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ORIGINAL

BEFORE THE ARIZONA POWER PLANT  
AND TRANSMISSION LINE SITING COMMITTEE

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IN THE MATTER OF THE APPLICATION OF  
UNS ELECTRIC, INC. FOR A CERTIFICATE  
OF ENVIRONMENTAL COMPATIBILITY  
FOR THE VAIL TO VALENCIA 115 KV TO  
138 KV TRANSMISSION LINE UPGRADE  
PROJECT, ORIGINATING AT THE EXISTING  
VAIL SUBSTATION IN SEC. 4, T.16S., R.15E.,  
PIMA COUNTY, TO THE EXISTING  
VALENCIA SUBSTATION IN SEC. 5, T. 24S.,  
R.14E., IN THE CITY OF NOGALES, SANTA  
CRUZ COUNTY, ARIZONA.

Docket No. L-00000F-09-0190-00144

Case No. 144

NOTICE OF FILING

UNS Electric, Inc. ("UNS Electric" or "Company"), through undersigned counsel, hereby provides electronic correspondence that: (1) occurred between counsel and the Chairman's office regarding scheduling the Prefiling Conference (which took place April 8, 2009) and filing the Application; (2) occurred between counsel, the Commission Legal Division and Mr. Magruder regarding the Notice of Hearing; (3) correspondence between counsel and the Chairman's office regarding the Notice of Hearing; and (4) scheduling of the final pre-hearing conference. These communications are attached hereto as Exhibit Nos. 1, 2, 3 and 4 respectively.

RESPECTFULLY SUBMITTED this 27<sup>th</sup> day of April 2009.

UNS ELECTRIC, INC.

By

Michael W. Patten  
J. Matthew Derstine  
Jason D. Gellman  
ROSHKA DEWULF & PATTEN, PLC  
One Arizona Center  
400 East Van Buren, Suite 800  
Phoenix, Arizona 85004  
(602)256-6100

RECEIVED

2009 APR 27 P 3:46

AZ CORP COMMISSION  
DOCKET CONTROL

Arizona Corporation Commission  
DOCKETED

APR 27 2009

DOCKETED BY

**ROSHKA DEWULF & PATTEN, PLC**  
TWO ARIZONA CENTER  
400 NORTH 5TH STREET - SUITE 1000  
PHOENIX, ARIZONA 85004  
TELEPHONE NO 602-256-6100  
FACSIMILE 602-256-6800

1 Original and 25 copies filed  
2 this 21<sup>st</sup> day of April 2009, with:

3 Docket Control  
4 ARIZONA CORPORATION COMMISSION  
5 1200 West Washington Street  
6 Phoenix, Arizona 85007

7 A copy of the foregoing was hand-delivered  
8 this 21<sup>st</sup> day of April 2009 to:

9 Chairman John Foreman  
10 Arizona Power Plant and Transmission Line Siting Committee  
11 Arizona Attorney General Office  
12 1275 West Washington Street  
13 Phoenix, Arizona 85007

14 By Rebbie Arneson  
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# EXHIBIT

"1"

**Jason D. Gellman**

---

**From:** Jason D. Gellman  
**Sent:** Tuesday, March 31, 2009 4:36 PM  
**To:** 'tara.williams@azag.gov'  
**Cc:** Janice Alward; Steven Olea; 'Charles Hains'; Prem Bahl; EBeck@Tep.com; 'MJerden@tep.com'; Matt Derstine; Michael Patten; Mary Ippolito  
**Subject:** Pre-filing Procedural Conference - Vail to Valencia Project

Ms. Williams,

UNS Electric would like to schedule a pre-filing procedural conference with Chairman Foreman to discuss dates and locations for the upcoming filing listed in the Upcoming Line Siting Filings table as the Vail to Valencia Project. We would prefer to do so the week of April 6. I have spoken with Mr. Hains at the Commission's Legal Division and I believe that Staff is open to a procedural conference that week. Please let us know if we need to arrange to have a court reporter present. We very much appreciate your help in arranging a procedural conference. Thanks.

Jason D. Gellman  
Roshka DeWulf & Patten, PLC  
One Arizona Center  
400 East Van Buren, Suite 800  
Phoenix, AZ 85004  
Phone: 602-256-6100  
Fax: 602-256-6800  
email: jgellman@rdp-law.com

**Jason D. Gellman**

---

**From:** Jason D. Gellman  
**Sent:** Wednesday, April 01, 2009 9:11 AM  
**To:** 'Tara Williams'  
**Subject:** RE: Pre-filing Procedural Conference - Vail to Valencia Project

Thank you. I will try to let you know as soon as possible what works for us and Staff.

-----Original Message-----

**From:** Tara Williams [mailto:Tara.Williams@azag.gov]  
**Sent:** Wednesday, April 01, 2009 9:07 AM  
**To:** Jason D. Gellman  
**Subject:** Re: Pre-filing Procedural Conference - Vail to Valencia Project

Mr. Gellman,

The Chairman is available for a pre-filing conference on the following dates:  
April 8th 10:00 AM or 2:00 PM

April 9th 10:00 AM or 2:00 PM  
April 10th 10:00 AM or 2:00 PM

Please let me know which dates are acceptable to you and Commission Staff. A court reporter will need to be scheduled as well. Do you have an idea of dates you would request for the hearing or how long you expect the case to last? I can start checking the availability of the Committee members.

Thank you,  
Tara Williams  
Assistant  
Consumer Protection & Advocacy Section  
Office of the Attorney General  
Tel: (602) 542-7759  
Fax: (602) 542-4377  
tara.williams@azag.gov

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>>> "Jason D. Gellman" <jgellman@rdp-law.com> 3/31/2009 4:35 PM >>>  
Ms. Williams,

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Phone: 602-256-6100  
Fax: 602-256-6800  
email: [jgellman@rdp-law.com](mailto:jgellman@rdp-law.com)

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**Sent:** Wednesday, April 01, 2009 4:49 PM  
**To:** 'Tara Williams'  
**Cc:** Mary Ippolito; Matt Derstine; 'Charles Hains'; 'MJerden@tep.com'; EBeck@Tep.com; EBakken@Tep.com; Janice Alward; Michael Patten; Debbie Amaral  
**Subject:** RE: Pre-filing Procedural Conference - Vail to Valencia Project

Ms. Williams

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Thank you for your time and consideration.

