

ORIGINAL



0000100002

BEFORE THE ARIZONA POWER PLANT AND TRANSMISSION LINE SITING COMMITTEE

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

The Chairman of the Arizona Power Plant and Transmission Line Siting Committee is providing notice of filing the attached e-mail communications that have occurred between the Parties to this case and the Chairman, up to this date, since the last filing on June 10, 2009.

Arizona Corporation Commission
DOCKETED

JUN 25 2009

DATED: June 25, 2009

DOCKETED BY	<i>mn</i>
-------------	-----------

John Foreman

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

AZ CORP COMMISSION
DOCKET CONTROL

2009 JUN 25 P 2:30

RECEIVED

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

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

7
8 Copy of the above was mailed
this 25th day of June, 2009 to:

9
10 Charles Hains
11 Janice Alward, Chief Counsel
12 Arizona Corporation Commission
1200 West Washington Street
13 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
One South Church Avenue, Suite 200
23 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
7 Phoenix, Arizona 85004-1481

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

Jana Williams

From: "Marshall Magruder" <mmagruder@earthlink.net>
To: "John Foreman" <John.Foreman@AZAG.GOV>
Date: 6/7/2009 3:23 AM
Subject: Re: Case 144 - Availability for Next Line Siting Meeting

Mr. Foreman

The regular monthly 23-24 June ACC Open Meeting is scheduled a year in advance and is beyond my capabilities to change. I may be involved with several OM agenda items; however, the Agenda will not be issued until about a week prior. I requested earlier that 3 items (reduced to 2 after Company's response) in the May OM be delayed until the June OM due to other conflicts. Mr. Patton informed last week me they were changed. Two issues involve postponing another month action on an annual review of a rate "adjustor" change that should have gone into effect on 1 June.

I would respectfully like to bring to your attention concerning my comments about the post-CEC review process, in particular "B" below:

Quote

R14-3-214. Review of committee decision

A. Within five days of the issuance of a certificate of environmental compatibility, the Committee shall transfer a copy of said certificate along with its written decision, to the Corporation Commission for its review and approval, subject to subsection (B) hereof.

B. Within 15 days after the date the Committee has rendered its written decision any party to a certification proceeding may request a review thereof by the Corporation Commission.

C. Grounds for requesting review shall be stated in a written notice filed with the Corporation Commission with a copy thereof served on the chairman of the Committee and all parties to the certification proceeding.

D. Within five days of receipt of the notice referred to in subsection (C) hereof, the chairman shall transmit to the Corporation Commission the complete record, including a certified transcript.

Effective 2-70.

End Quote

Sincerely,

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

On 6/5/09 4:27 PM, "John Foreman" <John.Foreman@azag.gov> wrote:

> Just keep working ahead until you can find one or two days that all the
> parties and most of the Committee can attend. Check to make see what "open
> meeting" of the ACC is scheduled for June 23-24. Maybe it has been moved.
>

>>>> "Marshall Magruder" <mmagruder@earthlink.net> 6/5/2009 2:44 PM >>>

> Ms Williams -

>

> FYI, on the the following dates, I are not available:

>

> 23-24 June - ACC Open Meeting

> 25 June - 6 July - reservations made with plans to visit my 92-yo mother,

> postponed many times since last October

>

> Sincerely,

>

> Marshall Magruder

> PO Box 1267

> Tubac, AZ 85646

> marshall@magruder.org

> 520.398.8587

>

>

>

From: <MJerden@tep.com>
To: <Tara.Williams@azag.gov>
Date: 6/8/2009 10:39 AM
Subject: Case 144

Got your msg, thanks, will see if it works for us.

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

From: "Vail Arizona" <vailaz@hotmail.com>
To: "Tara Williams(ATGen)" <tara.williams@azag.gov>
Date: 6/10/2009 3:23 PM
Subject: RE: June 10th Filing at Docket Control

Holy Mackerel!

Gotcha! Will check it later.

Thanks for the quick response.

Elizabeth

> From: Tara.Williams@azag.gov
> To: vailaz@hotmail.com
> Date: Wed, 10 Jun 2009 14:43:57 -0700
> Subject: Re: June 10th Filing at Docket Control

>
> Ms. Webb,

>
> The document is probably going to take a while (a few hours or not until tomorrow) to load because it is e-mail communications between myself, the Chairman and the Parties. The document is about 100 pages.

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

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

>
>
> >>> "Vail Arizona" <vailaz@hotmail.com> 6/10/2009 2:40 PM >>>

>
> Ms. Williams,

>
>
>

> The newly posted (June 10th 2009) notice of filings, misc. items listed on Docket Control will not load for me right now. I am getting the following error when I click on the image versions (understanding that the PDF version (Getting this error on that one-

>
>
>
>
>
>
>
>
>
>
>
>
>

> The page cannot be found sometimes takes longer to get listed).

>
>
>
>
>

> Arizona Corporation Commission

> No documents for entered search criteria were found in the database."

>

> Is the filing just the weekly filings or is it a shorter bit you can pass along via email?

>

> Thanks!

