



0000100677

**Transcript Exhibit(s)**

Docket #(s): L-00000F-09-0190-00144

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AZ CORP COMMISSION  
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2009 JUL 14 P 2:18

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Exhibit #: SEE letter on pages 2-5  
for list of exhibits and their  
status.

Arizona Corporation Commission

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Marta T. Hetzer  
Administrator/Owner

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2200 North Central Avenue  
Phoenix, AZ 85004-1481  
MAIN (602) 274-9944  
FAX (602) 277-4264

AZ CORP COMMISSION  
DOCKET CONTROL

To: Docket Control

Date: July 14, 2009

Re: UNS / Vail to Valencia L-00000F-09-0190-00144  
Line Siting Committee Case No. 144  
Volumes I through V Concluded  
June 2 through July 9, 2009

### STATUS OF ORIGINAL EXHIBITS

*FILED WITH DOCKET CONTROL*

#### Applicant (UNS Exhibits)

1	Admitted
2	Not Utilized
3	Admitted
4	Not Utilized
5	Admitted
6	Not Utilized
7	Admitted
8	Not Utilized
9-12	Admitted
21-23	Admitted
24	Not offered
25-26	Admitted

COMMITTEE (COM Exhibits)

1-2	Admitted
3-9	Public Comment
10	Admitted

MAGRUDER (MM Exhibits)

1-8	Admitted
9	Denied
10-12	Admitted
13	Denied
15-19	Admitted
20	Not Offered
21	Admitted

ELIZABETH WEBB (EW Exhibits)

1	Admitted
2-3	Not Admitted
4-5	Admitted
7-8	Admitted
9	Not Admitted
10	Deferred
11-19	Admitted
22	Admitted

***ORIGINAL EXHIBITS RETURNED TO PARTIES***

MAGRUDER (MM Exhibits)

14            Withdrawn

ELIZABETH WEBB (EW Exhibits)

6             Withdrawn

***EXHIBITS NOT GIVEN TO THE COURT REPORTER***

APPLICANT (UNS Exhibits)

13-20        Not Utilized

ELIZABETH WEBB (EW Exhibits)

20-21        Not Offered

Copy to:

John Foreman, Chairman  
Michael P. Kearns, Interim Executive Director  
J. Matthew Derstine, Esq. and Marc Jerden, Esq., for UNS  
Elizabeth Buchroeder Webb  
Marshall Magruder

ORIGINAL

Arizona Corporation Commission  
Docket No. L-000000F-09-0190-00144 Case #144 - Vail to Valencia Public Comment

Please view comments given to Tucson Electric Power at the Rosemont Mine Transmission Line Project Open House in Vail at Acacia Elementary on March 24<sup>th</sup> 2009. (2 days after VUSD students returned from Spring Break). I have the same concerns regarding the Vail Substation now. Additionally, the Vail to Kantor line currently does not exist, but it will if the CEC is issued in Line Site Case 14

My name is Charlotte Cook and I live in Vail, Arizona. I have serious concerns about using the Vail Substation to support this mine. It is already overloaded, we have way to many wires going into and out of it.

I am writing to ask you to please consider the ecologically, environmentally, culturally sensible route than the east side of the Santa Rita's. Science Highway 83 does not need to have 138-kV transmission lines or view of a substation on the side (or top) of the Santa Rita's. If an eastern route is selected to support Rosemont, local opposition will be extremely significant and should tie this project up in courts for decades to come.

Will the proposed 46-kV to 138-kV upgrade through Box Canyon to Greenterville use the same route as it does now? How will you reduce the visibility of these poles and please use galvanized steel with sky backgrounds?

And also, has the Forest Service approved any transmission line corridors or routes to Greenterville and then to the Rosemont Mine on Forest Service lands? What process will the Forest Service use to site on their land?

Also along the east side is the Sonoran Desert Conservation Plan, Biological Core Management Area and the important Riparian Area. Would any of these transmission lines be running across state land through these important areas? We need to protect the view shed and adverse affects on this critical area.

We need some questions answered. More information is needed to be addressed to the public. Will the ACC issue a certification of environmental compatibility (CEC) in the National Forest area or is that a separate process?

We must save existing scenic areas, historic sites and structures and Native American archaeological and cultural sites in the vicinity of these lines. These huge transmission lines would harm views and lower property values when within several miles of housing developments.

Below I have listed some cumulative impacts in or proposed along Hwy 83 that must be considered when conducting your reviews for the ACC CEC. These subjects all must be addressed so that a comprehensive picture of cumulative impacts on all of these is know before you start any work. The addition of air, land and water impacts from each of the below MUST be provided, not only for the present, but include the environmental impacts after the Rosemont mine is fully operational.

- 1) Proposed Rosemont Mining Project
- 2) Proposed Cal Portland Cement Mine
- 3) Proposed Charles Seel Mining Co.
- 4) W. R. Henderson (Andrada) Quarry at Wentworth and Sabahria
- 5) Watershed issues (with proposed mines) to consider both impacts on quality and quantity of water

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EXHIBIT  
EW-9  
not admitted

- 6) El Paso Natural Gas Line
  - 7) Kinder Morgan Liquid Products Pipeline
  - 8) Historic Pioneer and Native American cultural resource and Artifacts
  - 9) Historic Andrada Ranch is in proximity
  - 10) Bar V Ranch - Sonoran Desert Conservation Plan for Pima County
  - 11) Riparian Area - designated RA (Important Riparian Area)
    - a) Several wildlife corridors, plant and animal habitats
    - b) High biological significance areas containing habitat for vulnerable species
  - 12) View shed impairment
  - 13) Scenic Hwy 83 visibility and transportation impacts when constructing and later
  - 14) Clemeaga Creek (which is also designated by ADWR as an Outstanding Waters
  - 15) Davidson Canyon is the largest drainage into the Clemeaga Creek and has received Outstanding Waters Way
  - 16) Diverse flora and fauna
  - 17) Cumulative economic property value losses w/3 new mines in the area
  - 18) Loss to Heritage and Eco-Tourism revenue from birders, guest ranches, hikers, hunters, and others who come to southern Arizona to enjoy our unique and beautiful area
  - 19) Missile Silos
  - 20) Other agriculture lands and abandoned and operational mines off Wash Station Road and Old Sonoma Hwy
  - 21) TEP services including know changes to support these mining projects
  - 22) 3 - 4 Housing developments in the immediate 10/83 interchange
  - 23) Rural response time in the area (fire and police and limited cell service)
  - 24) Arizona Trail impacts
- On the east of Sabahria is the Scientific U of A Experimental Station, this pristine area has been doing research for 100 years. How will this impact the desert research for the future?
- Will TEP generators be providing all the electricity power to the Rosemont mine? TEP is 95% coal-powered; this would add much more air that has been polluted to serve electricity for the Rosemont mine. The environmental effect of Mercury and other toxic and cancer causing pollutants are significant concerns. Once in the soil and water their presence is essentially irreversible. Below I have attached a article about coal powered plants and mercury pollution.

