



1 Pursuant to A.A.C. R14-3-204,  
2 The Original and 25 copies were  
filed May 29, 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 29<sup>th</sup> 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  
15 Jason D. Gellman  
16 J. Matthew Derstine  
17 Roshka DeWulf & Patten, PLC  
18 One Arizona Center  
400 East Van Buren Street, Suite 800  
Phoenix, AZ 85004  
Counsel for Applicant, UNS Electric

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

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

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  
Phoenix, Arizona 85004-1481

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Tara Williams

**From:** "Vail Arizona" <vailaz@hotmail.com>  
**To:** "M (TEP) Ippolito" <mippolito@rdp-law.com>  
**Date:** 5/22/2009 9:53 AM  
**Subject:** RE: Re. UNS Electric's Responses to Ms. Webb's 1st Set Data Requests 21 May 2009

**CC:** "Tara Williams(ATGen)" <tara.williams@azag.gov>, <mderstine@rdp-law.com>...

Gotcha, thanks again!

And, if I am to call you Mary instead of Ms. Ippolito, please call me Elizabeth or E.

Elizabeth

Subject: RE: Re. UNS Electric's Responses to Ms. Webb's 1st Set Data Requests 21 May 2009  
Date: Fri, 22 May 2009 09:26:11 -0700  
From: mippolito@rdp-law.com  
To: vailaz@hotmail.com  
CC: tara.williams@azag.gov; mderstine@rdp-law.com; marshall@magruder.org; jgellman@rdp-law.com; mjerden@tep.com

Ms. Webb

You are correct - it was not docketed. The pleading form is used just as a cover letter.

Glad I could clarify it for 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

From: Vail Arizona [mailto:vailaz@hotmail.com]  
Sent: Friday, May 22, 2009 9:22 AM

To: Mary Ippolito  
Cc: Tara Williams(ATGen); Matt Derstine; marshall@magruder.org; Jason D. Gellman; Marc Jerden(TEP)  
Subject: RE: Re. UNS Electric's Responses to Ms. Webb's 1st Set Data Requests 21 May 2009

Mary!

Oops! Good thing I don't live anywhere near a post office or the ACC Office!

I was working on getting my data requests to UNS Electric and Mr. Magruder ready to send to docket control. So, to clarify for myself. That thing with the answers you sent yesterday was not docketed (or not to be docketed?) Very confusing with the Commissioners' names and the attorney signature and so forth on the front page!! I see now that there is not the end page that typically accompanies the docketed information. Just trying to make sure I do everything correctly.

Sorry about that!

Elizabeth

Subject: RE: Re. UNS Electric's Responses to Ms. Webb's 1st Set Data Requests 21 May 2009  
Date: Fri, 22 May 2009 09:02:59 -0700  
From: mippolito@rdp-law.com  
To: vailaz@hotmail.com  
CC: tara.williams@azag.gov; mderstine@rdp-law.com; marshall@magruder.org; jgellman@rdp-law.com; mjerden@tep.com

Ms Webb

None of our data responses are docketed. Why you probably think that is because TEP/UNSE/UNSG use a pleading as a "cover letter" for their responses. These are never docketed.

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

From: Vail Arizona [mailto:vailaz@hotmail.com]  
Sent: Friday, May 22, 2009 7:59 AM  
To: Mary Ippolito

Cc: Tara Williams(ATGen); Matt Derstine; marshall@magruder.org; Jason D. Gellman; Marc Jerden(TEP)  
Subject: Re. UNS Electric's Responses to Ms. Webb's 1st Set Data Requests 21 May 2009

Mary!

Thank you! This file was not damaged (according to this computer anyhow) and I was able to view it in PDF format! Yea!

I noticed that the responses were docketed although my impression from a previous conversation with the applicant's attorney was that data request information did not need to be disseminated amongst all parties as per the Procedural Order dated 27 April 2009. I will correct that impression and docket data requests and responses in the future.

Thanks again for the prompt attention to this matter!

Elizabeth

Subject: UNS Electric's Responses to Ms. Webb's 1st Set  
Date: Thu, 21 May 2009 15:08:22 -0700  
From: mippolito@rdp-law.com  
To: vailaz@hotmail.com

Ms Webb

Att'd are the responses to your first set of data requests.

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

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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

KRISTIN K. MAYES - CHAIRMAN  
GARY PIERCE  
PAUL NEWMAN  
SANDRA D. KENNEDY  
BOB STUMP

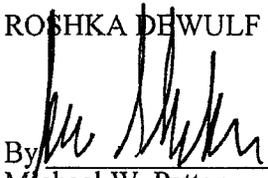
IN THE MATTER OF THE APPLICATION OF ) DOCKET NO. L-00000F-09-0190  
UNS ELECTRIC, INC. FOR A CERTIFICATE )  
OF ENVIRONMENTAL COMPATIBILITY FOR ) **Case #144**  
THE VAIL TO VALENCIA 115 KV TO 138 KV )  
TRANSMISSION LINE UPGRADE PROJECT, ) **UNS ELECTRIC, INC'S**  
ORIGINATING AT THE EXISTING VAIL ) **RESPONSE TO MS. WEBB'S**  
SUBSTATION IN SEC. 4, T.16S., R.15E., PIMA ) **FIRST SET OF DATA REQUESTS**  
COUNTY, TO THE EXISTING VALENCIA )  
SUBSTATION IN SEC. 5, T. 24S., R.14E., IN )  
THE CITY OF NOGALES, SANTA CRUZ )  
COUNTY, ARIZONA. )

UNS Electric, Inc. ("UNS Electric" or "Company"), through undersigned counsel, hereby responds to "Ms. Webb's First Set of Data Requests for UNS Electric" as follows:

Provided herewith are Responses to Data Requests E. Webb 1 to E. Webb 8.

RESPECTFULLY SUBMITTED this 21<sup>st</sup> day of May 2009.

ROSHKA DEWULF & PATTEN, PLC



By \_\_\_\_\_  
Michael W. Patten  
Jason D. Gellman  
J. Matthew Derstine  
One Arizona Center  
400 East Van Buren Street, Suite 800  
Phoenix, Arizona 85004  
Attorneys for UNS Electric, Inc.

1 Copy of the foregoing emailed/mailed  
2 this 21<sup>st</sup> day of May 2009 to:

3 Elizabeth Buchroeder-Webb  
4 17451 E. Hilton Ranch Rd.  
5 Vail, Arizona 85641

6 Copy of the foregoing mailed  
7 this 21<sup>st</sup> day of May 2009 to:

8 Marcus Jerden  
9 UniSource Energy Corporation  
10 One South Church, Suite 200  
11 Tucson, Arizona 85701

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By Mary Spolts

UNS ELECTRIC, INC.  
RESPONSES TO MS. WEBB'S  
FIRST SET OF DATA REQUESTS  
L-00000F-09-0190  
May 21, 2009

Data Request E Webb 1. Has the applicant UNS Electric or TEP (for the area within TEP's territory),and/or its assigns had any contact with the BLM regarding the NEPA process in regard to the proposed Vail to Valencia project at any stage of development of the project?

Data Request E Webb 1a. What was the specific outcome with supporting documentation

RESPONSE: The BLM was contacted about the proposed project. NEPA compliance was not initiated for the project because alternative alignments exist which avoid BLM land and it was not clear that BLM land would be crossed by the approved CEC route. UNS Electric has committed to conduct the appropriate level of NEPA analysis once an alignment has been approved by the Arizona Power Plant and Transmission Line Siting Committee. Initial conversations with the BLM have indicated that the approval of the alternative alignment north of the Nogales Tap would be a relatively simple process and may involve a Categorical Exclusion or a simple Environmental Assessment that would involve the area directly impacted by the Project. The remainder of the proposed project alignments would not be subject to BLM review and approval.

RESPONDENT: Mike Warner and Ed Beck

UNS ELECTRIC, INC.  
RESPONSES TO MS. WEBB'S  
FIRST SET OF DATA REQUESTS  
L-00000F-09-0190  
May 21, 2009

Data Request E Webb 2. Does Tucson Electric Power or the Unisource Energy Corporation plan to sell electricity to UNS Electric if the proposed Vail to Valencia line is changed from the current Nogales Tap Substation to the Vail Substation?

Data Request E Webb 2a. If not, where will UNS electric get its power?

Data Request E Webb 2b. If so, what is the projected or estimated yearly profit for Tucson Electric or Unisource Energy Corporation at today's cost and there after yearly for the next 25 years? Current economic conditions notwithstanding, averages are acceptable.

Data Request E Webb 2c. Does Tucson Electric Power make money on upgrading and or installing its equipment/facilities if it switches from the Nogales tap to the Vail Substation instead of allowing UNS electric to remain at the Nogales tap?

Data Request E Webb 2d Will UNS Electric use TEP facilities/equip in TEP's service area if it switches from the Nogales tap to the Vail substation?

RESPONSE: 2: TEP may sell to UNS Electric just as it would have if the connection were to Nogales Tap Switchyard rather than Vail

2a: UNS Electric will continue to get its power in the future as it does today – as part of a resource portfolio.

2b: Objection: Beyond the scope of the Committee proceedings.

2c: TEP will receive some incremental revenue via its transmission charge which will be credited to the transmission revenue requirement in future rate cases at FERC. TEP will not directly make any money from the installation of the interconnection facilities.

2d: The TEP facilities that will be used for service to UNS Electric will be the EHV transmission system consisting of the 345kV and 500kV transmission lines that are part of TEP's system.

RESPONDENT: Ed Beck and Legal Counsel for UNS Electric.

UNS ELECTRIC, INC.  
RESPONSES TO MS. WEBB'S  
FIRST SET OF DATA REQUESTS  
L-00000F-09-0190  
May 21, 2009

- Data Request E Webb 3. How many taps or substations are planned (current economic situation notwithstanding) off the Vail Substation (either the 138 or EHV) and are planned independently as TEP or through any collaboration with any other organizations or with a saturated load study in the
- Data Request E Webb 3a- Next ten years?
- Data Request E Webb 3b Next 25 years?
- Data Request E Webb 3c How many 138kva substations'?
- Data Request E Webb 3d How many greater than 138 kva substations? (EHV)
- Data Request E Webb 3e How many transmission line or substation line upgrades are planned from the Vail substation and what Kva in the next 10 and 25 years?
- Data Request E Webb 3f That belong to TEP)?
- Data Request E Webb 3g That are used by other corporations?

RESPONSE: See the following estimates below:

- 3a- 3, in the 1-10 year timeframe
- 3b 11, in the 11-25 year timeframe
- 3c 2 substations in 1-10 year timeframe, 4 substations in 11-25 year timeframe
- 3d 1, in 11-25 year timeframe
- 3e 2 transmission line upgrades in the 1-25 year timeframe KVA = 417,000 for each upgrade
- 3f 2 transmission line upgrades in the 1-25 year timeframe KVA = 417,000 for each upgrade
- 3g 0 upgrades in the 1-25 year timeframe

\*upgrade is interpreted as a modification to existing infrastructure.

RESPONDENT: Ed Beck

UNS ELECTRIC, INC.  
RESPONSES TO MS. WEBB'S  
FIRST SET OF DATA REQUESTS  
L-00000F-09-0190  
May 21, 2009

Data Request E Webb 4. Have any plans been discussed to upgrade the Vail substation to a 500kva substation or

Data Request E Webb 4a A power generating facility?

RESPONSE: Objection: Beyond the scope of the Committee proceedings and is irrelevant to the determination of environmental compatibility and need for the Project. Without waiving the objection, UNS Electric provides the following response:

There are currently no plans for Vail to be upgraded to a 500kV substation. TEP does have a permit for construction of a peaking turbine at the Vail site.

RESPONDENT: Ed Beck and Legal Counsel for UNS Electric

UNS ELECTRIC, INC.  
RESPONSES TO MS. WEBB'S  
FIRST SET OF DATA REQUESTS  
L-00000F-09-0190  
May 21, 2009

- Data Request E Webb 5. What planned role (current economic condition notwithstanding) does the Vail Substation (either the 138kva or EHV) have in the renewable energy -field?
- Data Request E Webb 5a What organizations has TEP worked with towards renewable energy and related transmission line corridor planning in relation to renewable energy? Please list.
- Data Request E Webb 5b. If TEP has not worked with any organizations but has worked independently, please list this.

RESPONSE:

Objection: Beyond the scope of the Committee proceedings and is irrelevant to the determination of environmental compatibility and need for the Project. Without waiving the objection, UNS Electric provides the following response:

The Vail Substation is a potential connection point for any renewable energy projects that might be built in the vicinity of the site. In addition it is connected to the regional electric grid and allows any party interconnected at the site to access renewables that are connected to the grid.

- a: The major effort within the state is the *Arizona Renewable Resource and Transmission Identification Subcommittee (ARRTIS)* that is a part of the South West Area Transmission Study (SWAT) group. This group is working to respond to issues in the Commission's Biennial Transmission Assessment requesting the utilities in Arizona to identify transmission projects to promote renewable energy.
- b. See the response to E Webb 5a above.

RESPONDENT:

Ed Beck

UNS ELECTRIC, INC.  
RESPONSES TO MS. WEBB'S  
FIRST SET OF DATA REQUESTS  
L-00000F-09-0190  
May 21, 2009

Data Request E Webb 6      Has TEP worked on any multi-state transmission line corridor planning that involves the Vail substation, either 138 or EHV? Please list.

RESPONSE:                      TEP participates in various regional planning processes and the Vail Substation is always included as part of the planning studies that TEP participates in.

