

ORIGINAL



0000097136

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BEFORE THE ARIZONA POWER PLANT AND TRANSMISSION LINE SITING COMMITTEE

1
2 IN THE MATTER OF THE APPLICATION OF UNS)
3 ELECTRIC, INC., IN CONFORMANCE WITH THE) Arizona Corporation Commission
4 REQUIREMENTS OF ARIZONA REVISED)
5 STATUTES §§ 40-360, *et seq.*, FOR A) Docket No. L-00000F-09-0190-00144
6 CERTIFICATE OF ENVIRONMENTAL)
7 COMPATIBILITY AUTHORIZING THE) Case No. 144
8 CONSTRUCTION OF THE VAIL TO VALENCIA)
9 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) **NOTICE OF FILING**
CITY OF NOGALES, SANTA CRUZ COUNTY,)
ARIZONA.) **E-MAIL COMMUNICATION**

Pursuant to the Procedural Order filed on April 27, 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 last filing on May 11, 2009.

Arizona Corporation Commission
DOCKETED

MAY 21 2009

DATED: May 21, 2009

DOCKETED BY	
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RECEIVED

2009 MAY 21 A 10:59
AZ CORP COMMISSION
DOCKET CONTROL

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

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1 Pursuant to A.A.C. R14-3-204,
2 The Original and 25 copies were
filed May 21, 2009 with:

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

6
7
8 Copy of the above was mailed
this 21st day of May, 2009 to:

9
10 Charles Hains
11 Janice Alward, Chief Counsel
12 Arizona Corporation Commission
13 1200 West Washington Street
Phoenix, AZ 85007
Counsel for Legal Division Staff

14 Jason D. Gellman
15 J. Matthew Derstine
16 Roshka DeWulf & Patten, PLC
17 One Arizona Center
400 East Van Buren Street, Suite 800
Phoenix, AZ 85004
18 Counsel for Applicant, UNS Electric

19
20 Marc Jerden
21 Tucson Electric Power Company
22 Legal Department
One South Church Avenue, Suite 200
P. O. Box 711
Tucson, AZ 85702-0711

23
24 Marshall Magruder
25 P.O. Box 1267
Tubac, AZ 85646
26

1 Elizabeth Buchroeder-Webb
2 17451 East Hilton Ranch Road
3 Vail, AZ 85641

4 Marta T. Hetzer
5 Arizona Reporting Service, Inc.
6 2200 North Central Avenue
7 Phoenix, Arizona 85004-1481

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Jana Williams

From: "Vail Arizona" <vailaz@hotmail.com>
To: <tara.williams@azag.gov>
Date: 5/13/2009 8:39 PM
Subject: E Webb: Line Siting Case 144, Motion to Intervene
Attachments: EWebbMotionToInterveneLSCase144.doc

CC: <jgellman@rdp-law.com>, <jalward@azcc.gov>, <chains@azcc.gov>, <mderstin...

Ms. Williams,

My name is Elizabeth Buchroeder-Webb (Elizabeth Webb) and I filed a motion to intervene in Line Site Case 144 with Docket Control today. I am also including a copy via email as well. If there are specific procedures required by Chairman Foreman, please let me know and I will willingly educate myself on them.

Thank you,

Elizabeth Webb

Due to family health issues, until June 2009 I will not be checking my email during the week. I will have limited email on weekends. Please contact me via cell phone at (520) 247-3838 if you need to get in touch. Thanks.-E

BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

Kristin K. Mayes
Gary Pierce
Sandra D. Kennedy
Paul Newman
Bob Stump

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-09-0144

Arizona Transmission and Power Plant Line
Siting
Case No. 144

Notice of Filing a Motion to Intervene

by

Elizabeth Buchroeder-Webb (Elizabeth Webb)

As a ratepayer, consumer, and interested party, I respectfully request to be a party in this matter. I have experiences involving Vail and Pima County energy issues as a civilian intervener in TEP Line Site Case 138 and City of Tucson Case SE-08-05 TEP Cienega Substation Dawn Drive RH Zone (Ward 4). Additionally, I am a community volunteer in local historic, cultural, educational, environmental issues as well as a member of the Vail Preservation Society and the Hilton Ranch Community Association. Potential issues should be prudently resolved during this case. The key issue is the impact to the natural, historic and human environment within the approximately 425 square miles of the Vail School District boundaries- an area also encompassed within the identified boundaries of the Vail Preservation Society. I respectfully ask **not to be combined** with any other interveners in this case as my area of interest is predominately within Segment 1A and a smidge south of there within Pima County.-.

The following are concerns in this case:

1. Environmental impacts of new transmission line routes and associated access roads.
2. Visual impacts of "weathered" compared to less visible galvanized steel poles
3. Repetitive impacts to the natural, cultural and human environments of one county/area in Arizona for the benefit of a different county/area and another separate corporation in the state of Arizona-particularly in rural areas.

If this motion is approved, I request a discovery period through 30 June 2009, due to the short time between date of my motion to intervene and the hearings. If the applicant denies any discovery data request, that response requires rapid adjudication. Such denied response needs to include the Committee Chairman as an addressee so any dispute can be promptly resolved. I plan to dispute any data request denial to the Committee Chairman within 3 days. Ten calendar days for data request responses is expected and appreciated.

This filing has been mailed to all parties in the Service List below.

Respectfully submitted on this 13th day of May 2009

ELIZABETH BUCHROEDER

By _____

Elizabeth Buchroeder-Webb
17451 E. Hilton Ranch Rd.
Vail, Arizona 85641
(520) 247-3838
vailaz@hotmail.com

Service List

Original and 25 copies of the foregoing are filed this date with:

Docket Control (25 copies)
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007-2927

Janice Alward, Chief Counsel, Legal Division
Earnest G. Johnson, Director, Utilities Division
John Foreman, Chairman of the Arizona Power Plant and Transmission Line Siting Committee
Assistant Attorney General, State of Arizona, Office of the Attorney General
1275 West Washington Street
Phoenix, Arizona 85007

Jason D. Gellman, Attorney for the Applicant
Roshka De Wulf and Patten
One Arizona Center
400 East Van Buren St. Suite 800
Phoenix, AZ 85004-2262

Marcus Jerden, Corporate Attorney
Tucson Electric Power Company
PO Box 711
Tucson, AZ 85711

Daniel Pozefsky, Chief Counsel
Residential Utility Consumer Office (RUCO)
1110 W. Washington St. Ste. 220
Phoenix AZ 85007-2958

Marshall Magruder, Intervener
PO Box 1267
Tubac, Arizona 85646-1267

From: Tara Williams
To: Marshall Magruder
Date: 5/18/2009 7:34 AM
Subject: Re: Correspondence for Mr. John Foreman, Ref Line Siting Case No. 144

CC: Jason D. Gellman; Matt Derstine; Michael Patten
Mr. Magruder,

The Chairman is in a hearing today, but I will make sure that he receives the documents as soon as he returns to the office.

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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>>> "Marshall Magruder" <[mmagruder@earthlink.net](mailto:magruder@earthlink.net)> 5/18/2009 12:55 AM >>>
Ms Williams

I would be most grateful, if you would please provide a copy of each of the two attached documents to Mr. Foreman. Both will be mailed to the other addrees, including ACC Docket Control, today along with a hard copy for Mr. Foreman.

Sincerely,

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

Marshall Magruder
PO Box 1267
Tubac, Arizona 85646

18 May 2009

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

Via email and regular mail

Subject: Procedural Issues Involving Line Siting Case No. 144

Re: Line Siting Case No. 144, ACC Docket No. L-0000F-09-0190

References:

- a. Line Siting Committee Procedural Order, 27 April 2009
 - b. Magruder Motion to Intervene, 7 May 2009
 - c. Applicant's Response to Magruder Motion to Intervene, 15 May 2009
 - d. Case No. 144, Agenda, 27 April 2009
1. This potential intervenor acknowledges receipt of the Procedural Order, ref a, and will abide by the procedures therein.
 2. As indicated in the Magruder Motion to Intervene, ref b, of 7 May 2009, discovery was requested through 30 June 2009. As no objections from the Applicant or the Committee were received, approval is assumed. Discovery was also discussed at the 7 April 2009 pre-application procedural conference without objection. On 7 May 2009, I submitted two Data Request Sets, One and Two, to the Applicant with anticipated responses due 17 May (18 May due to weekend) 2009, according to customary Commission ten calendar days for discovery response. Timely receipt of both responses from the Applicant directly impacts completion of pre-filed testimony, exhibits, and the ability to meet specified deadlines in the Procedural Order.
 3. On Saturday, 16 May 2009, the Applicant's Response, ref c, was received by mail. It requested some relevant issues of concern on this project be denied before any discussion or presentation by this potential intervenor. Such premature actions on issues that comply with the suitability factors of A.R.S. §§ 40-360, without any comment from a potential intervenor, are untimely.
 4. Further, on 1 May 2009, the Applicant requested by letter that I contact them prior to the 26 May pre-hearing conference if I had any issues and to identify them in writing. The Magruder Motion to Intervene and the Data Request Sets, both on 7 May 2009, complied with the Applicant's request to provide any issues in writing. However, the

first Applicant's response in any form was a rather formal "Response to ...", ref c, directly to the Committee Chairman, not to or via this potential party, for discussion. This action resulted in this letter.

