

ORIGINAL

INTERVENTION



0000087066

RECEIVED

1 Quarles & Brady LLP  
2 Firm State Bar No. 00443100  
3 One Renaissance Square  
4 Two North Central Avenue  
5 Phoenix, Arizona 85004-2391  
6 Telephone 602.229.5200

2008 JUL 29 P 3: 23

AZ CORP COMMISSION Arizona Corporation Commission  
DOCKET CONTROL DOCKETED

JUL 29 2008

5 Attorneys for Intervenor Vistancia, LLC  
6 Michelle De Blasi  
7 Roger K. Ferland

DOCKETED BY *mw*

BEFORE THE ARIZONA POWER PLANT

AND TRANSMISSION LINE SITING COMMITTEE

8  
9 IN THE MATTER OF THE APPLICATION )  
10 OF ARIZONA PUBLIC SERVICE COMPANY, )  
11 IN CONFORMANCE WITH THE REQUIREMENTS )  
12 OF ARIZONA REVISED STATUTES §§ 40-360, )  
13 *et seq.*, FOR A CERTIFICATE OF ENVIRONMENTAL )  
14 COMPATIBILITY AUTHORIZING THE TS-5 TO TS-9 )  
15 500/230kV TRANSMISSION LINE PROJECT, WHICH )  
ORIGINATES AT THE FUTURE TS-5 SUBSTATION, )  
LOCATED IN THE WEST HALF OF SECTION 29, )  
TOWNSHIP 4 NORTH, RANGE 4 WEST AND )  
TERMINATES AT THE FUTURE TS-9 SUBSTATION, )  
LOCATED IN SECTION 33, TOWNSHIP 6 NORTH, )  
RANGE 1 EAST, IN MARICOPA COUNTY, ARIZONA )

Docket No. L-00000D-08-0330-00138

Case No. 138

**REQUEST FOR LEAVE TO INTERVENE**

16 Pursuant to A.R.S. § 40-360.05.A and A.A.C. R14-3-204, the undersigned, on behalf of  
17 Vistancia, LLC (“Vistancia”), hereby files with the Arizona Power Plant and Transmission Line  
18 Siting Committee (the “Committee”) its Request For Leave To Intervene as a party in the above-  
19 captioned proceeding. The Committee should grant leave to intervene because the party seeking  
20 intervention desires to protect both the current and future use of its property, which will be  
21 directly and substantially affected by the transmission line route proposed by Arizona Public  
22 Service Company (“APS”) in its Application for a Certificate of Environmental Compatibility  
23 (“CEC”) in the above-captioned matter.

24 Vistancia is the owner of the award-winning Vistancia master planned community in  
25 Maricopa County that is generally bounded by the Carefree Highway alignment on the north, El  
26

1 Mirage Road on the east, Lone Mountain Road on the south, and Reems Road on the west (the  
2 “Vistancia Property”). Since opening in February 2004, the Vistancia Property has been  
3 continually recognized for its design complementing the natural beauty of the desert and its  
4 incorporation of more than 1,700 acres of open space. The Vistancia Property would be directly  
5 adversely affected by APS’ proposed Preferred Alignment along the Carefree Highway  
6 alignment.

7 Vistancia currently anticipates it will be collaborating with other parties in presenting an  
8 evidentiary case in support of a proposed alignment to the north of SR 74 within the corridor of  
9 APS’ Alternative Route 3. This proposed route not only meets the suitability standard for CEC  
10 issuance prescribed by A.R.S. § 40-360.06, but for the reasons that will be presented at the  
11 hearing, is a superior route to the current routes proposed by APS through the city of Peoria.

12 As an intervenor, Vistancia can provide meaningful input on the selection of certain  
13 alignments in APS’ CEC application. For the reasons outlined above, Vistancia respectfully  
14 requests that the Committee grant its Request for Leave to Intervene as a party in this matter.  
15 Vistancia requests that all communications in connection with the above-captioned proceedings  
16 be directed to:

17 Michelle De Blasi  
18 Roger K. Ferland  
19 Quarles & Brady LLP  
20 One Renaissance Square  
21 Two North Central Avenue  
22 Phoenix, Arizona 85004-2391

23 RESPECTFULLY SUBMITTED this 29<sup>th</sup> day of July, 2008.

24 ...