RESPONDENT:                    Ed Beck

UNS ELECTRIC, INC.  
RESPONSES TO MS. WEBB'S  
FIRST SET OF DATA REQUESTS  
L-00000F-09-0190  
May 21, 2009

Data Request E Webb 7. How has TEP contributed to the historic, cultural and ecological community within the following approximate boundaries (West to Wilmot Rd. North to Irvington, East to the Cochise County line and South to the Santa Cruz County line) of its service territory, especially in the rural areas of Vail, Rincon Valley and Sonoita Highway area. Please list specifics.

RESPONSE: Objection: Beyond the scope of the Committee proceedings and is irrelevant to the determination of environmental compatibility and need for the Project. Without waiving the objection, UNS Electric provides the following information in response to the request:

12/2008 TEP supported the Vail Preservation Society's 'Tis the Season event (see attached thank-you letter)

4/17/2009 TEP volunteers removed Buffelgrass at the Rincon Mountain District of Saguaro National Park (see attached thank you letter)

1/20/2008 TEP volunteers helped build a segment of the Arizona Trail (recently designated as a National Scenic Trail) near the Santa Rita Mountains

1/28/2007 TEP volunteers helped build a segment of the Arizona Trail (recently designated as a National Scenic Trail) near Colossal Cave Park

10/07/2006, 10/13/2007 and 3/28/2009 TEP sponsored and volunteered at the Cienega Watershed Pioneer Day at Colossal Cave Park

TEP has volunteered in Pima Association of Government's ongoing project to monitor water quality in Pima County's Cienega Creek Preserve

**TEP CAT Projects completed at Vail High School with the American Cancer Society:**

American Cancer Society "Vail Relay for Life" 05/02 & 05/03/08  
8 Volunteers; 33 Volunteer Hours (\$643.83)

American Cancer Society "Vail Relay for Life" 04/13 & 04/14/07  
8 Volunteers; 76 Volunteer Hours (\$1,482.76 value)

American Cancer Society "Vail Relay for Life" 04/28 & 04/29/06  
4 Volunteers; 48 Volunteer Hours (\$900.96 value)

American Cancer Society "Vail Relay for Life" 05/20 & 05/21/05  
5 Volunteers; 50 Volunteer Hours (\$902.00 value)

UNS ELECTRIC, INC.  
RESPONSES TO MS. WEBB'S  
FIRST SET OF DATA REQUESTS  
L-00000F-09-0190  
May 21, 2009

**Cienega Corridor Conservation Council**

Community Action Team (CAT) Volunteer Activity (board and committees, projects) 2004 to 2009

74 Volunteers; 416 Volunteer Hours (\$7,345.44 value)

In Kind Donations: \$400

**Arizona Trail Association**

Community Action Team (CAT) Volunteer Activity (see below) 2004

In Kind Donations: \$310 (TEP phone number used from Sept. '04 to May '05 for all volunteers to sign up for Arizona Walking Trail construction project)

**Vail Unified School District #20**

Community Action Team (CAT) Volunteer Activity (K-12 schools - coaching, science fair judging, board meetings, career presentations) 1999 to 2009

29 Volunteers; 750 Volunteer Hours (\$11,470.94 value)

Youth Sports Donation: \$200

TEP donated solar panels through its GreenWatts program to Empire High School (6 kW on 10/1/05, see pictures at:

<http://www.tep.com/Green/Business/Solar/empire.asp>) and the Civano Community School (3 kW on 5/4/04, see pictures at:

<http://www.tep.com/Green/Business/Solar/civano.asp>), both in Vail district.

Alice Marie Popjoy does teacher training for our hands-on energy efficiency education program, The Insulation Station. The last time she was in Vail was on May 14, 2007. She trained 3 teachers at Mesquite Elementary School, which is in the Vail School District. We offer this to all 4th grade teachers, but it's a rather lengthy program and many teachers can't manage it. We do require a training prior to sending the kits, which are pretty expensive.

Habitat for Humanity Corazone del Pueblo Development Guarantee homes, \$30,000 donations plus volunteer hours. UNS also donates to Nature Conservancy, which is managing the riparian habitat program at Cienega with Pima Co.

TEP provided the solar systems to the artist who did the sculptures along MaryAnn Cleveland Way, the main street through Vail.

<http://www.tep.com/Green/Business/Solar/community.asp>

RESPONDENT: Ed Beck



RECEIVED

DEC 1 8 2008

E. BAKKEN

VAIL PRESERVATION SOCIETY  
A HERITAGE ALLIANCE

December 6, 2008

Dear Mr. Bakken,

Our first annual *Tis the Season* was a great success, and it wouldn't have happened without your support and the support of TEP. With your help we were able to create a truly memorable event. We had a little over 300 community members attend! Everyone from tots to our Vail Pioneers enjoyed the Tree of Lights, music provided by local school choirs, a visit from Santa, and free refreshments. During these challenging economic times we can't tell you how much your assistance means and what a wonderful gift the first *Tis the Season* was to our small community. Thank you again.

Sincerely,

Sherr Stinnet  
*Sherr Stinnet*  
Tis the Season  
Committee Chair  
Vail Preservation Society

J. J. Lamb  
*J. J. Lamb*  
Co-Director  
Vail Preservation Society

Elizabeth Webb  
*Elizabeth Webb*  
Co-Director  
Vail Preservation Society

*Creating Community Connections through Local History*

Vail Preservation Society  
(520) 419-4428  
Vailpreservationsociety@gmail.com  
P.O. 982  
Vail, AZ 85641



Sonoran Desert  
**Buffelgrass**  
 Weedwackers

RECEIVED

APR 28 2009

E. BAKKEN



United States Department of the Interior

NATIONAL PARK SERVICE  
 Saguaro National Park  
 3693 S. Old Spanish Trail  
 Tucson, Arizona 85730

April 24, 2009

Erik Bakken  
 1 South Church Ave  
 Tucson, AZ 85702

Dear Mr. Bakken,

I wanted to thank both you and your hardworking employees from Tucson Electric Power Company for the volunteer work completed on April 17, 2009. The group of 11 volunteers greatly assisted the exotic plant eradication program at Saguaro National Park in removing .087 acres of buffelgrass (*Pennisetum ciliare*) in a sensitive area. Despite the prickly pear, mesquite, cholla and other thorny vegetation, the volunteers rose to the challenge and seemed to have fun. We greatly appreciate the time, energy, and marketing brain power you all put into this project. Thanks for your "Bright Solutions"!

If you would like to have future outings at Saguaro, please contact me (520) 733-5187 or [Bethany\\_Hontz@nps.gov](mailto:Bethany_Hontz@nps.gov).

Sincerely,

Bethany Hontz  
 Biological Science Technician



UNS ELECTRIC, INC.  
RESPONSES TO MS. WEBB'S  
FIRST SET OF DATA REQUESTS  
L-00000F-09-0190  
May 21, 2009

Data Request E Webb 8.

How many acres of Arizona State Land has TEP applied for in the following approximate boundaries and received the lease and or/has expected leases (West to Wilmot Rd. North to Irvington, East to the Cochise County line and South to the Santa Cruz County line) of its service territory in the last 20 years.

RESPONSE:

Objection: Beyond the scope of the Committee proceedings and is irrelevant to the determination of environmental compatibility and need for the Project. Further the information requested is not readily within the possession or control of UNS Electric.

RESPONDENT:

Legal Counsel for UNS Electric.

**From:** Tara Williams  
**To:** Vail Arizona  
**Date:** 5/22/2009 2:33 PM  
**Subject:** Re: E Webb in Person- Conference on May 26th- Vail to Valencia Line- Reply May 22nd

Ms. Webb,

Thank you for the notice. I will notify the Chairman.

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](mailto:vailaz@hotmail.com)> 5/22/2009 2:31 PM >>>

Ms. Williams,

I will be able to attend the procedural conference in person on Tuesday, May 26th at 10am in Phoenix, (barring unforeseen circumstances).

Elizabeth Webb

(520)247-3838

Line Site Case 144

**From:** "Vail Arizona" <vailaz@hotmail.com>  
**To:** "marshall@magruder.org" <marshall@magruder.org>, "Marc Jerden(TEP) " <mj...  
**Date:** 5/25/2009 1:52 PM  
**Subject:** E Webb Vail To Valencia Draft Witness Summary -Redline and Clean CEC versions  
for 26 May 2009  
**Attachments:** 25MayDraftVersionWitnessSummaryEwebb.doc; ElizabethModificationsV-V\_Propose  
d\_Form\_of\_CEC\_05-19-09[1].doc; ElizabethModificationsV-V\_Proposed\_Form\_of\_C  
EC\_05-19-09NotRedlined].doc

Hello All,

In preparation for the pre-hearing procedural conference on May 26th. See you there.

Elizabeth Webb

P.S. There should be 3 documents attached.

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

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

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

Case No. 144

**CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY**

Pursuant to notice given as provided by law, the Arizona Power Plant and Transmission  
Line Siting Committee (the "Committee") held public hearings on June 2, 3, 4, 2009 in Rio Rico,  
all in conformance with the requirements of Arizona Revised Statutes ("A.R.S.") § 40-360, *et*  
*seq.*, for the purpose of receiving evidence and deliberating on the Application of UNS Electric,  
Inc. ("Applicant") for a Certificate of Environmental Compatibility ("CEC") in the above-  
captioned case (the "Project").

The following members and designees of members of the Committee were present at one  
or more of the hearings for the evidentiary presentations and/or for the deliberations:

John Foreman	Chairman, Designee for Arizona Attorney General Terry Goddard
David L. Eberhart, P.E.	Designee for Chairman, Arizona Corporation Commission
Paul Rasmussen	Designee for Director, Arizona Department of Environmental Quality
Jessica Youle	Designee for Director, Energy Department, Arizona Department of Commerce
Jeff Maguire	Appointed Member
Bill Mundell	Appointed Member

1 Patricia Noland Appointed Member  
2 Michael Palmer Appointed Member  
3 Michael Whalen Appointed Member  
4 Barry Wong Appointed Member

5 The Applicant was represented by J. Matthew Derstine and Jason D. Gellman of Roshka,  
6 DeWulf & Patten, PLC, and Marcus G. Jerden of UniSource Energy Corporation. The following  
7 parties were granted intervention pursuant to A.R.S. § 40-360.05: Marshall Magruder and  
8 Elizabeth Webb, both in pro persona.

9 At the conclusion of the hearings, the Committee, having received the Application, the  
10 appearances of the parties, the evidence, testimony and exhibits presented at the hearings, and  
11 being advised of the legal requirements of A.R.S. §§ 40-360 to 40-360.13, upon motion duly  
12 made and seconded, voted X to X to grant the Applicant this CEC (Case No. 144) for the Project  
13 to rebuild the existing 115 kV transmission line as a 138 kV transmission line and interconnect  
14 that transmission line to the Vail Substation as set forth in the Application.

15 The Project as approved consists of approximately 57.8 miles of 138 kV transmission line  
16 and ancillary facilities along the route as described below. The Project starts at the Vail  
17 Substation, and ends at the Valencia Substation. A legal description and general location map of  
18 the Project is attached as Exhibit A.

19 The Project will:

- 20 • Interconnect the northern end of the line with a major import substation (the Vail  
21 345/138 kV Substation) instead of the Nogales Tap  
22 • Upgrade the voltage of the existing 115 kV line to 138 kV.  
23 • Replace aging wooden H-frame structures with steel monopoles.

24  
25 As explained in the Project Application, the Project Alignment (the route granted for the  
26 Project in this CEC), consisting of a 500-foot-wide planning corridor except where noted, and as  
27 more further described in attached Exhibit A and the Application, is as follows:

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The Project Alignment originates from the Vail Substation in Section 4, Township 16 South, Range 15 East. The Project Alignment then extends westerly parallel to TEP's Vail-Robert Bills (138 kV) and Vail-Irvington (138 kV) lines along an access road which is an east extension of the Old Vail Connection Road to where Old Vail Connection Road intersects Wilmot Road (2.3 miles). At this intersection, the Alignment turns south extending to the Nogales Tap and interconnects to the existing line (1.5 miles). From that interconnection, the alignment then continues south to the Kantor Substation (27.8 miles) utilizing the existing line that was previously rebuilt in accordance in the Application in Line Siting Case No. 78 and approved in Decision No. 56097 (July 6, 1988). No improvements, pole replacements, or construction are necessary therein and the existing line in this portion is hereby designated for operation at 138 kV.

The Project Alignment leaves the Kantor Substation southerly along the foothills of the Santa Rita Mountains east of the Santa Cruz River. South of Josephine Canyon, the Project Alignment drops out of the foothills and into the Santa Cruz River Valley (11.8 miles). To this point from the Nogales Tap the Project Alignment follows the alignment for the existing 115 kV transmission line. North of the intersection of that existing 115 kV transmission line alignment and Pendleton Drive, the Project Alignment deviates from the existing 115 kV transmission line alignment and shifts 0.2 miles to the easterly edge of the UPRR right-of-way.

The Project Alignment then continues paralleling the UPRR right-of-way to the Cañez Substation (1.8 miles), and then continuing southerly adjacent to the UPRR in the Santa Cruz River Valley (3.4 miles). Near the intersection of Pendleton Drive and Avenida Coatimundi, the alignment shifts from the UPRR right-of-way and parallels Avenida Coatimundi east to the Sonoita Substation (0.3 miles).

The Project Alignment extends southerly out of the Sonoita Substation along the existing line across Sonoita Creek and the Santa Cruz River to Old Tucson Road, and then parallels Old Tucson Road to a point near the intersection with Grand Avenue (5.9 miles).

1 At the intersection of Old Tucson Road and Grand Avenue, the line departs from the  
2 existing line to proceed east of and parallel to Grand Avenue on the east side of Nogales Wash  
3 through an industrial area (0.9 miles). The Project Alignment then returns to the existing line  
4 alignment near where Frank Reed Road intersects Grand Avenue, and continues south, along the  
5 west side of the Santa Cruz County Complex (0.8 miles) The Alignment then shifts east and  
6 passes through the Preston Mobile Home Park (0.3 miles) with a 1250-foot-wide planning corridor  
7 for this course only.