>

> Elizabeth

>
>
>
>
>
>

From: Tara Williams
To: MJerden@tep.com
Date: 6/12/2009 1:40 PM
Subject: RE: Case 144 July 8-9

Of course, not a problem.

>>> <MJerden@tep.com> 6/12/2009 1:27 PM >>>
If you give me a little more time I can give you the name of the meeting room.

Marc

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

From: Tara Williams [<mailto:Tara.Williams@azag.gov>]
Sent: Friday, June 12, 2009 1:24 PM
To: Jerden, Marc
Cc: jgellman@rdp-law.com; mderstine@rdp-law.com; Beck, Ed
Subject: RE: Case 144 July 8-9

Thank you, Mr. Jerden. I will pass that information along to the Chairman for the new agenda.

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

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

>>> <MJerden@tep.com> 6/12/2009 1:13 PM >>>
Tara - I do not yet have a signed contract, so no room reservations can be made yet under the arrangement, but did want to let you know that we have retained a suitably-sized ballroom at Sheraton Wild Horse Pass Resort just south of Phoenix for the two days. I will pass on the reservation/meeting room info. for you to forward as soon as I have that available.

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

>
> From: Jerden, Marc
> Sent: Tuesday, June 09, 2009 4:59 PM
> To: 'Tara Williams'

- > Subject: Case 144
- >
- >
- > Don't have a meeting room pinned down yet for 7/8-9, will advise asap.
- >
- > Marc Jerden
- > Senior Legal Counsel
- > UniSource Energy Corp.
- > ph 520.884.3770 fx 520.545.1373
- >

From: Tara Williams
To: MJerden@tep.com
Date: 6/12/2009 3:41 PM
Subject: RE: Case 144 July 8-9

Mr. Jerden,

I will pass that information on to 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

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

>>> <MJerden@tep.com> 6/12/2009 3:30 PM >>>
The hearings will be held, with Chairman Foreman's permission, at
Sheraton Wild Horse Pass Resort, Komatke Meeting Rooms E and F, 5594 W.
Wild Horse Pass Blvd., Chandler, Arizona 85226

<http://www.wildhorsepassresort.com/> (I-10 Exit 162) 602.225.0100

Beginning next week room reservations may be made under "UNS Electric".
Rate should be \$99 + tax.

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

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

From: Tara Williams [<mailto:Tara.Williams@azag.gov>]
Sent: Friday, June 12, 2009 1:24 PM
To: Jerden, Marc
Cc: jgellman@rdp-law.com; mderstine@rdp-law.com; Beck, Ed
Subject: RE: Case 144 July 8-9

Thank you, Mr. Jerden. I will pass that information along to the
Chairman for the new agenda.

Thank you,
Tara Williams
Assistant
Consumer Protection & Advocacy Section
Office of the Attorney General

Tel: (602) 542-7759
Fax: (602) 542-4377
tara.williams@azag.gov

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

>>> <MJerden@tep.com> 6/12/2009 1:13 PM >>>

Tara - I do not yet have a signed contract, so no room reservations can be made yet under the arrangement, but did want to let you know that we have retained a suitably-sized ballroom at Sheraton Wild Horse Pass Resort just south of Phoenix for the two days. I will pass on the reservation/meeting room info. for you to forward as soon as I have that available.

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

>
> _____
> From: Jerden, Marc
> Sent: Tuesday, June 09, 2009 4:59 PM
> To: 'Tara Williams'
> Subject: Case 144
>
>
> Don't have a meeting room pinned down yet for 7/8-9, will advise asap.
>
> Marc Jerden
> Senior Legal Counsel
> UniSource Energy Corp.
> ph 520.884.3770 fx 520.545.1373
>

From: Tara Williams
To: MJerden@tep.com
Date: 6/16/2009 1:20 PM
Subject: Re: FW: UNS Electric July 8-9

Thank you, Mr. Jerden. I will forward the information to the Committee.

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

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

>>> <MJerden@tep.com> 6/16/2009 1:11 PM >>>

Please advise committee members that rooms at Sheraton will be available beginning Monday, June 22 for reservation under UNS Electric for the resumption of Case 144 hearings. The hotel informs me (see below) that there will not be a problem getting a room (July in Phoenix? Go figure).

Sorry for the delay, but these hasty arrangements take time to process.

Regards,

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

From: Bell, Kristy [<mailto:Kristy.Bell@Sheraton.com>]
Sent: Tuesday, June 16, 2009 1:07 PM
To: Jerden, Marc
Subject: RE: UNS Electric July 8-9: sketch

Yes, The contract should be processed through reservations by the 22nd.
We still have a lot of availability over the dates you have reserved.

Kristy Bell | Senior Catering Manager

Sheraton Wild Horse Pass Resort & Spa

5594 West Wild Horse Pass Blvd. Chandler, AZ 85226

P 602.385.5703 F 520.796.8333

kristy.bell@Sheraton.com

www.wildhorsepassresort.com <<http://www.wildhorsepassresort.com>>

www.WHPMeetings.com

Experience Kai, Arizona's ONLY AAA Five Diamond & Mobil Five Star
Restaurant

From: MJerden@tep.com [<mailto:MJerden@tep.com>]
Sent: Tuesday, June 16, 2009 11:53 AM
To: Bell, Kristy
Subject: RE: UNS Electric July 8-9: sketch

On the reservations, are you suggesting telling people that rooms will
be available under the event starting NEXT Monday?

