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2003 SEP 26 P 12: 16

BEFORE THE ARIZONA CORPORATION COMMISSION

AZ CORP COMMISSION
DOCUMENT CONTROL

COMMISSIONERS

Marc Spitzer, Chairman
Jim Irvin
William A. Mundell
Jeff Hatch-Miller
Mike Gleason

Arizona Corporation Commission

DOCKETED

SEP 26 2003

DOCKETED BY	CAJ
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IN THE MATTER OF THE APPLICATION
OF SALT RIVER PROJECT 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.

NO. L-0000B-00-0105

**JOINDER OF THE RANCHO
CIMARRON PROPERTY
OWNERS
ASSOCIATION, in support of
Jim and Saretta Parrault's
Emergency Motion to
Enforce the Terms of the CEC
Conditions**

The Board of directors of the Rancho Cimarron Property Owners Association, as the elected body of said association hereby join in Jim and Saretta Parrault's Emergency Motion to Enforce the Terms of the CEC orders. We therefore issue the following grievance in regards to Salt River Projects non-compliance of the conditions as set forth by the Arizona Corporation Commission. Their non-compliance is demonstrated through but not limited to their blatant disregard for condition 9. The installation of the Heat Recovery Steam generators during the peak realty selling season, prior to the installation of the CWG approved onsite landscape mitigation is of grave concern to the Rancho Cimarron HOA Board of Directors.

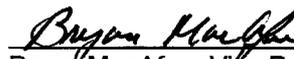
It is our concern that this action is causing undue damage to the property values of the homes in our association. Construction on the power plant should cease until all onsite landscape mitigation is in place as set forth in condition 9. Attached hereto as exhibit "A" is an affidavit in support of the above joinder from Shane Donart, President and Bryan MacAfee, Vice President of Rancho Cimarron Property Owners Association and Brian MacAfee Cimarron Home Owners Association requesting this court's order of penalties to be assessed against Salt River Project. Motion was passed by unanimous vote of September 18, 2003.

RESPECTFULLY SUBMITTED THIS 26th day of September 2003.

RANCHO CIMARRON PROPERTY OWNERS ASSOCIATION

BY:


Shane Donart, President


Bryan MacAfee, Vice President

Original and 25 copies filed this
26th day of September with:

Docket Control
Arizona Corporation Commission
1200 West Washington
Phoenix, AZ 85007

Copies electronically mailed or mailed this 26th day of September 2003 to:

See attached list entitled Santan updated service list – 9/16/03

BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

Marc Spitzer, Chairman
Jim Irvin
William A. Mundell
Jeff Hatch-Miller
Mike Gleason

Exhibit "A"

IN THE MATTER OF THE APPLICATION
OF SALT RIVER PROJECT AGRICULTURAL
IMPROVEMENT AND POWER DISTRICT IN
CONFORMANCE WITH THE REQUIREMENTS
OF ARIZONA REVISED STATUTES
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WARNER ROAD AND VAL VISTA DRIVE, IN
GILBERT, ARIZONA.

NO. L-00000B-00-0105

**AFFIDAVIT OF SHANE DONART
AND BRYAN MAC AFEЕ IN
SUPPORT OF THE RANCHO
CIMARRON PROPERTY OWNERS
ASSOCIATION'S JOINDER TO
JIM AND SARETTA PARRAULTS
EMERGENCY MOTION TO ENFORCE
THE TERMS OF THE CEC ORDERS.**

Shane Donart, President of Rancho Cimarron Property Owners Association and Bryan Mac Afee, Vice President of Rancho Cimarron Property Owners Association hereby request that the Corporation Commission acknowledge that SRP is currently in violation of Conditions 7, 9 and 29 CEC Order for the following reasons.