5. In general, I would consider filing a Motion to Quash this Applicant's Response with appropriate basis, but submission of such a motion, in my opinion, would be presumptuous for one without standing in this case. That is why this letter contains my reply.
6. In response to the "specifics" discussed by the Applicant's Response, and without and details, these four "issues" relate to the CEC factors as follows (the Data Request Sets provide specific questions on these issues and other issues):
 - a. "Customer cost impacts" - §40-360.06A(8), states "increase in costs represents a potential increase in the cost of electric energy to the customers or the applicant." This is not discussed in the Application.
 - b. "Total environmental impacts" - §40-360.06A(6), as the word "total" appears as inclusive as can be expressed, however my referent concern was limited to change in the air and water environments involved with generation of electricity for the Santa Cruz County service area, since we have only backup and peaker generation capabilities. Also, §40-360.13 is a related factor.
 - c. "Line losses" - §40-360.06A(8), same as "a" above, as power lost (transmission loss) is directly proportional to the length of the line with other factors, and a greater distance between new interconnections may result from this case. At present, 10.94% of electricity is "lost" between Nogales Tap and Santa Cruz customers, and another 4.95% on the present WAPA line, for 15.89%. This means customers pay for 115.89 Watts when using only 100 Watts. What will this be if approved?
 - d. "Tucson sink" - §40-360.02C(7), states "plans for new facilities shall include a power flow and stability analysis report showing the effect on the current Arizona electric transmission system... for projects that are included for serving load growth in their service territories." As no competition exists under §40-360.02D and southern Arizona has a publically known critical shortage of power; some discussion on the impacts of this change of the power demand for this service area are relevant to ensuring long-term quality decisions can made objectively by the Committee. The UNS Electric demark point is with TEP which has this local power shortage in the summer. How will this impact the demands from Santa Cruz County? Will there be power for Santa Cruz County? Will forest fires in eastern Arizona now cause our lights go out Nogales along with Tucson?
7. My Motions to Intervene always include issues or concerns for the matter being reviewed. They are, in general terms. They were also discussed with the Applicant on 8 April 2009, before the pre-application procedural conference in your office. Furthermore, a specific copy of these issues was provided to the Applicant on that

date. I also discussed this during this conference, without specifics, with both the Applicant and Chairman, as recorded, then.

8. The issues in the Motion were also to avoid "surprise" as requested in the Procedural Order, ref a. I submitted, by email, a Draft of the Motion to Intervene on 1 May 2009 to the Applicant while on travel in Utah, marked as "heads-up". There was no response to until ref c, two weeks later. I did not have access to a printer until 7 May due to work on the Navajo Reservation. The Motion to Intervene, ref b, was filed when access to a printer was obtained, on 7 May 2009, to ACC Docket Control (Priority Mail) and by mail to the Applicant and Chairman.
9. This letter will "cross" the anticipated Applicant responses to both my Data Request Sets on Monday 18 May.
10. If the Applicant denies or responses have significant shortcoming in the responses, I will discuss as soon as possible with the Applicant. If not rapidly resolved, as stated in the Motion to Intervene, I will request a teleconference be set up as soon as possible with you and the Applicant to resolve any discovery disputes. The information requested is very time critical in preparation of my case. The Applicant is the most reasonable source of the information requested.
11. This forthcoming week has many actions necessary to be completed by the 26 May 2009, pre-hearing conference. I had phone participation approved earlier by your office. Also, I have requested by separate means, relief by postponement of non-time critical matters due on the Commission's 27 and 28 May Open Meeting Agenda.
12. If there are problems indicated in 10 above, which I really would not happen, completion, of some actions in the Procedural Order may miss the indicated deadlines.

Sincerely,

Marshall Magruder
marshall@magruder.org
520.398.8587

Copies to:

Arizona Corporation Commission, 1200 West Washington Street, Phoenix, AC 85007
Mr. Ernest G. Johnson, Director Utilities Division (1 copy)
Ms. Janice M. Alward, Chief Counsel, Legal Department (1 copy)
Docket Control (25 Copies)

For the Applicant:

Mr. Michael W. Patton, Mr. J. Mathew Derstine, and Mr. Jason D. Gellman (1 copy)
Roshka DeWulf & Patton, PLC, One Arizona Center, 400 East Van Buren, Suite 800,
Phoenix, Arizona, 85004

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 **COMMISSIONERS**

3 **Kristin K. Mayes, Chairman**

4 **Gary Pierce**

5 **Sandra D. Kennedy**

6 **Paul Newman**

7 **Bob Stump**

8 IN THE MATTER OF THE APPLICATION OF
9 UNS ELECTRIC, INC. FOR APPROVAL OF THE
10 ESTABLISHMENT OF JUST AND
11 REASONABLE RATES AND CHARGES
12 DESIGNED TO REALIZE A REASONABLE
13 RATE OF RETURN ON THE FAIR VALUE OF
14 THE PROPERTIES OF UNS ELECTRIC, INC.

15 IN THE MATTER OF THE APPLICATION OF
16 UNS ELECTRIC, INC. FOR APPROVAL OF ITS
17 BILL ESTIMATION METHODOLOGIES TARIFF

18 IN THE MATTER OF THE APPLICATION OF
19 UNS ELECTRIC, INC. FOR APPROVAL OF ITS
20 DEMAND SIDE MANAGEMENT COMPACT
21 FLOURSCENT LAMP BUY-DOWN PROGRAM

Docket No. E-04204A-06-0783

ACC Decision No. 70360

Docket No. E-04204A-06-0783

ACC Decision No. 70360

Docket No. E-04204A-08-0341

ACC Decision No. 70556

22 **Motion to Postpone Some Non-time Critical Decisions**

23 **Due to Extenuating Conflicts**

24 **18 May 2009**

25 This motion request the Commission delay from the 27 and 28 May 2009 Open Meeting until
26 the June 23 and 24, 2009, Open Meeting consideration of the pending Applications, for these matters
27 as follows:

28 a. UNS Electric Application for Approval to Revise its DSM Surcharge beginning June 1, 2009,
29 Staff Report, of 12 May 2009, and Demand Side Management Surcharge Rider R-2, of 1 May 2009,
30 in ACC Docket E-04204A-06-0783 and ACC Decision No 70360.

31 b. UNS Electric Request for Additional Funding for CFL Buy-down Program, of 9 April 2009,
32 and UNS Electric Study and Report of Alternative CFL Coupon Program of 12 May 2009, in ACC
33 Docket No E-04204A-08-0341 and ACC Decision No. 70556.

34 c. UNS Electric Application for Approval of its Billing Estimation Methodologies Tariff, and Staff
35 Report of 12 May 2009, in ACC Docket E-04204A-06-0783 and ACC Decision No. 70360.

Interest of Marshall Magruder on these three matters.

As I believe most Commissioners understand, Marshall Magruder maybe one of your most aggressive proponents of energy efficiency and reduced demand. However, I expect and demand, as

1 a ratepayer, that these programs be cost-effective with the greatest benefits for each ratepayer's
2 dollar. Nothing less is acceptable. These DSM Programs are not utility "corporate welfare" programs
3 to squeeze ratepayers just for more funds. These are programs to make each utility better in serving
4 their customers, in saving customers money while delivering a higher quality product, and improving
5 our environment. Thus, my recommendations will be solely to achieve these goals, as I am a
6 ratepayer who abhors waste in any form.