Marc

From: Bell, Kristy [<mailto:Kristy.Bell@Sheraton.com>]
Sent: Tuesday, June 16, 2009 11:51 AM
To: Jerden, Marc
Subject: RE: UNS Electric July 8-9: sketch

I am not sure yet on the room next to you. There is a group in the last
section but I do not know yet what they are doing in the room. I have
checked on the rooms reservations. I guess another guest tried today to
make a reservation. I would put out an e-mail referencing Monday to
make sure it has been processed for the sleeping room rate.

Thank you for the diagram. I will let you know if there are any
questions.

Have a good day!

Kristy Bell | Senior Catering Manager

Sheraton Wild Horse Pass Resort & Spa

5594 West Wild Horse Pass Blvd. Chandler, AZ 85226

P 602.385.5703 F 520.796.8333

kristy.bell@Sheraton.com

www.wildhorsepassresort.com <<http://www.wildhorsepassresort.com>>

www.WHPMeetings.com

Experience Kai, Arizona's ONLY AAA Five Diamond & Mobil Five Star
Restaurant

From: MJerden@tep.com [<mailto:MJerden@tep.com>]

Sent: Tuesday, June 16, 2009 10:29 AM

To: Bell, Kristy

Subject: UNS Electric July 8-9: sketch

Here's a sketch of draft layout for room, let me know if any concerns.
I'm wondering if anyone will be next door in Room G on 8-9th that will
create noise? We have a court reporter who needs low background noise
to get everything down. Hopefully not a yodeling convention?

<<Scan001.PDF>>

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

From: Tara Williams
To: MJerden@tep.com
Date: 6/17/2009 4:29 PM
Subject: Re: FW: UNS Electric July 8-9, Case 144

Thank you for the information Mr Jerden. I will forward it to the Committee.

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

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

>>> <MJerden@tep.com> 6/17/2009 4:27 PM >>>

Please inform Committee Members and Intervenors that room reservations may now be made at the Sheraton under 'UNS Electric'. The hotel's phone number is 602-225-0100, website is <http://www.wildhorsepassresort.com/>

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

From: Bell, Kristy [<mailto:Kristy.Bell@Sheraton.com>]
Sent: Wednesday, June 17, 2009 3:39 PM
To: Jerden, Marc
Subject: FW: UNS Electric July 8-9

They have gotten this through the system already. It's ready if anyone wants to call for reservations. Thank you for your patience!

I also received the diagram, I'll send you one of ours too, when we do all of the details.

Kristy Bell | Senior Catering Manager
Sheraton Wild Horse Pass Resort & Spa

5594 West Wild Horse Pass Blvd. Chandler, AZ 85226

P 602.385.5703 F 520.796.8333

kristy.bell@Sheraton.com

www.wildhorsepassresort.com <<http://www.wildhorsepassresort.com>>

www.WHPMeetings.com

Experience Kai, Arizona's ONLY AAA Five Diamond & Mobil Five Star
Restaurant

From: Hahn, Amber
Sent: Wednesday, June 17, 2009 2:10 PM
To: Bell, Kristy
Subject: RE: UNS Electric July 8-9

It is now loaded.

- Amber

Amber Hahn | Group Reservations Coordinator

Sheraton Wild Horse Pass Resort & Spa

5594 West Wild Horse Pass Blvd. Chandler, AZ 85226

P 602.385.5783 F 520.796.8339

www.wildhorsepassresort.com <<http://www.wildhorsepassresort.com>>

Experience Kai, 2007 recipient of the coveted AAA Five Diamond Award

From: Bell, Kristy
Sent: Wednesday, June 17, 2009 11:03 AM
To: Hahn, Amber
Subject: FW: UNS Electric July 8-9

This is the one you called me about yesterday. Could you let me know when it is in the system for reservations? They may have at least 10. It is also Tucson Energy Corp

Kristy Bell | Senior Catering Manager

Sheraton Wild Horse Pass Resort & Spa

5594 West Wild Horse Pass Blvd. Chandler, AZ 85226

P 602.385.5703 F 520.796.8333

kristy.bell@Sheraton.com

www.wildhorsepassresort.com <<http://www.wildhorsepassresort.com>>

www.WHPMeetings.com

Experience Kai, Arizona's ONLY AAA Five Diamond & Mobil Five Star Restaurant

From: MJerden@tep.com [<mailto:MJerden@tep.com>]
Sent: Monday, June 15, 2009 3:13 PM
To: Bell, Kristy
Subject: RE: UNS Electric July 8-9

Kristy - could you send me a quick e-mail when the rooms are available for reservation for our group? Even though I related what you had said about taking a few days, someone already tried and failed -- so I just wanted to know when I could tell them it's OK.

thanks,

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

From: "Vail Arizona" <vailaz@hotmail.com>
To: "Tara Williams(ATGen)" <tara.williams@azag.gov>
Date: 6/18/2009 9:27 AM
Subject: RE: #144 Hotel Reservations

CC: "marshall@magruder.org" <marshall@magruder.org>

Ms. Williams,

Thanks for the update!

