



**ORIGINAL**

Arizona Corporation Commission  
**DOCKETED**  
December 1, 2008  
DEC -1 2008

DOCKETED BY 

AZ CORP COMMISSION  
DOCKET CONTROL

2008 DEC - 1 P 2:58

**RECEIVED**

John Foreman, Chairman  
Arizona Power Plant and Transmission Line Siting Committee  
1275 W. Washington St.  
Phoenix, AZ 85007

**Re: Docket No. L-00000D-08-0330-00138; APS Line Siting Case #138**

Dear Chairman Foreman:

This firm represents the owners of approximately ninety-six (96) acres generally located along the southwest side of Grand Avenue between Dixileta Drive/Bradley Road and 211<sup>th</sup> Avenue, commonly referred to as Churchill South, identified on the attached exhibit labeled "Cowley - Attachment 1." The owners include the Carioca Company, Dixon D. Cowley and Wilford A. Cardon and SMT Investors Limited Partnership, collectively referred to as the "Owners" herein. The Churchill South property is made up of a number of parcels that together form a linear piece of property that fronts the Grand Avenue right-of-way.

The Owners have reviewed the alternative routes as identified on the exhibits included in APS's Application for a Certificate of Environmental Compatibility (the "CEC") identified as the above mentioned case. It is evident from APS's detailed analysis of the various routes, their exhaustive stakeholder outreach along with their extensive professional experience with siting transmission lines that they have proposed the best alternative with the "Preferred Route." The Owners support the "APS Preferred Route" not only because it has no effect on the Churchill South Property, but it also appears to impact the fewest number of planned, entitled or developing residential projects within the study area. The Owners do not have a position as it relates to Alternative Route 1 or Alternative Route 3.

The Owners are opposed to "Alternative Route 2" given the likely impact it will have to the northern portion of the Churchill South property. Alternative Route 2 appears to cross Grand Avenue at the Lone Mountain Road alignment. This crossing would likely impact the access to and the development potential of the property. The Churchill South property is partially zoned Commercial in Maricopa County, with a designation of Commercial on the City of Surprise General Plan Land Use Map. The commercial viability of the Churchill South property will depend a great deal on access to Grand Avenue. ADOT has purchased non-access easement rights for the majority of Churchill South's Grand Avenue frontage, thereby limiting access points to the property from Grand Avenue. Churchill South will rely heavily on

the access at 211<sup>th</sup> Avenue, in the area of the Lone Mountain Road Alignment and Grand Avenue. The approval of Alternative Route 2 may add conditions to the burdensome restrictions already in affect on the Churchill South property.

We urge the Arizona Power Plant and Transmission Line Siting Committee to consider the Owners support for the Preferred Route when making a recommendation to the Arizona Corporation Commission. Thank you for your consideration.

Very truly yours,

WITHEY MORRIS P.L.C.

  
By  
William E. Lally, Esq.

Enclosure

Pursuant to A.A.C. R14-3-204,  
The Original and 25 copies were  
Filed December 1, 2008 with:

Docket Control  
Arizona Corporation Commission  
1200 W. Washington St.  
Phoenix, AZ 85007

Copy of the above mailed  
December 1, 2008 to:

Charles Hains  
Janice Alward, Chief Counsel  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, AZ 85007  
Counsel for Legal Division Staff

Brian C. McNeil  
Executive Director  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, AZ 85007

Linda Hogan  
Assistant to the Executive Director  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, AZ 85007

Thomas H. Campbell, Esq.  
Albert Acken, Esq.  
Lewis & Rocha, LLP  
Two Renaissance Square  
40 North Central Avenue  
Phoenix, AZ 85004  
Counsel for Applicant APS

Michael D. Bailey  
Sintra Hoffman  
Office of the City Attorney  
12425 West Bell Road, Suite D100  
Surprise, AZ 85374-9002  
Counsel for City of Surprise

Stephen J. Burg  
Office of the City Attorney  
8401 West Monroe Street, Room 280  
Peoria, AZ 85345  
Counsel for City of Peoria