7
8 **Extenuating Conflicts.**

9 This person is participating in several other more time-critical and important cases, all requiring
10 major actions and filings during May 2009. The Arizona-American Water Rate Case, Docket W/SW-
11 01030A-08-0227, with Opening and Reply Briefs filed on 1 and 15 May, 2009, and the new Line
12 Siting Case No. 144, Vail-Valencia 138 kV Transmission Line Upgrade, with pre-hearing conference
13 on 26 May followed by evidentiary hearings on 2 through 4 June 2009, with all pre-filed testimony and
14 exhibits due by 26 May, for an application received on 2 May 2009. Neither of these cases can be
15 delayed. An important Staff Report due on 19 June concerns three issues I raised at the UNS Electric
16 Rate Case that remain unresolved will involve meetings with Staff before its due date. In addition, to
17 routine status reports to the Santa Cruz County Board of Supervisors and City of Nogales, and other
18 issues involve several 1-3 MW solar renewable energy plants being planned for the Sonoita area that
19 require me to appear before their utility's Board of Directors on 27 May 2009 in Wilcox that directly
20 conflicts with the May Open Meeting and any delay here might cause loss of stimulus funding.

21
22 **Issue (a), DSM Surcharge Review.**

23 Upon review of the UNS Electric Semi-Annual DSM Report filed in accordance with the ACC
24 Order, it was with great displeasure to read the inept and lack of performance by each of these
25 important DSM programs in the past year. Some met less than 1% of their objective but more
26 perplexing is the Company's request for greater ratepayer funding with a higher DSM surcharge. A
27 detailed analysis is essential to comprehend these unsatisfactory results and to determine ways to
28 turn around these vital programs to not only meet but also exceed anticipated benefits vital to energy
29 efficiency and demand side management expected of a mature utility in this state. In my opinion, as
30 an informed ratepayer about these programs, the lack of public awareness is appalling on Santa Cruz
31 County. This will take several weeks to gather information and make the kind of recommendations in
32 a proactive-oriented report to the Commission to correct such unsatisfactory performance that takes
33 some time. This is not a time critical decision as the governing order states on 1 June or later.

34
35 **Issue (b), Compact Fluorescent Lights Reviews.**

1 Further, on review of the UNS Electric's response of 12 May 2009 to the Commission's order
2 to assess "coupons" for Compact Fluorescent Light (CFL) bulbs, another detailed response is
3 merited. This Company report, as expected, dwells on the existing methodology in using ratepayers'
4 funds to pay others while the coupon approach lets the ratepayer directly see reduced prices. The
5 cost estimates in the Company's report are fiction, as the sample coupon in my report of 22 July 2008
6 took maybe 20 minutes to design. It could have been made a bit jazzier with 15 more minutes. Their
7 analysis shows it would take \$1,875 for a graphic designer to accomplish the same task (p. 10).
8 There are other errors in this analysis that will require it to be redone. This is a non-time-critical
9 decision as it is related to the prior DSM Application.

10
11 **Issue (c), Estimation of Bills.**

12 The estimation of bills, as presented in the ACC Staff Report, needs additional review. Last
13 week the Company's meter reader read my new TOU meter, installed on 6 May 2009. It appears this
14 is the 5th TOU meter in our county service area! He wrote down the six TOU readouts, as his
15 "zapper" cannot read TOU meters. He also did not know which readings were for peak, shoulder, or
16 non-peak hours. In response to the Staff Report, I have gathered the bills and intend to analyze
17 several years of my personal billing to see the means, deviations, and assess several forecasting
18 methodologies and statistically determine the "goodness of fit". This may take some time but the
19 simple formula proposed might not give the valid estimations, especially in areas where there are
20 major changes from one month to the next. This cannot be even started by 27 or 28 May. Further, a
21 review of Chairman Mayes letter of 30 January 2009 (in Hot Topic), to APS concerning TOU, shows
22 just how far behind UNS Electric is when it comes to participating in the "smart" grid later in this
23 decade and it take more than five TOU meters to accomplish much in that direction. This matter
24 appears without a critical implementation deadline and a month delay appears minor, compared to
25 the potential benefits of using the proper statistical methods. It would be most helpful if Staff could
26 assess other statistical approaches, as there was nothing in the terms of verification or validation of
27 the simple formula proposed.

28 Respectfully submitted on this 18th day of May 2009.

29 MARSHALL MAGRUDER

30 By _____

31
32 Marshall Magruder
33 PO Box 1267
34 Tubac, Arizona 85646-1267
35 (520) 398-8587
marshall@magruder.org

Service List

Original and 17 copies are filed this date:

Docket Control (13 copies)

Arizona Corporation Commission

1200 West Washington Street

Phoenix, Arizona 85007-2927

Ernest G. Johnson, Director Utilities Division (1 copy)

Janice Alward, Chief Legal Counsel (1 copy)

Maureen Scott, Senior Staff Counsel (1 copy)

Chairman John Foreman, Arizona Power Plant and Line Siting Committee (1 copy)

Assistant Attorney General

Arizona Attorney General Office

1275 West Washington Street

Phoenix, AZ 85007

Additional Distribution (1 copy each):

Michael W. Patten, Attorney for the Applicant

Roshka, DeWulf & Patten, PLC

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Phoenix, Arizona 85004-2262

Raymond S. Heyman, Corporate Counsel

UniSource Energy Services

One South Church Avenue, Ste 200

Tucson, Arizona 85701-1621

Daniel Pozefsky, Chief Counsel

Residential Utility Consumer Office (RUCO)

1110 West Washington Street, Ste 220

Phoenix, Arizona 85007-2958

Interested Parties (1 copy each) are filed this date by email:

Santa Cruz County Supervisors:

Manny Ruiz, Chairman

Bob Damon, Supervisor

John Maynard, Supervisor

Santa Cruz County Complex

2150 North Congress Drive

Nogales, Arizona 85621-1090

City of Nogales

Jaime Fontes, City Manager

Jose Machado, Acting City Attorney

Nogales City Hall

777 North Grand Avenue

Nogales, Arizona 85621

From: Tara Williams
To: Magruder, Marshall
Date: 5/18/2009 9:46 AM
Subject: ACC Docket Control Problem for Line Siting Case #144

Mr. Magruder,

I noticed that your Motion to Intervene for Case #144 was never posted with Docket Control. I contacted them, and the problem is that the Docket Number on the document is missing the matter number. Your motion reads: L-00000F-09-0144, but it should read: **L-00000F-09-0190-00144**. Docket Control recommends that you re-file the motion with the correct docket number as soon as you can, because when there is an error in the Docket Number, the document is automatically sent elsewhere in the Commission for correction. As a result, there is no guarantee when the document will be corrected and filed. I apologize for the delayed notification. Please let me know if you have any 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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From: "Vail Arizona" <vailaz@hotmail.com>
To: "Tara Williams(ATGen)" <tara.williams@azag.gov>
Date: 5/18/2009 11:44 AM
Subject: RE: Line Siting #144 Pre-Application Conference May 18th 2009

Ms. Williams

Thank you for the transcript!

I would like to request at this juncture, as per the Procedural Order, to attend via phone conference. I may be able to attend in person which I would prefer, but I have to convince my husband he does not mind letting me spend the gas money. He is still trying to recover from the last case!

I live aprox. one hour southeast of downtown Tucson so it is a bit of drive to Phoenix.

To clarify, if I receive permission from the Chairman, I will attend the pre-hearing conference via telephone. If that changes and I am able to make it in person I will notify you asap.

Thanks again,

Elizabeth Webb

> From: Tara.Williams@azag.gov
> To: vailaz@hotmail.com
> Date: Mon, 18 May 2009 11:19:24 -0700
> Subject: Line Siting #144 Pre-Application Conference
>
> Ms. Webb,
>
> Please see the attached transcript. Also, do you plan on attending the May 26th pre-hearing conference for this case?
>
> 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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>
>

From: "Vail Arizona" <vailaz@hotmail.com>
To: "Tara Williams(ATGen)" <tara.williams@azag.gov>
Date: 5/18/2009 1:45 PM
Subject: One more correction. Amended Motion to Intervene Line Site Case 144 Vail to Valencia

CC: "Janice Alward(ACC)" <jalward@azcc.gov>, "Charles Hains(ACC)" <chains@a...

One more correction that has already been made to the copy to be docketed. I intervened in Line Site case 137, not 138. Thanks

From: vailaz@hotmail.com
To: tara.williams@azag.gov
CC: jalward@azcc.gov; chains@azcc.gov; mderstine@rdp-law.com; jgellman@rdp-law.com; mmagruder@earthlink.net; mjerden@tep.com
Subject: Amended Motion to Intervene Line Site Case 144 Vail to Valencia
Date: Mon, 18 May 2009 13:36:31 -0600

Ms. Williams,

Please find my amended Motion to Intervene with the correct Docket Number. After reading the procedural order, I have also added a bit more to the concerns. This amended Motion to Intervene supercedes the other incorrect Motion to Intervene mailed last week, should it surface.