8 The Project Alignment then turns to the south through the Mariposa Mall, across Mariposa  
9 Road, and through the Loma Linda Shopping Center (0.4 miles). The Project Alignment continues  
10 on the existing line's alignment and turns to the east, entering the Valencia Substation located in  
11 Section 5, Township 24 South, Range 13 East (0.4 miles).

12 The Project will replace the existing wooden H-frame structures with steel monopoles as  
13 described in the Application. Steel monopoles will also be used between Vail Substation and the  
14 Nogales Tap; the existing transmission line portion constructed pursuant to Line Siting Case No.  
15 78 is already on steel monopoles.

16 **CONDITIONS**

17 This Certificate is granted upon the following conditions:

- 18 1. The Applicant shall obtain all approvals and permits required by the United  
19 States, the State of Arizona, Pima County, Santa Cruz County, the City of  
20 Tucson, the City of Nogales, the City of Sahuarita and any other governmental  
21 entities having jurisdiction necessary to construct the Project.
- 22 2. The Applicant shall comply with all existing applicable statutes, ordinances,  
23 master plans and regulations of the United States, the State of Arizona, Pima  
24 County, Santa Cruz County, the City of Tucson, the City of Nogales, the City of  
25 Sahuarita and any other governmental entities having jurisdiction during the  
26 construction and operation of the transmission line.

27

- 1           3.     If any archaeological, paleontological or historical site or object that is at least  
2           fifty years old is discovered on state, county or municipal land during the  
3           construction or operation of the transmission line, the Applicant or its  
4           representative in charge shall promptly report the discovery to the Director of  
5           the Arizona State Museum, and in consultation with the Director, shall immediately  
6           take all reasonable steps to secure and maintain the preservation of the discovery as  
7           required under A.R.S. § 41-844.
- 8
- 9           4.     If human remains and/or funerary objects are encountered on private land  
10          during the course of any ground-disturbing activities relating to the  
11          construction or operation of the transmission line, the Applicant shall cease work  
12          on the affected area of the Project and notify the Director of the Arizona State  
13          Museum as required under A.R.S. § 41-865.
- 14          5.     The Applicant shall comply with the notice and salvage requirements  
15          of the Arizona Native Plant Law (A.R.S. §§ 3-901 et seq. as applicable) and shall,  
16          to the extent feasible, minimize the destruction of native plants during the  
17          construction and operation of the transmission line.
- 18          6.     The Applicant shall not assign this Certificate or its interest in the Project  
19          authorized by this Certificate unless both Applicant (as Transferor/Assignor)  
20          and Transferee/Assigned has signed a "Notice of Transfer of Certificate of  
21          Environmental Compatibility" ("Notice") as required under A.R.S. § 40-  
22          360.08(A) and A.A.C. R14-3-213(F). That Notice must be filed in this  
23          Docket. Transferee/Assignee, as part of acquiring any interest in the Project,  
24          must agree to comply with all terms, limitations and conditions contained  
25          within this Certificate originally issued to Applicant by the Arizona Power  
26          Plant and Transmission Line Siting Committee and approved and/or issued by  
27          the Arizona Corporation Commission.

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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 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, neighborhood associations registered with the local governing jurisdiction, and residents within one mile of the Project corridor, all persons who made public comment at this proceeding, and all parties to this proceeding of the request. Applicant will provide the time and place of the hearing in which the Commission will consider its request for extension.  
[CONDITION 7 IN CASE 137 DECISION NO. 70469]
  
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

1 Applicant shall erect and maintain signs providing public notice that the property is  
2 the site of a future transmission line. Such signage shall be no smaller than a  
3 normal roadway sign. The signs shall advise:

- 4 (a) That the site has been approved for the construction of Project facilities;
- 5 (b) The expected date of completion of the Project facilities;
- 6 (c) A phone number for public information regarding the Project;
- 7 (d) The name of the Project;
- 8 (e) The name of the Applicant; and
- 9 (f) The website of the Project.

10 11. Applicant, or its assignee(s), shall design the transmission lines to incorporate  
11 reasonable measures to minimize impacts to raptors.

12 12. Applicant, or its assignee(s), shall use non-specular conductor and dulled surfaces  
13 for transmission line structures.

14 In Segment 1A. If the preferred alternative is chosen, a dulled galvanized steel  
15 finish along the portion which parallels Old Vail Connection to the Vail Substation,  
16 adjacent to the existing lattice structures.

17 If the other alternative is chosen for segment 1A, dulled galvanized steel for any  
18 new transmission structures.

19 13. Before construction on this Project may commence, the Applicant shall file a  
20 construction mitigation and restoration plan ("Plan") with ACC Docket Control.  
21 Where practicable, the Plan shall specify the Applicant's plans for construction  
22 access and methods to minimize impacts to wildlife and to minimize vegetation  
23 disturbance outside of the Project right-of-way particularly in drainage channels and  
24 along stream banks, and shall re-vegetate, unless waived by the landowner, native  
25 areas of construction disturbance to its preconstruction state outside of the power-  
26 line right of way after construction has been completed. The Plan shall  
27 specify the Applicant's plans for coordination with the Arizona Game and

1 Fish Department and the State Historic Preservation Office. The Applicant shall  
2 use existing roads for construction and access where practicable and the Plan shall  
3 specify the manner in which the Applicant makes use of existing roads.

- 4 14. With respect to the Project, Applicant shall participate in good faith in state and  
5 regional transmission study forums to coordinate transmission expansion plans  
6 related to the Project and to resolve transmission constraints in a timely manner.
- 7 15. The Applicant shall provide copies of this Certificate to the City of Tucson, the  
8 City of Sahuarita, the City of Nogales, Pima County, Santa Cruz County, the  
9 Arizona State Land Department, the State Historic Preservation Office, and the  
10 Arizona Game and Fish Department.
- 11 16. Prior to the date construction commences on this Project, the Applicant shall  
12 provide known homebuilders, neighborhood associations registered with the local  
13 governing jurisdiction, and developers of record, within one mile of the center  
14 line of the Certificated Project Alignment the identity, location, and a  
15 pictorial depiction of the type of power line being constructed, accompanied by a  
16 written description, and encourage the developers and homebuilders to include this  
17 information in the developers' and homebuilders' homeowners' disclosure  
18 statements. [SEE CONDITION 6 IN CASE 137 DECISION NO. 70649].
- 19 17. Before commencing construction of Project facilities located parallel to and within  
20 100 feet of any existing natural gas or hazardous liquid pipeline, the Applicant  
21 shall:
- 22 (a) Perform the appropriate grounding and cathodic protection studies to show  
23 that the Project's location parallel to and within 100 feet of such pipeline  
24 results in no material adverse impacts to the pipeline or to public safety  
25 when both the pipeline and the Project are in operation. If material adverse  
26 impacts are noted in the studies, Applicant shall take appropriate steps to  
27 ensure that such material adverse impacts are mitigated. Applicant shall

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- 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 September 1 beginning in 2010. 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 Alignment 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

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Project on private land.

22. The Certificate does not grant to the Applicant to right to construct a second circuit in Segment 1B – the existing line approved in Decision No. 56097 (July 6, 1988) on single steel poles that is currently operating at 115 kV. As explained in the Application under Line Siting Case No. 78, that line is designed to be able to operate at 138 kV. This Certificate recognizes that, as part of the Vail to Valencia 115 kV to 138 kV Transmission Line Upgrade Project, the existing line in Segment 1B will now operate at 138 kV.

23. TEP in the Southeast Area Transmission Study region and UNS Electric in Santa Cruz County, shall establish/re-establish a Citizens Advisory Council. Each CAC shall meet at least quarterly, have an agenda sent out at least 10 days prior to each meeting, post minutes on the utility’s website, and work closely with community organizations through their CAC to continually inform the public, obtain feedback on proposed programs or issues of concern, and interact at the local level. Each CAC shall have at least 25 members, with the utility continually recommending interested persons to join with at least 25 active members from the community. Each utility will support its CAC with presentations, speakers, meeting locations, mailed agenda, minutes, website, and preside over each meeting.

The ACC shall be invited to attend and this docket to receive both annually, a copy of all agenda, minutes and list of community members. All meetings will be open to the public. Notices in local newspapers announcing specific presentations, such as implementation of a new DSM program at a CAC meeting are encouraged.

In the Southeast Area Study region the community organizations invited to sent a representative shall include Supervisor District Four, The Vail Preservation Society or another historical organization, Corona de Tucson Fire Department or another emergency responder in the area, The Vail School District, a minimum of two local environmental

1 groups, a minimum of two registered neighborhood associations (Santa Rita Foothills  
2 Community Association, Hilton Ranch Rd. Community Association?), a minimum of 2  
3 representatives from the Sonoita area etc. and any local individual customer of the utility.  
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5 Similarly, in Santa Cruz County, UNS Electric and UNS Gas will invite representative  
6 from the Santa Cruz County Districts 1, 2, and 3; City of Nogales, Nogales Lions Club,  
7 Nogales/Santa Cruz Chamber of Commerce, Rio Rico Chamber of Commerce, Tubac  
8 Chamber of Commerce, Santa Cruz Valley Citizens Council, Rio Rico Property Owners  
9 Association, Santa Cruz Valley Unified School District, Baca Float Coalition, Zonta,  
10 Nogales Women's Club, Nogales Public School District, Tubac Rotary, Produce  
11 Association, SEAGO, Primeria Alta Historical Society, Fred Lawrence Whipple  
12 Observatory, Rio Rico Properties, ARC Southern Arizona Chapter, Burns Realty,  
13 Bracker's Department Store, Doyle Exterminating and Fumigating, Cropper's Auto Center,  
14 Escaltada's Inc., Mariposa Community Health Center and any local interested customer of  
15 the utility.

16 **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

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

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

DATED this \_\_\_\_ day of \_\_\_\_\_ 2009.

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

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Hon. John Foreman, Chairman

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1 **Exhibit A**

2 A transmission line corridor, with the centerline, as determined from Arizona State Plane Coordinate  
3 mapping, more particularly described as follows:

4 Beginning at **Vail Substation**, at grid coordinate (X) 1041085.39, (Y) 391274.36, of Central Zone of Arizona  
5 State Plane Coordinate System 1983, and to which National Geodetic Survey point PUMP (PID - CZ0252)  
6 bears South 42 degrees 20 minutes 38 seconds West, 4,870.50 feet;

7 thence North 88 degrees 44 minutes 54 seconds West, 307.61 feet;

8 thence North 60 degrees 17 minutes 58 seconds West, 1,037.36 feet;

9 thence North 00 degrees 07 minutes 58 seconds West, 1,017.67 feet;

10 thence South 89 degrees 32 minutes 32 seconds West, 11,891.07 feet;

11 thence South 05 degrees 40 minutes 55 seconds West, 1,744.96 feet;

12 thence South 00 degrees 34 minutes 52 seconds East, 6,224.41 feet to a point in **Nogales Tap**  
13 **Substation**;

14 thence South 00 degrees 34 minutes 52 seconds East, 50,753.00 feet;

15 thence South 34 degrees 21 minutes 34 seconds West, 95,891.68 feet;

16 thence South 88 degrees 34 minutes 55 seconds West, 121.34 feet to a point in **Kantor Substation**;

17 thence South 03 degrees 13 minutes 57 seconds East, 158.25 feet;

18 thence South 21 degrees 14 minutes 55 seconds East, 22,453.78 feet;

19 thence South 00 degrees 29 minutes 36 seconds East, 9,011.69 feet;

20 thence South 19 degrees 02 minutes 10 seconds West, 1,725.59 feet;

21 thence South 00 degrees 29 minutes 28 seconds East, 12,408.16 feet;

22 thence South 12 degrees 35 minutes 44 seconds East, 2,722.98 feet;

23 thence South 00 degrees 28 minutes 50 seconds East, 13,826.04 feet;

24 thence South 56 degrees 02 minutes 44 seconds West, 1,101.12 feet to the beginning of a non-tangent  
25 curve concave to the southwest, having a radius of 5,853.84 feet, and to which a radial line bears North 47  
26 degrees 55 minutes 45 seconds East;

27 thence southeasterly 2,370.68 feet along said curve through a central angle of 23 degrees 12 minutes 13  
seconds;

thence South 18 degrees 52 minutes 02 seconds East, 5,858.00 feet to a point 172 feet westerly of the west  
side of **Cañez Substation**;

thence South 18 degrees 52 minutes 02 seconds East, 12,393.42 feet to the beginning of a curve concave  
to the northeast and having a radius of 5,553.78 feet;

thence southeasterly 3,974.97 feet through a central angle of 41 degrees 00 minutes 28 seconds;

1 thence South 59 degrees 52 minutes 30 seconds East, 1,369.94 feet;  
2 thence North 64 degrees 22 minutes 52 seconds East, 1,337.41 feet to a point 63 feet southerly of the  
south side of **Sonoita Substation**;  
3 thence South 25 degrees 54 minutes 45 seconds East, 2,434.49 feet;  
4 thence South 18 degrees 53 minutes 51 seconds East, 6,598.53 feet;  
5 thence South 37 degrees 22 minutes 02 seconds East, 6,610.08 feet;  
6 thence South 00 degrees 35 minutes 23 seconds East, 7,555.17 feet;  
7 thence South 30 degrees 26 minutes 05 seconds West, 1,143.95 feet;  
8 thence South 03 degrees 55 minutes 22 seconds East, 3,724.62 feet;  
9 thence South 17 degrees 58 minutes 34 seconds East, 3,169.01 feet;  
10 thence South 79 degrees 39 minutes 56 seconds East, 1,303.27 feet;  
11 thence South 43 degrees 47 minutes 11 seconds East, 1,683.12 feet;  
12 thence South 04 degrees 49 minutes 19 seconds West, 1,849.85 feet;  
13 thence South 00 degrees 35 minutes 14 seconds East, 3,980.53 feet;  
14 thence North 74 degrees 35 minutes 02 seconds East, 1,332.75 feet;  
15 thence South 01 degrees 13 minutes 18 seconds East, 1,873.85 feet;  
16 thence North 88 degrees 43 minutes 12 seconds East, 2,191.97 feet to the terminus of said centerline at  
**Valencia Substation**, at grid coordinate (X) 1007459.01, (Y) 133493.23, of said Central Zone, and to which  
17 National Geodetic Survey point M423 (PID – CG0883) bears South 23 degrees 09 minutes 01 seconds  
East, 34,502.53 feet.