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Phone: 602-256-6100  
Fax: 602-256-6800  
email: jgellman@rdp-law.com

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Assistant  
Consumer Protection & Advocacy Section  
Office of the Attorney General  
Tel: (602) 542-7759  
Fax: (602) 542-4377  
tara.williams@azag.gov

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400 East Van Buren, Suite 800  
Phoenix, AZ 85004  
Phone: 602-256-6100  
Fax: 602-256-6800  
email: jgellman@rdp-law.com

**Jason D. Gellman**

---

**From:** Jason D. Gellman  
**Sent:** Thursday, April 02, 2009 8:36 AM  
**To:** 'Tara.Williams@azag.gov'  
**Subject:** Re: Pre-filing Procedural Conference - Vail to Valencia Project

Thank you.

-----  
Sent from my BlackBerry Wireless Device

----- Original Message -----  
From: Tara Williams <Tara.Williams@azag.gov>  
To: Jason D. Gellman  
Sent: Thu Apr 02 07:56:33 2009  
Subject: RE: Pre-filing Procedural Conference - Vail to Valencia Project

Mr. Gellman,

Thank you for your response. I have booked the conference room here, at the Attorney General's Office (1275 West Washington), for April 8th at 2:00 PM. When you arrive, please tell the front desk that you are there for a meeting with Judge Foreman. They will notify me, and I will escort you up to the conference room.

Unfortunately, the Committee is unavailable on May 19th due to a currently scheduled hearing. They also have hearings scheduled for May 12th, 13th and 18th. Please let me know of any other dates that would work for UNS Electric, and I will check with the Committee members.

Thank you,  
Tara Williams  
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Consumer Protection & Advocacy Section  
Office of the Attorney General  
Tel: (602) 542-7759  
Fax: (602) 542-4377  
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>>> "Jason D. Gellman" <jgellman@rdp-law.com> 4/1/2009 4:49 PM >>>  
Ms. Williams

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Roshka DeWulf & Patten, PLC  
One Arizona Center

400 East Van Buren, Suite 800  
Phoenix, AZ 85004  
Phone: 602-256-6100  
Fax: 602-256-6800  
email: jgellman@rdp-law.com

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Phoenix, AZ 85004  
Phone: 602-256-6100  
Fax: 602-256-6800  
email: jgellman@rdp-law.com

## Jason D. Gellman

---

**From:** Jason D. Gellman  
**Sent:** Friday, April 03, 2009 3:12 PM  
**To:** 'Tara Williams'  
**Cc:** Matt Derstine; Mary Ippolito  
**Subject:** RE: Pre-filing Procedural Conference - Vail to Valencia Project

Ms. Williams

We are notifying those jurisdictions and/or parties whom we believe may want to intervene in this upcoming siting case about the prefiling conference, as I believe is recommended by the Chairman or ACC Staff. If parties would like to attend the prefiling conference, should I have them contact you directly or should they contact you through me. Many thanks for your help.

Jason D. Gellman  
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Phoenix, AZ 85004  
Phone: 602-256-6100  
Fax: 602-256-6800  
email: [jgellman@rdp-law.com](mailto:jgellman@rdp-law.com)

-----Original Message-----

**From:** Tara Williams [<mailto:Tara.Williams@azag.gov>]  
**Sent:** Thursday, April 02, 2009 7:57 AM  
**To:** Jason D. Gellman  
**Subject:** RE: Pre-filing Procedural Conference - Vail to Valencia Project

Mr. Gellman,

Thank you for your response. I have booked the conference room here, at the Attorney General's Office (1275 West Washington), for April 8th at 2:00 PM. When you arrive, please tell the front desk that you are there for a meeting with Judge Foreman. They will notify me, and I will escort you up to the conference room.

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[tara.williams@azag.gov](mailto:tara.williams@azag.gov)

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>>> "Jason D. Gellman" <jgellman@rdp-law.com> 4/1/2009 4:49 PM >>>  
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Thank you for your time and consideration.

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400 East Van Buren, Suite 800  
Phoenix, AZ 85004  
Phone: 602-256-6100  
Fax: 602-256-6800  
email: jgellman@rdp-law.com

-----Original Message-----

From: Tara Williams [mailto:Tara.Williams@azag.gov]  
Sent: Wednesday, April 01, 2009 9:07 AM  
To: Jason D. Gellman  
Subject: Re: Pre-filing Procedural Conference - Vail to Valencia Project

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email: [jgellman@rdp-law.com](mailto:jgellman@rdp-law.com)

**Jason D. Gellman**

---

**From:** Jason D. Gellman  
**Sent:** Friday, April 03, 2009 3:25 PM  
**To:** 'Tara Williams'  
**Subject:** RE: Pre-filing Procedural Conference - Vail to Valencia Project

Thank you.

-----Original Message-----

**From:** Tara Williams [mailto:Tara.Williams@azag.gov]  
**Sent:** Friday, April 03, 2009 3:18 PM  
**To:** Jason D. Gellman  
**Subject:** RE: Pre-filing Procedural Conference - Vail to Valencia Project

Mr. Gellman,

The possible interveners can contact me via e-mail directly.

Thank you,  
Tara Williams  
Assistant  
Consumer Protection & Advocacy Section  
Office of the Attorney General  
Tel: (602) 542-7759  
Fax: (602) 542-4377  
tara.williams@azag.gov

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400 East Van Buren, Suite 800  
Phoenix, AZ 85004  
Phone: 602-256-6100  
Fax: 602-256-6800  
email: jgellman@rdp-law.com

**Jason D. Gellman**

---

**From:** Jason D. Gellman  
**Sent:** Wednesday, April 08, 2009 4:34 PM  
**To:** 'Tara Williams'  
**Subject:** RE: Application

Thank you very much for your help.

-----Original Message-----

**From:** Tara Williams [mailto:Tara.Williams@azag.gov]  
**Sent:** Wednesday, April 08, 2009 4:33 PM  
**To:** Jason D. Gellman  
**Subject:** Application

Mr. Gellman,

I spoke with Docket Control. 25 copies of the Application and an Original are required. They send out the copies of the Application to the Committee Members. They need the Original and one copy to have only 8.5 x 11 papers (no over-sized maps, etc.) The rest of the copies can be any size. I will contact the Committee Members about the dates of the hearing and the tour. If you have any other questions, please contact me.

Thank you,  
Tara Williams  
Assistant  
Consumer Protection & Advocacy Section  
Office of the Attorney General  
Tel: (602) 542-7759  
Fax: (602) 542-4377  
tara.williams@azag.gov

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# EXHIBIT

"2"

**Jason D. Gellman**

---

**From:** Jason D. Gellman  
**Sent:** Thursday, April 16, 2009 2:52 PM  
**To:** Janice Alward; 'Charles Hains'; 'marshall@magruder.org'  
**Cc:** Matt Derstine; Michael Patten; MJerden@tep.com; Ed Beck (ebeck@tep.com)  
**Subject:** Vail to Valencia 115 kV to 138 kV Transmission Line Upgrade Project - DRAFT Notice of Hearing  
**Attachments:** Vail-ValenciaNoticeHearing DRAFT.doc; Newspaper-Map-041009.pdf

All,

NOTE: THIS EMAIL AND ANY RESPONSES WILL BE DOCKETED ONCE THE APPLICATION IS FILED AND A DOCKET IS ESTABLISHED.