25 Copies and copies to the service list will be mailed today as well.

Thank you,

BEFORE THE ARIZONA POWER PLANT AND TRANSMISSION LINE SITING COMMITTEE

Arizona Corporation Commission

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

Case #144IN THE MATTER OF THE APPLICATION OF UNS
ELECTRIC, INC., IN CONFORMANCE WITH THE
REQUIREMENTS OF ARIZONA REVISED STATUTES
§§ 40-360 et seq., FOR A CERTIFICATE OF
ENVIRONMENTAL FOR A 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 THÉ EXISTING
VALENCIA SUBSTATION IN SEC. 5, T.24S., R.14E., IN THE
CITY OF NOGALES, SANTA CRUZ COUNTY, ARIZONA

Notice of Filing a Motion to Intervene

By

Elizabeth Buchroeder-Webb (Elizabeth Webb)

This amended motion to intervene supercedes any previous motion to intervene.

As a Tucson Electric Power ratepayer, consumer, and interested party, I respectfully request to be a party in this matter. My experiences include Vail and Pima County energy issues as a civilian intervener in TEP Line Site Case 138 and City of Tucson Case SE-08-05 TEP Cienega Substation Dawn Drive RH Zone (Ward 4). I am also a community volunteer in local historic, cultural, educational, environmental issues as well as a member of the Vail Preservation Society and the Hilton Ranch Community Association. Additionally, I am a 2005-2006 graduate of Partners in Policymaking, a program designed for individuals who have a disability and for parents raising children with a disability. PiP is an innovative leadership training program that teaches people to be community leaders, and to affect systems and policy change at the local, state and national levels.

Potential issues should be prudently resolved during this hearing with appropriate conditions attached to the Certificate of Environmental Compatibility, should it be issued by the committee. The key issue is the continuing impact to the natural, historic and human environment within the approximately 425 square miles of the Vail School District boundaries- an area also encompassed within the identified boundaries of the Vail Preservation Society.

I respectfully ask not to be combined with any other interveners in this case as my area of interest is predominately within Segment 1A and a smidge south of there within Pima County.

The following are concerns in this case:

1. Repetitive impacts to the natural, cultural and human environments of one county or geographic location in Arizona for the benefit(s) of different counties/geographic locations and/or corporations within and outside of Arizona-particularly in rural areas.
2. Outreach and involvement with non-governmental organizations (NGOs) or potential individual interveners within the total environment of the project.
3. Impacts of "weathered" core ten compared to less visible galvanized steel poles on view sheds within the project.
4. Environmental impacts of new transmission line routes and associated access roads moving from the Nogales tap to the Vail Substation vs. upgrading the existing transmission line and tap in Segment 1-A.
5. Potential of this project to have any association with a planned transmission line to the proposed Rosemont Copper Mine.

If this motion is approved, I request a discovery period through 30 July 2009, due to the short time between date of my motion to intervene and the hearings and should any pertinent information come to light during the evidentiary hearing. If the applicant denies any discovery data request, that response requires rapid adjudication. Such denied response needs to include the Committee Chairman as an addressee so any dispute can be promptly resolved. I plan to dispute any data request denial to the Committee Chairman within 3 business days. Ten calendar days for data request responses is expected and appreciated.

This filing has been mailed to all parties in the service list below.

Dated this 18th day of May 2009

Elizabeth Buchroeder-Webb

By

Elizabeth Buchroeder-Webb

17451 E. Hilton Ranch Rd.

Vail, Arizona 85641

(520)247-3838 vailaz@hotmail.com

Pursuant to AAC R14-3-204

Original and 25 copies of the foregoing are filed this date with:

Docket Control (25 copies)

Arizona Corporation Commission

1200 West Washington Street

Phoenix, Arizona 85007-2927

Charles Haines

Janice Alward, Chief Counsel, Legal Division

1275 West Washington Street

Phoenix, Arizona 85007

John Foreman, Chairman of the Arizona Power Plant and Transmission Line Siting Committee

Assistant Attorney General, State of Arizona, Office of the Attorney General

1275 West Washington Street

Phoenix, Arizona 85007

Jason D. Gellman

J. Matthew Derstine

Attorney for the Applicant

Roshka De Wulf and Patten

One Arizona Center

400 East Van Buren St. Suite 800

Phoenix, AZ 85004-2262

Marcus Jerden, Corporate Attorney

Tucson Electric Power Company

PO Box 711

Tucson, AZ 85711

Daniel Pozefsky, Chief Counsel

Residential Utility Consumer Office (RUCO)

1110 W. Washington St. Ste. 220

Phoenix AZ 85007-2958

Marshall Magruder, Intervener

PO Box 1267

Tubac, Arizona 85646-1267

Marta T. Hetzer

Arizona Reporting Service, Inc.

2200 North Central Avenue

Phoenix, Arizona 85004-1481

BEFORE THE ARIZONA POWER PLANT AND TRANSMISSION LINE SITING COMMITTEE

IN THE MATTER OF THE APPLICATION OF UNS
ELECTRIC, INC., IN CONFORMANCE WITH THE
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Arizona Corporation Commission

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Case #144

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By

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This filing has been mailed to all parties in the service list below.

Dated this 18th day of May 2009

ELIZABETH BUCHROEDER-WEBB

By _____

Elizabeth Buchroeder-Webb
17451 E. Hilton Ranch Rd.
Vail, Arizona 85641
(520)247-3838 vailaz@hotmail.com

Pursuant to AAC R14-3-204

Original and 25 copies of the foregoing are filed this date with:

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Arizona Corporation Commission
1200 West Washington Street
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John Foreman, Chairman of the Arizona Power Plant and Transmission Line Siting Committee
Assistant Attorney General, State of Arizona, Office of the Attorney General
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Attorney for the Applicant
Roshka De Wulf and Patten
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Phoenix, AZ 85004-2262

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Tucson, AZ 85711

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Residential Utility Consumer Office (RUCO)
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Phoenix AZ 85007-2958

Marshall Magruder, Intervener
PO Box 1267
Tubac, Arizona 85646-1267

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

From: Tara Williams
To: Vail Arizona
Date: 5/20/2009 7:37 AM
Subject: RE: Conference on May 26th- Vail to Valencia Line- Reply May 20th

Ms. Webb,

Outside counsel for UNS Electric will appear in person, along with a court reporter. I believe Mr. Magruder will attend via phone as well as other members for the Applicant who are not in the Phoenix area.

Also, I spoke with the Chairman regarding anyone who wishes to submit a written statement regarding the application: they must follow the instructions of the Commission by submitting their statements and the appropriate number of copies to Docket Control.

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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>>> "Vail Arizona" <vailaz@hotmail.com> 5/20/2009 7:17 AM >>>

Ms. Williams,

Thank you.

Who will attend the procedural conference via telephone and who will be there in person?

Elizabeth

> From: Tara.Williams@azag.gov
> To: vailaz@hotmail.com
> Date: Tue, 19 May 2009 13:57:13 -0700
> Subject: Conference on May 26th
>
> Ms. Webb,
>
> The Chairman has granted approval for you to be present at the meeting via telephone. On May 26th at 10:00 am, please

call (602) 542-7704. This will connect you directly to the conference room. Also, per the Chairman, I have attached a copy of the Procedural Order filed on April 27th, since you were not on the original service list.

