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BEFORE THE ARIZONA POWER PLANT AND TRANSMISSION LINE SITING COMMITTEE

IN THE MATTER OF THE APPLICATION OF)
 SOUTHWEST TRANSMISSION COOPERATIVE,) Arizona Corporation Commission
 INC., OR ITS ASSIGNEES, IN CONFORMANCE)
 WITH THE REQUIREMENTS OF ARIZONA) Docket No. L-00000CC-09-0158-00142
 REVISED STATUTES §§ 40-360, *et seq.*, FOR A)
 CERTIFICATE OF ENVIRONMENTAL) Case No. 142
 COMPATIBILITY AUTHORIZING THE)
 CONSTRUCTION OF THE SAN MANUEL)
 INTERCONNECT PROJECT LOCATED IN THE)
 VICINITY OF SAN MANUEL IN PINAL COUNTY,)
 ARIZONA.) **NOTICE OF FILING**
) **E-MAIL COMMUNICATION**

Pursuant to the Procedural Order filed on April 8, 2009, the Chairman of the Arizona Power Plant and Transmission Line Siting Committee is providing notice of filing the following e-mail communications that have occurred between the Parties to this case and the Chairman, up to this date, since the previous filing on April 20, 2009.

DATED: April 29, 2009

John Foreman

John Foreman, Chairman
Arizona Power Plant and Transmission
Line Siting Committee
Assistant Attorney General
john.foreman@azag.gov

Arizona Corporation Commission
DOCKETED
APR 29 2009

DOCKETED BY *MM*

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1 Pursuant to A.A.C. R14-3-204,
2 The Original and 25 copies were
filed April 29, 2009 with:

3
4 Docket Control
5 Arizona Corporation Commission
1200 W. Washington St.
6 Phoenix, AZ 85007

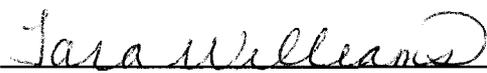
7 Copy of the above was mailed
8 this 29th day of April, 2009 to:

9 Robin Mitchell
10 Janice Alward, Chief Counsel
Arizona Corporation Commission
11 1200 West Washington Street
Phoenix, AZ 85007
12 Counsel for Legal Division Staff

13
14 Michael M. Grant
Gallagher and Kennedy, P.A.
15 2575 East Camelback Road
Suite 1100
16 Phoenix, AZ 85016
17 Counsel for Applicant, SW Transco

18 Lawrence V. Robertson, Jr.
19 P.O. Box 1448
Tubac, AZ 85646
20 Counsel for Pinal County

21
22 Marta T. Hetzer
Arizona Reporting Service, Inc.
23 2200 North Central Avenue
24 Phoenix, Arizona 85004-1481

25
26 

From: <TubacLawyer@aol.com>
To: <John.Foreman@AZAG.GOV>, <rmitchell@azcc.gov>, <JAlward@azcc.gov>, <MMG@...>
Date: 4/10/2009 3:10 PM
Subject: Pinal County's Notice of Intent To Be A Party In Siting Committee Case No. 142
Attachments: Pinal Notice of Intent to be a Part Case 142.pdf

To All:

The original and 25 copies of the attached Notice Of Intent To Be A Party in SWTC's Hayden to San Manuel CEC proceeding before the Siting Committee were mailed to ACC Docket Control earlier today.

If you have any questions, or any difficulties opening the attached, please feel free to contact me.

Angela R. Trujillo
 Secretary
 Lawrence V. Robertson, Jr.