Attached is a DRAFT Notice of Hearing for the upcoming Vail to Valencia 115kV to 138kV Transmission Line Upgrade Project that UNS Electric anticipates filing by the middle of next week. This email is intended to comply with Judge Foreman's directive that a draft notice of hearing be shared with Mr. Magruder and Staff prior to providing to the Chairman's office. To that effect, please let us know if you have any concerns or suggested edits to the draft notice by 5 p.m. on Tuesday, April 21, 2009. Thank you.

Jason D. Gellman  
Roshka DeWulf & Patten, PLC  
One Arizona Center  
400 East Van Buren, Suite 800  
Phoenix, AZ 85004  
Phone: 602-256-6100  
Fax: 602-256-6800  
email: jgellman@rdp-law.com

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**BEFORE THE ARIZONA POWER PLANT  
AND TRANSMISSION LINE SITING COMMITTEE**

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IN THE MATTER OF THE APPLICATION  
OF UNS ELECTRIC, INC. FOR A  
CERTIFICATE OF ENVIRONMENTAL  
COMPATIBILITY FOR THE VAIL TO  
VALENCIA 115KV TO 138KV  
TRANSMISSION LINE UPGRADE  
PROJECT, ORIGINATING AT THE  
EXISTING VAIL SUBSTATION IN SEC. 4,  
T.16S., R.15E., PIMA COUNTY, TO THE  
EXISTING VALENCIA SUBSTATION IN  
SEC. 5, T.24S., R.14E., IN THE CITY OF  
NOGALES, SANTA CRUZ COUNTY,  
ARIZONA.

Docket No. E-

Case No.

**NOTICE OF HEARING**

A PUBLIC HEARING WILL BE HELD before the Arizona Power Plant and Transmission Line Siting Committee ("Committee") regarding the application of UNS Electric, Inc. ("UNS Electric" or "Applicant") for a Certificate of Environmental Compatibility authorizing an upgrade of an existing 115 kV Transmission Line to 138 kV and approximately 4 to 5.5 miles of new 138 kV line, connecting the existing Vail Substation near the intersection of Interstate-10 and Rita Road, in the City of Tucson, Pima County Arizona, to the existing Valencia Substation in the City of Nogales, Santa Cruz County, Arizona. The hearing will be held at the Esplendor Resort at Rio Rico, 1069 Camino Caralampi, Rio Rico, Arizona 85648. The hearing is scheduled to begin June 2, 2009 at 9:30 a.m., and to continue as necessary on June 3 at 8:30 a.m. and June 4, 2009 at 9:30 a.m. The hearing will adjourn at approximately 5:00 p.m. on all days. Additional hearing days, if necessary, will be noticed on the Applicant and Arizona Corporation Commission ("ACC") websites.

The Applicant's website with Project information is: [www.uesaz.com](http://www.uesaz.com).

The ACC Website is: [www.azcc.gov/AZ\\_Power\\_Plant/LineSiting-Calendar.asp](http://www.azcc.gov/AZ_Power_Plant/LineSiting-Calendar.asp).

Copies of the Application and Transcripts will be available for inspection at the following locations:

Green Valley Community Library: 601 N. La Canada Drive, #101, Green Valley, Arizona 85614.

Nogales-Santa Cruz Public Library: 518 N. Grand Avenue, Nogales, Arizona 85621.

Pima County Public Library, 9640 E. Golf Links Road, Tucson, Arizona 85730.

**PUBLIC COMMENT WILL BE TAKEN AFTER OPENING STATEMENTS AND AS PERMITTED BY THE COMMITTEE CHAIRMAN. IN ADDITION, A SEPARATE EVENING PUBLIC COMMENT SESSION WILL BE HELD JUNE 2, 2009, AT 6:00 P.M. ALSO AT THE ESPLENDOR RESORT, 1069 CAMINO CARALAMPI, RIO RICO, ARIZONA 85648.**

The Project consists of replacing approximately 25 to 29 miles of an older single-circuit 115 kV line with new single-circuit 138 kV transmission line, and constructing approximately 4 to 5.5 miles of new single-circuit 138 kV line to facilitate a new interconnection for the Santa Cruz County service area. A general location map of the Applicant's proposed route, described herein, is set forth below.

The Project will originate at the existing Vail Substation operated by Tucson Electric Power Company ("TEP"), in T.16S., R.15E., Section 4 near Interstate 10 and Rita Road within the City of Tucson. A new line will extend approximately 4 to 5.5 miles, depending on the selected route, southwesterly to connect with the existing UNS Electric transmission line. The existing transmission line is currently operating at 115 kV, but was designed to operate at 138 kV. It will remain as presently constructed from that connection approximately 26 to 28 miles south to the Kantor Substation near Tubac (per Line Siting Case No. 78 approved in Decision No. 56097). Upon the Project's completion, that existing line will operate at 138 kV.

From Kantor Substation the existing 115 KV line will be rebuilt on steel monopoles and as a 138 KV transmission line:

- for approximately 13.4 to 14.9 miles from the Kantor Substation southerly to the Cañez Substation;
- for approximately 3.3 to 3.6 miles from the Canez Substation southerly to the Sonoita Substation; and
- for approximately 8.3 to 10.1 miles from the Sonoita Substation southerly to the Valencia Substation in Nogales.

Both preferred and alternative alignments for the rebuild portions and the 4 to 5.5 mile new portion from the Vail Substation for the Project have been submitted by the Applicant.

More complete maps, along with more detailed textual descriptions of the proposed route are available in the Application and on the Applicant's website. The Application that includes detailed maps of the proposed Project is on file with the Docket Control Center of the Arizona Corporation Commission, 1200 West Washington Street, Suite 108, Phoenix Arizona, 85007, and 400 West Congress Street, Suite 221, Tucson, Arizona 85701.

The Committee may conduct a tour of the Project area and the proposed routes – most likely to occur on June 3, 2009 starting at 8:30 a.m. If a tour is conducted, a map and itinerary for the tour will be available at the hearings. Members of the public may follow the Committee in their own private vehicles. During the tour, the Committee may hear brief testimony at stops on the tour from one or more witnesses concerning where the stops are located, what is visible at the stops and the relevance of the location and view to the proposed routes of the transmission

1 line in the Application. No other discussion or deliberation concerning the  
Application will occur. A court reporter will transcribe any testimony taken on the  
2 tour.