Tried to make one on Tuesday with no luck! I believe Mr. Magruder is driving home to Tubac and driving back the next morning. My husband said I had to find a cheaper place to stay but I told him I didn't think there were any that were close by the Reservation. It should be fun though!! It looks like a pretty place.

Elizabeth Webb
Concerned Citizen
Vail Arizona
(520) 247-3838

Quote for the Day:
Aerodynamically the bumblebee shouldn't be able to fly, but the bumblebee doesn't know that so it goes on flying anyway. -Mary Kay Ash

DISCLAIMER:

This communication, along with any documents, files or attachments, is intended only for the use of the addressee and may contain legally privileged and confidential information. If you are not the intended recipient, you are hereby notified that any dissemination, distribution or copying of any information contained in or attached to this communication is strictly prohibited. If you have received this message in error, please notify the sender immediately and destroy the original communication and its attachments without reading, printing or saving in any manner. This communication does not form any contractual obligation on behalf of the sender. This communication, along with any documents, files or attachments may not be reproduced or distributed without the express written consent of the sender.

> From: Tara.Williams@azag.gov
> To: vailaz@hotmail.com; marshall@magruder.org
> CC: azrs@az-reporting.com
> Date: Thu, 18 Jun 2009 08:13:26 -0700
> Subject: #144 Hotel Reservations
>
> Good Morning,
>
> The Applicant has informed me that you may now make reservations at the Sheraton Wild Horse Pass Resort in Chandler for the continuation on July 8th and 9th.

- >
- > Please make your reservation under "UNS Electric."
- >
- > The hotel's phone number is 602-225-0100, and the website is <http://www.wildhorsepassresort.com/>
- >
- > Please let me know if you have any questions.

- >
- >
- >
- >
- >
- >
- >
- >

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

- >
- >
- >

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

- >
- >

From: Tara Williams
To: AZRS
Date: 6/18/2009 10:23 AM
Subject: 07-08 and 07-09-09 RE: #144 Hotel Reservations

Thank you, Marta.

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

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

>>> "AZRS" <azrs@az-reporting.com> 6/18/2009 10:20 AM >>>
Good morning, Tara
We will schedule ourselves for 07-08 and 07-09-09 when this matter reconvenes.
We will not need any hotel accommodations ourselves. Thank you for including us in your announcement.
We will transport all original exhibits in our safekeeping to the hearing when it reconvenes.
Thank you.

Marta Hetzer @ AZRS

Arizona Reporting Service, Inc.
Court Reporting & Videoconferencing Center
2200 North Central Avenue, Suite 502
Phoenix, AZ 85004-1481

VOICE 602-274-9944
FAX 602-277-4264
TOLL FREE 800-522-8893 - Outside Phoenix Metro
e-mail azrs@az-reporting.com
website www.az-reporting.com

AZRS and its predecessors have been in operation in Phoenix, Arizona since 1947

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

From: Tara Williams [<mailto:Tara.Williams@azag.gov>]
Sent: Thursday, June 18, 2009 8:13 AM
To: Elizabeth Webb; Marshall Magruder
Cc: AZRS
Subject: #144 Hotel Reservations

Good Morning,

The Applicant has informed me that you may now make reservations at the Sheraton Wild Horse Pass Resort in Chandler for the continuation on July 8th and 9th.

Please make your reservation under "UNS Electric."

The hotel's phone number is 602-225-0100, and the website is <http://www.wildhorsepassresort.com/>

Please let me know if you have any questions.

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

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

From: "Marshall Magruder" <mmagruder@earthlink.net>
To: "Matt Derstine" <mderstine@rdp-law.com>
Date: 6/25/2009 2:25 AM
Subject: Responding to Chairman's Requests on 4 June and Data Request Set Three
Attachments: 090604-Transcript excerpt Case 144.doc

CC: "John Foreman" <John.Foreman@AZAG.GOV>, "E Webb" <vailaz@hotmail.com>, "...
Mr. Derstine

As we all are aware, certain tasks were assigned by the Chairman to all parties for completion prior to 8 July re-opening of the Case 144 hearings. See attached for transcript extract.

So that Committee members can have access prior to the 8th, then submission to Docket Control NLT COB 3 July, at the latest, so this party can respond in a timely manner.

I met your team leaving the Santa Cruz County Flood District Office on Wednesday 10 June as I was going there myself. In discussions with the Flood District Manager, he indicated that he had requested specific information from UNS Electric for his analysis and that he would need at least a week or more to do the analysis. The information he requested closely parallels that from the Chairman and Committee members. I have to assume you have provided him the information he requested.