25 ...

26 ...

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

QUARLES & BRADY LLP  
One Renaissance Square  
Two North Central Avenue  
Phoenix, AZ 85004-2391

By Michelle De Blasi  
Michelle De Blasi

Attorneys for the Intervenor Vistancia, LLC

Original and 25 copies  
filed on July 29, 2008, with:

Docket Control  
Arizona Corporation Commission  
1200 W. Washington St.  
Phoenix, AZ 85007

Copy of the above mailed this  
29<sup>th</sup> day of July, 2008, to:

John Foreman, Chairman  
Arizona Power Plant and  
Transmission Line Siting Committee  
Assistant Attorney General  
1275 West Washington Street  
Phoenix, AZ 85007

Charles Hains  
Janice Alward, Chief Counsel  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, AZ 85007  
Counsel for Legal Division Staff

Edward W. Dietrich, Senior Project Manager  
Real Estate Division Planning Section  
Arizona State Land Department  
1616 West Adams Street  
Phoenix, AZ 85007

James T. Braselton, Esq.  
Mariscal Weeks McIntyre & Friedlander, PA  
2901 N. Central Avenue, Suite 200  
Phoenix, AZ 85012-2705  
Counsel for Intervenor Toll Brothers

- 1 Lawrence Robertson Jr., Esq.  
2247 E. Frontree Rd., Suite 1  
2 P.O. Box 1448  
Tubac, AZ 85646-0001  
3 Counsel for Intervenor Diamond Ventures
- 4 Steve Burg, Chief Assistant City Attorney  
City of Peoria  
5 Office of the City Attorney  
8401 West Monroe Street  
6 Peoria, AZ 85345  
Counsel for City of Peoria, AZ  
7
- 8 Mr. Art Othon  
Office of the City Attorney  
8401 West Monroe Street  
9 Peoria, AZ 85345
- 10 Mark A. Nadeau, Partner (realtor)  
DLA Piper US LLP  
11 2415 E. Camelback Road, Suite 700  
Phoenix, AZ 85016-4246  
12
- 13 Meghan Grabel  
Pinnacle West Capital Corporation  
P.O. Box 53999, Mail Station 8602  
14 Phoenix, AZ 85072-3999
- 15 Robert N. Pizorno, Esq.  
Beus Gilbert, PLLC  
16 4800 N. Scottsdale Road, Suite 6000  
Scottsdale, AZ 85251-7630  
17
- 18 Court S. Rich, Esq.  
Rose Law Group  
6613 N. Scottsdale Road, Suite 200  
19 Scottsdale, AZ 85250-0001
- 20 Thomas H. Campbell, Esq.  
Albert Acken, Esq.  
21 Lewis and Roca, LLP  
Two Renaissance Square  
22 40 North Central Avenue  
Phoenix, AZ 85004  
23 Counsel for Applicant, APS
- 24 Scott McCoy, Esq.  
Earl Curley Lagarde, PC  
25 Suite 1000  
3101 N. Central Avenue  
26 Phoenix, AZ 85012-2654

1 Charles W. and Sharie Civer (realtors)  
42265 N. Old Mine Road  
2 Cave Creek, AZ 85331-2806  
(Intervenors on behalf of DLGC II and Lake Pleasant Group)

3  
4 Steve Wene  
Moyes Sellers & Sims  
1850 N. Central Ave. Ste. 1100  
5 Phoenix, AZ 85004

6 Garry D. Hays  
The Law Offices of Garry D. Hays, PC  
7 1702 East Highland Avenue, Suite 400  
Phoenix, AZ 85016  
8 Counsel for Arizona State Land Department

9   
10 6400858.1

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26