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

<http://www.enn.com/pollution/article/39357/print>

<http://www.ccdstats.com/center.php?r=1272&ref=http://www.enn.com/pollution/article/39357/print>

Printed Friendly Version: Email to a Friend

From: Organic Consumers Association

Published: February 23, 2009 09:20 AM

## UN Reaches Landmark Agreement to Reduce Global Mercury Pollution

### RELATED ARTICLES

- Toshiba Expands Free Recycling Program
- New Hewlett Packard Notebook Cuts 97 Percent of Packaging
- California Passes Nation's First "Green Chemistry" Law
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Obama Administration Reverses US Position, Takes Leadership Role in Negotiations  
Natural Resources Defense Council, via Common Dreams, February 20, 2009  
[Straight to the Source](#)

WASHINGTON - February 20 - Representatives from more than 140 countries today committed to reduce global mercury pollution, which will help protect the world's citizens from the dangerous neurotoxin. This agreement was propelled by the United States' reversal in policy, which also influenced policy reversals of other countries, including China and India. The announcement is a historic step forward in the fight against mercury pollution, according to scientists and policy experts at the Natural Resources Defense Council (NRDC).

"This is great news for reducing mercury pollution around the world, and shows a commitment from the Obama Administration to international environmental issues," said Susan Egan Keane, policy analyst for NRDC. "The United States has taken a leadership role that will chart a new course on mercury protections around the world. We have set a strong example that is already influencing others to do the same."

The committed countries will reduce risks to human health and the environment from mercury by coordinating global cuts in the use and release of mercury into our air, water and land. The United Nations Environment Program Governing Council, which is meeting this week in Nairobi, Kenya, will now develop a legally binding treaty to be enacted by 2013. The treaty will include actions to reduce global mercury pollution and human exposure to the chemical, by reducing intentional use of mercury in industrial processes and products and reducing emissions from coal plants and smelters. It will also address the problems posed by mercury waste sites.

url: <http://65.55.185.247/atl/GetAttachment.aspx?file=6a78a010-e50d-43d3-a10d-86f4...> 5/25/2009

ORIGINAL

Arizona Corporation Commission  
Docket No. L-00000F-09-0190-00144  
Case #144  
Vail to Valencia  
Public Comment

Chairman John Foreman  
Arizona Power Plant and Transmission Line Siting Committee

Dear Chairman Foreman and Members of the Committee,

My name is J.J. Lamb and I live in New Tucson, one of the many small communities in the Vail/Cienega corridor. New Tucson is east of the proposed transmission line upgrade and new interconnection to the Vail Substation and is actually served by TRICO Electric. I write as a community volunteer and registered voter in Pima County. I am a volunteer co-director of the Vail Preservation Society and I am a native Tucsonan. I hold a BA in history and have also lived in Europe for several years. My daughter read my comments to the Commissioners at the public meeting on August 18th 2008 concerning TEP line site case #137 (Decision 70469). Some areas of concern my daughter read for me at that meeting are of concern now.

1.) "I feel strongly that protecting the cultural and historical integrity of a community makes it stronger and its members more vested in its natural and cultural resources that make that community a special place to live. She also read of the "Vail Preservation Society's interests in helping TEP work with community sensitive safety and visual issues in fledgling historic districts." The Vail Preservation Society's boundaries written in its strategic plan extend westward to Wilmot Rd.

In addition to the comments before the Commissioners on August 18<sup>th</sup> 2009, I spoke at call to the audience on the opening day of the evidentiary hearing for Line Site Case 137 on February 19<sup>th</sup> 2008 and said "We would also like to request that we be added to your contact list of area stakeholders"

It saddens me to note that there was not an Open House held in the Vail/Corona de Tucson area regarding Line Site Case 144. I was in attendance when Commissioner Mayes stated that there should be aggressive upfront outreach to communities.

It is for the above reasons that I respectfully request the Committee add a condition for a Citizen's Advisory Council to the Certificate of Environmental Compatibility, should it be granted to avoid confusion over transmission planning.

2. Secondly, at the meeting on August 18 2009 my daughter read of my concerns regarding pole color. I would like to request that any monopoles located adjacent to areas with existing steel lattice towers or placed in "virgin" areas against open sky or distant mountains have a galvanized steel finish.

Other concerns include the potential use of the proposed Vail Substation as a gas-fired power plant; it is my understanding that the City of Tucson approved zoning for this purpose and any potential use of this line for the proposed Rosemont line.

Thank You,  
Dated this 25th day of May 2009  
J.J. Lamb

*J.J. Lamb*  
2954 E. Cardenas Dr  
Vail, AZ 85641  
(520)41904428

Pursuant to AAC R14-3-204

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

Arizona Corporation Commission

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MAY 26 2009

DOCKETED BY *[Signature]*

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2009 MAY 25 A 9:21

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Please view comments given to Tucson Electric Power at the Rosemont Mine Transmission Line Project Open House in Vail at Asacia Elementary on March 24<sup>th</sup>, 2009. (2 days after VSD permits returned from Spring Break). I have the same concerns regarding the Vail Substation now. Additionally, the Vail to Kantor line currently does not exist, but it will if the CEC is issued in Line Site Case 14

2009 MAY 26 A 9:28

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Kim Rego  
PO Box 786  
Vail, AZ 85641-0786  
kcr@vailaz.com

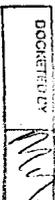
EPG INC  
4141 N 32<sup>ND</sup> ST.  
Suite 102  
Phoenix, AZ  
85018-9960

Arizona Corporation Commission  
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4/15/09

Sent Via: Fax: Phoenix: 602-956-4374

Tep Website / US Mail - Comment card



My name is Kim Rego and lives in Vail, Arizona. I have serious concerns about TEP undertaking this process since Rosemont is not approved.

I am writing to ask you to consider the ecologically, environmentally, culturally sensible route than the east side of the Santa Rita's. Science Highway 83 does not need to have 138-KV transmission lines or view of a substation on the side (or top) of the Santa Rita's. If an eastern route is selected to support Rosemont, local opposition will be extremely significant and should be this project up in courts possibly for decades to come.

Will the proposed 46-KV to 138-KV upgrade through Box Canyon to Greterville use the same route as it does now?  
How will you reduce the visibility of these poles and please use galvanized steel with sky backgrounds?

And also, has the Forest Service approved any transmission line corridors or routes to Greterville and then to the Rosemont Mine on Forest Service lands? What process will the Forest Service use to site on their land?

Also along the east side is the Sonoran Desert Conservation Plan, Biological Core Management Area and the Important Riparian Area. Would any of these transmission lines be running across state land through these important areas? We need to protect the view shed and adverse affects on this critical area.

We need some questions answered. More information is needed to be addressed to the public. Will the ACC issue a certification of environmental compatibility (CEC) in the National Forest area or is that a separate process?

We must save existing scenic areas, historic sites and structures and Native American archaeological and cultural sites in the vicinity of these lines. Pima County has invested millions of taxpayer bond monies to protect this region. These huge transmission lines would harm views and lower property values when within several miles of housing developments.

Below I have listed some cumulative impacts in or proposed along Hwy 83 that must be considered when conducting your reviews for the ACC CEC. These subjects all must be addressed so that a comprehensive picture of cumulative impacts on all of these is know before you start any work. The addition of air, land and water impacts from each of the below MUST be provided, not only for the present, but include the environmental impacts after the Rosemont mine is fully operational.