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*****Feeling the pinch at the grocery store? Make dinner for \$10 or less. (<http://food.aol.com/frugal-feasts?ncid=emlcntusfood00000001>)

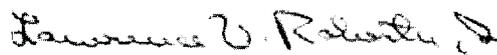
BEFORE THE ARIZONA POWER PLANT AND
TRANSMISSION LINE SITING COMMITTEE

1
2
3 IN THE MATTER OF THE APPLICATION OF)
4 SOUTHWEST TRANSMISSION COOPERATIVE,)
5 INC., OR ITS ASSIGNEES, IN CONFORMANCE) Docket No. L-00000CC-09-0158-
6 WITH THE REQUIREMENTS OF ARIZONA) 00142
7 REVISED STATUTES §§ 40-360, *et seq.*, FOR A)
8 CERTIFICATE OF ENVIRONMENTAL) Case No. 142
9 COMPATIBILITY AUTHORIZING THE)
CONSTRUCTION OF THE SAN MANUEL) NOTICE OF INTENT TO BE A
INTERCONNECT PROJECT LOCATED IN THE) PARTY
VICINITY OF SAN MANUEL IN PINAL)
COUNTY, ARIZONA.)

10 Pursuant to A.R.S. § 40-360.05(A)(2), Pinal County, Arizona ("Pinal County") hereby
11 files its Notice Of Intent To Be A Party in the above-captioned and above-docketed proceeding.
12 Pinal County has reviewed the Procedural Order issued by the Chairman of the Arizona Power
13 Plant and Transmission Line Siting Committee on April 8, 2009, and is prepared to proceed in
14 accordance with the provisions of the aforesaid Procedural Order.

15 Dated this 10th of April 2009.

16 Respectfully submitted,

17 

18 Lawrence V. Robertson, Jr.
19 Arizona Bar No. 001709
20 Tubaclawyer@aol.com
21 P. O. Box 1448
22 2247 E. Frontage Road
23 Tubac, Arizona 85646
24 Telephone: (520) 398-0411
25 Fax: (520) 398-0412
26 Attorney for Pinal County, Arizona

23 Pursuant to A.A.C. R14-3-204, the original
24 and twenty-five (25) copies of the foregoing Notice
25 will be mailed for filing this 10th day of April 2009 to:

26 Docket Control
27 Arizona Corporation Commission
28 1200 West Washington Street
Phoenix, Arizona 85007

LAWRENCE V. ROBERTSON, JR.
ATTORNEY AT LAW
P.O. Box 1448
Tubac, Arizona 85646
(520) 398-0411

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A copy of the foregoing Notice will
be emailed or mailed this same date to:

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

Robin R. Mitchell
Janice Alward, Chief Counsel
Legal Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

Michael M. Grant
Gallagher & Kennedy, P. A.
2575 East Camelback Road, Ste. 1100
Phoenix, Arizona 85016

Marta T. Hetzer
Arizona Reporting Service, Inc.
2200 North Central Avenue, Suite 502
Phoenix, AZ 85004-1481



From: "Pearsall, Peri L." <PLP@gknet.com>
To: "Tara Williams" <Tara.Williams@azag.gov>
Date: 4/21/2009 10:02 AM
Subject: RE: CEC Conditions

Thanks a million, Tara!

Peri L. Pearsall
Assistant to Michael M. Grant
and James G. Busby, Jr.

Gallagher & Kennedy, P.A.
2575 E. Camelback Rd., Suite 1100
Phoenix, Arizona 85016-9225

Phone: 602-530-8402
Fax: 602-530-8500
E-mail: plp@gknet.com
Web site: www.gknet.com

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

From: Tara Williams [mailto:Tara.Williams@azag.gov]
Sent: Tuesday, April 21, 2009 9:59 AM
To: Pearsall, Peri L.
Subject: CEC Conditions

Peri,

Per our conversation, I have attached the document that you requested. 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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CONDITIONS

This Certificate is granted upon the following conditions:

1. The Applicant shall obtain all approvals and permits required by the United States, the State of Arizona, the County of [county], and any other governmental entities having jurisdiction necessary to construct the Project.
2. The Applicant shall comply with all existing applicable statutes, ordinances, master plans and regulations of the United States, the State of Arizona, the County of [county], and any other governmental entities having jurisdiction during the construction and operation of the transmission line [power plant].
3. If any archaeological, paleontological or historical site or object that is at least fifty years old is discovered on state, county or municipal land during the construction or operation of the transmission line [power plant], the Applicant or its representative in charge shall promptly report the discovery to the Director of the Arizona State Museum, and in consultation with the Director, shall immediately take all reasonable steps to secure and maintain the preservation of the discovery. A.R.S. § 41-844.
4. If human remains and/or funerary objects are encountered on private land during the course of any ground-disturbing activities relating to the construction or operation of the transmission line [power

plant], the Applicant shall cease work on the affected area of the Project and notify the Director of the Arizona State Museum. A.R.S. § 41-865.

5. The Applicant shall comply with the notice and salvage requirements of the Arizona Native Plant Law (A.R.S. §§ 3-901 et seq.) and shall, to the extent feasible, minimize the destruction of native plants during the construction and operation of the transmission line [power plant].
6. The Applicant shall not assign this Certificate or its interest in the Project authorized by this Certificate without prior approval of the Commission. Any assignment of this Certificate shall require the assignee to assume all responsibilities of the Applicant listed in this Certificate.
7. This authorization to construct this Project shall expire five years from the date the Certificate is approved by the Commission unless the transmission line [power plant] is capable of operation. However, prior to expiration, the Applicant or its assignees may request that the Commission extend this time limitation.
8. In the event that the Project requires an extension of the term of this Certificate prior to completion of construction, Applicant shall use reasonable means to notify all landowners and residents within one mile of the Project corridor [location], all persons who made public comment at this proceeding, and all parties to this proceeding of the request and the time and place of the hearing in which the Commission will consider the request for extension.

9. The Applicant shall make every reasonable effort to identify and correct, on a case-specific basis, all complaints of interference with radio or television signals from operation of the transmission lines and related facilities addressed in this Certificate. The Applicant shall maintain written records for a period of five years of all complaints of radio or television interference attributable to operation, together with the corrective action taken in response to each complaint. All complaints shall be recorded to include notations on the corrective action taken. Complaints not leading to a specific action or for which there was no resolution shall be noted and explained.
10. Within 120 days of the Commission decision granting this Certificate, Applicant will post signs in public rights-of-way giving notice of the Project corridor to the extent authorized by law. The Applicant shall place signs in prominent locations at reasonable intervals such that the public is notified along the full length of the transmission line until the transmission structures are constructed. To the extent practicable, within 45 days of securing easement or right-of-way for the Project, the Applicant shall erect and maintain signs providing public notice that the property is the site of a future transmission line. Such signage shall be no smaller than a normal roadway sign. The signs shall advise:
 - (a) That the site has been approved for the construction of Project facilities;
 - (b) The expected date of completion of the Project facilities;
 - (c) A phone number for public information regarding the Project;
 - (d) The name of the Project;
 - (e) The name of the Applicant; and
 - (f) The website of the Project.

11. Applicant, or its assignee(s), shall design the transmission lines to incorporate reasonable measures to minimize impacts to raptors.
12. Applicant, or its assignee(s), shall use non-specular conductor and dulled surfaces for transmission line structures.
13. Before construction on this Project may commence, the Applicant shall file a construction mitigation and restoration plan ("Plan") with ACC Docket Control. Where practicable, the Plan shall specify the Applicant's plans for construction access and methods to minimize impacts to wildlife and to minimize vegetation disturbance outside of the Project right-of-way particularly in drainage channels and along stream banks, and shall re-vegetate, unless waived by the landowner, native areas of construction disturbance to its preconstruction state outside of the power-line right of way after construction has been completed. The Plan shall specify the Applicant's plans for coordination with the Arizona Game and Fish Department and the State Historic Preservation Office. The Applicant shall use existing roads for construction and access where practicable and the Plan shall specify the manner in which the Applicant makes use of existing roads.
14. With respect to the Project, Applicant shall participate in good faith in state and regional transmission study forums to coordinate transmission expansion plans related to the Project and to resolve transmission constraints in a timely manner.
15. The Applicant shall provide copies of this Certificate to [all affected governmental entities, e.g., affected cities and counties, the Arizona State Land Department, the State Historic Preservation Office, and the Arizona Game and Fish Department].

