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IN THE MATTER OF THE APPLICATION OF SALT RIVER PROJECT, OR THEIR ASSIGNEE (S), IN CONFORMANCE WITH THE REQUIREMENTS THE ARIZONA REVISED STATUTES 40-360.03 AND 40-360.06 FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AUTHORIZING THE CONSTRUCTION OF NATURAL GAS-FIRED, COMBINED CYCLE GENERATING FACILITIES AND ASSOCIATED INTRAPLANT TRANSMISSION LINES, SWITCHYARD IN GILBERT, ARIZONA LOCATED NEAR AND WEST OF THE INTERSECTION OF VAL VISTA DRIVE AND WARNER ROAD

CASE NO. 105
DOCKET NUMBER FEB 26 P 12:44
L00000B-00-0105

AZ CORP COMMISSION
REQUEST FOR REVIEW BY CONTROL
ARIZONA CORPORATION COMMISSION
OF THE POWER PLANT AND
LINE SITING COMMITTEE'S
FEBRUARY 14, 2001 DECISION AND
OBJECTION TO THE FORM AND
CONTENT OF SAID DECISION

(ORAL ARGUMENT REQUESTED)

Pursuant to A.R.S. 40-360.07 (A) and (B), Intervenor Mark Kwiat, hereby gives notice and request's review of Power Plant and Line Siting Committee's Decision dated February 14, 2001 and Object to the Form and Content of the February 14, 2001 Decision.

I. INTRODUCTION – GROUNDS FOR REVIEW:

The Power Plant and Line Siting Committee (hereinafter called "The Committee") failed and refused to consider the paramount issue at stake in these proceedings by not properly applying A.R.S. 40-360.06. The Committee failed to consider each and every factor as a basis for its action with respect to the **suitability** of this plant as specifically set forth in A.R.S. 40-360.06 (A) 1-9 (B)(C) and (D).

Arizona Corporation Commission

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FEB 20 2001

II. GILBERT (SAN TAN) vs. TEMPE (KYRENE)

DOCKETED BY [Signature]

In my testimony and through conditions I submitted as part of the record in these proceedings, I requested The Committee to give Gilbert the same consideration as what was given to Tempe. Upon several requests that The Committee fully address my conditions, The Committee failed and refused to make any comment or discuss some of my conditions. Compared to the

length of time The Committee discussed the conditions submitted by SRP this was an injustice to the intervenors and the Gilbert community. I would have hoped that The Committee would have shown the Town of Gilbert the same consideration shown to the residents of Tempe. I request this Commission to fully discuss my conditions as set forth below, before making its final decision.

III. CONDITION THE COMMITTEE FAILED AND REFUSED TO DISCUSS

- (2) The Line Siting Committee would strongly consider these parameters in making their final decision of approving or denying SRP'S request for a certificate of environmental Compatibility
 - a) To deny approval for SRP request for a CERTIFICATE of ENVIROMENTAL COMPATIBILTY. I believe it has been shown to this committee that a power plant of this size could never be compatible to the environment suggested.
 - b) If approved, this committee must not allow no more in this expansion process, than what was granted in Tempe. Which was a total dismantlement of the original plant, replacing it with a smaller, more efficient newer plant. Though a mutual agreement took place between SRP and the town of Tempe. Never the less, approval was still granted to SRP.To grant anything more to San Tan, in my opinion, would show prejudice towards the town of Gilbert and it's citizens. The comparisons of both proposals are near identical, with the exception that Gilbert has a greater density of residents buffering the San Tan plant and no industrial buffer. Kyrene has given this committee a precedence to use, as a comparison, and I would implore them to weigh their decision on that precedent.

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IV. INCORPORATION OF THE COMBINED MOTION REGARDING REQUEST FOR REVIEW AND OBJECTION TO FORM AND CONTENT

Incorporated herein by reference, is the combined Request For Review and Objection To Form and Content of the Power Plant and Line Siting Committee's Decision dated February 14, 2001. Nothing contained herein is meant to limit the scope of review but is to be considered as a basis for a review.

RESPECTFULLY SUBMITTED this 26th day of February 2001.

By 

Original and copies filed with the
Arizona Corporation Commission
this 26th day of February 2001 with a copy to:

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By 