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  - 2) Proposed Cal Portland Cement Mine
  - 3) Proposed Charles Seal Mining Co.
  - 4) Watershed issues (with proposed mines) to consider both impacts on quality and quantity of water
  - 5) El Paso Natural Gas Line and Kinder Morgan Liquid Products Pipeline
  - 6) Historic Pioneer and Native American cultural resource and Artifacts
  - 7) Historic Andrada Ranch is in proximity
  - 8) Bar V Ranch - Sonoran Desert Conservation Plan for Pima County
  - 9) Riparian Area - designated IRA (Important Riparian Area)
    - a) Several wildlife corridors, plant and animal habitats
    - b) High biological significance areas containing habitat for vulnerable species
  - 10) View shed impairment
  - 11) Scenic Hwy 83 visibility and transportation impacts when constructing and later
  - 12) Cienega Creek (which is also designated by ADWR as an Outstanding Waters
  - 13) Davidson Canyon is the largest drainage into the Cienega Creek and has received Outstanding Waters Way
  - 14) Diverse flora and fauna
  - 15) Cumulative economic property value losses w/3 new mines in the area
  - 16) Loss to Heritage and Eco-Tourism revenue from birders, guest ranches, hikers, hunters, and others who come to southern Arizona to enjoy our unique and beautiful area
  - 17) Other agriculture lands and abandoned and operational mines off Mash Station Road and Old Sonotia Hwy
  - 18) TEP services including know changes to support these mining projects
  - 19) 3 - 4 Housing developments in the immediate 10/83 interchange
  - 20) Rural response time in the area
  - 21) Arizona Trail impacts
  - 22) Limited cell service in this region
- On the east of Sahuarita is the Scientific U of A Experimental Station, this pristine area has been doing research for 100 years. How will this impact the desert research for the future?
- Will TEP generators be providing all the electricity power to the Rosemont mine? TEP is 95% coal-powered, this would add much more air that has been polluted to serve electricity for the Rosemont mine. The environmental effect of Mercury and other toxic and cancer causing pollutants are significant concerns. Once in the soil and water their presence is essentially irreversible.
- How much ground water will be used to generate the electricity for use by Rosemont and where will this electricity be generated? Who is supplying the water for these generators? I believe that TEP should be required to use only CAP

ORIGINAL

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

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

I am a customer of Tucson Electric Power (TEP), webmaster of AZHighway83.com, small business Owner, and member of the Empire Fagan Coalition, a long time resident of Vail, located south and east of the Vail Substation and the proposed project. In this case I write with the following concerns that I wrote to the Commissioners regarding the TEP Line Site Case 137.

Many areas of concern were similar to the areas of concern now.

1. Public Outreach by the utility companies. In Line Site Case 144 as there was no public meeting held in Vail or Corona de Tucson.
2. Potential use of the Vail Substation as a gas fired power plant. TEP had the land up zoned by the City of Tucson for this purpose.
3. Structure color. We request any new transmission structures installed next to existing lattice structures be constructed of galvanized steel. In virginal areas with sky and mountains as a backdrop we would also request galvanized steel.

One concern I did not comment in TEP line site case 137 is the possibility of the "Vail to Kantor" line (if line site case 144 is granted a certificate an environmental compatibility) as one alternative route for a power source to the Rosemont Mine. The Vail Substation is currently pictured on TEP's Transmission Line Projects under Rosemont Mine as one of the starting locations. The Rosemont Mine is opposed vehemently in Southern Arizona.

A second concern as a TEP customer is the exporting of power to a community far south of the Vail Substation when it was mentioned several times in Line Site Case 137 that there were constraints on the Vail Substation via transmission line length. I question how much of this case is about providing reliable energy to Santa Cruz County and how much is about tying the Tucson Electric Power and UNS Electric regional grid together for future projects. Is this the basis for granting a Certificate of Environmental Compatibility? I question the future cumulative environmental costs to my area, such as water and air quality, especially if a gas fired power plant, of any kind, is constructed in the vicinity of the Vail Substation.

As the member of family in a growing region already threatened by many environmental polluters, I believe and request that our community should have a proactive role in transmission planning, (particularly since the Vail Substation is projected to have many projects in the next few years) and request that a Citizens' Advisory Council, comprised of various community associations, emergency responders, and environmental groups be added to the conditions of the Certificate of Environmental Compatibility, should it be granted.

Thank you,  
Dated this 25th day of May 2009

  
KIM REGO

Kim Rego  
PO Box 786  
Vail, AZ 85641-0786  
[www.azhighway83.com](http://www.azhighway83.com)  
[info@azhighway83.com](mailto:info@azhighway83.com)

Arizona Corporation Commission

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ORIGINAL

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

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

I am a customer of Tucson Electric Power (TEP), Former Board Member of the Empire Fagan Coalition (broad based community coalition), previous resident of Sonoita, and a long time resident of Vail, located south and east of the Vail Substation and the proposed project.

I spoke to the Commissioners at the public meeting on August 18th 2008 concerning TEP Line Site Case #137 (Decision 73469) but due to time issues focused more on environmental issues.

Areas of concern now include:

1. Public Outreach by the utility companies. In Line Site Case 144 as there was no public meeting held in Vail or Corona de Tucson.
2. My perception is that people in my region are beginning to suffer from learned helplessness. Although the area has been overrun with obvious environmental polluters such as California Cement, W.R. Henderson, Kinder Morgan, El Paso Natural Gas, Tucson Electric Power, multiple cell towers and more, people often appear apathetic. This learned helplessness comes when people feel that their opinion has no value or that it will make no difference that large corporations will do as they please anyhow. A Citizen's Advisory Council, composed of several local members who are involved from onset in transmission planning would foster a sense of ownership in the process.
3. Structure color. We request any new transmission structures installed next to existing lattice structures be constructed of galvanized steel. In virginal areas with sky and mountains as a backdrop we would also request galvanized steel.
4. I am concerned about the possibility of the "Vail to Kantor" line (if line site case 144 is granted a certificate an environmental compatibility) as one alternative route for a power source to the Rosemont Mine. The Vail Substation is currently pictured on TEP's Transmission Line Projects under Rosemont Mine as one of the starting locations. The Rosemont Mine is opposed vehemently in Southern Arizona.

A second concern as a TEP customer is the exporting of power to a community far south of the Vail Substation when it was mentioned several times in Line Site Case 137 that there were constraints on the Vail Substation via transmission line length. I question how much of this case is about providing reliable energy to Santa Cruz County and how much is about tying the Tucson Electric Power and UNS Electric regional grid together for future projects. Is this the basis for granting a Certificate of Environmental Compatibility? I question the future cumulative environmental costs to my area, such as water and air quality, especially if a gas fired power plant, of any kind, is constructed in the vicinity of the Vail Substation.

As the member of family in a growing region already threatened by many environmental polluters, I believe and request that our community should have a proactive role in transmission planning, (particularly since the Vail Substation is projected to have many projects in the next few years) and request that a Citizens' Advisory Council, comprised of various community associations, emergency responders, and environmental groups be added to the conditions of the Certificate of Environmental Compatibility, should it be granted.

Thank you,  
Dated this 25th day of May 2009

*C Cook*  
Charlotte Cook

Charlotte Cook  
16755 Old Sonoita Highway  
Vail, AZ 85641

Pursuant to AAC R14-3-204  
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ORIGINAL

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

Dear Chairman Foreman and Members of the Committee,

My name is James Webb and I am a resident in the Empire Mountains SE of Vail, Arizona and a member of the Hilton Ranch Community Association. Additionally, I am the Manufacturing and Process Engineer at Sargent Controls and Aerospace in Marana Arizona and have a master's degree in Research and Development Technology.

I spoke in front of the Commissioners at the August 18<sup>th</sup> 2008 Open Hearing regarding my concerns in TEP line site case 137. I have concerns in UNS Electric's line site case 144 as well.