3 Depending on the issues raised and the number of intervenors appearing during the  
hearing, the Committee may deem it appropriate at some point to recess the hearing  
4 to a time and place to be announced during the hearing, or to be determined after  
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Committee, such resumed hearings may be held at a date, time and place  
6 designated by the Committee or its Chairman.

7 **NOTE: NOTICE OF SUCH RESUMED HEARING WILL BE GIVEN;  
PUBLISHED NOTICE OF SUCH RESUMED HEARING IS NOT  
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9 Each county and municipal government and state agency interested in the proposed  
Project and desiring to become a party in the proceeding must file with the Arizona  
Corporation Commission, 1200 West Washington Street, Phoenix, Arizona 85007,  
10 a notice of its intent to be a party. That notice must be filed not less than ten (10)  
days before the date set for hearing.

11 Any domestic, non-profit corporation or association, formed in whole or in part to  
12 promote conservation or natural beauty, to protect the environment, personal health  
or other biological values, to preserve historical sites, to promote customer  
13 interests, to represent commercial and industrial groups, or to promote the orderly  
development of the area in which the Project is to be located and desiring to  
14 become a party to the certification proceedings must file with the Arizona  
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16 The Committee or its Chairman, at any time deemed appropriate, may make other  
17 persons parties to the proceeding.

18 Any person may make a limited appearance at a hearing by filing a statement in  
writing with the Arizona Corporation Commission, 1200 West Washington Street,  
19 Phoenix, Arizona 85007, not less than five (5) days before a date set for hearing. A  
person making a limited appearance shall not be a party or have the right to present  
20 testimony or cross-examine witnesses.

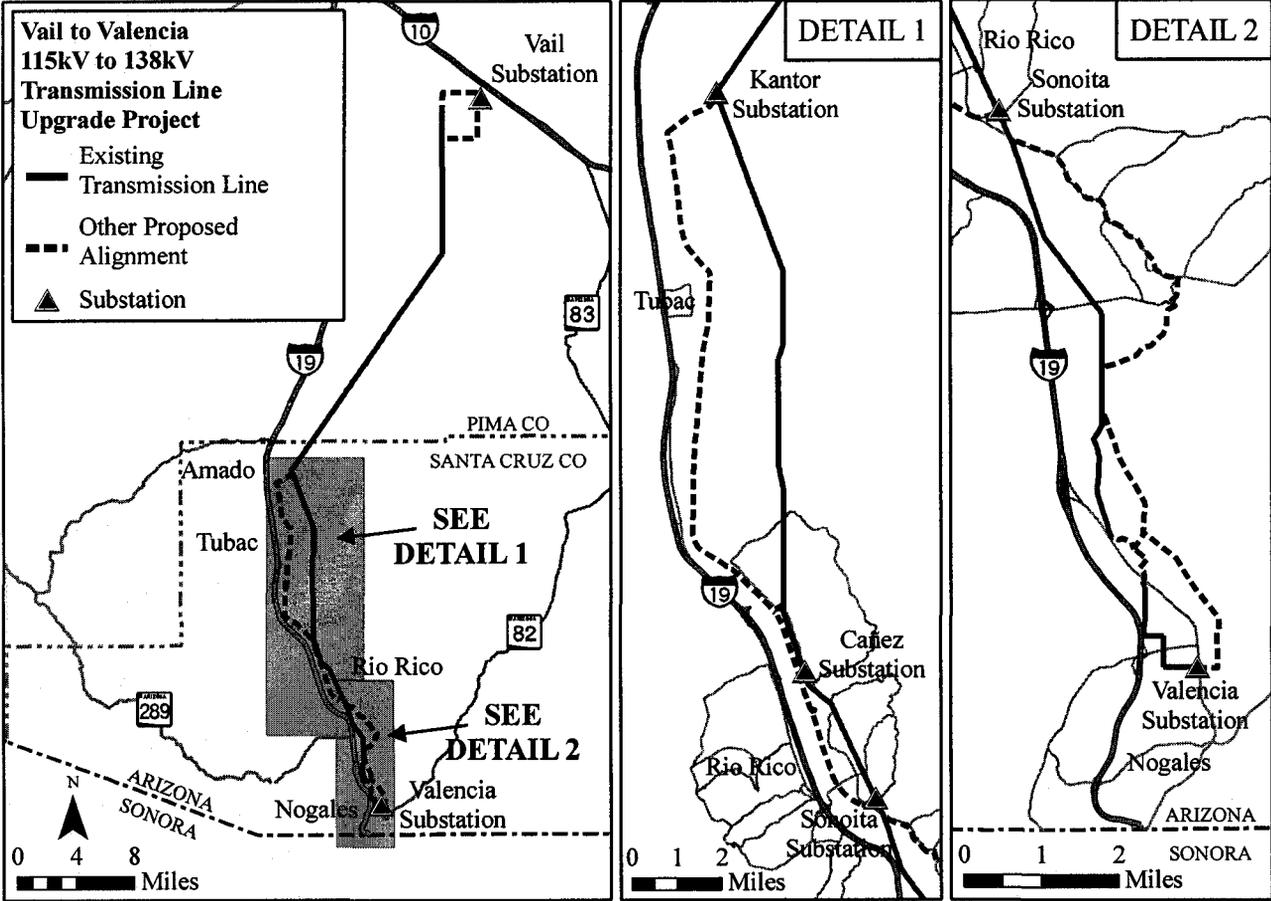
21 This proceeding is governed by Arizona Revised Statutes (A.R.S.) §§ 40-360 to 40-  
360.13 and Arizona Administrative Code R14-3-201 to R14-3-219. No substantive  
22 communication, not in the public record, may be made to any member of the  
Committee. The written decision of the Committee will be submitted to the Arizona  
23 Corporation Commission pursuant to A.R.S. § 40-360.07. Any person intending to  
be a party before the Arizona Corporation Commission must be a party to the  
24 certification proceedings before the Committee.

ORDERED this \_\_\_\_\_ day of April, 2009.