>

> 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

>

>

>

> CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

>

>

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

3 IN THE MATTER OF THE APPLICATION OF UNS) Arizona Corporation Commission
4 ELECTRIC, INC., IN CONFORMANCE WITH THE)
5 REQUIREMENTS OF ARIZONA REVISED) Docket No. L-00000F-09-0190-00144
6 STATUTES §§ 40-360, *et seq.*, FOR A)
7 CERTIFICATE OF ENVIRONMENTAL) Case No. 144
8 COMPATIBILITY AUTHORIZING THE)
9 CONSTRUCTION OF THE VAIL TO VALENCIA)
10 115kV to 138kV TRANSMISSION LINE UPGRADE)
11 PROJECT, ORIGINATING AT THE EXISTING VAIL)
12 SUBSTATION IN SEC. 4, T.16S., R.15E., PIMA)
13 COUNTY, TO THE EXISTING VALENCIA)
14 SUBSTATION IN SEC. 5, T.24S., R.14E., IN THE)
15 CITY OF NOGALES, SANTA CRUZ COUNTY,)
16 ARIZONA.)
17)
18)

11 **PROCEDURAL ORDER**

12
13 An application for a Certificate of Environmental Compatibility was filed in the
14 above captioned matter with docket control of the Arizona Corporation Commission
15 ("Commission") on April 21, 2009. A copy of the application was transmitted to John
16 Foreman, designee of the Attorney General of Arizona, Terry Goddard, as Chairman
17 ("Chairman") and Presiding Officer of the Arizona Power Plant and Transmission Line
18 Siting Committee ("Line Siting Committee"). A.R.S. §§ 40-360.01(B)(1) and 40-360.03.
19 As authorized by A.R.S. §§ 40-360.01(C) and (D), 40-360.04 and A.A.C. R14-3-201(E),
20 the Chairman issues the following procedural order,

21 **IT IS ORDERED:**

- 22
- 23 1. The Applicant and all other potential parties ("persons" within the meaning of
24 A.R.S. § 40-360(8) who intend to intervene or request to intervene pursuant to
25 A.R.S. § 40-360.05(A)) shall advise the Chairman in writing on or before the time
26 of the pre-hearing conference scheduled below if they disagree that the time limit
for decision on the application by the Line Siting Committee set by A.R.S. §
40.360.04(D) is October 19, 2009.
 2. The Applicant shall arrange for the publication and posting of notice of the
evidentiary hearing, as agreed to at the pre-application hearing involving the
Applicant and all known potential intervenors, in a form approved by the
Chairman and circulated for approval as to form to all known potential interested
parties. In addition, the Applicant shall submit a copy of the notice and present
testimony describing the publication and posting of the notice at the evidentiary
hearing.

- 1 3. The Applicant shall make arrangements for the evidentiary hearing to be held at
2 the Esplendor Resort at Rio Rico, 1069 Camino Caralampi, Rio Rico, Arizona
3 85648, beginning on June 2, 2009, at 9:30 a.m. and continuing on June 3, 2009,
4 beginning at 8:30 a.m., and continuing, if needed, on June 4, 2009, at 9:30 a.m.
5 In addition, the Applicant shall make arrangements for a public comment session
6 to be held at the same venue starting at 6:00 p.m. on June 2, 2009. The
7 Applicant shall make arrangements for further regular sessions, if needed, and
8 additional public comment sessions, if needed, on dates and at times to be
9 determined later.
- 10 4. The Applicant shall contact Michael Kearns, Chief Finance Officer of the
11 Commission (602-542-3931), and advise him of the Applicant's position
12 concerning reimbursement of the Line Siting Fund should the expenses of the
13 hearings exceed the application fee, and to discuss financial arrangements
14 regarding hotel reservations and other expenses of the Line Siting Committee
15 Members. A.R.S. § 40-360.10. The Applicant shall advise the Chairman of the
16 results of these discussions so the necessary information may be communicated
17 to the Line Siting Committee Members.
- 18 5. The Applicant and all other potential parties ("persons" within the meaning of
19 A.R.S. § 40-360(8) who intend to intervene or request to intervene pursuant to
20 A.R.S. § 40-360.05(A)) shall meet and confer, on or before the beginning of the
21 evidentiary hearing to determine whether any of the intervening parties have
22 similar interests in the application process that will allow them jointly to present
23 testimony on direct or cross-examination of witnesses or jointly to offer exhibits
24 into evidence. The Applicant shall, and any other potential party may, report to
25 the Chairman the results of the attempts of the parties to resolve the issues and
26 to determine if common interests exist that will allow parties to jointly present
evidence and argument or to avoid repetition of testimony and argument at the
hearing.
6. The parties and any other potential parties ("persons" within the meaning of
A.R.S. § 40-360(8) who intend to intervene or request to intervene pursuant to
A.R.S. § 40-360.05(A)) shall not communicate with any member of the Line
Siting Committee about any procedural matters or any factual issues or legal
issues relating to the Application while the Application is pending before the Line
Siting Committee. The only exception is the parties may communicate with the
Chairman, during the time the Application is pending, about procedural matters
relating to the preparation of the Application for hearing, the hearing on the
Application and the decision on the Application by the Line Siting Committee.
Communication of the parties with the Chairman about any procedural matters,
during the time an Application is pending, shall be in writing with a copy of the

1 writing to all parties or known potential parties ("persons" within the meaning of
2 A.R.S. § 40-360(8) who have expressed an intention to intervene or request to
3 intervene pursuant to A.R.S. § 40-360.05(A)), or shall be on the record at a pre-
4 application hearing, at a procedural hearing or at the hearing on the application.
5 Any party who initiates any written communication sent to the Chairman shall
6 file, with docket control of the Commission, a copy of the communication,
7 including its distribution list, within 10 days of sending the communication.

- 8
- 9
- 10 7. Whenever an agenda is filed pursuant to A.R.S. § 38-431.02, all parties shall
11 submit, at least forty-eight hours before the hearing or meeting described in the
12 agenda, any objections, additions or corrections to the agenda, in order to bring
13 the agenda into compliance with A.R.S. § 38-431.02, in writing to the Chairman,
14 serve a copy upon all other parties and file a copy with docket control of the
15 Commission.
- 16
- 17 8. In addition, all parties shall meet and confer as needed before, during and after
18 the hearing to attempt to resolve any disputes amongst the parties. The parties
19 also shall keep all other parties advised of their positions and intentions with
20 regard to the presentation of evidence, witnesses and the application process in
21 general to avoid delay, the presentation of repetitive evidence and any unfair
22 advantage from surprise.
- 23
- 24 9. All parties shall prepare brief summaries of the expected direct testimony of each
25 witness they will call. In lieu of a testimonial summary, a party may pre-file and
26 exchange all or substantially all of the direct testimony of any witness.
27 Testimonial summaries and pre-filed testimony should be filed no later than the
28 last pre-hearing conference or three business days before the witness is to
29 testify, whichever is later. Except for good cause, no witness will be allowed to
30 testify on direct examination concerning issues not reasonably identified in the
31 pre-filed testimony or testimonial summary.
- 32
- 33 10. All parties shall meet, confer and exchange all exhibits the party plans to offer in
34 evidence before the hearing or before they are referred to in testimony or offered
35 in evidence. The Applicant shall, and other parties may, provide one or more
36 three ring binders for the Chairman and each member of the Line Siting
37 Committee to hold exhibits at the beginning of the hearing and as needed during
38 the hearing. Each party shall prepare a numbered list of the exhibits and a copy
39 of all exhibits suitable for placement in the binders that have been exchanged
40 with the other parties that each party expects to offer in evidence at the hearing
41 for the Chairman and each Line Siting Committee member. The exhibits shall be
42 provided at the beginning of the hearing and during the hearing before reference

1 to the exhibit is made in the hearing. Except for good cause, no exhibit that was
2 not exchanged with the other parties shall be considered at the hearing. Any
3 exhibit to which reference is made during any hearing that is not offered or
4 admitted into evidence shall be provided to the court reporter at the evidentiary
5 hearing for inclusion in the record unless it is withdrawn, and the Chairman
6 determines its filing is not necessary to an understanding of the actions of the
7 Committee.

8 11. All exhibits shall be consecutively numbered with the Applicant's exhibits
9 denominated: A-1, A-2, etc. Each intervening party will be assigned by the
10 Chairman a letter or letters of the alphabet as a preface with which to
11 consecutively number its exhibits. For example, the Commission Staff will
12 number its exhibits: CC-1, CC-2, etc.

13 12. The Applicant may make an opening statement at the beginning of the hearing of
14 no more than thirty minutes. Each other party may make an opening statement
15 of no more than five minutes.

16 13. Public comment will be heard after the opening statements and at other times set
17 by the Chairman during the hearing. See ¶ 3, above.