My biggest concern is attached from Rosemont Copper's Mine Plan of Operations, downloaded today, May 25<sup>th</sup> 2009, from the Augusta Resources website [http://www.augustaresource.com/upload/Plan\\_of\\_Operations/2.7\\_Electrical\\_Power\\_Supply.pdf](http://www.augustaresource.com/upload/Plan_of_Operations/2.7_Electrical_Power_Supply.pdf). The MPO speaks of two alternatives to provide power to the proposed Rosemont Copper project from a planned transmission line (Vail to Kantor) that did not exist when the MPO was written. In fact, it does not exist today. It will only exist if the Committee chooses to grant a CEC in line site case 144. The MPO was revision date is 7/09/2007.

- This date is approximately 5+ months before a community meeting was held to notify the Vail community of the Evidentiary Hearing in line site case 137.
- This date is 13 months prior to a decision in Line Site case 137.
- This date is approximately 6 months prior to the Agency and Tribal Mailing List for line site case 144
- This date is approximately 7 months before the Open House for the Vail to Valencia line was held in Rio Rico Az and then many months later than every subsequent Open House for the project.

My question to the Committee is this. How is it that an un-permitted, non-approved project (especially in 2007) that is as opposed in Southern Arizona as Rosemont Copper had more prior knowledge of the Vail to Valencia upgrade than the general public-in some cases by more than a year? There was never a meeting in Vail or Corona, although the Vail Substation is within the Vail School District boundaries and we had just been impacted by Line Site Case 137.

This is completely unacceptable. A Citizens Advisory Council composed of local citizenry should be added to the conditions of the Certificate of Environmental Compatibility -should it be issued. We deserve to know what is happening with transmission planning in our neighborhoods and communities in a timely fashion

Thank you,  
Dated this 25th day of May 2009

James M. Webb  
17451 E. Hilton Ranch Rd.  
Vail, AZ 85741-2032.

Pursuant to AAC R14-3-204  
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MAY 26 2009

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2009 MAY 26 A 9: 24

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## 2.7.5 Preliminary Power Flow Analysis

A preliminary power flow analysis was prepared for an interconnection option with the TEP system (Option 1) and with the SWTC system (Option 2). The power flow studies utilized a 2010 summer peak-load base-case prepared by the Western Electricity Coordinating Council (WECC). The studies assessed the impacts on the system in southern Arizona for both normal and outage contingency conditions and for both pre- and post-project scenarios. Contingencies were simulated on the 345 kV lines into and within southern Arizona, and on all facilities in the area with an operating voltage greater than 100 kV.

The studies indicated that the Vail substation could serve up to 75 MW of mine load if 20 MW of generation is on-line at the Valencia generating facility, or up to 100 MW if the Gateway Project were in service. The Gateway Project is a new substation facility expected to come on line in 2010. The facility is located near Sahuarita. The studies also indicated that shunt capacitors at Sonoita and the Rosemont Project substation would be required to maintain pre-project voltage levels. Upgrades to certain SWTC facilities would also be required to mitigate any impacts due to outages.

The analysis of the SWTC substation at Sahuarita indicated that the SWTC substation could provide 100-plus MW of power to the mine; however, some upgrades to their facilities would be required to mitigate the impacts of outages. Shunt capacitors at Sahuarita and the Rosemont Project substation would also be required to maintain pre-project voltage levels.

## 2.7.6 Description of Proposed Electrical Power Supply

Based on the analysis summarized above, Option 4 is proposed, although the line routing has been modified to avoid traversing the Santa Rita Experimental Range. Recent discussions with TEP have confirmed that the Vail-Kantor transmission line upgrades will be completed in time to support the project and that the Vail substation can supply the 100-plus MW of power for the project. The source of power for the project is, therefore, based on tapping into the upgraded 138 kV Vail-Kantor transmission line as noted in Option 4. The tap will be made at the intersection of the transmission line and the northern boundary of the Santa Rita Experimental Range (Figure 2-9). A new switching station will be provided for the tap and a new 138 kV transmission line will run about 4 mi east, along the northern boundary of the Santa Rita Experimental Range. The transmission line will then turn south for another 4 mi until it intersects the west access road into the mine site. The new transmission line to the plant main substation is about 11.6 mi long and follows the proposed fresh water pipeline route from the well fields north west of the tap near Sahuarita, Arizona (see Section 2.8).

The proposed 138 kV transmission poles will be single 90 foot, two section, direct buried, steel supporting a vertical type, three phase line configuration, providing a minimum of 75 ft ground clearance for the transmission line. Pole spacing will be about 800 ft on level ground and less where required to maintain ground clearance on varying and steep topography.

A new substation would be located at the switching station with a single 138 kV to 4.16 kV or 34.5 kV, step down transformer, isolation switches, and circuit breakers to distribute electrical power to the fresh water wells and pump stations at either 34.5 kV or 4.16 kV, using a three phase, overhead distribution wooden pole line. As an alternative, electrical power for the well fields and fresh water pump stations could be fed independently from a separate source on the SWTC system which is in TRICO's service area. The estimated power load for the well fields and pump stations is about 7.2 MW.

## 2.7 Electrical Power Supply

The electrical power supply for the Project facilities falls within the Tucson Electric Power (TEP) and the TRICO service territories. The eastern area of the Rosemont Project, which includes part of the mine and all the process facilities, falls in the TEP service territory. The western area of the Project, including the balance of the mine and the fresh water pumping system, falls in the TRICO service territory. Because most of the Project's estimated electrical load and power requirements fall within TEP's service territory, area, TEP will be the main electric utility service provider for the entire facility, including the fresh water system. A joint-venture business arrangement between TEP and TRICO will be negotiated and established to compensate both electric utility service providers. The arrangement will probably be based on a percentage of actual mine electrical load between each of the service territories. However, Rosemont Copper will receive one electric utility rate and bill with the breakdown of revenue between TEP and TRICO transparent to the project. This multiple service territory and provider agreement will be submitted, as required, to the Arizona Corporation Commission (ACC) for review and final approval prior to implementation.

In addition to traditional electrical service from commercial providers, the Rosemont Project will also generate energy on site using solar technologies such as passive solar installations for appropriate applications, such as water heaters and fans, and photo-voltaic cell technology for supplemental electricity generation. By using the significant available surface area on facility roofs for the installation solar systems (approximately 300,000 sq), Rosemont will be able to enhance the overall energy efficiency of the operation.

The total connected load for the Rosemont mine and process facilities is estimated to be 133 mega watts (MW) and will require a minimum transmission voltage of 138 kV. Appendix C provides a summary table of the connected loads by mine process area as well as the demand load and estimated running load.

Four power supply options were evaluated to supply this load to the Project. Each is discussed below, followed by the proposed route.

### 2.7.1 Interconnection with TEP Line Serving Santa Cruz County (Option 1)

TEP currently has a 115 kV transmission line starting at the Nogales tap on the Western Area Power Administration (WAPA) line and running south through the Santa Rita Experimental Range to Santa Cruz County and Nogales. This is the Vail-Kantor line that runs approximately 9 mi northwest of the project site. This option would require that the 115 kV Vail-Kantor line be upgraded to 138 kV and the connection moved from the Nogales tap on the WAPA 115 kV line to the Vail 345 kV substation. A new 138 kV switching station would be required to tap into this line with a new 138 kV transmission line running to the main substation at the plant site. The switching station was initially to be located along Santa Rita Road, which was in the vicinity of the fresh water pipeline and pumps. Step-down transformers at this switching station would distribute power to the pump stations at either 34.5 or 4.16 kV, on a three phase overhead distribution pole line.