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John Foreman, Chairman  
ARIZONA POWER PLANT AND TRANSMISSION  
LINE SITING COMMITTEE  
Assistant Attorney General



**Jason D. Gellman**

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**From:** Marshall Magruder [mmagruder@earthlink.net]  
**Sent:** Thursday, April 16, 2009 6:49 PM  
**To:** Jason D. Gellman; Janice Alward; Charles Hains  
**Cc:** Matt Derstine; Michael Patten; MJerden@tep.com; EBeck@Tep.com  
**Subject:** Re: Vail to Valencia 115 kV to 138 kV Transmission Line Upgrade Project - DRAFT Notice of Hearing  
**Attachments:** Vail-ValenciaNoticeHearing DRAFT-magruder.doc; Newspaper-Map-041009.pdf

Mr. Gellman

Please see the markups in the attached (in tracking mode) that provide clarifications below:

1. Provide the location of the Valencia Substation in Nogales (p. 1, line 16)
2. Insert the day of the week before dates (p. 1, lines 17-18)
3. Completed the web address for the applicant's project information (p. 1, line 21)
4. Corrected title of two libraries (p. 1, lines 24 to 26)
5. Indicate "proposed" in first description sentence (p. 2, line 7)
6. Capitalized Preferred and Alternative titles alignments. (p. 2, line 19)
7. Indicated all locations of the Application (p. 2, line 23)

The maps shown are misleading and incomplete. For example, Segment 4 (Sonoita to Valencia substation Alternatives are not shown nor discussed which is an important decision area where public input will be very important), Segments 1A and 1B could be shown and easily discussed in the Notice of it is clear what is intended by the discussion in the Notice (p. 2, lines 7-11).

The following are recommended improvements to the Newspaper Map:

1. Show and identify the Preferred, all Alternative, and Existing Routes.
2. Show each Segment (1A and 1B, 2, 3, and 4) as "Segments" 1, 2, 3, and 4.
3. Show the Union Railroad, which is a known feature, to help understand the maps.

Assuming these map changes are made, then the additional changes are recommended to the Notice (original line numbers):

8. On page 2, line 9.5, before the period after transmission line, add "(See map segment 1A)"
9. On page 2, line 11.5, after "56097", add "(Map segment 1B)"
10. On page 2, line 15 after "Canez Substation" add "(Map segment 2)"
11. On page 2, line 16.5, after "Sonoita Substation" add "(Map segment 3)"
12. On page 2, line 18, after "Nogales" add "(Map segment 4)"

Sincerely,

Marshall Magruder

On 4/16/09 2:52 PM, "Jason D. Gellman" <jgellman@rdp-law.com> wrote:

All,

**NOTE: THIS EMAIL AND ANY RESPONSES WILL BE DOCKETED ONCE THE APPLICATION IS FILED AND A DOCKET IS ESTABLISHED.**

4/20/2009

Attached is a DRAFT Notice of Hearing for the upcoming Vail to Valencia 115kV to 138kV Transmission Line Upgrade Project that UNS Electric anticipates filing by the middle of next week. This email is intended to comply with Judge Foreman's directive that a draft notice of hearing be shared with Mr. Magruder and Staff prior to providing to the Chairman's office. To that effect, please let us know if you have any concerns or suggested edits to the draft notice by 5 p.m. on Tuesday, April 21, 2009. Thank you.

Jason D. Gellman  
Roshka DeWulf & Patten, PLC  
One Arizona Center  
400 East Van Buren, Suite 800  
Phoenix, AZ 85004  
Phone: 602-256-6100  
Fax: 602-256-6800  
email: [jgellman@rdp-law.com](mailto:jgellman@rdp-law.com)

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**BEFORE THE ARIZONA POWER PLANT  
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EXISTING VALENCIA SUBSTATION IN  
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NOGALES, SANTA CRUZ COUNTY,  
ARIZONA.

Docket No. E-

Case No.

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**NOTICE OF HEARING**

A PUBLIC HEARING WILL BE HELD before the Arizona Power Plant and Transmission Line Siting Committee ("Committee") regarding the application of UNS Electric, Inc. ("UNS Electric" or "Applicant") for a Certificate of Environmental Compatibility authorizing an upgrade of an existing 115 kV Transmission Line to 138 kV and approximately 4 to 5.5 miles of new 138 kV line, connecting the existing Vail Substation near the intersection of Interstate-10 and Rita Road, in the City of Tucson, Pima County Arizona, to the existing Valencia Substation on White Park Drive, Nogales, Santa Cruz County, Arizona. The hearing will be held at the Esplendor Resort at Rio Rico, 1069 Camino Caralampi, Rio Rico, Arizona 85648. The hearing is scheduled to begin Tuesday June 2, 2009 at 9:30 a.m., and to continue as necessary on Wednesday June 3 at 8:30 a.m. and Thursday June 4, 2009 at 9:30 a.m. The hearing will adjourn at approximately 5:00 p.m. on all days. Additional hearing days, if necessary, will be noticed on the Applicant and Arizona Corporation Commission ("ACC") websites.

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The Applicant's website with Project information is  
<http://www.uesaz.com/Company/News/VailValencia.asp>

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Deleted: Santa Cruz

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1 **PUBLIC COMMENT WILL BE TAKEN AFTER OPENING STATEMENTS**  
2 **AND AS PERMITTED BY THE COMMITTEE CHAIRMAN. IN**  
3 **ADDITION, A SEPARATE EVENING PUBLIC COMMENT SESSION**  
4 **WILL BE HELD JUNE 2, 2009, AT 6:00 P.M. ALSO AT THE ESPLENDOR**  
5 **RESORT, 1069 CAMINO CARALAMPI, RIO RICO, ARIZONA 85648.**

6 The Project consists of replacing approximately 25 to 29 miles of an older single-circuit 115 kV line with new single-circuit 138 kV transmission line, and constructing approximately 4 to 5.5 miles of new single-circuit 138 kV line to facilitate a new interconnection for the Santa Cruz County service area. A general location map of the Applicant's proposed route, described herein, is set forth below.

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13 More complete maps, along with more detailed textual descriptions of the proposed route are available in the Application and on the Applicant's website. The Application that includes detailed maps of the proposed Project is on file with the Docket Control Center of the Arizona Corporation Commission, 1200 West Washington Street, Suite 108, Phoenix Arizona, 85007, and 400 West Congress Street, Suite 221, Tucson, Arizona 85701 in addition to the three locations above.

14 The Committee may conduct a tour of the Project area and the proposed routes – most likely to occur on June 3, 2009 starting at 8:30 a.m. If a tour is conducted, a map and itinerary for the tour will be available at the hearings. Members of the public may follow the Committee in their own private vehicles. During the tour, the Committee may hear brief testimony at stops on the tour from one or more witnesses concerning where the stops are located, what is visible at the stops and the relevance of the location and view to the proposed routes of the transmission

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ORDERED this \_\_\_\_ day of April, 2009.