This email summarizes the actions assigned to parties in the 4 June Transcript (Tx):

1. All parties submit revised CEC's to include a condition covering a color standard so the company can exercise discretion (flexibility).
(Tx Webb - 598 at 19 to 599 at 3, 599 at 17 to 23, Magruder- 600 at 5 to 7)
2. Provided your Position with respect to route each segment (Preferred or alternative
(Tx Webb - 599 at 8 to 17, Magruder - 599 24 to 600 at 3)
3. Provide your Position with respect to an Alternative West of the Railroad tracks.
(Tx Webb - 599-14 to 17, Magruder - 600 at 3 to 5)
 - a. If west of RR, what are the access and maintenance issues (Tx 604 at 4 to 8)
 - b. How are poles secured in riverbeds (Tx 604 at 12 to 13)
 - c. Are there any county zoning rules that cause conflicts with preferred pole placements? (Tx 604 at 19 to 24)
 - d. Can you check on zoning conflicts if ROW came to local residents instead of them coming forth with a ROW (Tx 604 at 24 to 605 at 14)
 - e. Can the preferred route be "Narrowed" in any way so that there would be no consequences or so consequences be minimized? (Tx 605 at 16 to 21)
4. Contact SCC Flood District to
 - a. Determine legal placement in floodway issues (Tx 600 at 11 to 17, 606 at 3 to 5)

- b. Is there an industry standard that no longer permits poles in riverbeds? (Tx 604 at 9 to 17)
- c. How to deal with water table issues (Tx All - 600 at 18 to 25)
- d. Determine if a Corps of Engineers Section 404 is required (Tx 602 at 13 to 18)

5. Define

- a. 500-foot corridor along this way, especially west of RR. (Tx 601 at 5 to 22)
- b. Following with a map from South of Canez to Stop 9 showing
 - (1) preferred route and 500-ft corridor (Tx 601 at 5 to 11)
 - (2) existing ROW for the two existing lines in Segment 2 (Tx 602 at 23 to 25)
 - (3) RR ROW with 100-ft ROW as close to either E or W of RR (Tx 602 at 23 to 602 at 10)
- c. Whether the maps in ³b² above would still be within the areas for which notice was given. (Tx 602 at 1 to 10)
 - (1) If legal notice allows going west of RR, what are impacts if entire line remains west (Tx 603 at 17 to 25)
- d. If the map in ³b² could be overlaid on an aerial exhibit showing existing improvements to lots (Tx 602 at 25 to 603 at 5)
- e. Map or sketch showing 500-foot and 1250-foot corridors for all segments (Tx 601 at 11 to 15)

- 6. How will putting the route west of the River possibly mitigate impacts of prior routes on critical and endangered species? (606 at 5 to 8)

For me or other parties to comply, based on the above, the following Data Request Set Three is submitted:

MM DR 3-1 Please provide a copy of what has been sent or provided to the Santa Cruz County Flood District Manager since 4 June. [do not provide material already provided to this party however a list of such material is adequate]

MM-DR 3-2 Please provide a copy of what the Santa Cruz County Flood District Manager has provided or sent to the Applicant since 4 June.

MM DR 3-3 Please provide information required by the Committee indicated in the above paragraphs:

2, 3a to 3e, 4a to 4d, 5a, 5b(1) to (3), 5c, 5c(1), 5(d) and 5(e) and 6.

Please also provide your response by electronic means due to travel. IF any of these ³maps² have been posted on the web site, please so indicate in your response.

Sincerely,

Marshall Magruder
PO Box 1267
Tubac, AZ 85646
Phone 520.398.8587 (home), 520.403.3349 (cell)
email marshall@magruder.org

1 CHMN. FOREMAN: We do appreciate his attempts.
2 I think what we will have to do is just contact
3 everybody. But let me ask the applicant to get started
4 on trying to find a location. And we are going to
5 try -- I would like to get back together as quickly as
6 possible. Whenever we take a break like this you lose
7 something, and I think the quicker we get back together,
8 the easier it would be.

9 I am going to have a series of things that I
10 will want the parties to work on before we reconvene. I
11 know one of the things now will be a list of exhibits
12 indicating which are in and which are out. We will
13 want, of course, for the transcript of the tour to be
14 submitted. And I have already indicated that that's in.
15 And I think that was UNS-22.

16 MR. DERSTINE: Yes.

17 CHMN. FOREMAN: I am going to want revised CECs.
18 I would like a revised CEC to have one condition that
19 addresses color. And in the applicant's proposed CEC, I
20 would like the condition concerning color to articulate
21 the standard that the applicant would like for
22 exercising its discretion with regard to which color it
23 wants to use.

24 It is my understanding from Mr. Beck's testimony
25 that the applicant's position is that it would like the

599

1 flexibility to use both, depending upon the elevation of
2 the pole placement, and so I would like to see the
3 actual wording. And I will be giving you time limits
4 for this as we go along.

5 Ms. Webb, your testimony is going to be coming
6 on the last day, so we are not going to have a break
7 between your testimony and the time we go into a
8 discussion of the CEC. I would like for you in advance
9 of the next proceeding to submit a very short pleading
10 that gives us your position with regard to each segment
11 of the proposed route. I want you to go through just
12 like I went through it with Mr. Magruder. If you
13 support the preferred locations, say so; if you have an

14 alternative, say so. If you favor an alternative west
15 of the railroad tracks, then I need to know how legally
16 that's going to take place, because that's going to be a
17 major impediment. If you have an opposition to the
18 replacement of the wooden poles, I want to know that.
19 If you have a position with regard to whether the poles
20 should be galvanized or the brown, I would like to know
21 that. If you favor using both, then I would like for
22 you to articulate where you want to use one and where
23 you want to use the other.