Garry D. Hays  
The Law Offices of Garry D. Hays, PC  
1702 East Highland Ave, Suite 400  
Phoenix, AZ 85016  
Counsel for Arizona State Land Department

Joseph A. Drazek  
Roger K. Ferland  
Quarles & Brady, LLP  
Two North Central Avenue  
Phoenix, AZ 85004-2391  
Counsel for Vistancia, LLC

December 1, 2008  
Page 4

Frederick E. Davidson  
Chad R. Kaffer  
The Davidson Law Firm  
8701 East Vista Bonita Drive, Suite 220  
P.O. Box 27500  
Scottsdale, AZ 85255  
Counsel for Quintero Community Assoc. & Quintero Golf & Country Club

Dustin C. Jones  
Jon M. Paladini  
Tiffany & Bosco, PA  
2525 E. Camelback Road- 3<sup>rd</sup> Floor  
Phoenix, AZ 85016  
Counsel for Anderson Land and Development, Inc.

Scott McCoy  
Earl, Curley & LaGarde, P.C.  
3101 N. Central Avenue, Suite 1000  
Phoenix, AZ 85012  
Counsel for Woodside Homes of Arizona

Jay Moyes  
Steve Wene  
Moyes, Sellers & Sims  
1850 N. Central Ave, Suite 1100  
Phoenix, AZ 85004  
Counsel for Vistancia Village – Homeowners

James T. Braselton  
Gary L. Birnbaum  
Mariscal, Weeks, McIntyre & Friedlander, P.A.  
2901 North Central Ave  
Phoenix, AZ 85012  
Counsel for Surprise Grand Vista JV No. 1, LLC and Sunhaven

Mark A. Nadeau  
Shane D. Gosdis  
Susan T. Watson  
DLA PIPER US LLP  
2415 East Camelback Road, Suite 700  
Phoenix, AZ 85016  
Counsel for 10,000 West, LLC

December 1, 2008  
Page 5

Court S. Rich  
Ryan Hurley  
Rose Law Group, PC  
6613 N. Scottsdale Road, Suite 200  
Scottsdale, AZ 85250  
Counsel for Warrick 160, LLC and Lake Pleasant 5000, LLC