16. Prior to the date construction commences on this Project, the Applicant shall provide known homebuilders and developers within one mile of the center line of the Certificated route [power plant] the identity, location, and a pictorial depiction of the type of power line [plant] being constructed, accompanied by a written description, and encourage the developers and homebuilders to include this information in the developers' and homebuilders' homeowners' disclosure statements.

17. Before commencing construction of Project facilities located parallel to and within 100 feet of any existing natural gas or hazardous liquid pipeline, the Applicant shall:

(a) Perform the appropriate grounding and cathodic protection studies to show that the Project's location parallel to and within 100 feet of such pipeline results in no material adverse impacts to the pipeline or to public safety when both the pipeline and the Project are in operation. If material adverse impacts are noted in the studies, Applicant shall take appropriate steps to ensure that such material adverse impacts are mitigated. Applicant shall provide to Commission Staff reports of studies performed; and

(b) Perform a technical study simulating an outage of the Project that may be caused by the collocation of the Project parallel to and within 100 feet of the existing natural gas or hazardous liquid pipeline. This study should either: i) show that such outage does not result in customer outages; or ii) include operating plans to minimize any resulting customer outages. Applicant shall provide a copy of this study to Commission Staff.

18. Applicant will follow the latest Western Electricity Coordinating Council/North American Electric Reliability Corporation Planning standards as approved by the Federal Energy Regulatory Commission, and National Electrical Safety Code construction standards.
19. The Applicant shall submit a self-certification letter annually, identifying progress made with respect to each condition contained in the Certificate, including which conditions have been met. Each letter shall be submitted to the Docket Control of the Arizona Corporation Commission on December 1 beginning in 2009. Attached to each certification letter shall be documentation explaining how compliance with each condition was achieved. Copies of each letter along with the corresponding documentation shall be submitted to the Arizona Attorney General and Department of Commerce Energy Office. The requirement for the self-certification shall expire on the date the Project is placed into operation.
20. Within sixty (60) days of the Commission decision granting this Certificate, the Applicant shall make good faith efforts to commence discussions with private landowners, on whose property the Project corridor is located, to identify the specific location for the Project's right-of-way and placement of poles.
21. The Applicant shall expeditiously pursue reasonable efforts to work with private landowners on whose property the Project right-of-way will be located, to mitigate the impacts of the location, construction, and operation of the Project on private land.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Certificate incorporates the following findings of fact and conclusions of law:

1. The Project is in the public interest because it aids the state in meeting the need for an adequate, economical and reliable supply of electric power.
2. In balancing the need for the Project with its effect on the environment and ecology of the state, the conditions placed on the CEC by the Committee effectively minimize its impact on the environment and ecology of the state.
3. The conditions placed on the CEC by the Committee resolve matters concerning the need for the Project and its impact on the environment and ecology of the state raised during the course of proceedings, and as such, serve as the findings on the matters raised.
4. In light of these conditions, the balancing in the broad public interest results in favor of granting the CEC.

From: "Pearsall, Peri L." <PLP@gknet.com>
To: "Tara Williams" <Tara.Williams@azag.gov>
Date: 4/21/2009 3:33 PM
Subject: RE: Line Siting Committee Members

Thanks, Tara!

Peri L. Pearsall
Assistant to Michael M. Grant
and James G. Busby, Jr.