18 14. In the event the Chairman determines that a tour is appropriate, the Applicant
19 shall arrange for transportation of any Committee Members who wish to attend a
20 tour of the locations where facilities proposed in the application or similar facilities
21 are located. If a tour is held, it will begin at 8:30 am on June 3, 2009. The
22 Applicant shall submit to the Chairman, for approval in advance of the hearing, a
23 schedule and protocol agreed to by all parties for the tour. If all parties do not
24 agree upon the schedule and protocol for the tour, the disagreements shall be
25 submitted to the Chairman for resolution. The protocol shall identify the tour
26 route, identify the location of any stops, and identify any witnesses who will
accompany the tour. Counsel may ask brief explanatory questions of the
identified witness or witnesses during the stops about the location, what can be
seen from the location of the stop and the relevance of the location or view to the
Application in the discretion of the Chairman. All witnesses who testify on the tour
shall be sworn before their testimony. All questions and answers shall be before
a court reporter. No testimony or discussion with or between Committee
Members about the Application or matters relating to the Application will take
place, except on the record before a court reporter at the designated stops. The
protocol shall provide for access to any testimony presented at stops on a tour to
members of the public. Members of the public who wish to attend the tour shall
be encouraged to notify the parties or the appropriate staff of Arizona
Corporation Commission in advance of their intention to attend.

1 15. Parties may present their witnesses in panels where appropriate. A party that
2 intends to present witnesses in panels shall identify the members of any panel at
3 the time it files its witness summaries.

4 16. The Applicant shall make arrangements for the preparation of expedited court
5 reporter transcripts of all pre-application hearings, pre-hearing procedural
6 hearings and the evidentiary hearing, so that the transcripts are available for
7 public inspection within three working days after each hearing date, as required
8 by A.R.S. § 38-431.01D and § 40-360.04C. In addition, the Applicant shall file a
9 certification with Commission docket control that it has provided a copy of the
10 transcripts to at least two public libraries identified in the certification that are in
11 the vicinity of the application.

12 17. On or before the final pre-hearing procedural hearing set below, the Applicant
13 shall, and the other parties may, file proposed findings of fact, proposed
14 conclusions of law, the wording of any proposed Certificate of Environmental
15 Compatibility and the wording of any proposed conditions to the Certificate.

16 18. If the beginning of closing arguments and the Line Siting Committee's
17 deliberations are more than one week after the beginning of the hearing, the
18 parties shall meet and confer after the hearing begins and before closing
19 arguments concerning proposed findings of fact, proposed conclusions of law, a
20 proposed Certificate of Environmental Compatibility and the wording of any
21 proposed conditions to the Certificate. If the parties are able to agree upon part
22 or all of the proposed findings of fact, proposed conclusions of law, proposed
23 forms of a Certificate of Environmental Compatibility and proposed wording of
24 conditions to the Certificate, all that is agreed upon should be reduced to writing
25 and filed with Commission docket control. If the parties are not able to agree
26 completely, the Applicant shall, and all other parties may, file proposed findings
of fact, proposed conclusions of law, proposed wording of a Certificate of
Environmental Compatibility and proposed wording of conditions to the
Certificate on the day before the beginning of closing arguments and the Line
Siting Committee's deliberations.

19. If the Applicant or any other party proposes conditions based upon conditions
used in prior cases, each proposed condition from a prior case shall contain the
case number of the most recent prior Certificate of Environmental Compatibility
using the language approved by the Commission.

20. All witness summaries, proposed findings of fact, proposed conclusions of law,
proposed Certificates of Environmental Compatibility and proposed conditions of
Certificates, shall be filed with Commission docket control pursuant to A.A.C.
R14-3-204 and -205. If any documents that are filed are hand delivered during

1
2 the hearing, eleven copies shall be submitted to the Chairman for distribution to
3 the other Committee Members.

4 21. Within five business days after the hearing concludes and the Committee renders
5 its decision, the parties shall meet and confer in person or electronically to
6 determine if they can agree upon the final wording of a proposed Certificate of
7 Environmental Compatibility. If the parties can agree upon the final wording of a
8 proposed Certificate of Environmental Compatibility, Applicant shall file forthwith
9 the agreed upon proposed Certificate of Environmental Compatibility to the
10 Chairman for signature. If the parties are not able to agree upon a proposed
11 form of Certificate of Environmental Compatibility, the Applicant shall file, and
12 the other parties may file, within ten days after the date of the decision of the
13 Committee, those portions of the proposed Certificate of Environmental
14 Compatibility upon which the parties agree. The Applicant also shall file, and any
15 other party also may file, its understanding of any disputed portions of the
16 proposed Certificate of Environmental Compatibility. All proposed forms of the
17 Certificate of Environmental Compatibility and any objections or proposed
18 revisions shall be filed with docket control of the Commission, and a copy shall
19 be hand delivered to the office of the Chairman at 1275 W. Washington,
20 Phoenix, Arizona. Objections or suggestions that are not timely filed shall be
21 considered waived. The copy of the proposed Certificate of Environmental
22 Compatibility filed by the Applicant and any proposed revisions filed by the
23 parties that are served upon the Chairman shall include an electronic file
24 containing the wording of the proposed language in a format compatible with
25 Microsoft® Word word processing program.

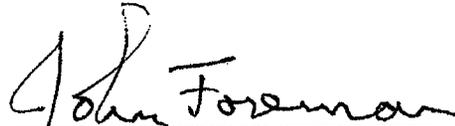
26 22. The Applicant and all other potential parties ("persons" within the meaning of
A.R.S. § 40-360(8) who intend to intervene or request to intervene pursuant to
A.R.S. § 40-360.05(A)) shall meet with the Chairman for a final pre-hearing
conference on May 26, 2009 beginning at 10:00 am at the offices of the Attorney
General of Arizona at 1275 W. Washington, Phoenix, Arizona. Parties may
appear by telephone with the prior permission of the Chairman. At the final pre-
hearing conference, the Chairman will review with the parties:

- a. The publication and posting of notices of the hearing;
- b. The proposed agenda for the evidentiary hearing;
- c. Any notices to intervene, applications to intervene, and applications to make a limited appearance;
- d. The status of attempts to narrow the issues at the evidentiary hearing or to agree to language in the proposed findings of fact, proposed conclusions of law, proposed Certificates of Environmental Compatibility and proposed conditions to the Certificate;

- 1 e. The status of the filing and exchange of witness summaries or written
2 testimony, proposed findings of fact, proposed conclusions of law,
3 proposed Certificates of Environmental Compatibility and proposed
4 conditions to the Certificate;
5 f. The status of the exchange of exhibits amongst the parties;
6 g. Any objections, motions, responses and legal memoranda that have been
7 filed;
8 h. Plans and preparations for the hearing, public comment session, and tour
9 of the proposed site.

10
11
12 IT IS FURTHER ORDERED, the Chairman may amend or waive any portion of
13 this Procedural Order by subsequent Procedural Order, by ruling at a pre-hearing
14 conference or at a hearing.
15

16 DATED this 27th day of April, 2009

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23
24
25
26

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

21 Pursuant to A.A.C. R14-3-204,
22 The Original and 25 copies were
23 filed this 27th day of April, 2009 with:

23 Docket Control
24 Arizona Corporation Commission
25 1200 W. Washington St.
26 Phoenix, AZ 85007

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Copy of the above mailed
this 27th day of April, 2009 to:

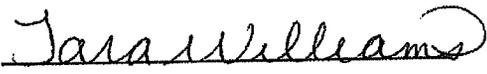
Charles Hains
Janice Alward, Chief Counsel
Arizona Corporation Commission
1200 West Washington Street
Phoenix, AZ 85007
Counsel for Legal Division Staff

Jason D. Gellman
J. Matthew Derstine
Roshka DeWulf & Patten, PLC
One Arizona Center
400 East Van Buren Street, Suite 800
Phoenix, AZ 85004
Counsel for Applicant, UNS Electric

Marc Jerden
Tucson Electric Power Company
Legal Department
One South Church Avenue, Suite 200
P. O. Box 711
Tucson, AZ 85702-0711

Marshall Magruder
P.O. Box 1267
Tubac, AZ 85646

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



From: Tara Williams
To: Alward, Janice; Derstine, J. Matthew; Gellman, Jason; Hains, Charles;...
Date: 5/20/2009 10:33 AM
Subject: #144 Procedural Order
Attachments: Procedural Order 2.pdf

CC: Hetzer, Marta; Ippolito, Mary; Susan Ellis
The attached Order is being filed today with ACC Docket Control.

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

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

From: "Janice Alward" <JAlward@azcc.gov>
To: "Tara Williams" <Tara.Williams@azag.gov>
Date: 5/20/2009 10:34 AM
Subject: Out of Office AutoReply: #144 Procedural Order

I plan to be out of the office May 18 through May 22, 2009.

=====

This footnote confirms that this email message has been scanned to detect malicious content.