Regarding Conditions 7 & 29: Rancho Cimarron, based upon its close proximity to the SRP property has and will continue to suffer immanent property damage. Rancho Cimarron submitted plans to SRP before the required deadline in May of 2003 that included vegetative landscape mitigation, irrigation for landscaping, and non-landscape mitigation. These plans were reviewed and approved by those members present at the annual meeting of the membership on May 14, 2003. Upon submittal, SRP rejected the plans as not meeting the guidelines for their interpretation of mitigation. Rancho Cimarron was forced to resubmit their site mitigation plan, increasing the dollar value allocated to landscape mitigation and decreasing the portion allocated to non-landscape mitigation. Rancho Cimarron has mature landscaping along the north side of Warner Road. This is the area of highest impact in the association and will not require much in vegetation infill to properly screen the expanded power plant. Based on this, we have spoken with several Realtors on suggestions for improvements to the neighborhood to improve property values. Enhanced entrance monuments have been suggested strongly by all. Due to SRP's inflexibility, Rancho Cimarron's budget for monument enhancements was decreased by approximately \$30,000 and money was meaninglessly spent on upsizing the trees planted throughout the neighborhood. SRP's argument, as explained from Randy Dietrich, is that the best way to improve property values is to screen the views of the power plant from the neighboring communities. By meeting this minimum requirement, they somehow feel they are maximizing the positive effects of their activities on certain homes in the surrounding neighborhoods. At best, this is an attempt to meet a minimum requirement of reducing the impact of the power plant expansion on area home values.

Regarding Condition 7:

During the CWG design meetings, the Key Biscayne/Warner intersection was identified as a special needs high impact area. As part of this, the entire area (berm, median, and north side of Warner Road) was designed to coordinate, to try to minimize the visibility of the HRSG's and stacks. Ten Eyck drawings were prepared showing trees on the north side of Warner Road on Rancho Cimarron property. On September 22, 2001 the CWG approved the planting of date

palms on both the north and south side of Warner Road. Rancho Cimarron and some of the CWG members brought this to the attention of SRP after monies were allocated to the associations. SRP responded that regardless of the discussion amongst the CWG members, SRP refused to fund the installation of the palm trees on Rancho Cimarron Property.

Regarding Condition 7: SRP contends that the delay of the installation of the landscaping is due to the CWG taking too long to approve its on-site mitigation plans when in fact there was considerable time lost due to waiting for SRP to resolve issues, answer questions, etc. so that the CWG could finalize its construction concepts.

SRP also argues that greater than 70% of the mitigation process is complete on a cost basis and that the planting of the vegetation is a finishing touch. You can never use cost as an indicator of percentage completion on a project. We realize that the trees have been purchased and are part of this 70% calculation, but they aren't mitigating the power plant while sitting in a nursery. The berm has sat in its currently condition for great than six months with nothing on it and thus are quite far from completion in our opinion.

Given the above, we are seeking the following damages on behalf of the Rancho Cimarron Property Owners Association in addition to the \$123,422 promised to Rancho Cimarron for mitigation.

- Installation by SRP at its expense of large palm trees at Key Biscayne and Warner on Rancho Cimarron property as illustrated and documented on Ten Eyck's drawings and approved by the CWG.
- Addition annual maintenance monies from SRP for said palm trees.
- SRP funding in full for installation of the entrance monuments as originally submitted to SRP in May 2003.
- Construction on the power plant should cease until all onsite landscape mitigation is in place as set forth in condition 9.

RESPECTFULLY SUBMITTED THIS 26th day of September 2003.

RANCHO CIMARRON PROPERTY OWNERS ASSOCIATION

BY: Shane Donart
Shane Donart, President
Bryan MacAfee
Bryan MacAfee

SUBSCRIBED and sworn to before me this 26th day of Sept., 2003.

My Commission Expires:

Notary Public

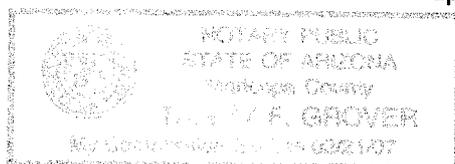
02/21/07

Tommy F. Grover

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Arizona Corporation Commission
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Phoenix, AZ 85007

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Arizona Corporation Commission
1200 West Washington
Phoenix, Arizona 85007

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