Gallagher & Kennedy, P.A.
2575 E. Camelback Rd., Suite 1100
Phoenix, Arizona 85016-9225

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Web site: www.gknet.com

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

From: Tara Williams [<mailto:Tara.Williams@azag.gov>]
Sent: Tuesday, April 21, 2009 3:31 PM
To: Pearsall, Peri L.
Subject: Re: Line Siting Committee Members

Hi Peri,

That list is slightly inaccurate. The appointed members are Barry Wong, Jeff McGuire, Mike Whalen, Patricia Noland, Bill Mundell and Mike Palmer (his term was renewed until February 24, 2011). Also, Jessica Youle has replaced Jack Haenichen as the designee for the Department of Commerce. The other members are David Eberhart, Paul Rasmussen and Gregg Houtz (Mr. Houtz usually participates in power plant cases only). Let me know if you have any other questions.

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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>>> "Pearsall, Peri L." <PLP@gknet.com> 4/21/2009 2:30 PM >>>
Hello, Tara! I pulled the list of Committee members from the ACC website today to add to our draft CEC. I noticed that one of the Appointed Member's term -- Mike Palmer -- expired on 2/14/09. Do you know who replaced him? In case this is helpful, the other Appointed Members listed are Barry Wong, William Mundell, Hon. Mike Whalen, Hon. Patricia Noland and Jeff McGuire. Thanks for your help, Tara! Peri

Peri L. Pearsall
Assistant to Michael M. Grant
and James G. Busby, Jr.

Gallagher & Kennedy, P.A.
2575 E. Camelback Rd., Suite 1100
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Web site: www.gknet.com <<http://www.gknet.com/>>

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From: <TubacLawyer@aol.com>
To: <Tara.Williams@azag.gov>
Date: 4/28/2009 10:00 AM
Subject: Re: Final Pre-Hearing Conference in Siting Case No. 142
CC: <JAlward@azcc.gov>, <rmitchell@azcc.gov>, <MMG@gknet.com>

Ms. Williams,

Thank you.

Angela R. Trujillo
Secretary
Lawrence V. Robertson, Jr.

In a message dated 4/28/2009 9:33:22 AM US Mountain Standard Time,
Tara.Williams@azag.gov writes:

Mr. Robertson,

For the pre-hearing conference scheduled on May 5th, please call (602) 542-7704 at 2:00 pm. This will connect you directly to the conference room. If you have any 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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>>> John Foreman 4/28/2009 9:23 AM >>>

Mr. Robertson,
You are authorized to appear by telephone at the pre-hearing conference on May 5, 2009, at 2 pm. My staff will provide the telephone number for you to call. Please be sure you comply with the other relevant portions of the pre-hearing procedural order.

John Foreman
Assistant Arizona Attorney General

Chair, Arizona Power Plant and Transmission Line Siting Committee
1275 W. Washington
Phoenix, AZ 85007
Tel: 602-542-7902
FAX: 602-542-4377
john.foreman@azag.gov

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>>> <TubacLawyer@aol.com> 4/27/2009 3:25 PM >>>
Chairman Foreman,

In my capacity as attorney of record for Pinal County in Siting Case No. 142, I hereby request permission to participate by telephone in the final Pre-Hearing Conference currently scheduled for May 5, 2009 at 2:00 p.m. This request is submitted pursuant to Numbered Paragraph 20 of the Procedural Order issued by you on April 8, 2009 in Siting Case No. 142.

In the event you should grant this request, I would appreciate being advised in advance of the call-in information which will allow me to participate by telephone.

As you will note, copies of this request are concurrently being electronically communicated to counsel for Southwest Transmission Cooperative, Inc. and the Arizona Corporation Commission. To my knowledge, there currently are no parties of record other than those two (2) entities and Pinal County. In addition, twenty-five (25) copies of this email request to you will be filed tomorrow in Phoenix with the Arizona Corporation Commission's Docket Control.

Respectfully submitted,

Lawrence V. Robertson, Jr.

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Steps!

(<http://pr.atwola.com/promoclk/100126575x1221621499x1201450105/aol?redir=http://www.freecreditreport.com/pm/default.aspx?sc=668072&hmpglD=62&bcd=AprilExcScore428NO62>)