimizing visual impacts of development. See Figures D.3-5A (existing view) and D.3-5B (simulation) for views of the Kofa NWR.</p>
U.S. Bureau of Land Management California Desert District	<p>California Desert Conservation Area (CDCA) Plan-1980 as amended.</p> <p>Interim VRM Class II Designations. In the absence of established Visual Resource Management (VRM) Classes in the CDC Plan, Interim VRM Classes have been developed for those BLM lands within the Alligator Rock ACEC (<i>see above for description of Class II management objectives</i>).</p>	No	<p>The Proposed Project would cross BLM lands in the Alligator Rock ACEC with an interim VRM Class II designation. The moderate levels of visual change that would be caused by the project in these areas would not meet the VRM Class II objective of a low degree of visual change. The new line would not retain the existing character of the landscape nor would it repeat the basic elements (form, line, color, and texture) of the existing natural features in the landscape. See Figures D.3-11A (existing view) and D.3-11B (simulation) for views of the Alligator Rock ACEC.</p>



United States Department of the Interior

FISH AND WILDLIFE SERVICE

P.O. Box 1306

Albuquerque, New Mexico 87103

In Reply Refer To:
R2/NWRS-RE
FOIA # 2006-00841

LA-Arizona
Kofa NWR
Southern California
Edison Co. (E-2)

August 1, 2006

Mr. Donald Begalke
P.O. Box 17862
Phoenix, Arizona 85011-0862

Dear Mr. Begalke:

This is in response to your July 24, 2006, Freedom of Information Act (FOIA) request in which you requested records "...about the permit to Southern California Edison Company has through the Kofa National Wildlife Refuge, Az. for a road and the spur roads in the refuge for Devers-Palo Verde #1 500kV Transmission Line."

Your request was received by the Fish and Wildlife Service on July 27, 2006.

We have carefully searched our files in the Realty Office of the Regional Office. A copy of Permit (E-2) 500kV ELECTRIC TRANSMISSION LINE, containing 16 unredacted pages is enclosed. No documents have been withheld.

Any fees associated with processing your request have been waived.

Sincerely,

Barbara Rose
Chief, Realty Management
Division of Realty

Enclosure

cc: Bill Green, FOIA Coordinator
Paul Cornes, Refuge Manager, Kofa NWR



**UNITED STATES
DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE**

POST OFFICE BOX 1306
ALBUQUERQUE, NEW MEXICO 87103

IN REPLY REFER TO:

LA-Arizona
Kofa NWR
(E-2) Southern Calif
Edison 500 kV

PERMIT (E-2)

500KV ELECTRIC TRANSMISSION LINE

THE SECRETARY OF THE INTERIOR, through his authorized representative, the Regional Director, U.S. Fish and Wildlife Service, in accordance with regulations published in 50 CFR 29.21, and Department of the Interior Solicitor's opinion of December 11, 1979, does hereby grant a permit to SOUTHERN CALIFORNIA EDISON COMPANY, herein referred to as the "Permittee," to use and occupy certain lands of the Kofa National Wildlife Refuge for the purpose of construction, operation, and maintenance of one 500 kV Electric Transmission Line for a period of 50 years commencing on May 1, 1981. The wildlife refuge lands authorized for use under the terms and conditions of this permit shall be limited to 160 feet in width, being 80 feet on each side of the centerline described on "Exhibit A" attached to and made a part of this permit.

The permit hereby granted is for only that portion of a 500 kV electric power transmission line crossing Federal lands of the Kofa National Wildlife Refuge. The total transmission line extends from the Palo Verde Nuclear Generating Station near Phoenix, Arizona, to the Devers Substation near Palm Springs, California, covering approximately 240 miles.

Use of the right-of-way for additional transmission lines or for other purposes is prohibited.

This permit is limited to a term of fifty (50) years, and may be renewed subject to regulations existing at the time of renewal and such other terms and conditions deemed necessary to protect the public interest.

This permit reserves to the Secretary of the Interior, or his lawful delegate, the right to grant additional rights-of-way, easements, or permits for compatible uses over, under, or adjacent to the land involved in this grant. The refuge manager, Kofa National Wildlife Refuge, is the "Compliance Officer" and the coordinating official having immediate jurisdiction over and administrative responsibility for the premises.

The permittee agrees to reimburse the United States for administrative and other costs incurred in processing the application, granting the permit, inspecting and monitoring the construction, operation, maintenance and termination of all or any part of the right-of-way and related facilities.

b. In the construction, operation, and maintenance of the line, Permittee shall not discriminate against any employee or application for employment because of race, creed, color, sex, or national origin, and shall require an identical provision to be included in all subcontracts.

c. Permittee will assume all liabilities including, but not limited to, road location, soil and geologic stability, design, operations thereto, and maintenance thereafter. Permittee shall be responsible and liable for identifying, prior to construction, all activities that may jeopardize human welfare or equipment that can be rectified through coordination with the authorized officer.