If you experience problems, please contact postmaster@azcc.gov

=====

From: "Mary Ippolito" <mippolito@rdp-law.com>
To: "Tara Williams" <Tara.Williams@azag.gov>
Date: 5/20/2009 10:35 AM
Subject: RE: #144 Procedural Order

Thank you.

Mary Ippolito
Roshka DeWulf & Patten PLC
400 East Van Buren, Suite 800
Phoenix, Arizona 85004
(602) 256-6100 telephone
(602) 256-6800 fax
mippolito@rdp-law.com

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

From: Tara Williams [mailto:Tara.Williams@azag.gov]
Sent: Wednesday, May 20, 2009 10:33 AM
To: Charles Hains; Janice Alward; Elizabeth Webb; Marshall Magruder;
Jason D. Gellman; Matt Derstine; Marcus Jerden
Cc: Marta Hetzer; Susan Ellis; Mary Ippolito
Subject: #144 Procedural Order

The attached Order is being filed today with ACC Docket Control.

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

3 IN THE MATTER OF THE APPLICATION OF UNS) Arizona Corporation Commission
4 ELECTRIC, INC., IN CONFORMANCE WITH THE)
5 REQUIREMENTS OF ARIZONA REVISED) Docket No. L-00000F-09-0190-00144
6 STATUTES §§ 40-360, *et seq.*, FOR A)
7 CERTIFICATE OF ENVIRONMENTAL) Case No. 144
8 COMPATIBILITY AUTHORIZING THE)
9 CONSTRUCTION OF THE VAIL TO VALENCIA)
10 115kV to 138kV TRANSMISSION LINE UPGRADE)
11 PROJECT, ORIGINATING AT THE EXISTING VAIL)
12 SUBSTATION IN SEC. 4, T.16S., R.15E., PIMA)
13 COUNTY, TO THE EXISTING VALENCIA)
14 SUBSTATION IN SEC. 5, T.24S., R.14E., IN THE)
15 CITY OF NOGALES, SANTA CRUZ COUNTY,)
16 ARIZONA.)

11 **PROCEDURAL ORDER**

12
13 Requests to intervene in the above captioned Application have been filed by
14 Marshall Magruder and Elizabeth Webb. John Foreman is designee of the Attorney
15 General of Arizona, Terry Goddard, as Chairman ("Chairman") and Presiding Officer of
16 the Arizona Power Plant and Transmission Line Siting Committee ("Committee"). A.R.S.
17 §§ 40-360.01(B)(1) and 40-360.03. As authorized by A.R.S. §§ 40-360.01(C) and (D),
18 40-360.04 and A.A.C. R14-3-201(E), the Chairman issues the following procedural
19 order,

17 **IT IS ORDERED:**

- 18
19 1. As described in the Procedural Order entered on April 27, 2009, in this matter
20 Marshall Magruder and Elizabeth Webb are potential parties ("persons" within the
21 meaning of A.R.S. § 40-360(8)) who do not have a mandatory right to intervene,
22 but who have the right to request to intervene. See, A.R.S. § 40-360.05(A).
23 Although the Rules of Practice and Procedure before the Power Plant and
24 Transmission Line Siting Committee, promulgated by the Arizona Corporation
25 Commission, purport to grant to the Chairman the power to "designate, as he
26 deems appropriate, additional persons as parties to the proceeding" (R14-3-
204(D)), A.R.S. § 40-360.05(A) (4) explicitly gives the power to grant requests to
intervene to "other persons as the committee ... may at any time deem
appropriate." (Emphasis added.) The Commission has the power to make rules
of procedure for the Committee because of a legislative authorization. A.R.S. §
40-360.01(D). Therefore, the legislature's statutes take precedence over the
Commission's rules. The Committee will make its decision on each request at the
Evidentiary Hearing beginning on June 2, 2009. The requests of each will be
discussed at the Pre-hearing Procedural Conference, so the Chairman can make

1 an informed recommendation to the Committee, whether to exercise its discretion
2 at the Evidentiary Hearing to grant the request of each to participate as a party.
3 The Applicant has filed a written response to the request to intervene of Marshall
4 Magruder. The Applicant may also file and serve a written response to the
5 request to intervene of Elizabeth Webb on or before 5 pm on May 22, 2009.

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2. Marshall Magruder and Elizabeth Webb have both requested to participate in the Pre-hearing Procedural Conference in this matter on May 26, 2009, at 10 am. Permission is granted to participate by telephone to both. Both may participate by calling promptly at 10 am on May 26, 2009.
 3. Both Marshall Magruder and Elizabeth Webb shall comply with the terms of the Procedural Order of April 27, 2009, pending resolution of their respective requests to participate as parties. A copy of the Order shall be supplied to each.
 4. All exhibits shall be consecutively numbered with the Applicant's exhibits denominated: UNS-1, UNS-2, etc. If Marshall Magruder is allowed to participate as a party by the Committee, he shall consecutively number his exhibits: MM-1, MM-2, etc. If Elizabeth Webb is allowed to participate as a Party by the Committee, she shall consecutively number her exhibits: EW-1, EW-2, etc.

12 IT IS FURTHER ORDERED, the Chairman may amend or waive any portion of
13 this Procedural Order by subsequent Procedural Order, by ruling at a pre-hearing
14 conference or at a hearing.

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17 DATED this 20th day of May, 2009

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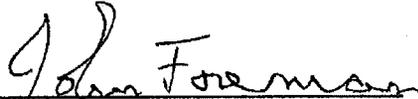
22

23

24

25

26


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

1 Pursuant to A.A.C. R14-3-204,
2 The Original and 25 copies were
3 filed this 20th day of May, 2009 with:

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

8 Copy of the above mailed
9 this 20th day of May, 2009 to:

10 Charles Hains
11 Janice Alward, Chief Counsel
12 Arizona Corporation Commission
13 1200 West Washington Street
14 Phoenix, AZ 85007
15 Counsel for Legal Division Staff

16 Jason D. Gellman
17 J. Matthew Derstine
18 Roshka DeWulf & Patten, PLC
19 One Arizona Center
20 400 East Van Buren Street, Suite 800
21 Phoenix, AZ 85004
22 Counsel for Applicant, UNS Electric

23 Marc Jerden
24 Tucson Electric Power Company
25 Legal Department
26 One South Church Avenue, Suite 200
P. O. Box 711
Tucson, AZ 85702-0711

Marshall Magruder
P.O. Box 1267
Tubac, AZ 85646

Elizabeth Buchroeder-Webb
17451 East Hilton Ranch Road
Vail, AZ 85641

1 Marta T. Hetzer
2 Arizona Reporting Service, Inc.
3 2200 North Central Avenue
4 Phoenix, AZ 85004-1481

4

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Jara Williams

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26

From: "Vail Arizona" <vailaz@hotmail.com>
To: "Tara Williams(ATGen)" <tara.williams@azag.gov>
Date: 5/20/2009 2:22 PM
Subject: RE: #144 Procedural Order

CC: "Charles Hains(ACC)" <chains@azcc.gov>, "Janice Alward(ACC)" <jalward@a...

Ms. Williams,

I am writing let you know I received this notice via email and to clarify a couple of procedural issues.

1. Does this essentially mean be ready to present at evidentiary the 2nd of June, but ultimately it is the committee's decision as per the A.R.S.? (with the informed recommendation of the Chairman after the pre-conference hearing?) and there is a chance I may not be able to intervene as per the A.R.S.?

2. How does this status affect my current data requests to the applicant? (or is this part that says I will comply with the April 27th Procedural Order pending intervention status?)

Thank you!

Elizabeth Webb

> From: Tara.Williams@azag.gov
> To: CHains@azcc.gov; JAlward@azcc.gov; vailaz@hotmail.com; marshall@magruder.org; jgellman@rdp-law.com; MDerstine@rdp-law.com; MJerden@tep.com
> CC: azrs@az-reporting.com; Susan.Ellis@azag.gov; mippolito@rdp-law.com
> Date: Wed, 20 May 2009 10:33:12 -0700
> Subject: #144 Procedural Order
>
> The attached Order is being filed today with ACC Docket Control.
>
>
>
> 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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>

>

From: "Vail Arizona" <vailaz@hotmail.com>
To: "M (TEP) Ippolito" <mippolito@rdp-law.com>
Date: 5/20/2009 6:08 PM
Subject: E Webb's Reply to UNS Electric's Response to Ms. Webb's Motion to Intervene UNS Electric's Response to Ms. Webb's Motion to Intervene
Attachments: ReplyToResponsetoMotiontoIntevne.doc
CC: "M (TEP) Patten" <mpatten@rdp-law.com>, "Jason Gellman(TEP) " <jgellman@...