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19 Said centerline is 57.785 miles in length, more or less.

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

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

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

Case No. 144

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**CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY**

Pursuant to notice given as provided by law, the Arizona Power Plant and Transmission  
Line Siting Committee (the "Committee") held public hearings on June 2, 3, 4, 2009 in Rio Rico,  
all in conformance with the requirements of Arizona Revised Statutes ("A.R.S.") § 40-360, *et*  
*seq.*, for the purpose of receiving evidence and deliberating on the Application of UNS Electric,  
Inc. ("Applicant") for a Certificate of Environmental Compatibility ("CEC") in the above-  
captioned case (the "Project").

The following members and designees of members of the Committee were present at one  
or more of the hearings for the evidentiary presentations and/or for the deliberations:

John Foreman	Chairman, Designee for Arizona Attorney General Terry Goddard
David L. Eberhart, P.E.	Designee for Chairman, Arizona Corporation Commission
Paul Rasmussen	Designee for Director, Arizona Department of Environmental Quality
Jessica Youle	Designee for Director, Energy Department, Arizona Department of Commerce
Jeff Maguire	Appointed Member
Bill Mundell	Appointed Member

1	Patricia Noland	Appointed Member
2	Michael Palmer	Appointed Member
3	Michael Whalen	Appointed Member
4	Barry Wong	Appointed Member

5 The Applicant was represented by J. Matthew Derstine and Jason D. Gellman of Roshka,  
6 DeWulf & Patten, PLC, and Marcus G. Jerden of UniSource Energy Corporation. The following  
7 parties were granted intervention pursuant to A.R.S. § 40-360.05: Marshall Magruder and  
8 Elizabeth Webb, both in pro persona.

9 At the conclusion of the hearings, the Committee, having received the Application, the  
10 appearances of the parties, the evidence, testimony and exhibits presented at the hearings, and  
11 being advised of the legal requirements of A.R.S. §§ 40-360 to 40-360.13, upon motion duly  
12 made and seconded, voted ~~X~~ to X to grant the Applicant this CEC (Case No. 144) for the Project  
13 to rebuild the existing 115 kV transmission line as a 138 kV transmission line and interconnect  
14 that transmission line to the Vail Substation as set forth in the Application.

15 The Project as approved consists of approximately 57.8 miles of 138 kV transmission line  
16 and ancillary facilities along the route as described below. The Project starts at the Vail  
17 Substation, and ends at the Valencia Substation. A legal description and general location map of  
18 the Project is attached as Exhibit A.

19 The Project will:

- 20 • Interconnect the northern end of the line with a major import substation (the Vail 345/138 kV  
21 Substation) instead of the Nogales Tap
- 22 • Upgrade the voltage of the existing 115 kV line to 138 kV.
- 23 • Replace aging wooden H-frame structures with steel monopoles.

24  
25 As explained in the Project Application, the Project Alignment (the route granted for the  
26 Project in this CEC), consisting of a 500-foot-wide planning corridor except where noted, and as  
27 more further described in attached Exhibit A and the Application, is as follows:

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2 The Project Alignment originates from the Vail Substation in Section 4, Township 16  
3 South, Range 15 East. The Project Alignment then extends westerly parallel to TEP's Vail-Robert  
4 Bills (138 kV) and Vail-Irvington (138 kV) lines along an access road which is an east extension  
5 of the Old Vail Connection Road to where Old Vail Connection Road intersects Wilmot Road  
6 (2.3 miles). At this intersection, the Alignment turns south extending to the Nogales Tap and  
7 interconnects to the existing line (1.5 miles). From that interconnection, the alignment then  
8 continues south to the Kantor Substation (27.8 miles) utilizing the existing line that was  
9 previously rebuilt in accordance in the Application in Line Siting Case No. 78 and approved in  
10 Decision No. 56097 (July 6, 1988). No improvements, pole replacements, or construction are  
11 necessary therein and the existing line in this portion is hereby designated for operation at 138 kV.

12 The Project Alignment leaves the Kantor Substation southerly along the foothills of the  
13 Santa Rita Mountains east of the Santa Cruz River. South of Josephine Canyon, the Project  
14 Alignment drops out of the foothills and into the Santa Cruz River Valley (11.8 miles). To this  
15 point from the Nogales Tap the Project Alignment follows the alignment for the existing 115 kV  
16 transmission line. North of the intersection of that existing 115 kV transmission line alignment  
17 and Pendleton Drive, the Project Alignment deviates from the existing 115 kV transmission line  
18 alignment and shifts 0.2 miles to the easterly edge of the UPRR right-of-way.

19 The Project Alignment then continues paralleling the UPRR right-of-way to the Cañez  
20 Substation (1.8 miles), and then continuing southerly adjacent to the UPRR in the Santa Cruz  
21 River Valley (3.4 miles). Near the intersection of Pendleton Drive and Avenida Coatimundi, the  
22 alignment shifts from the UPRR right-of-way and parallels Avenida Coatimundi east to the  
23 Sonoita Substation (0.3 miles).

24 The Project Alignment extends southerly out of the Sonoita Substation along the existing  
25 line across Sonoita Creek and the Santa Cruz River to Old Tucson Road, and then parallels Old  
26 Tucson Road to a point near the intersection with Grand Avenue (5.9 miles).  
27

1 At the intersection of Old Tucson Road and Grand Avenue, the line departs from the  
2 existing line to proceed east of and parallel to Grand Avenue on the east side of Nogales Wash  
3 through an industrial area (0.9 miles). The Project Alignment then returns to the existing line  
4 alignment near where Frank Reed Road intersects Grand Avenue, and continues south, along the  
5 west side of the Santa Cruz County Complex (0.8 miles) The Alignment then shifts east and  
6 passes through the Preston Mobile Home Park (0.3 miles) with a 1250-foot-wide planning corridor  
7 for this course only.

8 The Project Alignment then turns to the south through the Mariposa Mall, across Mariposa  
9 Road, and through the Loma Linda Shopping Center (0.4 miles). The Project Alignment continues  
10 on the existing line's alignment and turns to the east, entering the Valencia Substation located in  
11 Section 5, Township 24 South, Range 13 East (0.4 miles).

12 The Project will replace the existing wooden H-frame structures with steel monopoles as  
13 described in the Application. Steel monopoles will also be used between Vail Substation and the  
14 Nogales Tap; the existing transmission line portion constructed pursuant to Line Siting Case No.  
15 78 is already on steel monopoles.

16 **CONDITIONS**

17 This Certificate is granted upon the following conditions:

- 18 1. The Applicant shall obtain all approvals and permits required by the United  
19 States, the State of Arizona, Pima County, Santa Cruz County, the City of  
20 Tucson, the City of Nogales, the City of Sahuarita and any other governmental  
21 entities having jurisdiction necessary to construct the Project.
- 22 2. The Applicant shall comply with all existing applicable statutes, ordinances,  
23 master plans and regulations of the United States, the State of Arizona, Pima  
24 County, Santa Cruz County, the City of Tucson, the City of Nogales, the City of  
25 Sahuarita and any other governmental entities having jurisdiction during the  
26 construction and operation of the transmission line.  
27

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**Inserted:** , the City of Tucson, the City of Nogales

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1 3. If any archaeological, paleontological or historical site or object that is at least  
2 fifty years old is discovered on state, county or municipal land during the  
3 construction or operation of the transmission line, the Applicant or its  
4 representative in charge shall promptly report the discovery to the Director of  
5 the Arizona State Museum, and in consultation with the Director, shall immediately  
6 take all reasonable steps to secure and maintain the preservation of the discovery as  
7 required under A.R.S. § 41-844.

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9 4. If human remains and/or funerary objects are encountered on private land  
10 during the course of any ground-disturbing activities relating to the  
11 construction or operation of the transmission line, the Applicant shall cease work  
12 on the affected area of the Project and notify the Director of the Arizona State  
13 Museum as required under A.R.S. § 41-865.

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14 5. The Applicant shall comply with the notice and salvage requirements  
15 of the Arizona Native Plant Law (A.R.S. §§ 3-901 et seq. as applicable) and shall,  
16 to the extent feasible, minimize the destruction of native plants during the  
17 construction and operation of the transmission line.

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18 6. The Applicant shall not assign this Certificate or its interest in the Project  
19 authorized by this Certificate unless both Applicant (as Transferor/Assignor)  
20 and Transferee/Assigned has signed a "Notice of Transfer of Certificate of  
21 Environmental Compatibility" ("Notice") as required under A.R.S. § 40-  
22 360.08(A) and A.A.C. R14-3-213(F). That Notice must be filed in this  
23 Docket. Transferee/Assignee, as part of acquiring any interest in the Project,  
24 must agree to comply with all terms, limitations and conditions contained  
25 within this Certificate originally issued to Applicant by the Arizona Power  
26 Plant and Transmission Line Siting Committee and approved and/or issued by  
27 the Arizona Corporation Commission.

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Commission. Any assignment of this  
Certificate shall require the assignee to  
assume all responsibilities of the  
Applicant listed in this Certificate.

1 7. This authorization to construct this Project shall expire five years from the date  
2 the Certificate is approved by the Commission unless the transmission line is  
3 capable of operation. However, prior to expiration, the Applicant or its assignees  
4 may request that the Commission extend this time limitation.

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5 8. In the event that the Project requires an extension of the term of this Certificate  
6 prior to completion of construction, Applicant shall use reasonable means to  
7 notify all landowners, neighborhood associations registered with the local  
8 governing jurisdiction, and residents within one mile of the Project corridor,  
9 all persons who made public comment at this proceeding, and all parties to this  
10 proceeding of the request. Applicant will provide the time and place of the  
11 hearing in which the Commission will consider its request for extension.

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12 [CONDITION 7 IN CASE 137 DECISION NO. 70469]

13 9. The Applicant shall make every reasonable effort to identify and correct, on a case-  
14 specific basis, all complaints of interference with radio or television signals from  
15 operation of the transmission lines and related facilities addressed in this  
16 Certificate. The Applicant shall maintain written records for a period of five years  
17 of all complaints of radio or television interference attributable to operation,  
18 together with the corrective action taken in response to each complaint. All  
19 complaints shall be recorded to include notations on the corrective action taken.  
20 Complaints not leading to a specific action or for which there was no resolution  
21 shall be noted and explained.

22 10. Within 120 days of the Commission decision granting this Certificate, Applicant  
23 will post signs in public rights-of-way giving notice of the Project corridor to the  
24 extent authorized by law. The Applicant shall place signs in prominent locations at  
25 reasonable intervals such that the public is notified along the full length of the  
26 transmission line until the transmission structures are constructed. To the extent  
27 practicable, within 45 days of securing easement or right-of-way for the Project, the

1 Applicant shall erect and maintain signs providing public notice that the property is  
2 the site of a future transmission line. Such signage shall be no smaller than a  
3 normal roadway sign. The signs shall advise:

- 4 (a) That the site has been approved for the construction of Project facilities;
- 5 (b) The expected date of completion of the Project facilities;
- 6 (c) A phone number for public information regarding the Project;
- 7 (d) The name of the Project;
- 8 (e) The name of the Applicant; and
- 9 (f) The website of the Project.

10 11. Applicant, or its assignee(s), shall design the transmission lines to incorporate  
11 reasonable measures to minimize impacts to raptors.

12 12. Applicant, or its assignee(s), shall use non-specular conductor and dulled surfaces  
13 for transmission line structures.

14 *In Segment 1A. If the preferred alternative is chosen, a dulled Galvanized steel finish along the*  
15 *portion which parallels Old Vail Connection to the Vail Substation, adjacent to the existing lattice*  
16 *structures.*

17 *If the other alternative is chosen for segment 1A, dulled*  
18 *galvanized steel for any new transmission structures.*

19  
20 13. Before construction on this Project may commence, the Applicant shall file a  
21 construction mitigation and restoration plan ("Plan") with ACC Docket Control.  
22 Where practicable, the Plan shall specify the Applicant's plans for construction  
23 access and methods to minimize impacts to wildlife and to minimize vegetation  
24 disturbance outside of the Project right-of-way particularly in drainage channels and  
25 along stream banks, and shall re-vegetate, unless waived by the landowner, native  
26 areas of construction disturbance to its preconstruction state outside of the power-  
27 line right of way after construction has been completed. The Plan shall

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1 specify the Applicant's plans for coordination with the Arizona Game and  
2 Fish Department and the State Historic Preservation Office. The Applicant shall  
3 use existing roads for construction and access where practicable and the Plan shall  
4 specify the manner in which the Applicant makes use of existing roads.

5 14. With respect to the Project, Applicant shall participate in good faith in state and  
6 regional transmission study forums to coordinate transmission expansion plans  
7 related to the Project and to resolve transmission constraints in a timely manner.

8 15. The Applicant shall provide copies of this Certificate to the City of Tucson, the  
9 City of Sahuarita, the City of Nogales, Pima County, Santa Cruz County, the  
10 Arizona State Land Department, the State Historic Preservation Office, and the  
11 Arizona Game and Fish Department.