d. The authorized officer reserves the right to approve, disapprove, limit, or specify given type of motorized equipment to be used within the right-of-way per se, or access roads, for the purpose of construction, restoration, or maintenance. Permittee's needs to utilize specific equipment in specific areas within any given segment, as identified in the "Plan of Operation," must be identified and justified in writing to the authorized officer for approval.

e. Permittee shall do everything reasonably within its power, both independently and on request of any duly authorized representative of the Fish and Wildlife Service, to prevent and suppress fires on or near the lands to be occupied under the right-of-way, including making available such construction and maintenance forces as may be reasonably obtainable for the suppression of such fires. The compliance officer will be notified immediately of any fires noted on the refuge during the term of this right-of-way grant.

f. Permittee shall repair such roads, fences, and trails as may be destroyed or damaged by construction work, and shall build and maintain necessary and suitable crossings for all roads, trails, and fences that intersect the works constructed, maintained, or operated under this grant.

g. Permittee will consult with the compliance officer seventy-two (72) hours in advance on any need to modify or deviate from the submitted application and "Plan of Operations" concerning any project elements; no preconstruction, construction, postconstruction, or maintenance activities shall commence on refuge lands that may have archeological, cultural, or paleontological values, without prior approval of the authorized officer.

h. Within ninety (90) days after completion of construction or after all restoration stipulations have been complied with, whichever is later, proof of construction shall be submitted to the authorized officer.

10. Roads and Access Requirements

a. Main access for construction of the line on the refuge shall be along the existing El Paso natural gas pipeline maintenance road,

with the written consent of the El Paso Natural Gas Company. Any upgrading and/or modification(s) of this existing road to prevent damage to the underlying gas pipeline(s) shall be Permittee's responsibility. Modification specifications shall be determined by the El Paso Natural Gas Company agreed to by Permittee and approved by the authorized officer. Any modifications and/or upgrading of this road for construction purposes, other than those necessary for protection of the gas pipeline(s), must be approved by the compliance officer. The cost of all modifications and/or upgrading of this existing road shall be Permittee's. The construction of a new main access road on the refuge is prohibited.

b. The locations of spur roads from the main access road to each tower site have been determined and agreed upon by the Fish and Wildlife Service and Permittee. Any deviation from these locations during construction must be approved by the compliance officer.

c. Where spur roads cross the natural gas pipeline(s), it shall be Permittee's responsibility to provide additional surface material to prevent damage to the pipeline(s) as specified by the El Paso Natural Gas Company.

d. Permittee will not blade existing roads or spur roads unless approved by the compliance officer.

e. Material (dirt, sand, gravel, rock, cement, etc.) required for main access or spur road construction, modification, or upgrading will be hauled in and removed by Permittee once construction is completed unless otherwise authorized by compliance officer following construction.

f. Once construction is completed, all access roads, pulling sites, and other surface disturbances caused by construction shall be restored to their original condition to the extent possible and approved by the compliance officer.

g. The dumping of excess material such as sand, gravel, rock, and/or cement or material from cleaning cement trucks on the refuge is prohibited.

h. Permittee shall permit free and unrestricted public access to and upon the right-of-way for all lawful and proper purposes, except the areas designated as restricted by Permittee with the consent of the authorized officer in order to protect the public safety or facilities constructed on the right-of-way.

i. During construction, Permittee shall regulate public access and vehicular traffic as required to facilitate construction operations and to protect the public and wildlife from hazards associated with the project. Permittee shall provide warnings, flagmen, barricades, and any other safety measures that may be required by the compliance officer.



United States Department of the Interior

FISH AND WILDLIFE SERVICE

P.O. Box 1306

Albuquerque, New Mexico 87103

In Reply Refer To:
R2/NWRS-SUPV
FWS #2006-00964

OCT 17 2006

Mr. Donald G. Begalke
P.O. Box 17862
Phoenix, Arizona 85011-0862

Dear Mr. Begalke:

This letter is in response to your Freedom of Information Act (FOIA) request dated August 23, 2006, received at Kofa National Wildlife Refuge (NWR), U. S. Fish and Wildlife Service, on August 25, 2006. You requested the following:

1. the report explaining the recent (late-July or early-August) damage to the spur roads, by blading, to the DPV1 Towers recently discovered in the Kofa Refuge. Was the Kofa landscape adjacent to the spur roads also damaged? Please inform which spur roads by tower number (like "78-1", found on a tower near an accompanying danger sign) if you can, and some physical explanation where the spur roads are along Pipeline Road.
2. any compliance schedules that the Southern California Edison Company has filed with your Kofa Compliance Office for January-August 2006, and any associated refuge report or document establishing whether SCE is in compliance or not.

We have conducted a search of our files and records located at Kofa NWR. There are no records responsive to your request.

