

ORIGINAL

OPEN MEETING AGENDA ITEM



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Arizona Corporation Commission

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Arizona Corporation Commission

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DOCKETED

TEP Case No. 137

AZ CORP COMMISSION
DOCKET CONTROL

AUG 22 2008

Chairman Gleason, Commissioners and Judge Farmer,

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I would like to thank you for allowing this last meeting to be held here in Tucson. My name is Nan Cowley and I am a resident of the New Dawn Estates, one of the two neighborhoods that would be the most directly and indirectly impacted by the Vail Area project.

I have been involved in this process since TEP's contractor went "door to door" in April of 2007 in our neighborhood and implied the substation would be located close to Colossal Cave and Dawn Dr. I called and made comments via mailings on May 7th 2007, which are in the TEP application, I attended the City of Tucson TEP required meetings in January and I have been involved in the ACC process ever since it began in February. I did not "lose interest" as TEP's contractor suggested some of us did who called and mailed in the beginning. As a matter of fact Elizabeth Webb, Tony and Kit Marrs, the other people who phoned in during the summer of 2007 are still very active in this process. We were all at the City of Tucson required meeting in January as well. We have not lost interest by any means, further more the residents in the New Dawn and Vail Vista's have not lost interest either, they are all working class families and aren't able to get off work to attend all of the meetings.

I felt that the hearing process was rather brutal for those of us that don't have law degrees and understandings of how the judicial process works. I've learned that wording is everything, and that it requires a lot of money. Neighborhoods and communities that are attempting to represent themselves just don't have that kind of cash flow, nor have the funds to hire an attorney. It was my understanding that I would be able to make public comments throughout the hearing. I later learned that this wasn't possible and that only interveners could play a part in the hearing. When I inquired about this, the deadline was past and I wasn't able to become an intervener. Because I was ignorant to the process and how things went, I drove up to Phoenix the first time thinking that I would have an opportunity to make one more public commit, I even prepared a power point presentation that I thought that I would be able to present with points that I felt were relevant to the hearing.

After arriving I learned that really wasn't going to be possible. I turned to Elizabeth Webb for help, because she was able to become an intervener. I then watched how the process unfolded. I was appalled how she was treated by the Committee. Elizabeth hasn't had any formal training in prosecuting or as a defendant in the judicial system. Elizabeth was told to follow the lead of the attorneys there, and when she did her best to do so, she was reprimanded. The hearings continued and again I drove to Phoenix, this time to support Elizabeth, and to help her with a presentation that she wanted to share.

It was my first time trying this and I had a minor difficulty with my computer. I was flustered at first, but as I regained composure and had figured out a way to provide more sound, Elizabeth was told "one of the things, Ms. Webb, you have to come to this hearing prepared to present the evidence that the Committee can hear and take into consideration. If you are not prepared to do that, we need to move on."

This was most frustrating to me, because again I had traveled up to Phoenix, just so that I could be dismissed. Elizabeth was chastised for her attempts to bring up what we felt were valid and important points to the case. ACC staff testified later in the day, and there were technical difficulties that lasted for quite a few minutes. TEP's contractor who was presenting Staff's Power Point given ample time to correct the issue they were having without repercussions.

I recommend that from this time forward that when the ACC has hearings that they educate the public and interveners on how the proceedings are run, what to expect, and how each party can effectively represent themselves. This should help eliminate many of the issues that we as a public and Ms. Webb as an intervener had to endure.

I have had the opportunity to meet with TEP on Friday. I am pleased that TEP has been making efforts to place the substation to the West of Colossal Cave Rd and Dawn. I appreciate that TEP has been attempting to make what I considered a bad situation better. This whole process has been very educational for me. I have learned a lot about how big corporations and communities don't necessarily see eye to eye. That when companies come in and say this is the way it is, and that's that. We can have hearings such as this we can all voice our opinions and then come to a reasonable solution.

This brings me to today. This has been a long and drawn out process, and very costly. I have reviewed the new proposal by TEP to have the substation located on the West side of Colossal Cave Road and Dawn. The residents in the New Dawn and Vail Vista's approve of this location. We have some apprehensions and concerns"

- We ask that TEP move the proposed routing of the underground lines 300ft off of the property lines of the residents in the New Dawn neighborhood. (We have voiced these concerns with TEP).
- We ask that TEP organize the construction process to take the minimal amount of time and minimal destruction of the land and vegetation and to revegetate the area with comparable vegetation, not just wild flower seeds as done by Kender Morgan.
- We ask that access to the affected areas be adequately blocked to prevent people from driving on the new "road" once the project is complete. I say road, because once an area is disturbed, it becomes an area for people to use as a road be it walking, riding bikes, or worse driving their ATV's and or cars. This is especially a concern for those whose homes will be close to the new underground lines. This area is virgin ground as of right now, except for the use of the cows and coyotes'.
- We ask that flood mitigation plans be implemented so that once the installation of the underground lines is completed; there is no detrimental effect on our current issue with flooding.

- We ask that TEP be required to install a locked gate at the entrance to the new road that they will be making to get into the substation.
- We would like TEP to put up galvanized poles in the substation to help with the aesthetics of our community as well as to preserve the view as much as possible.
- We would propose that on the day that this site is approved that the application for the original site permit be immediately withdrawn.
- It is of my opinion that our neighborhood has suffered enough from these proceedings as well as from other utilities, the rail road and from Granit construction. It is also the general feelings of the neighborhood that we do not want additional lines dividing our neighborhood. We members of New Dawn and Vail Vistas would like this committee to say "Yes" on the new proposed site of phase 1 only as long as TEP can show that there really is a need.
- We want this committee to insist on a clause stating that phase 2 proposals will permanently be removed, and that TEP will need to find an alternate route that will not interfere with this neighborhood ever again.
- We would highly suggest that from this point forward that notices be sent to everyone one that will be affected by TEP decisions to do anything, that larger more durable signs be used to notify residents of their plans, that hearings be held in the evenings when more of the residents are available to attend.

Thank you for your time.

Nan Cowley



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