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John Foreman, Chairman  
ARIZONA POWER PLANT AND TRANSMISSION  
LINE SITING COMMITTEE  
Assistant Attorney General

**Jason D. Gellman**

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**From:** Jason D. Gellman  
**Sent:** Tuesday, April 21, 2009 1:44 PM  
**To:** 'marshall@magruder.org'; Janice Alward; 'Charles Hains'  
**Cc:** 'MJerden@tep.com'; EBeck@Tep.com; Michael Patten; Mary Ippolito  
**Subject:** FINAL Notice of Hearing  
**Attachments:** Vail-ValenciaNoticeHearing 04-21-09 FINAL.doc

All,

Attached is the Notice of Hearing we intend to provide to the Chairman's Office. Marshall, thank you for your comments. We have included most of them into this version. We also intend to send out an additional newsletter with additional maps detailing the project that also indicates the hearing dates. Thanks.

This email will be docketed once the application is filed and a docket number established.

Jason D. Gellman  
Roshka DeWulf & Patten, PLC  
One Arizona Center  
400 East Van Buren, Suite 800  
Phoenix, AZ 85004  
Phone: 602-256-6100  
Fax: 602-256-6800  
email: jgellman@rdp-law.com

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3 **BEFORE THE ARIZONA POWER PLANT**  
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Docket No. E-

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Project and desiring to become a party in the proceeding must file with the Arizona  
10 Corporation Commission, 1200 West Washington Street, Phoenix, Arizona 85007,  
a notice of its intent to be a party. That notice must be filed not less than ten (10)  
11 days before the date set for hearing.

12 Any domestic, non-profit corporation or association, formed in whole or in part to  
promote conservation or natural beauty, to protect the environment, personal health  
13 or other biological values, to preserve historical sites, to promote customer  
interests, to represent commercial and industrial groups, or to promote the orderly  
14 development of the area in which the Project is to be located and desiring to  
become a party to the certification proceedings must file with the Arizona  
15 Corporation Commission, 1200 West Washington Street, Phoenix, Arizona 85007,  
notice of its intent to be a party. That notice must be filed not less than ten (10)  
16 days before the date set for hearing.

17 The Committee or its Chairman, at any time deemed appropriate, may make other  
persons parties to the proceeding.

18 Any person may make a limited appearance at a hearing by filing a statement in  
writing with the Arizona Corporation Commission, 1200 West Washington Street,  
19 Phoenix, Arizona 85007, not less than five (5) days before a date set for hearing. A  
person making a limited appearance shall not be a party or have the right to present  
20 testimony or cross-examine witnesses.

21 This proceeding is governed by Arizona Revised Statutes (A.R.S.) §§ 40-360 to 40-  
360.13 and Arizona Administrative Code R14-3-201 to R14-3-219. No substantive  
22 communication, not in the public record, may be made to any member of the  
Committee. The written decision of the Committee will be submitted to the Arizona  
23 Corporation Commission pursuant to A.R.S. § 40-360.07. Any person intending to  
be a party before the Arizona Corporation Commission must be a party to the  
24 certification proceedings before the Committee.

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ORDERED this \_\_\_\_\_ day of April, 2009.

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John Foreman, Chairman  
ARIZONA POWER PLANT AND TRANSMISSION  
LINE SITING COMMITTEE  
Assistant Attorney General

# EXHIBIT

"3"

**Jason D. Gellman**

---

**From:** Jason D. Gellman  
**Sent:** Wednesday, April 22, 2009 8:16 AM  
**To:** 'Tara Williams'  
**Cc:** Matt Derstine; Michael Patten; 'MJerden@tep.com'; Janice Alward; 'marshall@magruder.org'; 'Charles Hains'  
**Subject:** Notice of Hearing - Vail to Valecia 115 kV to 138 kV Transmission Line Upgrade Project  
**Attachments:** Email with Staff and Magruder on Notice of Hearing.pdf; Email to Staff and Magruder with Final Draft Notice.pdf; Vail-ValenciaNoticeHearing 04-22-09 FINAL.doc

Ms. Williams,

Attached is UNS Electric's proposed Notice of Hearing for the Vail to Valencia 115 kV to 138 kV Transmission Line Upgrade Project that we filed today with the ACC. This Notice includes many suggestions from Mr. Magruder. We provided a final draft version to Staff and Mr. Magruder mid-day yesterday (before we received the docket number), but I have also attached the email communications and previous draft versions of the Notice, from what UNS Electric originally put forth through Mr. Magruder's redlined suggestions. We intend to submit a notice of filing with any and all electronic communications exchanged between us and the Chairman's office as well as the signed Notice of Hearing from Chairman Foreman. Please let me know if you or Chairman Foreman have any concerns. Thanks.

Jason D. Gellman  
Roshka DeWulf & Patten, PLC  
One Arizona Center  
400 East Van Buren, Suite 800  
Phoenix, AZ 85004  
Phone: 602-256-6100  
Fax: 602-256-6800  
email: jgellman@rdp-law.com

4/22/2009

**Jason D. Gellman**

---

**From:** Tara Williams [Tara.Williams@azag.gov]  
**Sent:** Wednesday, April 22, 2009 8:35 AM  
**To:** Jason D. Gellman  
**Subject:** Re: Notice of Hearing - Vail to Valecia 115 kV to 138 kV Transmission Line Upgrade Project

Mr. Gellman,

The Chairman is out of the office all day today, but I will give him the drafts and the final proposed Notice of Hearing tomorrow. I will let you know if he has any concerns. After he signs the Notice, I can take it to the Corporation Commission.

Thank you,  
Tara Williams  
Assistant  
Consumer Protection & Advocacy Section  
Office of the Attorney General  
Tel: (602) 542-7759  
Fax: (602) 542-4377  
tara.williams@azag.gov

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>>> "Jason D. Gellman" <jgellman@rdp-law.com> 4/22/2009 8:15 AM >>>  
Ms. Williams,

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Magruder mid-day yesterday (before we received the docket number), but I have also attached the email communications and previous draft versions of the Notice, from what UNS Electric originally put forth through Mr.

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Jason D. Gellman  
Roshka DeWulf & Patten, PLC  
One Arizona Center  
400 East Van Buren, Suite 800  
Phoenix, AZ 85004  
Phone: 602-256-6100  
Fax: 602-256-6800  
email: jgellman@rdp-law.com

**Jason D. Gellman**

---

**From:** Tara Williams [Tara.Williams@azag.gov]  
**Sent:** Wednesday, April 22, 2009 8:49 AM  
**To:** Jason D. Gellman  
**Subject:** RE: Notice of Hearing - Vail to Valecia 115 kV to 138 kV Transmission Line Upgrade Project

Mr. Gellman,

Is the map that was attached to the draft, prior to Mr. Magruder's comments, the map that you would like attached to the Notice filed?