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12 16. Prior to the date construction commences on this Project, the Applicant shall  
13 provide known homebuilders, neighborhood associations registered with the local  
14 governing jurisdiction, and developers of record, within one mile of the center  
15 line of the Certificated Project Alignment, the identity, location, and a  
16 pictorial depiction of the type of power line being constructed, accompanied by a  
17 written description, and encourage the developers and homebuilders to include this  
18 information in the developers' and homebuilders' homeowners' disclosure  
19 statements. [SEE CONDITION 6 IN CASE 137 DECISION NO. 70649].

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20 17. Before commencing construction of Project facilities located parallel to and within  
21 100 feet of any existing natural gas or hazardous liquid pipeline, the Applicant  
22 shall:

23 (a) Perform the appropriate grounding and cathodic protection studies to show  
24 that the Project's location parallel to and within 100 feet of such pipeline  
25 results in no material adverse impacts to the pipeline or to public safety  
26 when both the pipeline and the Project are in operation. If material adverse  
27 impacts are noted in the studies, Applicant shall take appropriate steps to

1 ensure that such material adverse impacts are mitigated. Applicant shall  
2 provide to Commission Staff reports of studies performed; and

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

9 18. Applicant will follow the latest Western Electricity Coordinating Council/North  
10 American Electric Reliability Corporation Planning standards as approved by the  
11 Federal Energy Regulatory Commission, and National Electrical Safety Code  
12 construction standards.

13 19. The Applicant shall submit a self-certification letter annually, identifying progress  
14 made with respect to each condition contained in the Certificate, including which  
15 conditions have been met. Each letter shall be submitted to the Docket Control of  
16 the Arizona Corporation Commission on September 1 beginning in 2010. Attached  
17 to each certification letter shall be documentation explaining how compliance with  
18 each condition was achieved. Copies of each letter along with the corresponding  
19 documentation shall be submitted to the Arizona Attorney General and Department  
20 of Commerce Energy Office. The requirement for the self-certification shall expire  
21 on the date the Project is placed into operation.

22 20. Within sixty (60) days of the Commission decision granting this Certificate, the  
23 Applicant shall make good faith efforts to commence discussions with private  
24 landowners, on whose property the Project Alignment is located, to identify the  
25 specific location for the Project's right-of-way and placement of poles.

26 21. The Applicant shall expeditiously pursue reasonable efforts to work with  
27 private landowners on whose property the Project right-of-way will be located,

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1 to mitigate the impacts of the location, construction, and operation of the  
2 Project on private land.

3 22. The Certificate does not grant to the Applicant to right to construct a second  
4 circuit in Segment 1B – the existing line approved in Decision No. 56097 (July  
5 6, 1988) on single steel poles that is currently operating at 115 kV. As  
6 explained in the Application under Line Siting Case No. 78, that line is  
7 designed to be able to operate at 138 kV. This Certificate recognizes that, as  
8 part of the Vail to Valencia 115 kV to 138 kV Transmission Line Upgrade  
9 Project, the existing line in Segment 1B will now operate at 138 kV.

10  
11 23. TEP in the Southeast Area Transmission Study region and UNS Electric  
12 in Santa Cruz County, shall establish/re-establish a Citizens Advisory  
13 Council. Each CAC shall meet at least quarterly, have an agenda sent out  
14 at least 10 days prior to each meeting, post minutes on the utility's  
15 website, and work closely with community organizations through their CAC  
16 to continually inform the public, obtain feedback on proposed programs or  
17 issues of concern, and interact at the local level. Each CAC shall have  
18 at least 25 members, with the utility continually recommending interested  
19 persons to join with at least 25 active members from the community. Each  
20 utility will support its CAC with presentations, speakers, meeting  
21 locations, mailed agenda, minutes, website, and preside over each  
22 meeting.

23  
24 The ACC shall be invited to attend and this docket to receive both  
25 annually, a copy of all agenda, minutes and list of community members.  
26 All meetings will be open to the public. Notices in local newspapers  
27 announcing specific presentations, such as implementation of a new DSM  
program at a CAC meeting are encouraged.

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2 In the Southeast Area Study region the community organizations invited  
3 to sent a representative shall include Supervisor District Four, The Vail  
4 Preservation Society or another historical organization, Corona de Tucson  
5 Fire Department or another emergency responder in the area, The Vail  
6 School District, a minimum of two local environmental groups, a minimum  
7 of two registered neighborhood associations (Santa Rita Foothills  
8 Community Association, Hilton Ranch Rd. Community Association?), a  
9 minimum of 2 representatives from the Sonoita area etc. and any local  
10 individual customer of the utility.

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11  
12 Similarly, in Santa Cruz County, UNS Electric and UNS Gas will invite  
13 representative from the Santa Cruz County Districts 1, 2, and 3; City of  
14 Nogales, Nogales Lions Club, Nogales/Santa Cruz Chamber of Commerce, Rio  
15 Rico Chamber of Commerce, Tubac Chamber of Commerce, Santa Cruz Valley  
16 Citizens Council, Rio Rico Property Owners Association, Santa Cruz Valley  
17 Unified School District, Baca Float Coalition, Zonta, Nogales Women's  
18 Club, Nogales Public School District, Tubac Rotary, Produce Association,  
19 SEAGO, Primeria Alta Historical Society, Fred Lawrence Whipple  
20 Observatory, Rio Rico Properties, ARC Southern Arizona Chapter, Burns  
21 Realty, Bracker's Department Store, Doyle Exterminating and Fumigating,  
22 Cropper's Auto Center, Escaltada's Inc., Mariposa Community Health Center  
23 and any local interested customer of the utility.

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25 **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

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

- 27 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.

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- 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, serves 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.

DATED this \_\_\_ day of \_\_\_\_\_ 2009.

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

\_\_\_\_\_  
Hon. John Foreman, Chairman

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1 **Exhibit A**

2 A transmission line corridor, with the centerline, as determined from Arizona State Plane Coordinate  
3 mapping, more particularly described as follows:

4 Beginning at **Vail Substation**, at grid coordinate (X) 1041085.39, (Y) 391274.36, of Central Zone of Arizona  
5 State Plane Coordinate System 1983, and to which National Geodetic Survey point PUMP (PID - CZ0252)  
6 bears South 42 degrees 20 minutes 38 seconds West, 4,870.50 feet;

7 thence North 88 degrees 44 minutes 54 seconds West, 307.61 feet;

8 thence North 60 degrees 17 minutes 58 seconds West, 1,037.36 feet;

9 thence North 00 degrees 07 minutes 58 seconds West, 1,017.67 feet;

10 thence South 89 degrees 32 minutes 32 seconds West, 11,891.07 feet;

11 thence South 05 degrees 40 minutes 55 seconds West, 1,744.96 feet;

12 thence South 00 degrees 34 minutes 52 seconds East, 6,224.41 feet to a point in **Nogales Tap**  
13 **Substation**;

14 thence South 00 degrees 34 minutes 52 seconds East, 50,753.00 feet;

15 thence South 34 degrees 21 minutes 34 seconds West, 95,891.68 feet;

16 thence South 88 degrees 34 minutes 55 seconds West, 121.34 feet to a point in **Kantor Substation**;

17 thence South 03 degrees 13 minutes 57 seconds East, 158.25 feet;

18 thence South 21 degrees 14 minutes 55 seconds East, 22,453.78 feet;

19 thence South 00 degrees 29 minutes 36 seconds East, 9,011.69 feet;

20 thence South 19 degrees 02 minutes 10 seconds West, 1,725.59 feet;

21 thence South 00 degrees 29 minutes 28 seconds East, 12,408.16 feet;

22 thence South 12 degrees 35 minutes 44 seconds East, 2,722.98 feet;

23 thence South 00 degrees 28 minutes 50 seconds East, 13,826.04 feet;

24 thence South 56 degrees 02 minutes 44 seconds West, 1,101.12 feet to the beginning of a non-tangent  
25 curve concave to the southwest, having a radius of 5,853.84 feet, and to which a radial line bears North 47  
26 degrees 55 minutes 45 seconds East;

27 thence southeasterly 2,370.68 feet along said curve through a central angle of 23 degrees 12 minutes 13  
seconds;

thence South 18 degrees 52 minutes 02 seconds East, 5,858.00 feet to a point 172 feet westerly of the west  
side of **Cañez Substation**;

thence South 18 degrees 52 minutes 02 seconds East, 12,393.42 feet to the beginning of a curve concave  
to the northeast and having a radius of 5,553.78 feet;

thence southeasterly 3,974.97 feet through a central angle of 41 degrees 00 minutes 28 seconds;

1 thence South 59 degrees 52 minutes 30 seconds East, 1,369.94 feet;  
2 thence North 64 degrees 22 minutes 52 seconds East, 1,337.41 feet to a point 63 feet southerly of the  
south side of **Sonoita Substation**;  
3 thence South 25 degrees 54 minutes 45 seconds East, 2,434.49 feet;  
4 thence South 18 degrees 53 minutes 51 seconds East, 6,598.53 feet;  
5 thence South 37 degrees 22 minutes 02 seconds East, 6,610.08 feet;  
6 thence South 00 degrees 35 minutes 23 seconds East, 7,555.17 feet;  
7 thence South 30 degrees 26 minutes 05 seconds West, 1,143.95 feet;  
8 thence South 03 degrees 55 minutes 22 seconds East, 3,724.62 feet;  
9 thence South 17 degrees 58 minutes 34 seconds East, 3,169.01 feet;  
10 thence South 79 degrees 39 minutes 56 seconds East, 1,303.27 feet;  
11 thence South 43 degrees 47 minutes 11 seconds East, 1,683.12 feet;  
12 thence South 04 degrees 49 minutes 19 seconds West, 1,849.85 feet;  
13 thence South 00 degrees 35 minutes 14 seconds East, 3,980.53 feet;  
14 thence North 74 degrees 35 minutes 02 seconds East, 1,332.75 feet;  
15 thence South 01 degrees 13 minutes 18 seconds East, 1,873.85 feet;  
16 thence North 88 degrees 43 minutes 12 seconds East, 2,191.97 feet to the terminus of said centerline at  
**Valencia Substation**, at grid coordinate (X) 1007459.01, (Y) 133493.23, of said Central Zone, and to which  
17 National Geodetic Survey point M423 (PID – CG0883) bears South 23 degrees 09 minutes 01 seconds  
East, 34,502.53 feet.

18 Said centerline is 57.785 miles in length, more or less.  
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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,  
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

Arizona Corporation Commission

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

Case #144

Draft Version of Witness Summaries and Proposed Form of Certificate of Environmental Compatibility

Elizabeth Buchroeder-Webb hereby provides

1. A draft version of the Witness Summary of Elizabeth Webb (A complete version will be docketed prior to the evidentiary hearing upon receiving completed data requests from the applicant. I am unable to complete my witness summary as I do not know if all items on my data request to the applicant dated 15 May 2009 will be answered/clarified after a planned meet and confer with TEP/Unisource Director of Line Siting Services Ed Beck and attorneys for the applicant on 26 May 2009.

Currently; as there is not a pre-filed witness testimony by Ed Beck and very little technical information available in the pre-filed Application for discarded alternatives to the Vail Substation interconnection, I will ask for cause if items are missing from my pre-filed witness summary/testimony at the Evidentiary Hearing.

Although I received a version of the Notice of Filings of Witness Summaries and Proposed Forms of CEC's from the applicant's attorneys on Saturday, 23 May 2009, I observed that it was not available on Docket Control as of 25, 2009- nor did I receive it via email on Friday, 22 May 2009, as has become customary from the applicant's attorney. )

2. A redlined version of the Proposed Form of Certificate of Environmental Compatibility and
3. A clean version of the Proposed Form of CEC

If I am allowed to participate at Evidentiary Hearing on June 2<sup>nd</sup> 2009 as an intervener, I shall number these as EW Exhibits (including a completed Witness Summary).

Elizabeth Buchroeder-Webb  
*Elizabeth Buchroeder-Webb*  
17451 E. Hilton Ranch Rd.  
Vail, AZ 85641  
(520)247-3838

Respectfully submitted via email to the following parties in the matter via email this 25 day of May 2009.  
Corporation Commission Office. A copy shall also be provided to the parties in attendance at the pre-hearing procedural conference on 26 May 2009.

Tara Williams, Assistant to  
John Foreman, Chairman of the Arizona Power Plant and Transmission Line Siting Committee  
Charles Haines  
Janice Alward, Chief Counsel, Legal Division

Jason D. Gellman  
J. Matthew Derstine  
Attorneys for the Applicant

Marcus Jerden, Corporate Attorney  
Tucson Electric Power Company

Marshall Magruder, Intervener

Vail to Valencia 115kV to 138 kV  
Transmission Line Upgrade Project  
Docket No. L-00000F-09-0190-00144  
Case # 144

Witness Summary: Elizabeth Buchroeder-Webb

Ms. Webb will testify about her concerns about this project and her proposed conditions

Specifically, Ms. Webb will discuss how:

1. There was not “active, aggressive and upfront outreach” to the communities of Vail and Corona de Tucson in this project.
2. Alternative routes and options to the Vail Substation interconnection were not actively discussed with the public. (aside from the two in the application)
3. This project benefits or is a detriment to Tucson Electric Power.
4. This project relates to the regional transmission grid.
5. Appropriate monopole color choices

Elizabeth Webb’s 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). Ms Webb is 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, she is 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.

Ms. Webb will first discuss the issue of community involvement to include the lack of an Open House in Vail or Corona de Tucson and provide documentation which will be labeled as separate EW exhibits at the Evidentiary Hearing.

