

ORIGINAL

INTERVENTION



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Gary L. Birnbaum (#004386)
James T. Braselton (#010788)
MARISCAL, WEEKS, McINTYRE
& FRIEDLANDER, P.A.
2901 North Central Avenue, Suite 200
Phoenix, Arizona 85012-2705
Phone: (602) 285-5000

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AZ CORP COMMISSION
DOCKET CONTROL

Attorneys for Sunhaven Property Owners

BEFORE THE ARIZONA POWER PLANT
AND TRANSMISSION LINE SITING COMMITTEE

IN THE MATTER OF THE APPLICATION
OF ARIZONA PUBLIC SERVICE
COMPANY, IN CONFORMANCE WITH
THE REQUIREMENTS OF ARIZONA
REVISED STATUTES §§40-360, *et seq.*, FOR
A CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AUTHORIZING THE
TS-5 TO TS-9 500/230kV 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-0000D-08-0330-00138

Case No. 138

REQUEST FOR LEAVE TO
INTERVENE OF CERTAIN
SUNHAVEN PROPERTY OWNERS

Pursuant to A.R.S. § 40-360.05(A) and A.A.C. R14-3-204, the undersigned, on behalf of Sun Haven Associates, LLC, Sun Haven I, L.L.C. and 203 Properties, L.L.C. (collectively, the "Sunhaven Property Owners"), respectfully requests that the Arizona Power Plant and Transmission Line Siting Committee (the "Committee") allow them to intervene as parties in the above-captioned proceeding. The Sunhaven Property Owners request leave to intervene because they seek to protect the entitled residential, school site and other uses of their properties, which uses may be substantially and adversely affected by at least one of the transmission line routes under consideration by Arizona Public Service Company ("APS") as set forth in its Application for a Certificate of Environmental Compatibility ("CEC") in the above-captioned matter.

Arizona Corporation Commission
DOCKETED

AUG - 8 2008

DOCKETED BY

1 The Sunhaven Property Owners are the owners of three separate parcels of property
2 within a master planned community known as Sunhaven, located within the study area for the
3 APS project that is the subject of these line siting hearings. More specifically, Sunhaven is
4 located between 187th Avenue on the east; 203rd Avenue and Grand Avenue on the west; Dove
5 Valley Road on the north; and Dixileta Drive on the south.

6 Sun Haven Associates, L.L.C., owns approximately 542 acres of land located both north and
7 south of the Lone Mountain Road alignment, the east/west alignment for APS Alternative Route No. 2
8 through this area. Sun Haven I, L.L.C. owns approximately 921 acres of land located on the south
9 side of the Lone Mountain Road alignment and 203 Properties, L.L.C. owns approximately 313 acres
10 on both the north and south sides of Lone Mountain Road. As a result, all three of these property
11 owners will be adversely impacted if APS Alternative Route No. 2 is ultimately selected as the
12 approved route. In fact, the current alignment for Alternative Route No. 2 directly encroaches onto a
13 proposed school site located within the property owned by 203 Properties, L.L.C.!

14 The Sunhaven Property Owners anticipate they will be collaborating with other parties in
15 presenting an evidentiary case in support of proposed alignments which do not adversely impact
16 the Sunhaven Property. As will be explained in detail at the hearing, Sunhaven's
17 objective in protecting its approved PAD can be achieved through the adoption of the Preferred
18 Alignment (or possibly one or more other alignments described in APS' Notice of Hearing), if
19 appropriate limitations on certain corridor widths are adopted.

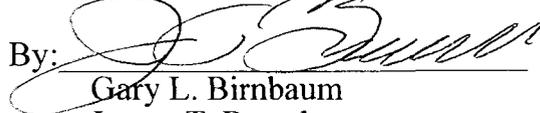
20 As intervenors, the Sunhaven Property Owners can provide meaningful input on the
21 relative merits of both the preferred and alternative routes described in APS' CEC application and
22 explain the necessity for appropriate corridor width limitations as well.
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1 For the reasons outlined above, the Sunhaven Property Owners respectfully request that
2 the Committee grant their Request for Leave to Intervene parties in this matter. The Sunhaven
3 Property Owners further request that all communications in connection with the above-captioned
4 proceeding be directed to their counsel:

5 Gary L. Birnbaum
6 James T. Braselton
7 Mariscal, Weeks, McIntyre & Friedlander, P.A.
8 2901 North Central Avenue, Suite 200
9 Phoenix, AZ 85012-2705

10 Respectfully submitted this 6th day of August, 2008.

11 **MARISCAL, WEEKS, McINTYRE**
12 **& FRIEDLANDER, P.A.**

13 By: 

14 Gary L. Birnbaum
15 James T. Braselton
16 2901 North Central Avenue
17 Suite 200
18 Phoenix, Arizona 85012-2705
19 **Attorneys for Sun Haven I, L.L.C.**
20 **Sun Haven Associates, LLC**
21 **203 Properties, L.L.C.**

22 COPY of the foregoing hand-delivered
23 this day 6th day of August, 2008, to:

24 Docket Control
25 Arizona Corporation Commission
26 1200 W. Washington Street
Phoenix, AZ 85007

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

- 1 Charles Hains
Janice Alward, Chief Counsel
- 2 Arizona Corporation Commission
1200 West Washington Street
- 3 Phoenix, AZ 85007
Counsel for Legal Division
- 4
- 5 Edward Dietrich, Senior Project Manager
Real Estate Division Planning Section
Arizona State Land Department
- 6 1616 West Adams Street
Phoenix, AZ 85007
- 7
- 8 Lawrence Robertson, Jr., Esquire
2247 E. Frontree Road, Suite 1
P.O. Box 1448
- 9 Tubac, AZ 85646-000
- 10 Steve Burg, Chief Assistant City Attorney
City of Peoria
- 11 Office of the City Attorney
8401 West Monroe Street
- 12 Peoria, AZ 85345
Counsel for City of Peoria, AZ
- 13
- 14 Mr. Art Othon
Office of the City Attorney
8401 West Monroe Street
- 15 Peoria, AZ 85345
- 16 Michael D. Bailey
City of Surprise Attorney's Office
- 17 12425 W. Bell Road
Surprise, AZ 85374
- 18 Counsel for Intervenor City of Surprise
- 19 Mark A. Nadeau, Partner (realtor)
DLA Piper US LLP
- 20 2415 E. Camelback Road, Suite 700
Phoenix, AZ 85016-3999
- 21
- 22 Shane D. Gosdis
DLS Piper US LLP
2415 E. Camelback, Suite 700
- 23 Phoenix, AZ 85016
Counsel for 10,000 West, LLC
- 24
- 25 Robert N. Pizorno, Esq.
Beus Gilbert, PLLC
4800 N. Scottsdale Road, Suite 6000
- 26 Scottsdale, AZ 85251-7630

- 1 Court S. Rich, Esquire
2 Rose Law Group
6613 N. Scottsdale Road, Suite 200
3 Scottsdale, AZ 85250-0001
- 4 Thomas H. Campbell, Esquire
Albert Acken, Esquire
5 Lewis and Roca, LLP
Two Renaissance Square
6 40 North Central Avenue
Phoenix, AZ 85004
7 Counsel for Applicant, APS
- 8 Scott McCoy, Esquire
Earl Curley Lagarde, P.C.
9 Suite 1000
3101 N. Central Avenue
10 Phoenix, AZ 85012-2654
- 11 Charles W. and Shair Civer (realtors)
42265 N. Old Mine Road
12 Cave Creek, AZ 85331-2806
(Intervenors on behalf of DLGC II and Lake Pleasant Group)
- 13 Meghan Gabel
14 Pinnacle West Capital Corporation
P.O. Box 53999, Mail Station 8602
15 Phoenix, AZ 85072-3999
- 16 Steve Wene
Moyes Sellers & Sims
17 1850 N. Central Avenue
Suite 1100
18 Phoenix, AZ 85004
- 19 Michelle DeBlasi
Quarles Brady
20 One Renaissance Squire
Two North Central Avenue
21 Phoenix, AZ 85004-2391
Counsel for Intervenors Vistancia, LLC
- 22 Garry D. Hays
23 The Law Offices of Garry D. Hays, PC
1702 East Highland Avenue, Suite 400
24 Phoenix, AZ 85016
Counsel for Arizona State Land Department
- 25

26 /s/Joan Pyles

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