Thank you,  
Tara Williams  
Assistant  
Consumer Protection & Advocacy Section  
Office of the Attorney General  
Tel: (602) 542-7759  
Fax: (602) 542-4377  
tara.williams@azag.gov

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>>> "Jason D. Gellman" <jgellman@rdp-law.com> 4/22/2009 8:36 AM >>>  
Thank you.

-----Original Message-----

From: Tara Williams [mailto:Tara.Williams@azag.gov]  
Sent: Wednesday, April 22, 2009 8:35 AM  
To: Jason D. Gellman  
Subject: Re: Notice of Hearing - Vail to Valecia 115 kV to 138 kV Transmission Line Upgrade Project

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Jason D. Gellman  
Roshka DeWulf & Patten, PLC  
One Arizona Center  
400 East Van Buren, Suite 800  
Phoenix, AZ 85004  
Phone: 602-256-6100  
Fax: 602-256-6800  
email: jgellman@rdp-law.com

## Jason D. Gellman

---

**From:** Jason D. Gellman  
**Sent:** Wednesday, April 22, 2009 9:06 AM  
**To:** 'Tara Williams'  
**Cc:** 'marshall@magruder.org'; Matt Derstine; 'MJerden@tep.com'; Michael Patten; Janice Alward; 'Charles Hains'  
**Subject:** RE: Notice of Hearing - Vail to Valecia 115 kV to 138 kV Transmission Line Upgrade Project  
**Attachments:** Newspaper-Map-041009.pdf



Newspaper-Map-04  
1009.pdf (155 ...

Ms. Williams,

My apologies. Attached is the map that we would like attached to the Notice of Hearing. It is the same map that was attached to the draft sent to Mr. Magruder and Staff. Thanks.

Jason D. Gellman  
Roshka DeWulf & Patten, PLC  
One Arizona Center  
400 East Van Buren, Suite 800  
Phoenix, AZ 85004  
Phone: 602-256-6100  
Fax: 602-256-6800  
email: jgellman@rdp-law.com

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From: Tara Williams [mailto:Tara.Williams@azag.gov]  
Sent: Wednesday, April 22, 2009 8:49 AM  
To: Jason D. Gellman  
Subject: RE: Notice of Hearing - Vail to Valecia 115 kV to 138 kV Transmission Line Upgrade Project

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Tara Williams  
Assistant  
Consumer Protection & Advocacy Section  
Office of the Attorney General  
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tara.williams@azag.gov

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Sent: Wednesday, April 22, 2009 8:35 AM  
To: Jason D. Gellman  
Subject: Re: Notice of Hearing - Vail to Valecia 115 kV to 138 kV Transmission Line Upgrade Project

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Jason D. Gellman  
Roshka DeWulf & Patten, PLC  
One Arizona Center  
400 East Van Buren, Suite 800  
Phoenix, AZ 85004  
Phone: 602-256-6100  
Fax: 602-256-6800  
email: jgellman@rdp-law.com

## Jason D. Gellman

---

**From:** Tara Williams [Tara.Williams@azag.gov]  
**Sent:** Wednesday, April 22, 2009 9:09 AM  
**To:** Jason D. Gellman  
**Subject:** RE: Notice of Hearing - Vail to Valecia 115 kV to 138 kV Transmission Line Upgrade Project

Thank you.

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Jason D. Gellman  
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Phone: 602-256-6100  
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Tara Williams  
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**Sent:** Wednesday, April 22, 2009 8:35 AM  
**To:** Jason D. Gellman  
**Subject:** Re: Notice of Hearing - Vail to Valecia 115 kV to 138 kV Transmission Line

Upgrade Project

Mr. Gellman,

The Chairman is out of the office all day today, but I will give him the drafts and the final proposed Notice of Hearing tomorrow. I will let you know if he has any concerns. After he signs the Notice, I can take it to the Corporation Commission.

Thank you,  
Tara Williams  
Assistant  
Consumer Protection & Advocacy Section  
Office of the Attorney General  
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tara.williams@azag.gov

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Jason D. Gellman  
Roshka DeWulf & Patten, PLC  
One Arizona Center  
400 East Van Buren, Suite 800  
Phoenix, AZ 85004  
Phone: 602-256-6100  
Fax: 602-256-6800  
email: jgellman@rdp-law.com

**Jason D. Gellman**

---

**From:** Tara Williams [Tara.Williams@azag.gov]  
**Sent:** Thursday, April 23, 2009 10:34 AM  
**To:** Jason D. Gellman  
**Subject:** #144 Notice of Hearing

**Attachments:** NOH.pdf



NOH.pdf (378 KB)

Mr. Gellman,

I have attached the signed Notice of Hearing, which was filed today with the Corporation Commission. Please let me know if you need anything else.

Thank you,  
Tara Williams  
Assistant  
Consumer Protection & Advocacy Section  
Office of the Attorney General  
Tel: (602) 542-7759  
Fax: (602) 542-4377  
tara.williams@azag.gov

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**Jason D. Gellman**

---

**From:** Jason D. Gellman  
**Sent:** Thursday, April 23, 2009 1:27 PM  
**To:** 'Tara Williams'  
**Subject:** RE: #144 Notice of Hearing

Thank you.

-----Original Message-----

**From:** Tara Williams [mailto:Tara.Williams@azag.gov]  
**Sent:** Thursday, April 23, 2009 10:34 AM  
**To:** Jason D. Gellman  
**Subject:** #144 Notice of Hearing

Mr. Gellman,

I have attached the signed Notice of Hearing, which was filed today with the Corporation Commission. Please let me know if you need anything else.

Thank you,  
Tara Williams  
Assistant  
Consumer Protection & Advocacy Section  
Office of the Attorney General  
Tel: (602) 542-7759  
Fax: (602) 542-4377  
tara.williams@azag.gov

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# EXHIBIT

"4"

**Jason D. Gellman**

---

**From:** Tara Williams [Tara.Williams@azag.gov]  
**Sent:** Thursday, April 23, 2009 4:29 PM  
**To:** Charles Hains; Janice Alward; Marshall Magruder; Jason D. Gellman; Matt Derstine; Marcus Jerden  
**Subject:** #144 Final Pre-Hearing Conference

Good Afternoon,

Chairman Foreman would like to know the parties' availability for a final pre-hearing conference. He is available on the following dates:

May 21st at 10 am or 2 pm

May 22nd at 10 am or 2 pm

May 26th at 10 am or 2 pm

Please let me know which dates work for you.