She will then discuss the lack of invitation to herself as a potential intervener, with documentation of her interest in this project and regional transmission planning. She will then discuss a solution (condition) to fulfilling Commissioner (now Chairman) Mayes’ directive ““There has to be aggressive, upfront outreach to communities on all of these line siting cases” \* Case 137 8/18/2008 P. 262

Next, (and this can be combined with the following paragraph) there will be very brief mention on confusion over lack of power source alternatives in the application for the Vail interconnection. Clearly, in Line Site Case 137 the

commissioners asked for more alternatives in the future. There may be photos which would be entered as EW exhibits if the answers received in the meeting with Mr. Beck after the procedural conference are not satisfactory.

Next, Ms. Webb hopes to discuss the impacts of the Vail Substation Interconnection on TEP customers and Vail/Corona de Tucson residents. Currently her data requests have not been completely filled and clarification is sought in some answers. Ms. Webb prefers not to speculate on her Witness Summary or Testimony until receiving complete data requests. Also, as there is very little information on the WAPA alternative in the CEC application and Mr. Beck's witness testimony has not been pre-filed it is difficult to form a witness summary or Again, a solution via a condition will be offered to help with communication and outreach to communities.

Next, Ms. Webb will discuss future development by private entities and state governments in the vicinity of the project. This is related to the regional grid. She has not received a response to one very relevant data request in regard to this discussion and does not know if she will or not. She is awaiting clarification on another data request. Ms. Webb prefers not speculate on her Witness Summary or Testimony until receiving complete data requests. She will again, offer a solution via a condition in the CEC to help with communication and outreach to communities.

A very simple condition will be discussed next. That is one of monopole color and appropriate siting in the visual environment- galvanized steel versus dark weathering steel against the sky, distant mountains and existing structures.

Ms. Webb's testimony will be aided a PowerPoint presentation and possibly foam board exhibits that will be marked as a separate exhibits. Copies will be available to the committee, interveners, the applicant and others as needed. Ms. Webb may also make use of others' previously entered/accepted exhibits or previously docketed items during her testimony.

**From:** "Marshall Magruder" <mmagruder@earthlink.net>  
**To:** "E Webb" <vailaz@hotmail.com>, "Marshall Magruder" <marshall@magruder.or...>  
**Date:** 5/25/2009 10:09 PM  
**Subject:** Magruder Proposed CEC Redlines  
**Attachments:** 090526-Draft CEC-v.Magruder.doc

For the Parties in Line Siting Committee Case No. 144 -

Attached are the Magruder-proposed draft CEC redlines for the pre-hearing conference on 26 May.

I will attend this conference.

Respectfully submitted,

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

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

3 IN THE MATTER OF THE APPLICATION OF  
4 UNS ELECTRIC, INC. FOR A CERTIFICATE  
5 OF ENVIRONMENTAL COMPATIBILITY  
6 FOR THE VAIL TO VALENCIA 115 KV TO  
7 138 KV TRANSMISSION LINE UPGRADE  
8 PROJECT, ORIGINATING AT THE EXISTING  
9 VAIL SUBSTATION IN SEC. 4, T.16S., R.15E.,  
10 PIMA COUNTY, TO THE EXISTING  
11 VALENCIA SUBSTATION IN SEC. 5, T.24S.,  
12 R.14E., IN THE CITY OF NOGALES, SANTA  
13 CRUZ COUNTY, ARIZONA.

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

Case No. 144

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9 **CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY**

10 Pursuant to notice given as provided by law, the Arizona Power Plant and Transmission  
11 Line Siting Committee (the "Committee") held public hearings on June 2, 3, 4, 2009 in Rio Rico,  
12 all in conformance with the requirements of Arizona Revised Statutes ("A.R.S.") § 40-360, *et*  
13 *seq.*, for the purpose of receiving evidence and deliberating on the Application of UNS Electric,  
14 Inc. ("Applicant"), incorporated herein, for a Certificate of Environmental Compatibility ("CEC")  
15 in the above-captioned case (the "Project").

16 The following members and designees of members of the Committee were present at one  
17 or more of the hearings for the evidentiary presentations and/or for the deliberations:

18 John Foreman	Chairman, Designee for Arizona Attorney General Terry Goddard
19 David L. Eberhart, P.E.	Designee for Chairman, Arizona Corporation Commission
20 Paul Rasmussen	Designee for Director, Arizona Department of Environmental Quality
21 Jessica Youle	Designee for Director, Energy Department, Arizona Department of Commerce
22 Jeff Maguire	Appointed Member
23 Bill Mundell	Appointed Member
24 Patricia Noland	Appointed Member

27

1 Michael Palmer Appointed Member  
2 Michael Whalen Appointed Member  
3 Barry Wong Appointed Member

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4 The Applicant was represented by J. Matthew Derstine and Jason D. Gellman of Roshka,  
5 DeWulf & Patten, PLC, and Marcus G. Jerden of UniSource Energy Corporation.

6 The following parties were granted intervention pursuant to A.R.S. § 40-360.05: Marshall  
7 Magruder and Elizabeth Webb, both in pro persona.

8 At the conclusion of the hearings, the Committee, having received the Application, the  
9 appearances of the parties, the evidence, testimony and exhibits presented at the hearings, and  
10 being advised of the legal requirements of A.R.S. §§ 40-360 to 40-360.13, upon motion duly  
11 made and seconded, voted X to X to grant the Applicant this CEC (Case No. 144) for the Project  
12 to rebuild the existing 115 kV transmission line as a 138 kV transmission line and interconnect  
13 that transmission line to the Vail Substation as set forth in the Application.

14 The Project as approved consists of approximately 57.8 miles of 138 kV transmission line  
15 and ancillary facilities along the route as described below. The Project starts at the Vail  
16 Substation, and ends at the Valencia Substation. A legal description and general location map of  
17 the Project is attached as Exhibit A. The Project Application of April 21, 2009 is incorporated  
18 herein as an unserverable part of this CEC.

19 As explained in the Project Application, the Project will:

- 20 • Interconnect the northern end of the line with the Vail 345/138 kV Substation instead  
21 of the Nogales Tap.
- 22 • Upgrade the line voltage from 115 kV to 138 kV.
- 23 • Replace wooden H-frame structures with steel monopoles.

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24  
25 As explained in the Project Application, the Project Alignment (the route granted for the  
26 Project in this CEC), consisting of a 500-foot-wide planning corridor except where noted, and as  
27 more further described in attached Exhibit A and the Application, is as follows:

1  
2           The Project Alignment originates from the Vail Substation in Section 4, Township 16  
3 South, Range 15 East. The Project Alignment then extends westerly parallel to TEP's Vail-Robert  
4 Bills (138 kV) and Vail-Irvington (138 kV) lines along an access road which is an east extension  
5 of the Old Vail Connection Road to where Old Vail Connection Road intersects Wilmot Road  
6 (2.3 miles). At this intersection, the Alignment turns south extending to the Nogales Tap and  
7 interconnects to the existing line (1.5 miles). From that interconnection, the alignment then  
8 continues south to the Kantor Substation (27.8 miles) utilizing the existing line that was  
9 previously rebuilt in accordance in the Application in Line Siting Case No. 78 and approved in  
10 Decision No. 56097 (July 6, 1988). No improvements, pole replacements, or construction are  
11 necessary therein and the existing line in this portion is hereby designated for operation at 138 kV.

12           The Project Alignment leaves the Kantor Substation southerly along the foothills of the  
13 Santa Rita Mountains east of the Santa Cruz River. South of Josephine Canyon, the Project  
14 Alignment drops out of the foothills and into the Santa Cruz River Valley (11.8 miles). To this  
15 point from the Nogales Tap the Project Alignment follows the alignment for the existing 115 kV  
16 transmission line. North of the intersection of that existing 115 kV transmission line alignment  
17 and Pendleton Drive, the Project Alignment deviates from the existing 115 kV transmission line  
18 alignment and shifts 0.2 miles to the easterly edge of the UPRR right-of-way.

19           The Project Alignment then continues paralleling the UPRR right-of-way to the Cañez  
20 Substation (1.8 miles), and then continuing southerly adjacent to the UPRR in the Santa Cruz  
21 River Valley (3.4 miles). Near the intersection of Pendleton Drive and Avenida Coatimundi, the  
22 alignment shifts from the UPRR right-of-way and parallels Avenida Coatimundi east to the  
23 Sonoita Substation (0.3 miles).

24           The Project Alignment extends southerly out of the Sonoita Substation along the existing  
25 line across Sonoita Creek and the Santa Cruz River to Old Tucson Road, and then parallels Old  
26 Tucson Road to a point near the intersection with Grand Avenue (5.9 miles).  
27

1 At the intersection of Old Tucson Road and Grand Avenue, the line departs from the  
2 existing line to proceed east of and parallel to Grand Avenue on the east side of Nogales Wash  
3 through an industrial area (0.9 miles). The Project Alignment then returns to the existing line  
4 alignment near where Frank Reed Road intersects Grand Avenue, and continues south, along the  
5 west side of the Santa Cruz County Complex (0.8 miles) The Alignment then shifts east and  
6 passes through the Preston Mobile Home Park (0.3 miles) with a 1250-foot-wide planning corridor  
7 for this course only.

8 The Project Alignment then turns to the south through the Mariposa Mall, across Mariposa  
9 Road, and through the Loma Linda Shopping Center (0.4 miles). The Project Alignment continues  
10 on the existing line's alignment and turns to the east, entering the Valencia Substation located in  
11 Section 5, Township 24 South, Range 13 East (0.4 miles).

12 The Project will replace the existing wooden H-frame structures with steel monopoles as  
13 described in the Application. Steel monopoles will also be used between Vail Substation and the  
14 Nogales Tap; the existing transmission line portion constructed pursuant to Line Siting Case No.  
15 78 is already on steel monopoles and from the Amado (Kantor) Substation to the Nogales  
16 (Valencia) Substation.

#### 17 CONDITIONS

18 This Certificate is granted upon the following conditions:

- 19 1. The Applicant shall obtain all approvals and permits required by the United  
20 States, the State of Arizona, Pima County, Santa Cruz County, the City of  
21 Tucson, the City of Nogales, the City of Sahuarita, US Bureau of Land  
22 Management ("BLM") and any other governmental entities having jurisdiction  
23 necessary to construct the Project.
- 24 2. The Applicant shall comply with all existing applicable statutes, ordinances,  
25 county comprehensive plans, city/town general plans, master plans, project area  
26 development and subdivision plans, and regulations of the United States, the State  
27 of Arizona, Pima County, Santa Cruz County, the City of Tucson, the City of

1 Nogales, the City of Sahuarita and any other governmental entities having  
2 jurisdiction during the construction and operation of the transmission line,

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3 2A. Applicant shall construct the Project transmission lines only within the corridor  
4 more fully described in Exhibit A, attached hereto. [Case No. 111, Condition 3,  
5 ACC Decision 64356]

6 3. If any archaeological, paleontological or historical site or object that is at least  
7 fifty years old is discovered on federal, state, county or municipal land  
8 during the construction or operation of the transmission line, the Applicant  
9 or its representative in charge shall promptly report the discovery to the  
10 Director of the Arizona State Museum, and in consultation with the Director, shall  
11 immediately take all reasonable steps to secure and maintain the preservation of  
12 the discovery as required under A.R.S. § 41-844.

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13 4. If human remains and/or funerary objects are encountered on private land  
14 during the course of any ground-disturbing activities relating to the  
15 construction or operation of the transmission line, the Applicant shall cease work  
16 on the affected area of the Project and notify the Director of the Arizona State  
17 Museum as required under A.R.S. § 41-865.

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18 5. The Applicant shall comply with the notice and salvage requirements  
19 of the Arizona Native Plant Law (A.R.S. §§ 3-901 et seq. as applicable), County  
20 and municipal plant ordinances, and shall, to the extent feasible, minimize the  
21 destruction of native plants during the construction and operation of the  
22 transmission line.

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23 6. The Applicant shall not assign this Certificate or its interest in the Project  
24 authorized by this Certificate unless both Applicant (as Transferor/Assignor)  
25 and Transferee/Assigned has signed a "Notice of Transfer of Certificate of  
26 Environmental Compatibility" ("Notice") as required under A.R.S. § 40-  
27 360.08(A) and A.A.C. R14-3-213(F). That Notice must be filed in this

1 Docket. Transferee/Assignee, as part of acquiring any interest in the Project,  
2 must agree to comply with all terms, limitations and conditions contained  
3 within this Certificate originally issued to Applicant by the Arizona Power  
4 Plant and Transmission Line Siting Committee and approved and/or issued by  
5 the Arizona Corporation Commission.

6 6A. Where appearing below, "Applicant" includes any assignees.

7 7. This authorization to construct this Project shall expire five years from the date  
8 the Certificate is approved by the Commission unless the transmission line is  
9 capable of operation. However, prior to expiration, the Applicant may request  
10 that the Commission extend this time limitation.

11 8. In the event that the Project requires an extension of the term of this Certificate  
12 prior to completion of construction, Applicant shall use reasonable means to  
13 notify, including by first class mail, all landowners, neighborhood  
14 associations registered with the local governing jurisdiction, and residents  
15 within one mile of the Project corridor, all persons who made public comment at  
16 this proceeding, and all parties to this proceeding of the request, the date, time and  
17 place of the hearing in which the Commission will consider its request for  
18 extension. [CONDITION 7 IN CASE 137 DECISION NO. 70469]

19 9. The Applicant shall make every reasonable effort to identify and correct, on a case-  
20 specific basis, all complaints of interference with radio or television signals from  
21 operation of the transmission lines and related facilities addressed in this  
22 Certificate. The Applicant shall maintain written records for a period of five years  
23 of all complaints of radio or television interference attributable to operation,  
24 together with the corrective action taken in response to each complaint. All  
25 complaints shall be recorded to include notations on the corrective action taken.  
26 Complaints not leading to a specific action or for which there was no resolution  
27 shall be noted and explained. A copy of these records will be provided to the ACC

**Deleted:** 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.

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Staff, upon request.