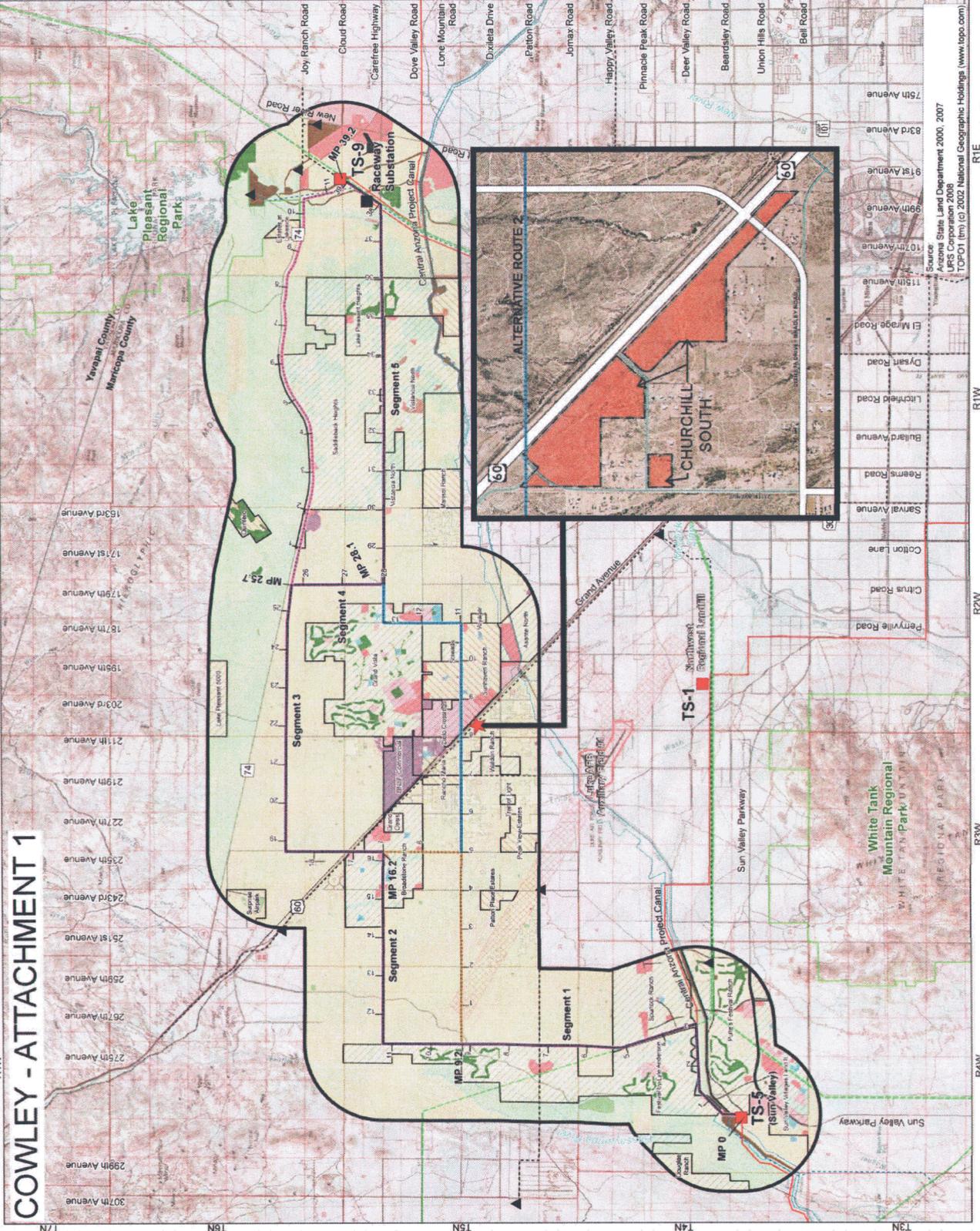
Lawrence V. Robertson, Jr.  
PO Box 1448  
Tubac, AZ 85646-0001 USA  
Counsel for Diamond Ventures, Inc

Scott S. Wakefield  
Ridenour, Hienton, Helhoffer & Lewis  
201 N. Central Avenue, Suite 3300  
Phoenix, AZ 85004  
Counsel for DLGC, II LLC, and Lake Pleasant Group, LLP

Christopher Welker  
10429 South 51<sup>st</sup> Street, Suite 285  
Phoenix, AZ 85044  
Counsel for LP 107, LLC

Marta T. Hetzer  
Arizona Reporting Service, Inc.  
2200 North Central Ave  
Phoenix, AZ 85004-1481

# COWLEY - ATTACHMENT 1



### Exhibit H-1 Development Map TS-5 to TS-9 500/230kV Project

**Legend**

**Project Features**

- Project Area Boundary
- APS Preferred Route
- Alternative Route 1
- Alternative Route 2
- Alternative Route 3
- Milepost

**Future Transmission Facilities**

- Approved High-Voltage Substation
- Approved High-Voltage Transmission Line

**Existing Transmission Facilities**

- Existing High-Voltage Substation
- Existing Substation
- Existing 500kV Transmission Line
- Existing 230kV Transmission Line
- Existing 69kV Transmission Line

**Land Use**

- Residential
- Commercial/Employment
- Industrial
- Utilities
- Mixed Use
- Agriculture
- Transportation
- General Recreation
- Parks and Preservation
- Public or Quasi-public
- School

**Development/Plan Status**

- Development Boundary
- Plat Approved (Preliminary or Final)
- Proposed
- General Plan
- Existing

**General Reference Features**

- Major Road
- Railroad
- River or Stream
- County Boundary
- Regional Park
- Central Arizona Project Canal
- Luke Air Force Base (AFB)
- Auxiliary Field #1
- Potential Zones
- Township and Range Line

0 1 2 Miles  
1:62,500

APS