Thank you,  
Tara Williams  
Assistant  
Consumer Protection & Advocacy Section  
Office of the Attorney General  
Tel: (602) 542-7759  
Fax: (602) 542-4377  
tara.williams@azag.gov

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**Jason D. Gellman**

---

**From:** Marshall Magruder [mmagruder@earthlink.net]  
**Sent:** Thursday, April 23, 2009 5:04 PM  
**To:** Tara Williams; Charles Hains; Janice Alward; Marshall Magruder; Jason D. Gellman; Matt Derstine; Marcus Jerden  
**Subject:** Re: #144 Final Pre-Hearing Conference

Ms Williams

May 21st and 26th, either time, are fine with me.

I would prefer a telephonic conference, if possible, to save driving 316 miles. If so, then on May 22nd at 10 am, I would also be available.

Sincerely,

Marshall Magruder  
PO Box 1267  
Tubac, AZ 85646  
marshall@magruder.org  
520.398.8587

On 4/23/09 4:29 PM, "Tara Williams" <Tara.Williams@azag.gov> wrote:

> Good Afternoon,  
>  
> Chairman Foreman would like to know the parties' availability for a  
> final pre-hearing conference. He is available on the following dates:  
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>

**Jason D. Gellman**

---

**From:** Jason D. Gellman  
**Sent:** Friday, April 24, 2009 7:50 AM  
**To:** 'Tara Williams'  
**Cc:** Michael Patten; EBakken@Tep.com; 'EBeck@Tep.com'; gmiller@transconusa.com; cbryner@transconusa.com; Mike Warner; Mary Ippolito; Debbie Amaral; Janice Alward; Charles Hains; Marshall Magruder; Matt Derstine; Marcus Jerden  
**Subject:** RE: #144 Final Pre-Hearing Conference

Ms. Williams,

The best day and time for UNS Electric is on May 26 at 10 a.m. We would also join in Mr. Magruder's request for the final pre-hearing conference be accessible telephonically for those not in the Phoenix area (although outside counsel for UNS Electric would appear in person). Thank you.

Jason D. Gellman  
Roshka DeWulf & Patten, PLC  
One Arizona Center  
400 East Van Buren, Suite 800  
Phoenix, AZ 85004  
Phone: 602-256-6100  
Fax: 602-256-6800  
email: jgellman@rdp-law.com

-----Original Message-----

**From:** Tara Williams [mailto:Tara.Williams@azag.gov]  
**Sent:** Thursday, April 23, 2009 4:29 PM  
**To:** Charles Hains; Janice Alward; Marshall Magruder; Jason D. Gellman; Matt Derstine; Marcus Jerden  
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## Jason D. Gellman

---

**From:** Jason D. Gellman  
**Sent:** Thursday, April 23, 2009 5:20 PM  
**To:** 'Marshall Magruder'; Tara Williams; Charles Hains; Janice Alward; Marshall Magruder; Matt Derstine; Marcus Jerden  
**Subject:** RE: #144 Final Pre-Hearing Conference

Ms. Williams,

I hope to find out what is available for UNS Electric no later than tomorrow morning.

Regards,

Jason D. Gellman  
Roshka DeWulf & Patten, PLC  
One Arizona Center  
400 East Van Buren, Suite 800  
Phoenix, AZ 85004  
Phone: 602-256-6100  
Fax: 602-256-6800  
email: [jgellman@rdp-law.com](mailto:jgellman@rdp-law.com)

-----Original Message-----

**From:** Marshall Magruder [<mailto:mmagruder@earthlink.net>]  
**Sent:** Thursday, April 23, 2009 5:04 PM  
**To:** Tara Williams; Charles Hains; Janice Alward; Marshall Magruder; Jason D. Gellman; Matt Derstine; Marcus Jerden  
**Subject:** Re: #144 Final Pre-Hearing Conference

Ms Williams

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Sincerely,

Marshall Magruder  
PO Box 1267  
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[marshall@magruder.org](mailto:marshall@magruder.org)  
520.398.8587

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## Jason D. Gellman

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**Sent:** Friday, April 24, 2009 9:41 AM  
**To:** Jason D. Gellman  
**Cc:** Charles Hains; Janice Alward; Marshall Magruder; Debbie Amaral; Matt Derstine; Mary Ippolito; Michael Patten; EBakken@Tep.com; EBeck@Tep.com; Marcus Jerden; cbryner@transconusa.com; gmiller@transconusa.com; Mike Warner  
**Subject:** RE: #144 Final Pre-Hearing Conference

I have spoken to Chairman Foreman, and the final pre-hearing conference has been scheduled for May 26th at 10:00 am. Counsel for UNS Electric, please schedule a court reporter for that time. The Chairman also permits those unable to attend in-person to call in: at 10 am that day, please call (602) 542-7704, and this will transfer you directly to the conference room. If you have any other questions, please contact me.

Thank you,  
Tara Williams  
Assistant  
Consumer Protection & Advocacy Section  
Office of the Attorney General  
Tel: (602) 542-7759  
Fax: (602) 542-4377  
tara.williams@azag.gov

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>>> "Jason D. Gellman" <jgellman@rdp-law.com> 4/24/2009 7:50 AM >>>  
Ms. Williams,

The best day and time for UNS Electric is on May 26 at 10 a.m. We would also join in Mr. Magruder's request for the final pre-hearing conference be accessible telephonically for those not in the Phoenix area (although outside counsel for UNS Electric would appear in person). Thank you.

Jason D. Gellman  
Roshka DeWulf & Patten, PLC  
One Arizona Center  
400 East Van Buren, Suite 800  
Phoenix, AZ 85004  
Phone: 602-256-6100  
Fax: 602-256-6800  
email: jgellman@rdp-law.com

-----Original Message-----

**From:** Tara Williams [mailto:Tara.Williams@azag.gov]  
**Sent:** Thursday, April 23, 2009 4:29 PM  
**To:** Charles Hains; Janice Alward; Marshall Magruder; Jason D. Gellman; Matt Derstine; Marcus Jerden  
**Subject:** #144 Final Pre-Hearing Conference

Good Afternoon,

Chairman Foreman would like to know the parties' availability for a final pre-hearing conference. He is available on the following dates:

May 21st at 10 am or 2 pm

May 22nd at 10 am or 2 pm

May 26th at 10 am or 2 pm

Please let me know which dates work for you.

Thank you,  
Tara Williams  
Assistant  
Consumer Protection & Advocacy Section  
Office of the Attorney General  
Tel: (602) 542-7759  
Fax: (602) 542-4377  
tara.williams@azag.gov

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