Advantages of this option are that the cost for upgrading the Vail-Kantor line to 138 kV would be partially borne by TEP as part of a previously planned system upgrade of the system to improve service to Santa Cruz County. The new transmission line to the project site, at 9 mi, would be the shortest distance. The disadvantages are that the timing of the Vail-Kantor line upgrade to 138 kV may not meet the needs of the project schedule, and additional modifications to the TEP system may be required to ensure that 100-plus MW of power is available to the Project. This system option can currently provide only up to 75 MW of power for the Project.

### 2.7.2 Interconnection with SWTC Sahuarita 230 kV Substation (Option 2)

This option will connect to the existing SWTC 230 kV substation, located north of Sahuarita, and include a new 230 kV transmission line running south. It will parallel the existing SWTC transmission lines, until the new line reaches Santa Rita Road. At this point, the line will follow Santa Rita Road and the Rosemont Project's west access road to the mine's main substation.

The advantage of this option is that the Sahuarita 230 kV substation currently has capacity to provide the required 100-plus MW power load for the Project with improved reliability. The disadvantages are that the new 16-mi transmission line is the second longest, and there would be added cost for substation electrical equipment rated for the higher, 230 kV transmission voltage. Another disadvantage is the Project load will cause an overload on the existing 345/230 kV SWTC Bicknell transformer.

### 2.7.3 Interconnection with TEP South 345/138 kV Substation (Option 3)

This option will connect to the existing TEP south 345/138 kV substation located another four mi northwest of the SWTC Sahuarita substation described in Option 2. The new 138 kV transmission line will run east, then about 2.3 mi and then south about 5.2 mi to pick up the same alignment from Santa Rita Road to the mine site as illustrated in Option 2.

The advantage to this option is that the TEP South substation can provide the required 100-plus MW at a lower transmission voltage without affecting the 345/230 kV SWTC Bicknell transformer described in Option 2. The 138 kV main substation at the mine site would be less expensive at 138 kV than the higher transmission voltage in Option 2. The South 345/138 kV substation is also owned and operated by TEP, which will be the electric utility service provider for the project. The disadvantage is the new 138 kV transmission line would be the longest at 21 mi.

### 2.7.4 Interconnect the TEP South Line to the TEP Vail-Kantor Line (Option 4)

This option will connect the 138 kV transmission line from the TEP 345/138 kV south substation described in Option 3 with the TEP 138 kV Vail-Kantor line. They will join where the two lines cross at Santa Rita Road when the Vail-Kantor transmission line is upgraded to 138 kV service voltage. This will be the most expensive option; however, the two sources of electrical power will provide greater reliability for the mine.

ORIGINAL

**Arizona Corporation Commission  
Docket No. L-00000F-09-0190-00144  
Case #144  
Vail to Valencia  
Public Comment**

Chairman John Foreman  
Arizona Power Plant and Transmission Line Siting Committee

Dear Chairman Foreman and Members of the Committee,

As President of the Santa Rita Foothills Community Association I write to you with the following concerns about the proposed Vail Substation siting tentatively to be located west of the unincorporated village of Corona de Tucson where my family and I have made our home for the past 33 years.

I spoke to the Commissioners at the public meeting on August 18th 2008 concerning TEP line site case #137. The areas of concern I addressed at that meeting are of concern now.

- 1.) Lack of public outreach on the part of the utility company; to date there has been no public meeting in Vail or in Corona de Tucson concerning the placement of the proposed line in Case #144.
- 2.) Potential use of the proposed Vail Substation as a gas-fired power plant; it is my understanding that the City of Tucson approved zoning for this purpose.
- 3.) Structure appearance; we request any and all new transmission structures installed next to existing lattice structures be constructed of galvanized steel. Our village nestles in an area of the Sonoran Desert with a unique beauty. Lest the landscape be blighted in virginal areas with a backdrop of the majestic mountains that surround us and the unmarred vision of the vast Arizona sky, we request galvanized steel structures be used as well. These structures weather and will better blend into the environment than any other alternative.

I did not address the possibility of the proposed Vail to Kantor line at the August 18th meeting of the Commission. If site case #144 is granted a certificate of environmental compatibility, it would provide an alternative route for a power source to the proposed Rosemont Mine. The Vail Substation is listed on TEP's transmission line projects under Rosemont Mine as one of the initial locations. The Rosemont Mine is vehemently opposed by the residents of Corona de Tucson and residents of hamlets, villages, ranches and country homes throughout Southern Arizona. The fight is ongoing and will not be easily won by the foreign mining conglomerate proposing an open pit mine that will forever scar our beloved desert.

Corona de Tucson is a growing community with roots sunk deep in our rural desert and a population ready and willing to protect our stark, yet beautiful landscape and the wilderness that surrounds us. We deserve a role in transmission line planning. We request the appointment of an Advisory Council comprised of community, neighborhood and homeowners associations, emergency responders, environmental groups and other interested parties be added to the conditions to the granting of any proposed Certificate of Environmental Compatibility.

Thank you,

Dated this 25th day of May 2009

By: *Sandra M. Whitehouse*

Sandra M. Whitehouse  
139 West Camino del Emperador  
Corona, AZ 85741-2032.

Pursuant to AAC R14-3-204

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ORIGINAL

Arizona Corporation Commission-Docket No. L-00000F-09-0190-00144, Yail to Valencia

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

My name is Mylan Webb and I will be a senior in the Yail School District this year. For the last five years I have watched and helped my mother and others in our neighborhood do community service. We have tried to fight against and even work with companies trying to come in and pollute our area. We have tried to get parks and libraries for kids and adults because we don't have any and tried to save historic sites. I have stapled a news article where I talked about some of the blights our area already has to this letter. I also volunteer for the Southern Arizona Aids Foundation Moda Provocateur.

This is what I think about this electric business. My Mom and Mr. Magruder work harder than those lawyers because they actually care about their communities. My Mom becomes engrossed with this stuff because she does not know what she is doing and has to work harder to figure it out. She is on the computer and phone all of the time when the meetings are going to happen. We do not get to spend any time with her then. We do not even live in the actual place where the other case happened, and we do not live in the actual place where this case is happening either. My Mom and Mr. Magruder do this stuff because no one else will. It seems that way to me anyhow. Please consider the amount of electric projects there will be in the future. There are already so many electric towers and lines in our area.

One of the worst things is the amount of money she has to spend to send all of the papers to Phoenix. I remember at the last case on the last day, about five of the people who were had been on the committee just left their papers there for the garbage. You could see that had not even read the papers my Mom had to copy and I had to put together. My Mom made me pick up the stuff to save in case she might need it for another trial. If my Mom and Mr. Magruder do this and spend their own money you would think the people who get paid would at least pretend they are interested. It was uncomfortable watching my Mom at the last trial because she did not know what she was doing. But, she tries.

I don't think they should have to go to a trial. Like, why can't the electric company just consider what the people want or be honest with them about what is going to happen? Why can't the electric company bargain with the people before the trial to make sure things are ok for the communities? Why do they wait to the last minute so my Mom is running around to meetings and spending money on so many copies and gas?

I like the idea she has of a group made up of the people I have met in the years I have been helping. People like Sandy from Corona, Kim and Charlotte from Sonoita Highway, people from the Hilton Ranch Rd. Association, J.L. Lamb from the Yail Preservation Society and also some students from the school district. I hope you will seriously consider it because it is not fair what happens to families every time there is an electric trial.