10. Within 120 days of the Commission decision granting this Certificate, Applicant will post signs, at least 3-feet by 3-feet in size, 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. The signs shall advise:

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- (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 shall design the transmission lines to incorporate reasonable measures to minimize impacts to raptors.

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12. Applicant shall use non-specular conductors and with a dulled surface color suitable for the terrain and vegetation [excerpt from Case No. 111, No. 11(a)] for transmission line structures. After approval of the final alignment by the Committee, the applicant shall submit a plan with 30 days of the proposed pole finish for each part of each segment to the parties. The criteria used shall be that poles in the open terrain shall have a dulled galvanized steel finish and where looking from where the greatest population would see these poles with a sky background. In areas where poles are sited with the greatest population having a terrain background behind the pole such as in a valley away from a road, then self-

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1 weathering finish is satisfactory. The visual contrast between the pole color and  
2 background shall be minimized to determine the pole finish.

3 12A. Applicant shall retain an archaeologist satisfactory to the State Historical  
4 Preservation Office (SHPO). The archaeologist shall be on site during construction  
5 activities where new routes are being developed to advise Applicant in connection  
6 with additional archeological and preservation efforts for archaeological sites that  
7 may be required and to manage cultural and historical preservation efforts for  
8 archeological sites that may be affected by the construction of new transmission  
9 lines. The archeologist shall meet and confer with representatives of local American  
10 Nations and historical societies to determine any sensitive areas and if and how they  
11 can be avoided or mitigated. [Case No. 111, Condition 8, Decision 64356]

12 12B. Applicants shall retain a biologist satisfactory to the Arizona Game and Fish  
13 Department. The biologist is to be on-site during construction activities in  
14 connecting with any additional biological and related studies that may be required  
15 and to advise Applicant in connection with mitigation efforts for any endangered,  
16 threatened and sensitive species that maybe affected by the construction of the  
17 project transmission lines. [Case No. 111, Condition 9, Decision 65356]

18 13. Before construction on this Project may commence, the Applicant shall file a  
19 construction Mitigation and Restoration Plan with ACC Docket Control and copies  
20 to all parties. Where practicable, the Plan shall specify the Applicant's plans for  
21 construction access and methods to minimize impacts to wildlife and to minimize  
22 vegetation disturbance outside of the Project right-of-way particularly in drainage  
23 channels and along stream banks, and shall re-vegetate, unless waived by the  
24 landowner, native areas of construction disturbance to its preconstruction state  
25 outside of the power-line right of way after construction has been completed.  
26 The Plan shall specify the Applicant's plans for coordination with the  
27 Arizona Game and Fish Department and the State Historic Preservation Office.

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1 The Applicant shall use existing roads for construction and access where  
2 practicable and the Plan shall specify the manner in which the Applicant makes use  
3 of existing roads.

4 14. With respect to the Project, Applicant shall participate in good faith in state and  
5 regional transmission study forums to coordinate transmission expansion plans  
6 related to the Project and to resolve transmission constraints in a timely manner.

7 15. The Applicant shall provide copies of this Certificate to the City of Tucson, the  
8 City of Sahuarita, the City of Nogales, Pima County, Santa Cruz County, the  
9 Arizona State Land Department, the State Historic Preservation Office, and the  
10 Arizona Game and Fish Department.

11 16. Prior to the date construction commences on this Project, the Applicant shall  
12 provide known homeowners and businesses, realtors, homebuilders, neighborhood  
13 associations registered with the local jurisdictions, and developers of record, within  
14 one mile of the center line of the Certificated Project Alignment the  
15 identity, location, and a pictorial depiction of the type of power line being  
16 constructed, accompanied by a written description, and encourage the developers  
17 and homebuilders to include this information in the developers' and homebuilders'  
18 homeowners' disclosure statements. [SEE CONDITION 6 IN CASE 137  
19 DECISION NO. 70649]. Applicant shall, within one year of completion of the  
20 Project, rehabilitate to its state any and all areas disturbed by construction of the  
21 Project, except for any road that maybe necessary to access the transmission lines  
22 for maintenance and repair. The goals of the Mitigation and Restoration Plan will  
23 be to avoid impacts where practicable; and where impacts are unavoidable,  
24 minimize impacts; and focus on site preparation to facilitate natural processes to  
25 revegetation. Other key elements of this Plan are to

- 26 • Emphasize final site preparation to encourage natural revegetation;
- 27 • Prohibit use of any non-native plants or seeds during revegetation;

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- 1 • Avoid (i.e., reserve) where practical, mature native trees;
- 2 • Stipulate the smallest maximum constructor corridor width within the
- 3 corridor in Exhibit A herein;
- 4 • Preserve topsoil and plant materials from the right-of-way before grading,
- 5 and re-spread over the right-of-way after construction is complete;
- 6 • Imprint the restored right-of-way to provide indentations to catch seed and
- 7 water;
- 8 • Implement best management practices to protect the soil;
- 9 • Apply restoration methods that have been shown to work in the desert
- 10 environment;
- 11 • Prevent the spread of noxious weeds or other undesirable species; and
- 12 • Apply methods to discourage unauthorized off-highway-vehicle (OHV) use
- 13 of the right-of-way for all segments. [Case No. 111, Condition 13, ACC
- 14 Decision 64356]

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15 17. Before commencing construction of Project facilities located parallel to and within  
 16 100 feet of any existing natural gas or hazardous liquid pipeline, the Applicant  
 17 shall:

- 18 (a) Perform the appropriate grounding and cathodic protection studies to show
- 19 that the Project's location parallel to and within 100 feet of such pipeline
- 20 results in no material adverse impacts to the pipeline or to public safety
- 21 when both the pipeline and the Project are in operation. If material adverse
- 22 impacts are noted in the studies, Applicant shall take appropriate steps to
- 23 ensure that such material adverse impacts are mitigated. Applicant shall
- 24 provide a copy of all such studies to Commission Staff; and
- 25 (b) Perform a technical study simulating an outage of the Project that may be
- 26 caused by the collocation of the Project parallel to and within 100 feet of the
- 27 existing natural gas or hazardous liquid pipeline. This study should either: i)

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1 show that such outage does not result in customer outages; or ii) include  
2 operating plans to minimize any resulting customer outages. Applicant shall  
3 provide a copy of this study to Commission Staff.

4 18. Applicant will comply the latest Western Electricity Coordinating Council/North  
5 American Electric Reliability Corporation Planning standards as approved by the  
6 Federal Energy Regulatory Commission, and National Electrical Safety Code  
7 construction standards.

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8 19. The Applicant shall submit a self-certification letter annually, identifying progress  
9 made with respect to each condition contained in the Certificate, including which  
10 conditions have been met. Each letter shall be submitted to the Docket Control of  
11 the Arizona Corporation Commission and the parties on August 1 beginning in  
12 2010. Attached to each certification letter shall be documentation explaining how  
13 compliance with each condition was achieved. Copies of each letter along with the  
14 corresponding documentation shall be submitted to the Arizona Attorney General  
15 and Department of Commerce Energy Office. The requirement for the self-  
16 certification shall expire on the date the Project is placed into operation.

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17 20. Within sixty (60) days of the Commission decision granting this Certificate, the  
18 Applicant shall make good faith efforts to commence discussions with private  
19 landowners, on whose property the Project Alignment is located, to identify the  
20 specific location for the Project's right-of-way and placement of poles.

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21 21. The Applicant shall expeditiously pursue reasonable efforts to work with  
22 private landowners on whose property the Project right-of-way will be located,  
23 to mitigate the impacts of the location, construction, and operation of the  
24 Project on private land.

25 22. This Certificate recognizes that, as part of the Vail to Valencia 115 kV to 138  
26 kV Transmission Line Upgrade Project, the existing line in Segment 1B will  
27 now operate at 138 kV, as previously approved in the CEC for Line Siting Case

Deleted: The Certificate does not grant to the Applicant to right to construct a second circuit in Segment 1B – the existing line approved in Decision No. 56097 (July 6, 1988) on single steel poles that is currently operating at 115 kV. As explained in the Application under Line Siting Case No. 78, that line is designed to be able to operate at 138 kV.

1           No. 78 in Decision 56097 (July 6, 1988).

2           23. The authorization to construct the Project shall expire five years from the date  
3           of this Certificate of Environmental Compatibility is approved by the  
4           Commission. Applicant will have the right to apply to the Commission for an  
5           extension of this time limitation up to six months prior to expiration. [Case No.  
6           111, Condition 17 modified, ACC Decision 64356]

7  
8                           **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

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

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

21           DATED this \_\_\_ day of \_\_\_\_\_ 2009.

22   **THE ARIZONA POWER PLANT AND**  
23   **TRANSMISSION LINE SITING COMMITTEE**

24  
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26   \_\_\_\_\_  
27   Hon. John Foreman, Chairman

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**Exhibit A**

1  
2 A transmission line corridor, with the centerline, as determined from Arizona State Plane Coordinate  
3 mapping, more particularly described as follows:

4 Beginning at **Vail Substation**, at grid coordinate (X) 1041085.39, (Y) 391274.36, of Central Zone of Arizona  
5 State Plane Coordinate System 1983, and to which National Geodetic Survey point PUMP (PID - CZ0252)  
6 bears South 42 degrees 20 minutes 38 seconds West, 4,870.50 feet;

7 thence North 88 degrees 44 minutes 54 seconds West, 307.61 feet;

8 thence North 60 degrees 17 minutes 58 seconds West, 1,037.36 feet;

9 thence North 00 degrees 07 minutes 58 seconds West, 1,017.67 feet;

10 thence South 89 degrees 32 minutes 32 seconds West, 11,891.07 feet;

11 thence South 05 degrees 40 minutes 55 seconds West, 1,744.96 feet;

12 thence South 00 degrees 34 minutes 52 seconds East, 6,224.41 feet to a point in **Nogales Tap**  
13 **Substation**;

14 thence South 00 degrees 34 minutes 52 seconds East, 50,753.00 feet;

15 thence South 34 degrees 21 minutes 34 seconds West, 95,891.68 feet;

16 thence South 88 degrees 34 minutes 55 seconds West, 121.34 feet to a point in **Kantor Substation**;

17 thence South 03 degrees 13 minutes 57 seconds East, 158.25 feet;

18 thence South 21 degrees 14 minutes 55 seconds East, 22,453.78 feet;

19 thence South 00 degrees 29 minutes 36 seconds East, 9,011.69 feet;

20 thence South 19 degrees 02 minutes 10 seconds West, 1,725.59 feet;

21 thence South 00 degrees 29 minutes 28 seconds East, 12,408.16 feet;

22 thence South 12 degrees 35 minutes 44 seconds East, 2,722.98 feet;

23 thence South 00 degrees 28 minutes 50 seconds East, 13,826.04 feet;

24 thence South 56 degrees 02 minutes 44 seconds West, 1,101.12 feet to the beginning of a non-tangent  
25 curve concave to the southwest, having a radius of 5,853.84 feet, and to which a radial line bears North 47  
26 degrees 55 minutes 45 seconds East;

27 thence southeasterly 2,370.68 feet along said curve through a central angle of 23 degrees 12 minutes 13  
seconds;

thence South 18 degrees 52 minutes 02 seconds East, 5,858.00 feet to a point 172 feet westerly of the west  
side of **Cañez Substation**;

thence South 18 degrees 52 minutes 02 seconds East, 12,393.42 feet to the beginning of a curve concave  
to the northeast and having a radius of 5,553.78 feet;

thence southeasterly 3,974.97 feet through a central angle of 41 degrees 00 minutes 28 seconds;

1 thence South 59 degrees 52 minutes 30 seconds East, 1,369.94 feet;  
2 thence North 64 degrees 22 minutes 52 seconds East, 1,337.41 feet to a point 63 feet southerly of the  
south side of Sonoita Substation;  
3 thence South 25 degrees 54 minutes 45 seconds East, 2,434.49 feet;  
4 thence South 18 degrees 53 minutes 51 seconds East, 6,598.53 feet;  
5 thence South 37 degrees 22 minutes 02 seconds East, 6,610.08 feet;  
6 thence South 00 degrees 35 minutes 23 seconds East, 7,555.17 feet;  
7 thence South 30 degrees 26 minutes 05 seconds West, 1,143.95 feet;  
8 thence South 03 degrees 55 minutes 22 seconds East, 3,724.62 feet;  
9 thence South 17 degrees 58 minutes 34 seconds East, 3,169.01 feet;  
10 thence South 79 degrees 39 minutes 56 seconds East, 1,303.27 feet;  
11 thence South 43 degrees 47 minutes 11 seconds East, 1,683.12 feet;  
12 thence South 04 degrees 49 minutes 19 seconds West, 1,849.85 feet;  
13 thence South 00 degrees 35 minutes 14 seconds East, 3,980.53 feet;  
14 thence North 74 degrees 35 minutes 02 seconds East, 1,332.75 feet;  
15 thence South 01 degrees 13 minutes 18 seconds East, 1,873.85 feet;  
16 thence North 88 degrees 43 minutes 12 seconds East, 2,191.97 feet to the terminus of said centerline at  
17 **Valencia Substation**, at grid coordinate (X) 1007459.01, (Y) 133493.23, of said Central Zone, and to which  
National Geodetic Survey point M423 (PID – CG0883) bears South 23 degrees 09 minutes 01 seconds  
East, 34,502.53 feet.