24 And, Mr. Magruder, the same thing with you, a
25 short, very succinct pleading indicating, just in case

600

1 the 52 percent becomes 49 percent, where you ultimately
2 line up with regard to each portion of the proposed
3 route and alternatives, how you would solve the problem
4 of placing the poles west of the railroad tracks in the
5 floodway, and what you would do about color. If you
6 want them all one color, say that; if you want them two
7 colors, then tell us how you would make the break.

8 I would like all three parties to, and this
9 is -- you don't have to do this, but it would be very
10 helpful to the Committee if you would contact the Santa
11 Cruz County folks. And, as Member Eberhart has pointed
12 out, there are concerns about placement of the poles in
13 the floodway. If you are going to take the position
14 that that's legally possible, we are going to need
15 something in writing from somebody saying that that's
16 doable, and if you want to place it over in the
17 floodway.

18 We also are going to need something about how
19 you are going to deal with the water table issues. And
20 there could potentially be water table issues on the
21 east side of the railroad tracks also. And I would like
22 to see more information than what I see in the
23 applicant's CEC about what you would do if you take your
24 foundation down to the point where you get the water
25 table, because I think that that's a legitimate concern.

601

1 Now, are there other concerns that Committee
2 members wanted -- Member Noland.

3 MEMBER NOLAND: Mr. Chairman, something that we
4 don't have here, and was part of the reason for my
5 question, is I have seen nothing outlining the 500-foot

6 corridor along this way. I understand where the 1250
7 is, but we were really struggling with would that cover
8 both sides of the mobile home park.

9 I had earlier been wondering myself about
10 whether the notice area of the 500-foot corridor would
11 cover the west side of the railroad tracks. And it is
12 very hard for me to determine that from what you have
13 presented. So I would like to see a reflection of the
14 500-foot corridor and the 1250-foot corridor to assist
15 us in making a decision on these various segments.

16 And as Mr. Magruder was going through it, I
17 don't agree with his calculations, but I was doing the
18 calculations in my mind of where it was from the center
19 of the 100-foot right-of-way or the 37-foot that's on
20 the east side of the railway, how far over and across to
21 the west side would that notice area apply. And I think
22 we need to know that to even anticipate that.

23 CHMN. FOREMAN: Could we have a map that would
24 show the area in question, along the bosque from south
25 of Cañez up to stop 9 on the tour where the preferred

602

1 route and the existing route are close together and the
2 preferred route is along the railroad track, can we have
3 a map that shows where the railroad right-of-way is and
4 how wide it is, where the preferred line is and how wide
5 that 500-foot corridor would be, and where, within that
6 500-foot corridor, you could place the 100-foot
7 right-of-way so that it would be as close to the
8 railroad right-of-way, either east or west of the
9 railroad, and whether that would still be within the
10 area for which notice was given? Would that -- okay.

11 Member Youle.

12 MEMBER YOULE: Mr. Chairman. Is this on?

13 Also, the Chairman had asked for information on
14 Santa Cruz County Flood District, I think contacts with
15 them. I would also be interested in whether, if you
16 were on the west side of the railroad, if that
17 implicates Corps of Engineers Section 404 permitting
18 requirements, which I think is a major issue.

19 Thank you.

20 CHMN. FOREMAN: Member Eberhart.

21 MEMBER EBERHART: Thank you, Mr. Chairman.

22 Along the same lines as Ms. Noland and Youle
23 requested, the other thing I would like to see on the

24 map or sketch would be the existing right-of-way for the
25 two existing lines in Segment 2. And if that map could

603

1 be overlaid on an aerial exhibit showing the existing
2 improvements to the lots, I think that would be a very
3 powerful tool for the Committee to understand the
4 implications of what exactly selecting one route or the
5 other will happen.

6 And I did see a legal description in the draft
7 CEC. However, I had two pages 11 and didn't have a page
8 12. So you need to take a look at the legal
9 description, because that's -- this area is on page 12.
10 And that's the area that I think we want to make sure
11 the legal description is exactly where that centerline
12 of that legal description is, whether it is centered
13 within the 37 and a half feet existing easement or if it
14 is somewhere else.

15 Thank you.

16 CHMN. FOREMAN: Member Whalen.

17 MEMBER WHALEN: If the legal notice allows you
18 to go west, just a thought of why would we go through
19 one section and have to tear out trees. Could we not
20 perhaps look at the Sonoita area to cross the railroad
21 and then put the entire line along that side if it
22 allows? Because right now, by doing it at Cañez, you
23 are taking care of the residents that are there now, but
24 potentially you may have other residents in that bosque
25 area. And if it allows, you may have better dealings

604

1 with one landowner on the west. Just as a thought.