Thank you

5/27/09

Mylan Webb



Yail, AZ

vailaz@hotmail.com

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## Tucson Citizen

### Mine opposed; much of copper for Asia

B. POOLE

Published: 06.09.2008

Just more than 200 people filed into an auditorium at Sahuarita High School on Saturday to hear views on a proposed mine.

The public hearing - part of the recently extended comment period for a mile-wide, open-pit mine proposed for the eastern flank of the Santa Rita Mountains - drew about 60 speakers, the vast majority against the mine.

Mylan Webb, 16, who lives about five miles from the mine site, was among the detractors of the Rosemont Mine. She recited a list of blights that her rural community already has, including a gravel mine, abandoned mine shafts, cell phone towers and gas supply lines. She doesn't want another one.

She urged the Forest Service to consider the impact on the families that live nearby.

"We will have the trucks. We will have the dust. We will have the leftover mess," Webb said.

Jamie Sturgess, vice president for sustainable development for Augusta Resource Corp., the Canadian company that hopes to pull copper, molybdenum and silver from the mine for 19 years, defended the mine.

It will bring about 500 jobs paying \$60,000 per year into southern Arizona. More than 100 locals are already employed planning for the mine, mostly in Tucson consulting firms, Sturgess said.

Several speakers pointed out that much of the copper would be for the Asian market, which Sturgess conceded.

"But even if our copper does go to China, there's other products that come back that we do use that contain that copper," he said.

<http://www.tucsoncitizen.com/alss/printstory/frontpage/87626>

5/28/2009

Sturgess said he does not think he was attacked, despite the jeers and comments that follow him at public hearings about the mine. There are thousands of people who would be directly or indirectly employed by the mine, he said.

"They're not here because we don't know who they are yet," he said.

Other concerns raised by mine opponents were for water use, increased truck traffic - and thus danger - along state Route 83, the cost of increased emergency calls because of that traffic and the loss of a chunk of the ever-dwindling natural beauty of southern Arizona.

The Forest Service will hold one more hearing - 6 p.m. June 30 at Tucson's Rincon High School, 421 N. Arcadia Ave. - to take comments.

The service will not stop taking comments after the official comment period ends July 14, a spokeswoman said.

"We will continue to accept comments past that point," said Heidi Schewel of the Coronado National Forest.

#### ADDITIONAL INFORMATION

##### TO COMMENT ON THE MINE

- In person: 6 p.m., June 30, Rincon High School, 421 N. Arcadia Ave.
  - By mail:  
Team Leader, Rosemont Copper Project, Coronado National Forest  
300 W. Congress St.  
Tucson, AZ 85701
  - By fax: 388-8305. Attn: Rosemont Team Leader
  - By e-mail: [comments-southwestern-coronado@fs.fed.us](mailto:comments-southwestern-coronado@fs.fed.us). Put "Rosemont" in the subject line.
- ON THE WEB**  
Coronado National Forest Rosemont Mine page  
Save the Scenic Santa Ritas, an anti-mine nonprofit  
Augusta Resource Corp. Web site

<http://www.tucsoncitizen.com/alss/printstory/frontpage/87626>

5/28/2009

ORIGINAL

Arizona Corporation Commission - Docket No. L-00000F-09-0190-00144 - Case #144 - Vai

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

I am a customer of Tucson Electric Power (TEP) and a resident of Vail, Arizona. I am writing about the following concerns regarding the proposed relocation of the transmission line to Nogales, Arizona from the Nogales Substation located at Wilmot Rd to the Vail Substation, located at Rita Rd.

1. Public Outreach by the utility companies. In this case, Line Site Case 144, there was no public meeting held in Vail or Corona de Tucson.
2. Potential use of the Vail Substation as a gas fired power plant. TEP had the land up zoned by the City of Tucson for this purpose. How many cumulative impacts from environmental polluters should this area sustain?
3. Structure color. We request any new transmission structures installed next to existing lattice structures be constructed of galvanized steel. In virginal areas with sky and mountains as a backdrop we would also request galvanized steel.
4. The possibility of the "Vail to Kantor" line (if line site case 144 is granted a certificate an environmental compatibility) as one alternative route for a power source to the Rosemont Mine. The Vail Substation is currently pictured on TEP's Transmission Line Projects as one of the alternative starting locations for the proposed Rosemont Mine. The Vail to Kantor line is listed in two of Rosemont Copper's proposed alternatives on Augusta Resources website as of May 25<sup>th</sup>, 2009. My question is this. If the Vail to Valencia line is granted a certificate, can it be used with any connection to the proposed Rosemont Mine? Or, with a cross territory agreement to circumvent the two county rule? The Rosemont Mine is opposed vehemently in Southern Arizona.
5. Concern as a TEP customer at the exporting of power to a community far south of the Vail Substation when it was mentioned several times in the Cienega substation (137) that there were constraints on the Vail Substation via transmission line length. I question how much of this case is about providing reliable energy to Santa Cruz County and how much is about tying the Tucson Electric Power and UNS Electric regional grid together for future projects. Is this the basis for granting a Certificate of Environmental Compatibility? I question the future cumulative environmental costs to my area, such as visual impacts, water and air quality and more.

As the member of family in a growing region already threatened by many environmental polluters, I believe and request that our community have a proactive role in neighborhood and regional transmission planning, (particularly since the Vail Substation is anticipated to have many projects in the next few years) and request that a Citizens' Advisory Council, comprised of various community associations, emergency responders, and environmental groups be added to the conditions of the Certificate of Environmental Compatibility, should it be granted.

Thank you,  
5/27/09

Melvin Kolba

MELVIN KOLBA

PO Box 786  
Vail, AZ 85641  
mgkolba@msn.com

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ORIGINAL

Arizona Corporation Commission - Docket No. L-00000F-09-0190-00144 - Case #144 - Vail to Valencia - Pt

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

I am a customer of Tucson Electric Power (TEP). My family and I live "between the tracks" in Vail, AZ. Additionally, I own Data Systems Group Inc., computer consulting and networking and local internet provider. View shed is very important to my community and it is already traversed by multiple lattice structures and cell towers. I am writing about the following concerns regarding the proposed relocation of the transmission line to Nogales, Arizona from the Nogales Substation located at Wilmot Rd to the Vail Substation, located at Rita Rd.

1. Public Outreach by the utility companies. In this case, Line Site Case 144, there was no public meeting held in Vail, or Corona de Tucson.
2. Potential use of the Vail Substation as a gas fired power plant. TEP had the land up zoned by the City of Tucson just South of Rita Ranch for this purpose. How many cumulative impacts from environmental polluters should this area sustain?
3. Structure color. We request any new transmission structures installed next to existing lattice structures be constructed of galvanized steel. In virginal areas with sky and mountains as a backdrop we would also request galvanized steel..
4. Concern as a TEP customer at the exporting of power to a community far south of the Vail Substation when it was mentioned several times in the Cienega substation (137) that there were constraints on the Vail Substation via transmission line length. I question how much of this case is about providing reliable energy to Santa Cruz County and how much is about tying the Tucson Electric Power and UNS Electric regional grid together for future projects. Is this the basis for granting a Certificate of Environmental Compatibility? I question the future cumulative environmental costs to my area, such as visual impacts, water and air quality and more.