If you consider this response to be a denial of your request under 43 CFR 2.28(a)(2), you may file an appeal. You may appeal this decision to the FOIA Appeal Officer by writing to:

Ms. Darrell Strayhorn
FOIA Appeals Officer
U.S. Department of the Interior
Office of the Solicitor
1849 C Street-Mail Stop 6556
Washington, D.C. 20240

The appeal must be received within 30 days (Saturdays, Sundays, and public legal holidays excepted) after the date of this letter. The envelope and appeal letter should be marked with the words "Freedom of Information Appeal." Copies of your original request and this response must

Mr. Donald G. Begalke

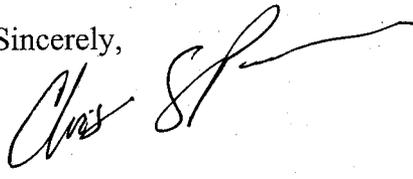
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accompany your letter with the legend "Freedom of Information Appeal." To ensure the expeditious processing and full consideration of your appeal, please include a brief statement setting forth the basis for your belief that this decision is in error.

If you have any questions, please contact Paul Cornes at 928-783-7861, ext. 17.

Sincerely,

ACTING


Regional Director

cc: William E. Green, FOIA Officer, Region 2

Jeannie Wagner-Greven, Acting Refuge Supervisor- AZ/NM, Region 2

SCE did not answer. Arizona is taking the risks if the project would be built. Based on available evidence, the balance informs that DPV2 should not be approved as safety issues remain.

SCE's DPV1 Is Out Of Compliance With The CEC:

The ACC Decision 51170 granted a Certificate of Environmental Compatibility to SCE in 1980 for the DPV1 line.

During construction of DPV1 SCE erected some double-circuit towers in Arizona instead of the single-circuit towers presented in Cases No. 34 and 48. SCE and BLM came to an agreement in 1981 for double-circuits. SCE erected such towers in Copper Bottom Pass and at the PVNGS without filing an amendment of 51170 to the ACC.

25 years later, 2006, the Sierra Club discovers that some SCE DPV1 towers are double-circuits. For 25 years SCE has been out of compliance with the CEC of 51170, meaning SCE's DPV1 has never been environmentally compatible to Arizona.

After the Sierra Club's discovery was filed onto the Case No. 130 record during June (the discovery issue is separate of this case), and during July, 2006 SCE filed for an amendment to Decision 51170. The record is Docket No. E-20465A-06-0457. On October 17, 2006 the ACC referred the docket to the APP&TLSC for adjudication. At this Findings' deadline, the adjudication has not occurred.

A company noncompliant with a CEC for 25 years deserves a "NO!!" on their DPV2 Application, a Denial of a Certificate of Environmental Compatibility!!

SCE's Horrible Environmental Record With Respect To Arizonans, And The Arizona Environment:

On 10/03/06 Mr. Begalke reviewed SCE's Mohave Power Plant pollutions on Arizonans in the northwest part of our State that also affected the Grand Canyon National Park and other environments in between.

SCE, majority owner, also operated MPP, and about 1990 the plant's pollution problem began causing breathing difficulties and lung problems for Arizonans in Mohave County, Az. The pollutions increased, and SCE was requested to install scrubbers. SCE refused as the pollutions worsened. After years SCE was taken to court. The court decision took time while the polluting continued. Meanwhile the forests were affected by SCE's pollutions. Visibilities were affected locally in Mohave County and farther. The Grand Canyon was shown polluted on national media, and views across the Canyon definitely were not clear. Tourism was affected in Coconino County. There is much that could be recalled about SCE's pollutions onto Arizona. Finally a court decision came giving

SCE a choice of installing equipment to stop the pollutions, or to shut the plant down. Rather than fixing a very, very bad polltions' problem. SCE decided on closure, and SCE's horrible pollutions on Arizonans and the Arizona Environment ended.

A company, SCE, with both a horrible human-environmental record and an equally horrible physical record on the Arizona outdoors environment does not deserve anything from Arizona, especially a Certificate of Environmental Compatibility for DPV2!!!!

The Findings:

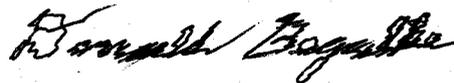
01. The lawfulness of SCE's DPV2 Application is yet undertermined.
02. SCE does not demonstrate a commitment to the Arizona-California Subregional Grid.
03. SCE does not demonstrate a cooperative spirit in the industry.
04. More than 1,200 MW will be importable to Ca. without DPV2 by 2009.
05. Evidences demonstrate that Arizona does not need DPV2.
06. California's congestion problems are industry fixable.
07. Arizona should not be "used" as a California tool.
08. The Kofa National Wildlife Refuge has been degraded by DPV1.
09. The USFWS does not want DPV2 in the Kofa Refuge.
10. Safety and other security concerns with DPV2 yet exist.
11. SCE's own DPV1 actions caused their environmental noncompliance, which SCE hid from the State of Arizona for 25 years.
12. SCE pollutions caused Arizonans health problems for years.
13. SCE pollutions caused harm to the Arizona environment, recreational experiences at the Grand Canyon, and on Arizona Tourism.

Findings' Request:

Siting Committee,

I respectfully request the Arizona Power Plant and Transmission Line Siting Committee recommend the Arizona Corporation Commission issue a Denial of a Certificate of Environmental Compatibility to the Southern California Edison Company on the Application for the Devers-Palo Verde No.2 500kV Transmission Line Proposal.

Donald Begalke, Individual Intervenor
PO Box 17862, Phoenix, Az. 85011-0862



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