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BEFORE THE ARIZONA CORPORATION COMMISSION RECEIVED

IN THE MATTER OF THE APPLICATION OF THE SALT RIVER AGRICULTURAL IMPROVEMENT AND POWER DISTRICT IN CONFORMANCE WITH THE REQUIREMENTS OF ARIZONA REVISED STATUTES SECTIONS 40-360-03 AND 40-360.06, FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AUTHORIZING THE EXPANSION OF ITS SANTAN GENERATING STATION, LOCATED AT THE INTERSECTION OF WARNER ROAD AND VAL VISTA DRIVE, IN GILBERT, ARIZONA.

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Case No. L-00000B-00-0105 ARIZONA CORPORATION COMMISSION DOCUMENT CONTROL

REPLY TO SALT RIVER PROJECT'S RESPONSE TO EMERGENCY MOTION AND REQUEST FOR HEARING

Intervenors Jim and Saretta Parrault, hereby submit their reply to SRP's Response to their Request for Emergency Hearing to Enforce the Terms of the CEC orders and for the reasons set forth below, request the Commission to deny SRP's Request to Dismiss.

Preliminary Statement

Intervenors, Jim and Sarretta Parrault filed their Request for Emergency Hearing to Enforce the Terms of the CEC Orders on August 18, 2003, SRP acknowledges in their response that they have not meet the conditions of number 9 of the CEC but state "the Emergency Motion does not consider the conditions in context with the other conditions of the order." Intervenors' reject this argument and request the Commission also reject SRPs argument based upon the following:

- 1. Onsite mitigation plans were completed by the CWG on February 2, 2002. This included all sides North, South, East and West for the mitigation plans.

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2. From February 11, 2002 through March 30, 2002, SRP requests budget discussions on the mitigation plans adopted and approved by the CWG.
3. March 30, 2002, the CWG reduces the overall onsite mitigation plans from \$8,508,528 to \$6,750,234 a reduction of \$1,758,294 or 21% and SRP agrees to an onsite budget of \$6,750,234.
4. From March 30, 2002 – April 29, 2002 CWG discusses the offsite landscape mitigation and agrees to turn this over to SRP to make the decision of which HOA communities receives funding for offsite.
5. From April 29, 2002 through December 9, 2002 (Approximately 8 months pass) the CWG does not meet and SRP drafts up construction documents.
6. December 9, 2002, SRP presents construction documents at 80% complete and the CWG has its final meeting.
7. Upon information and belief, the berm on the north side has been in place for nearly 9 months. The berm in its present status remains virtually the same as it did 6 months ago.
8. As ordered by the administrative law judge Lyn Farmer, an onsite inspection of the Santan Power Plant occurred on September 23, 2003 with numerous parties attending. While this was a lengthily inspection and discussion period, it was evident that SRP was and is currently in violation of condition number 9.

In addition to the statements above, Intervenors also point to the status reports filed by SRP. A review of those reports indicates:

1. They are misleading as they did not clearly indicate the true dates the CWG completed the onsite process and do not clearly disclose the 8 month gap the CWG did not meet allowing SRP to draft up construction documents. SRP indicates the CWG process was that of an 18 month period which includes the 8 months the CWG did not meet. From June 2, 2001 through February 2, 2002, the CWG completed its onsite plan designs.
2. The status reports also fails to disclose the dates on which the berm began taking shape and were in place many many months ago which could have allowed timely completion of onsite screening in accordance with condition 9. The majority of the dirt came from onsite as a result of digging a pit to bury some of the major equipment so SRP could continue with construction and installation of the plant's major equipment.

It is clear that SRP is and has been in violation of condition 9. We continue to renew our requests for an emergency hearing and to enforce the terms of the CEC orders. Intervenors made a good faith effort to resolve these matters during the September 23, 2003 inspection and discussions however, settlement and very unfortunately was not reached. Intervenors continue to suffer as a result of SRP's non-compliance.

Dated: September ~~24~~ 2003.

*Joseph L. Carrault*

*James Carrault*

Original and 13 copies filed

This 24th of September, 2003 with:

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