Mary,

Here is my reply to UNS Electric's response. I will also mail to Docket Control tomorrow! Thanks!

Elizabeth Webb

BEFORE THE ARIZONA POWER PLANT AND TRANSMISSION LINE SITING COMMITTEE

Arizona Corporation Commission

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

Case #144 IN THE MATTER OF THE APPLICATION OF UNS ELECTRIC, INC., IN CONFORMANCE WITH THE REQUIREMENTS OF ARIZONA REVISED STATUTES §§ 40-360 et seq., FOR A CERTIFICATE OF ENVIRONMENTAL FOR A 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

REPLY TO RESPONSE
TO MOTION TO INTERVENE

By
Elizabeth Buchroeder-Webb (Elizabeth Webb)

Reference:
a-c Applicant's Response to Elizabeth Webb Amended Motion to Intervene, 18 May 2009

1. On Wednesday, 20 May 2009, the Applicant's Response, was received by email. It requested some relevant issues of concern on this project be denied and contained information not within the motion to intervene.

2. That is why this response contains my reply.

3. In response to the "specifics" discussed by the Applicant's Response, and without and details, these "issues" relate:

a. "Ms. Webb apparently will ask the Committee to speculate on the so called 'repetitive' impacts not of this project but future projects that may tie into the Vail Substation "All of my concerns address the Vail Substation and planned or projected projects by TEP that require documentation, not "generalized concerns over what may or may not occur in the future"

"When you put in a line or you put in a plant, you don't look just at that little piece. You look at how it affects the grid. So when you do the flow studies, you do all that, you definitely look at what it is going to do to the immediate area, but you also look how it is going to affect the grid." Steve Olea one of the two assistant directors with the Utilities Division in response to a question from Commissioner Hatch-Miller about short lines and the larger picture when building a network of electric power lines- Line Site Case 137 8/18/2008 P.248-249

As a TEP customer and resident of the Vail area, I have concerns about supplying power to a county that cannot reciprocate from a substation that may be at long term risk for overload, at the environmental and electrical expense of another county with a much higher population density.

b. Ms. Webb's concern number two, "outreach and involvement" with non-governmental organizations or potential individual interveners (beyond the efforts taken to notify affected residents, entities, and jurisdictions within the study area of the Project) appears to go beyond the scope of the proceedings and is not relevant to any determination the Committee must make.

"There has to be aggressive, upfront outreach to communities on all of these line siting cases" Commissioner Mayes Line Site Case 137 8/18/2008 P. 262

1. Somehow the ball was dropped on Line Site Case 144 and I was overlooked as a potential intervener, even with all of my previous involvement in this case. This puts me at a disadvantage time wise now (after reading about the evidentiary hearings in the newspaper) and somehow there needs to be something written into CEC's to keep this from happening on further efforts involved with this project or other projects where "civilians" or NGOs express an interest.

2. A precedent, similar, although not exact, is already written into the draft CEC on Line 14. "With respect to the Project, Applicant shall participate in good faith in state and regional transmission study forums to coordinate transmission plans related to the project and to resolve transmission constraints in a timely manner." Does it not seem reasonable for the applicant to participate with local historic, cultural, environmental and ecological organizations or individuals when planning transmission studies and transmission constraints as environmental and ecological statutory issues are the "meat" of the CEC. ?

C. "Here, Ms. Webb apparently will ask the Committee to consider requiring the Applicant to provide compensation or pay fees to local community organizations as a condition for granting a CEC. Such a condition is inappropriate."

This is not in my Motion to Intervene.

I am familiar with the statutory requirements for the Certificate of Environmental Compatibility. I am also aware that all of the issues listed in my Motion to Intervene fall within the interpretations of the statutes and/or precedents in previous line site and power plant cases before the Arizona Corporation Commissioners.

This filing has been mailed to all parties in the service list below.

Dated this 20th day of May 2009
Elizabeth Buchroeder-Webb
By
Elizabeth Buchroeder-Webb
17451 E. Hilton Ranch Rd.
Vail, Arizona 85641
(520)247-3838 vailaz@hotmail.com

Pursuant to AAC R14-3-204

Original and 25 copies of the foregoing are filed this date with:
Docket Control (25 copies)
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007-2927

Charles Haines
Janice Alward, Chief Counsel, Legal Division
1275 West Washington Street
Phoenix, Arizona 85007

John Foreman, Chairman of the Arizona Power Plant and Transmission Line Siting Committee
Assistant Attorney General, State of Arizona, Office of the Attorney General
1275 West Washington Street
Phoenix, Arizona 85007

Jason D. Gellman
J. Matthew Derstine
Attorney for the Applicant
Roshka De Wulf and Patten
One Arizona Center

400 East Van Buren St. Suite 800
Phoenix, AZ 85004-2262

Marcus Jerden, Corporate Attorney
Tucson Electric Power Company
PO Box 711
Tucson, AZ 85711

Daniel Pozefsky, Chief Counsel
Residential Utility Consumer Office (RUCO)
1110 W. Washington St. Ste. 220
Phoenix AZ 85007-2958

Marshall Magruder, Intervener
PO Box 1267
Tubac, Arizona 85646-1267

Marta T. Hetzer

Arizona Reporting Service, Inc.
2200 North Central Avenue
Phoenix, Arizona 85004-1481

Subject: UNS Electric's Response to Ms. Webb's Motion to Intervene
Date: Wed, 20 May 2009 10:30:21 -0700
From: mippolito@rdp-law.com
To: vailaz@hotmail.com
CC: mpatten@rdp-law.com; jgellman@rdp-law.com; mderstine@rdp-law.com; EBeck@Tep.com;
EBakken@Tep.com; MJerden@tep.com

Ms. Webb

Att'd is UNS Electric's response to the above which will be filed in Docket Control this morning. If you have any questions, please let me know.

Mary Ippolito
Roshka DeWulf & Patten PLC
400 East Van Buren, Suite 800
Phoenix, Arizona 85004
(602) 256-6100 telephone
(602) 256-6800 fax
mippolito@rdp-law.com

BEFORE THE ARIZONA POWER PLANT AND TRANSMISSION LINE SITING COMMITTEE

IN THE MATTER OF THE APPLICATION OF UNS
ELECTRIC, INC., IN CONFORMANCE WITH THE
REQUIREMENTS OF ARIZONA REVISED STATUTES
§§ 40-360 *et seq.*, FOR A CERTIFICATE OF
ENVIRONMENTAL FOR A ENVIRONMENTAL
COMPATIBILITY FOR THE VAIL TO VALENCIA 115 KV
TO 138 KV TRANSMISSION LINE UPGRADE PROJECT,
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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

Arizona Corporation Commission

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

Case #144

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TO MOTION TO INTERVENE

By

Elizabeth Buchroeder-Webb (Elizabeth Webb)

Reference:

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This filing has been mailed to all parties in the service list below.

Dated this 20th day of May 2009

ELIZABETH BUCHROEDER-WEBB

By ___

Elizabeth Buchroeder-Webb
17451 E. Hilton Ranch Rd.
Vail, Arizona 85641
(520)247-3838 vailaz@hotmail.com

Pursuant to AAC R14-3-204

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1200 West Washington Street
Phoenix, Arizona 85007-2927

Charles Haines
Janice Alward, Chief Counsel, Legal Division
1275 West Washington Street
Phoenix, Arizona 85007

John Foreman, Chairman of the Arizona Power Plant and Transmission Line Siting Committee
Assistant Attorney General, State of Arizona, Office of the Attorney General
1275 West Washington Street
Phoenix, Arizona 85007

Jason D. Gellman
J. Matthew Derstine
Attorney for the Applicant
Roshka De Wulf and Patten
One Arizona Center
400 East Van Buren St. Suite 800

Docket No. L-00000F-09-0190-00144, Case # 144, Vail to Valencia

Docket No. L-00000F-09-0190-00144, Case # 144, Vail to Valencia

Phoenix, AZ 85004-2262

Marcus Jerden, Corporate Attorney
Tucson Electric Power Company
PO Box 711
Tucson, AZ 85711

Daniel Pozefsky, Chief Counsel
Residential Utility Consumer Office (RUCO)
1110 W. Washington St. Ste. 220
Phoenix AZ 85007-2958

Marshall Magruder, Intervener
PO Box 1267
Tubac, Arizona 85646-1267

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