2 CHMN. FOREMAN: Member Wong.

3 MEMBER WONG: Thank you, Mr. Chairman.

4 On further reflection on the issue of placing
5 the poles west following Mr. Whalen's comment is I would
6 like to learn more about the placement of these poles.
7 I think Mr. Beck stated that there would be issues of
8 maintenance, access.

9 Is it an industry standard that this is no
10 longer placed on riverbeds? Are there other places,
11 other rivers, let's say Pima County or others, that
12 there is actually pole placement along riverbeds? And
13 how are they secured? I can recall that there has been

14 pretty big transmission lines in the Phoenix area along
15 the Salt River. But that has been years ago. So I
16 would just like to know whether that's still permissible
17 in the industry standard.

18 Thank you.

19 CHMN. FOREMAN: Okay. And as I am listening to
20 this there is one other thing I would like for you to
21 do. We had statements, comments, not evidence, but
22 comments from people who lived in this area who were
23 concerned about the preferred placement causing them to
24 come into conflict with county zoning rules. Can you
25 check on that and see if in fact there would be any

605

1 problem if the right-of-way came to them rather than
2 them coming to the right-of-way, and, if so, what
3 concerns would be raised.

4 I mean, it is clear, and I certainly mean no
5 disrespect to any of our friends here in Santa Cruz
6 County, but it is clear that the growth patterns of this
7 area appear to be somewhat at odds with the letter of
8 the law or the letter of the planning and zoning. And
9 so I am -- I do not want to be put into a position of
10 saying, well, we are going to put you in a position
11 where you are in violation of the law and we don't care
12 about it because we don't think Santa Cruz County has
13 enforced their zoning in the past. We obviously do not
14 want to do so that.

15 So I think it would be very helpful, to me
16 anyway, to know what consequences would occur if the
17 route east of -- the preferred route, place the poles
18 east of the railroad rather than west of the railroad,
19 and whether the right-of-way could be narrowed in any
20 way so that there would be no consequences or so the
21 consequences would be minimized.

22 Member Noland.

23 MEMBER NOLAND: I think the question would be
24 would they be grandfathered with the rights that they
25 have because this was subsequent to them building their

606

1 structures and building their houses.

2 CHMN. FOREMAN: Okay. Member Youle.

3 MEMBER YOULE: One other question. If it looks
4 like the west side of the river is a possibility and
5 there are forbidding legal impediments to it, I would be

6 interested in knowing how that mitigates some of the
7 critical and endangered species habitat impacts from the
8 prior routes.

9 Thank you.

10 CHMN. FOREMAN: All right. So we have given you
11 a little homework. We will take our recess. We will be
12 in touch. And we will look forward to getting this
13 resolved as quickly as we can.

14 I am sorry. Mr. Eberhart.

15 MEMBER EBERHART: Mr. Chair, I know we have
16 some, two hearings already scheduled for July and
17 August. Do you offhand know the dates of those to give
18 to the applicant?

19 CHMN. FOREMAN: I do not.

20 MEMBER YOULE: I have got the list.

21 CHMN. FOREMAN: Tara or Susie back at the office
22 will be able to tell you that. But my hope is we can
23 reconvene this before late July. I would very much like
24 to get this done this month. I know that that will be
25 difficult with everybody's schedule, and it is always

607

1 difficult to try and coordinate as many schedules as we
2 have to coordinate, but I would really like to get this
3 done within the next two or three weeks.

4 MR. DERSTINE: That's our preference as well.

5 Thank you.

6 CHMN. FOREMAN: All right, very good.

7 MR. MAGRUDER: Who will we coordinate schedules
8 with?

9 CHMN. FOREMAN: Tara Williams --

10 MR. MAGRUDER: Okay.

11 CHMN. FOREMAN: -- is one of the secretaries. I
12 have half of her time. And Susie Ellis is the other
13 secretary. I have a quarter of her time. So I have
14 three-quarters of a secretary. So one of those two
15 ladies will be in charge of trying to coordinate
16 schedules.

17 MR. MAGRUDER: I have several key obligations I
18 can't get out of, so I will work on it.

19 CHMN. FOREMAN: Okay. All right. Thank you
20 all.

21 (The hearing recessed at 5:02 p.m.)

From: "Vail Arizona" <vailaz@hotmail.com>
To: "Marshall Magruder" <mmagruder@earthlink.net>
Date: 6/25/2009 10:26 AM
Subject: VV Thursday, June 25th- Responding to Chairman's Requests on 4 June and Data Request Set Three

CC: "Jason Gellman(TEP)" <jgellman@rdp-law.com>, <ebeck@tep.com>, "Tara Will..."

Mr. Magruder,

Thank you for CC'ing me on your correspondence.

May I please receive a copy of this information as soon as you receive it so I can comply with the Chairman's instructions in a timely manner also?