I read the article in the Tucson Weekly today where Joe Salkowski is quoted as saying "the situation is not one of outages...as much as long term reliability" Nowhere in the "Lack of Redundacy" article by Dave Devine in the May 24<sup>th</sup> edition of the Tucson Weekly does it mention that the line is anything but a system upgrade. I am concerned because this project at the north end involves construction of a completely new transmission line to the Vail Substation. It is by no means strictly an "upgrade" of an existing line.

As the member of family in a growing region already threatened by many environmental polluters, I believe and request that our community have a proactive role in neighborhood and regional transmission planning, (particularly since the Vail Substation is anticipated to have many projects in the next few years) and request that a Citizens' Advisory Council, comprised of various community associations, emergency responders, and environmental groups be added to the conditions of the Certificate of Environmental Compatibility, should it be granted.

Thank you,  
5/27/09

Stan Lalli  
PO 1023  
Vail, AZ  
(520) 762-8896

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Arizona Corporation Commission - Docket No. L-00000F-09-0190-00144 - Case #144 - Vai

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

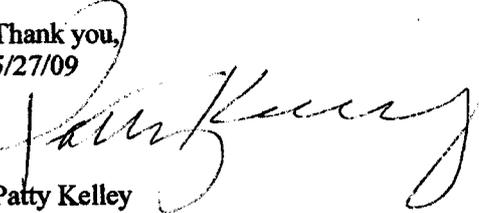
I am a customer of Tucson Electric Power (TEP) and a resident of Vail, Arizona, although my home is south of Corona de Tucson in the Santa Rita Foothills. View shed is very important to my community and it is already traversed by multiple lattice structures to the north. Additionally, my family has owned Vail Feed between the tracks in Historic Vail, AZ since the early 1970's. I am writing about the following concerns regarding the proposed relocation of the transmission line to Nogales, Arizona from the Nogales Substation located at Wilmot Rd to the Vail Substation, located at Rita Rd.

1. Public Outreach by the utility companies. In this case, Line Site Case 144, there was no public meeting held in Vail, Rita Ranch or Corona de Tucson.
2. Potential use of the Vail Substation as a gas fired power plant. TEP had the land up zoned by the City of Tucson just South of Rita Ranch for this purpose. How many cumulative impacts from environmental polluters should this area sustain?
3. Structure color. We request any new transmission structures installed next to existing lattice structures be constructed of galvanized steel. In virginal areas with sky and mountains as a backdrop we would also request galvanized steel..
4. Concern as a TEP customer at the exporting of power to a community far south of the Vail Substation when it was mentioned several times in the Cienega substation (137) that there were constraints on the Vail Substation via transmission line length. I question how much of this case is about providing reliable energy to Santa Cruz County and how much is about tying the Tucson Electric Power and UNS Electric regional grid together for future projects. Is this the basis for granting a Certificate of Environmental Compatibility? I question the future cumulative environmental costs to my area, such as visual impacts, water and air quality and more.

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As the member of family in a growing region already threatened by many environmental polluters, I believe and request that our community have a proactive role in neighborhood and regional transmission planning, (particularly since the Vail Substation is anticipated to have many projects in the next few years) and request that a Citizens' Advisory Council, comprised of various community associations, emergency responders, and environmental groups be added to the conditions of the Certificate of Environmental Compatibility, should it be granted.

Thank you,  
5/27/09



Patty Kelley  
11366 S. Vail Rd.  
Vail, AZ  
(520) 762-5301

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Arizona Corporation Commission - Docket No. L-00000F-09-0190-00144 - Case #144 - V:

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

I am a customer of Tucson Electric Power (TEP) and a resident of Rita Ranch in SE Tucson, Arizona. I am writing about the following concerns regarding the proposed relocation of the transmission line to Nogales, Arizona from the Nogales Substation located at Wilmot Rd to the Vail Substation, located at Rita Rd.

1. Public Outreach by the utility companies. In this case, Line Site Case 144, there was no public meeting held in Vail, Rita Ranch or Corona de Tucson.
2. Potential use of the Vail Substation as a gas fired power plant. TEP had the land up zoned by the City of Tucson just South of Rita Ranch for this purpose. Mary Ann Cleveland, a community activist from Rita Ranch fought against this rezone. How many cumulative impacts from environmental polluters should this area sustain?
3. Structure color. We request any new transmission structures installed next to existing lattice structures be constructed of galvanized steel. In virginal areas with sky and mountains as a backdrop we would also request galvanized steel..
4. Concern as a TEP customer at the exporting of power to a community far south of the Vail Substation when it was mentioned several times in the Cienega substation (137) that there were constraints on the Vail Substation via transmission line length. I question how much of this case is about providing reliable energy to Santa Cruz County and how much is about tying the Tucson Electric Power and UNS Electric regional grid together for future projects. Is this the basis for granting a Certificate of Environmental Compatibility? I question the future cumulative environmental costs to my area, such as visual impacts, water and air quality and more.

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Thank you,  
5/27/09



Ron and Sue Hermes  
10233 E. Calle Costa del Sol  
Tucson, AZ 84747  
(520) 490-4798

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Arizona Corporation Commission - Docket No. L-00000F-09-0190-00144 - Case #144 - Vail to Valencia - Public

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

I am a customer of Tucson Electric Power (TEP). My family and I live in New Dawn Estates in Vail, AZ. Our community just went through a long and drawn out process with Line Site Case 137 and the Cienega Substation siting process with the City of Tucson. Fortunately, we were able to work cohesively with TEP to a positive end in that case.

Additionally, as the Chairperson for the first annual 'Tis the Season Tree Lighting "Between the Tracks" in Vail, AZ, I am happy to say that TEP made the lighting ceremony possible with its donation. That is the way it should be; Communities and Corporations working together. Today; however, I am writing about the following concerns regarding the proposed relocation of the transmission line to Nogales, Arizona from the Nogales Substation located at Wilmot Rd to the Vail Substation, located at Rita Rd.

1. Public Outreach by the utility companies. In this case, Line Site Case 144, there was no public meeting held in Vail, or Corona de Tucson. I thought things were going to change after the Cienega/Mountain View case.
2. Potential use of the Vail Substation as a gas fired power plant. TEP had the land up zoned by the City of Tucson just South of Rita Ranch for this purpose. How many cumulative impacts from environmental polluters should this area sustain?
3. Structure color. We request any new transmission structures installed next to existing lattice structures be constructed of galvanized steel. In virginal areas with sky and mountains as a backdrop we would also request galvanized steel.
4. Concern as a TEP customer at the exporting of power to a community far south of the Vail Substation when it was mentioned several times in the Cienega substation (137) that there were constraints on the Vail Substation via transmission line length. I question how much of this case is about providing reliable energy to Santa Cruz County and how much is about tying the Tucson Electric Power and UNS Electric regional grid together for future projects. Is this the basis for granting a Certificate of Environmental Compatibility? I question the future cumulative environmental costs to my area, such as visual impacts, water and air quality and more.

I read the article in the Tucson Weekly today where Joe Salkowski is quoted as saying "the situation is not one of outages...as much as long term reliability" Nowhere in the "Lack of Redundacy" article by Dave Devine in the May 24<sup>th</sup> edition of the Tucson Weekly does it mention that the line is anything but a system upgrade. I am concerned because this project at the north end involves construction of a completely new transmission line to the Vail Substation. It is by no means strictly an "upgrade" of an existing line.