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18 Said centerline is 57.785 miles in length, more or less.  
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**From:** "Marshall Magruder" <mmagruder@earthlink.net>  
**To:** "E Webb" <vailaz@hotmail.com>, "Marshall Magruder" <marshall@magruder.or...>  
**Date:** 5/26/2009 12:46 AM  
**Subject:** DRAFT Preliminary Magruder Summary Testimony for pre-hearing conference  
**Attachments:** 090526-DRAFT-Magruder Witness Summary.doc

Parties to Line Siting Case No. 144:

Please see attached DRAFT preliminary Magruder Summary Testimony for use during the 26 May pre-hearing conference. The actual summary and prefiled testimony might be changed.

Sincerely,

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

**DRAFT**  
**Marshall Magruder**  
**Preliminary Witness Summary**  
**(Witness Summary and Prefiled Direct Testimony to be filed on 29 May 2009)**  
**26 May 2009**

Submitted to the Chairman of the Line Siting Committee and parties at the Pre-hearing Conference in accordance with Procedural Order for Line Siting Case No. 144, 26 May 2008.

Personal Background.

I am Marshall Magruder, from Tubac, Arizona, UNS Electric ratepayer. Having served on the SCC/City of Nogales Joint Energy Commission, I have gained a detailed understanding of our county's electricity utilities. My resume will be an Attachment, but my "Large systems" systems engineering experience, gives a unique perspective. Systems engineers are considered, by many, as the best of breed. We usually are the first to really look at the "need" for a system. I've lead many requirements analysis teams to determine what is necessary to solve somebody's problem. Finding the "best" solution is what systems engineers do for a living. It takes several approaches before the "best" is found. We say it's really not designed until Rev C, the fourth revision. We "bracket and half", overshoot, and then undershoot, decreasing error each time. No one knows the "best" solution in isolation. Only when teams, an integrated product team (IPT), with all disciplines represented, such as your committee, can all the necessary environmental factors are put on the table. Reviewed and analyzed, then synthesized into a Product or Project. The "total environmental" requirements for this committee are about a broad a term as possible.

Background of a Project Review.

All factors need review. This Committee would not exist if human judgments were not required to assess the many unknown impacts. The A.R.S. 40-360 statutes specify a committee from various backgrounds. Some factors aren't included; others may not be key players in every decision. For years, I had psychologists on my projects, because they come from a different discipline, with different and diverse points of view, and usually are the best at understanding how "people" will change or should use the "system." In fact, many systems are redesigned if this discipline is not property employed at the "needs assessment" phase of requirements analysis. Another key discipline is reliability engineering, the engineering specialist critical to "keep it operating". Through simple, well sometimes rather complex, through probability analysis, failures are predicted and sequenced, as they cascade through a system. We do this over and over again, changing the design, so that high failure items always have redundancy designed into the system. Use of mean time between failure and mean time to repair permits one to estimate rather closely when a system will fail and usually what component will fail first. Usually, that "first to fail" component is redesigned so a new "first to fail" component emerges. And we repeat that process again. Reliability engineering is not used in the electric utility industry, other than at nuclear power plants, probably because of the heavy influence of Admiral Rickover trained nuclear engineers who are top-notch professionals.

### Issues Related to the Project.

For the "Vail-Valencia 138 kV upgrade", I am not yet convinced a "need" really exists, nor if the WAPA to TEP transmission services change is "best" for Santa Cruz County ratepayers.

The major concern is changing the northern terminal for the transmission line from the WAPA Nogales Tap to the TEP Vail Substation. DOES this really benefit for Cruz County ratepayers in terms of economic, energy (electricity) and total environmental factors.

At this stage, with many discovery questions have not been fully answered, I'm not sure about the "need" and cost-benefit for customers this project. I am prepared to discuss some at the pre-hearing conference.

Some questions I plan to explore during witness cross-examination include:

1. The Application seems to indicate that WAPA has a 50.9 MW "constraint" on providing electricity to the Nogales Tap. In response to my Data Request 1.1, the Company's report stated that after December 2008, an upgrade in the WAPA transmission line would add a tap at the Pantano substation that increases this "constraint" to 65.8 MW. (Exhibit MM-1, DR 1.1 response)
  - a. What is the WAPA constraint?
  - b. How does this constraint change?
  - c. What is the impact of EPA of 2005, section 1221, which provided up to \$500 million annually for 5 years to remove WAPA transmission constraints?
  - d. What is WAPA's future plans for the Sahuaro-Pantano 115 kV line?
  - e. When has 50.9 MW actually been the maximum power delivered by WAPA?
  - f. How much does WAPA charge to use its transmission system, e.g., the wheeling charges in \$ per kW-month?
2. What are the differences between using the Nogales Tap and Vail substations?
  - a. What are the respective transmission line charges, and the differences impact on ratepayers? [TEP was \$2.33/kW-month in 2001]
  - b. What are the transmission (energy) losses differences on each transmission system? [WAPA was 4.95% in 2001, Nogales Tap to delivery is 10.45%]
  - c. What equipment owned by UNS Electric at the Nogales Tap will not be used after a potential transfer to Vail and what is its cost? [\$2.1M switch Exhibit MM-2]
  - d. How much new equipment will be required at Vail to support UNS Electric and what is its cost?
  - e. Can the Citizens' installed three-ring bus switch be used by changing from Apache to Vail, with an inline 115:138 kV transformer, so that both the Nogales Tap and Vail substations can provide two different power sources to support UNS Electric? (Exhibit MM-2)
3. Do these poles really require replacement? (Exhibit MM-3)
  - a. Has the company tested these poles to determine if they require replacement?
  - b. What do the UNSE statistics on pole failure on this line indicate? (DR refused)

- c. What are the reliability statistics on this transmission line? (DR refused)
  - d. What are the new objective reliability measures that show the improvement before and after pole replacement? (DR refused)
  - e. What will be the change in total capacity of the 138 kV compared to the existing 115 kV? [Present line thermal limit is 132 MW except at southern end, new 138kV has 120 MW capacity => no change] (Exhibit MM-4)
  - f. Validation of Peak Demand forecasts for SCC. (Exhibit MM-5)
  - g. What and where will the conductor be replaced?
  - h. Where will the existing poles and acquired right-of-way not be adequate for pole replacement?
  - i. Where will cor-ten poles and dulled galvanized steel poles be sited?
4. What are the plans for archeological and biologic professionals to survey for unexpected disturbance of archeological sites and plant life?
- a. How will OHV traffic on maintenance roads be curtailed?
  - b. How will construction and restoration be performed to return the disturbed lands back to its original conditions?
5. Will there be any public process or dialog occurring after the CEC is granted?
- a. Will there be different groups for the UNSE and TEP customers?
  - b. Where and how frequent will these briefing and discussion sessions occur?
  - c. Will they be open, advertized, and make public?
  - d. Does the company see that such meetings can improve its image?
  - e. Will a website and any newsletter be used after CEC approval?
6. How much will this project really cost?

Prefiled Testimony.

My Prefiled Direct Testimony is planned to provide the background and discuss these and related issues but, in general, most of these questions are planned for cross-examination.

Exhibits.

Exhibits will probably be not be in Prefiled Testimony, due to reproduction expense, thus will be provided before each hearing day to all parties and Committee.

Pre-Planned Exhibits

- MM-1 UES report (with DR 1-1 response)
- MM-2 Citizens Plan of Action Excerpt (already sent to UNSE via email)
- MM-3 Article from T&D on Pole Replacement practices (to handout 26 May)
- MM-4 Excerpt from Magruder Testimony 8 July 2005 (conductor capacities)
- MM-5 Peak Demand Forecasts for Santa Cruz County (various sources since 2000)

Sincerely,

Marshall Magruder  
PO Box 1267  
Tubac, AZ 85646  
[marshall@magruder.org](mailto:marshall@magruder.org)  
520.398.8587

**From:** Tara Williams  
**To:** MJerden@tep.com  
**Date:** 5/26/2009 9:28 AM  
**Subject:** Re: 10:00 pre-hearing conference Case 144

Mr. Jerden,

Please call (602) 542-7704 at 10 am to be transferred directly to the conference room.

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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>>> <MJerden@tep.com> 5/26/2009 9:20 AM >>>

Good morning Tara --

Is there a call-in number for the 10:00 conference with John Foreman today? If it was sent out, it did not make it to my Calendar. There will be at least one or two of us calling in from Tucson.

Thanks,

Marc Jerden  
Senior Legal Counsel  
UniSource Energy Corp.  
ph 520.884.3770 fx 520.545.1373

**From:** <MJerden@tep.com>  
**To:** <Tara.Williams@azag.gov>  
**Date:** 5/27/2009 11:17 AM  
**Subject:** RE: Yesterday's Conference

It's OK, I thought it clever how only one of us could call in -- one couldn't design it that way from the start if they wanted to! No harm, I appreciate the note.

Marc

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

**From:** Tara Williams [mailto:Tara.Williams@azag.gov]  
**Sent:** Wednesday, May 27, 2009 10:56 AM  
**To:** Jerden, Marc  
**Subject:** Yesterday's Conference

Mr. Jerden,

I would like to apologize for the phone problems we had yesterday. There was a mix up regarding the instructions I was given. In the future, if phone conferences are needed, there should not be any more problems. Again, I apologize for the inconvenience.

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:** "AZRS" <azrs@az-reporting.com>  
**To:** "Tara Williams" <Tara.Williams@azag.gov>  
**Date:** 5/27/2009 5:04 PM  
**Subject:** RE: LIBRARIES - UNS - Vail to Valencia LS 144

Hello, Tara

I will take it from here. You don't need to contact the applicant for now.  
Thanks.

Marta Hetzer @ AZRS

\*\*\* Our office hours are Monday through Friday 8:00 a.m. to 6:00 p.m.  
\*\*\*

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TOLL FREE 800-522-8893 - Outside Phoenix Metro  
e-mail azrs@az-reporting.com  
website www.az-reporting.com

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

From: Tara Williams [mailto:Tara.Williams@azag.gov]  
Sent: Wednesday, May 27, 2009 4:46 PM  
To: AZRS  
Subject: Re: LIBRARIES - UNS - Vail to Valencia LS 144

Hello Marta,

I believe they are the libraries listed on the Notice of Hearing:

Joyner-Green Valley Branch Library at 601 N La Canada Dr in Green Valley, 85614  
Nogales-Rochlin Public Library at 518 N Grand Ave in Nogales, 85621  
Pima County Public Library at 9640 E Golf Links Road in Tucson, 85730

I will let the Applicant know to get in contact with you if this is incorrect. 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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>>> "AZRS" <azrs@az-reporting.com> 5/27/2009 4:37 PM >>>  
Hello, Tara

Have you been provided with the names of the libraries that should be receiving these transcripts? If you have, can you share that with us?

Our court reporter is ahead of schedule and we are anticipating distribution tomorrow rather than Friday. What a diligent associate court reporter we have!

I will also address the court reporter attending the committee tour of the sites tomorrow. I will call the Chairman and also send a letter to him along with your transcript of the prehearing conference.

Thank you!

Marta Hetzer @ AZRS

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**From:** <MJerden@tep.com>  
**To:** <azrs@az-reporting.com>, <mippolito@rdp-law.com>, <mderstine@rdp-law.com>  
**Date:** 5/27/2009 5:38 PM  
**Subject:** RE: Case 144

**CC:** <Tara.Williams@azag.gov>, <EBeck@tep.com>  
Thank you, Marta, that is appreciated.

Regards,

Marc Jerden  
Senior Legal Counsel  
UniSource Energy Corp.  
ph 520.884.3770 fx 520.545.1373

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From: AZRS [mailto:azrs@az-reporting.com]  
Sent: Wednesday, May 27, 2009 5:19 PM  
To: Jerden, Marc; Mary Ippolito; Matt Derstine  
Cc: Tara Williams  
Subject: RE: Case 144  
Importance: High

Hello, Mr. Jerden

Thanks for the very quick reply!

We will go ahead and prepare full size certified transcripts to send to the libraries ourselves (we will send CRRR.) We will file a memorandum of proof of delivery with Docket Control on your behalf when the RRR are returned. These copies to the libraries will not be subject to any expedited surcharge and they will be billed to you at a reduced rate. We will copy you and the Chairman on all correspondence for your information.

We are all looking forward to being of service to all involved next week in Rio Rico.

Thank you,

Marta Hetzer @ AZRS

\*\*\* Our office hours are Monday through Friday 8:00 a.m. to 6:00 p.m. \*\*\*

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From: MJerden@tep.com [mailto:MJerden@tep.com]  
Sent: Wednesday, May 27, 2009 5:05 PM  
To: AZRS  
Cc: Tara.Williams@azag.gov; mderstine@rdp-law.com; jgellman@rdp-law.com; mippolito@rdp-law.com; EBeck@Tep.com  
Subject: Case 144

Marta - the locations are correct as Tara has listed them. We can print hard copies and provide them to the libraries ourselves to ensure they go to the right shelf with the CEC Application if you wish (already one site is having a hard time locating it for people to review).

Marc Jerden  
Senior Legal Counsel  
UniSource Energy Corp.  
ph 520.884.3770 fx 520.545.1373

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

From: Tara Williams <Tara.Williams@azag.gov>  
To: Jason D. Gellman; Matt Derstine  
Cc: Mary Ippolito  
Sent: Wed May 27 16:49:30 2009  
Subject: Transcripts

I received an e-mail from the court reporter asking which libraries should receive all of the transcripts. The court reporter completed the transcript for the meeting yesterday. I gave them the information from the Notice of Hearing:

Joyner-Green Valley Branch Library at 601 N La Canada Dr in Green Valley, 85614  
Nogales-Rochlin Public Library at 518 N Grand Ave in Nogales, 85621  
Pima County Public Library at 9640 E Golf Links Road in Tucson, 85730

Please contact Marta Hetzer at azrs@az-reporting.com to let her know whether these are the correct locations.

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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