Thank you,

Elizabeth Webb
Concerned Citizen
Vail Arizona
(520) 247-3838

Quote for the Day:

At times our own light goes out and is rekindled by a spark from another person.
Each of us has cause to think with deep gratitude of those who have lighted the flame within us.
-Albert Schweitzer

DISCLAIMER:

This communication, along with any documents, files or attachments, is intended only for the use of the addressee and may contain legally privileged and confidential information. If you are not the intended recipient, you are hereby notified that any dissemination, distribution or copying of any information contained in or attached to this communication is strictly prohibited. If you have received this message in error, please notify the sender immediately and destroy the original communication and its attachments without reading, printing or saving in any manner. This communication does not form any contractual obligation on behalf of the sender. This communication, along with any documents, files or attachments may not be reproduced or distributed without the express written consent of the sender.

Date: Thu, 25 Jun 2009 01:26:41 -0700
Subject: Responding to Chairman's Requests on 4 June and Data Request Set Three
From: mmagruder@earthlink.net
To: mderstine@rdp-law.com
CC: John.Foreman@azag.gov; vailaz@hotmail.com; jgellman@rdp-law.com; EBeck@Tep.com

Mr. Derstine

As we all are aware, certain tasks were assigned by the Chairman to all parties for completion prior to 8

July re-opening of the Case 144 hearings. See attached for transcript extract.

So that Committee members can have access prior to the 8th, then submission to Docket Control NLT COB 3 July, at the latest, so this party can respond in a timely manner.

I met your team leaving the Santa Cruz County Flood District Office on Wednesday 10 June as I was going there myself. In discussions with the Flood District Manager, he indicated that he had requested specific information from UNS Electric for his analysis and that he would need at least a week or more to do the analysis. The information he requested closely parallels that from the Chairman and Committee members. I have to assume you have provided him the information he requested.

This email summarizes the actions assigned to parties in the 4 June Transcript (Tx):

All parties submit revised CEC's to include a condition covering a color standard so the company can exercise discretion (flexibility).

(Tx Webb - 598 at 19 to 599 at 3, 599 at 17 to 23, Magruder- 600 at 5 to 7)

2. Provided your Position with respect to route each segment (Preferred or alternative
(Tx Webb - 599 at 8 to 17, Magruder - 599 24 to 600 at 3)
3. Provide your Position with respect to an Alternative West of the Railroad tracks.
(Tx Webb - 599-14 to 17, Magruder - 600 at 3 to 5)
 - a. If west of RR, what are the access and maintenance issues (Tx 604 at 4 to 8)
 - b. How are poles secured in riverbeds (Tx 604 at 12 to 13)
 - c. Are there any county zoning rules that cause conflicts with preferred pole placements? (Tx 604 at 19 to 24)
 - d. Can you check on zoning conflicts if ROW came to local residents instead of them coming forth with a ROW (Tx 604 at 24 to 605 at 14)
 - e. Can the preferred route be "Narrowed" in any way so that there would be no consequences or so consequences be minimized? (Tx 605 at 16 to 21)
4. Contact SCC Flood District to
 - a. Determine legal placement in floodway issues (Tx 600 at 11 to 17, 606 at 3 to 5)
 - b. Is there an industry standard that no longer permits poles in riverbeds? (Tx 604 at 9 to 17)
 - c. How to deal with water table issues (Tx All - 600 at 18 to 25)
 - d. Determine if a Corps of Engineers Section 404 is required (Tx 602 at 13 to 18)
5. Define
 - a. 500-foot corridor along this way, especially west of RR. (Tx 601 at 5 to 22)
 - b. Following with a map from South of Canez to Stop 9 showing
 - (1) preferred route and 500-ft corridor (Tx 601 at 5 to 11)
 - (2) existing ROW for the two existing lines in Segment 2 (Tx 602 at 23 to 25)
 - (3) RR ROW with 100-ft ROW as close to either E or W of RR (Tx 602 at 23 to 602 at 10)
 - c. Whether the maps in "b" above would still be within the areas for which notice was given. (Tx 602 at 1 to 10)
 - (1) If legal notice allows going west of RR, what are impacts if entire line remains west (Tx 603 at 17 to 25)
 - d. If the map in "b" could be overlaid on an aerial exhibit showing existing improvements to lots (Tx 602 at 25 to 603 at 5)
 - e. Map or sketch showing 500-foot and 1250-foot corridors for all segments (Tx 601 at 11 to 15)
6. How will putting the route west of the River possibly mitigate impacts of prior routes on critical and endangered species? (606 at 5 to 8)

For me or other parties to comply, based on the above, the following Data Request Set Three is submitted:

MM DR 3-1 Please provide a copy of what has been sent or provided to the Santa Cruz County Flood District Manager since 4 June. [do not provide material already provided to this party however a list of such material is adequate]

MM-DR 3-2 Please provide a copy of what the Santa Cruz County Flood District Manager has provided or sent to the Applicant since 4 June.

MM DR 3-3 Please provide information required by the Committee indicated in the above paragraphs: 2, 3a to 3e, 4a to 4d, 5a, 5b(1) to (3), 5c, 5c(1), 5(d) and 5(e) and 6.

Please also provide your response by electronic means due to travel. IF any of these "maps" have been posted on the web site, please so indicate in your response.

Sincerely,

Marshall Magruder
PO Box 1267
Tubac, AZ 85646
Phone 520.398.8587 (home), 520.403.3349 (cell)
email marshall@magruder.org