As the member of family in a growing region already threatened by many environmental polluters, and someone who spent a vast amount of time on the City of Tucson Cienega Substation permitting process, I request that a Citizens' Advisory Council, comprised of various community associations, emergency responders, and environmental groups be added to the conditions of the Certificate of Environmental Compatibility, should it be granted.

Thank you,  
5/28/09

  
Sherri Stinnett  
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### Tucson Weekly

CURRENTS - CURRENTS FEATURE

#### Power Replay

By pushing a "new" proposal, TEP proves it's never too late to start over  
by TIM VAUGHAN

It's been nearly a decade since Tucson Electric Power rolled out the bright idea of stringing a huge, 345-kilovolt transmission line down through the Coronado National Forest into Nogales, and then on to Mexico.

To the good folks of Santa Cruz Valley, it seems like only yesterday. They haven't forgotten the multitude of hours and dollars spent countering TEP's army of engineers, lawyers and PR hacks, all handsomely paid to argue that anything less than a full-blown international connection was hugely impractical. Company officials scoffed at the idea of simply adding a 138-kilovolt line to the current 115-kilovolt line, thereby giving Nogales all the juice it needs—and is mandated by the Arizona Corporation Commission to receive.

That's why more than a few folks were scratching their heads recently, after TEP announced plans to upgrade that 115-kilovolt line to Nogales to 138 kilovolts. As you might expect, many Santa Cruz Valley residents are a touch disgusted that the company fought them tooth and claw, only to completely reverse itself.

"They wasted a lot of our time and energy, and money as well," says Rich Bohman, president of the Santa Cruz Valley Citizens Council. The volunteer group became an official participant—known as an "intervener"—when TEP applied for the 345-kilovolt route with the Corporation Commission (a project which is now in limbo). Bohman's group also hired a Phoenix attorney to fight one proposed route, which would have directed the massive line along Interstate 19 through Tubac. "We easily spent \$40,000 on that," Bohman says.

If Marshall Magruder had been paid for time spent fighting TEP, he could have retired all over again. The Tubac resident became a perpetual thorn in the company's side, arguing against the 345-kilovolt line at Corporation Commission hearings and to anyone else who would listen. (See TQ&A, Feb. 3, 2005.) As it turns out, the former systems engineer knew exactly what he was talking about. Today, Magruder is still keeping close tabs on TEP shenanigans.

While he has no major beef with the latest proposal, he does note a few niggling problems. For instance, power for Santa Cruz County currently comes from the "Nogales Tap" on lines owned by the Western Area Power Administration. Though WAPA charges a fee for this northern connection, the proposed link will run on TEP lines—at a higher cost. "They'll have to put a couple of miles of new transmission lines in to do that," he says, "and it means we'll pay a different rate. It will be about \$2.50 more per month, per customer. And that's forever."

Nor would the latest TEP proposal have more than one line serving Nogales. That could leave the city vulnerable to blackouts—a key reason behind the Corporation Commission-ordered upgrade in the first place. (See Dave Devine's article on Page 13.) The new TEP proposal "doesn't do any improvement in reliability," Magruder says, "except that they're going to replace some of the existing wood poles with steel poles."

He also takes issue with the number of steel replacements needed. Magruder says there's a formula for when such poles need to be replaced, and that TEP might be racking up unneeded expenses. "Is it cost-effective? That's how I'm looking at it. They say they'll have less (power) failures with the steel poles. So then I asked them for their failure rate, and they said it's not relevant."

TEP estimated the cost for upgrade at between \$24 million and \$47 million, Magruder says. "But I'd like it a little closer. That's a big spread."

http://www.tucsonweekly.com/gyrobase/power-replay/Content?oid=1193276&mode=print 5/28/2009

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Tucson resident Marshall Magruder stands in front of the proposed 345-kilovolt line.

ORIGINAL

Although the new proposal lacks TEP's earlier intention of rifling through the Coronado National Forest, that doesn't mean nature gets off score-free, either. Marty Jakle can tell you about that. The former U.S. Fish and Wildlife Service biologist lives in Rio Rico, where the company wants to reroute its existing line. That would move it from one part of Jakle's property, where it is today, to another that's rich with wildlife.

"They told me they would want to remove all the vegetation there within a 100-foot easement," he says. "It's an old-growth mesquite bosque with hackberry, elderberry, cat's claw and shrubs." It's also home to the yellow-billed cuckoo, which is currently a candidate for the endangered species list.

If Jakle doesn't sign on to the shift, the company could muscle away the habitat through condemnation. That would make a mockery of the power-line-location process, which he says is supposed to make sensitive species a top consideration. "I worked on environmental plans all of my professional career. If had a case like this, it would be such a no-brainer, because they have that lower-quality habitat on my property already cleared."

Still, the political habitat seems to favor TEP this time around. Unlike before, when it voted to oppose the 345-kilovolt line, the Santa Cruz County Board of Supervisors seems to be onboard with this latest proposal—although those sentiments aren't yet official. "TEP needs to do what it needs to do to make sure that we have the power available for our community," says District 1 Supervisor Manny Ruiz. "It will be interesting to see what happens. But as far as a board, we haven't taken a position."

Others have shifted their position from low-key opposition to borderline apathy. Among them is Hugh Holub, a longtime Santa Cruz County player who served as a city attorney for Nogales in the late-1990s. During the wrangling over the 345-kilovolt line, he was among a group calling itself Maestros, which proposed building a power plant in Nogales as an alternative.

When it comes to Santa Cruz County, says Holub, the utility company seems to lose its bearings. "They've taken the long way to get back to where they should have been in the first place. They went off on a tangent there for a long time that wasn't really doing us any good down in this end of the world."

Holub calls it a colossal waste of time—particularly since TEP's goal of tapping into Mexico's power grid was a pipe dream. He learned that fact while working with the Maestros.

"We proposed putting our power plant right on the border," he says. "Well, one of the things we found out was that the Mexican government made it really, really clear that they weren't buying power on any long-term contract from any source in the United States. And that came from really high up in the Mexican government. In fact the then-secretary of energy who made that ruling is now the president of the country."

Comments: dave@tucsonweekly.com

Consumer comment Kim Rego  
Docket number  
L00000f-09-0190-00144-Case#144

Kim Rego  
PO Box 786  
Vail, AZ 85641-0786

Arizona Corporation Commission

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EW - 9

Tucson Weekly  
CURRENTS • CURRENTS FEATURE

### Lack of Redundancy A TEP power line upgrade would still leave Santa Cruz County residents vulnerable to blackouts

by Dave Zimola

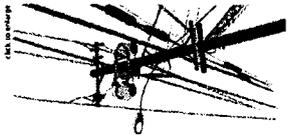


PHOTO COURTESY OF UNISOURCE

High school graduation is an especially joyous occasion in a small town. In 2005, however, the ceremony in Nogales took a dark turn. Literally. Power went out during the outdoor evening event, and megaphones had to be used by the various speakers. As a result, the graduates' names couldn't be heard as they crossed the stage to receive their diplomas.

"We're very proud of them," the *Nogales International* newspaper (which, like the *Tucson Weekly*, is owned by Wick Communications) quoted school principal Mark Valenzuela as saying about the graduating seniors. "It was kind of frustrating for them, but they hung in there."

All of the residents of Nogales have been hanging in there, suffering for years from periodic extended blackouts due to a lack of electrical redundancy. Only one major transmission line now runs south to Nogales, from near Yall east of Tucson. Carrying 115 kilowatts of power, the line serves much of Santa Cruz County.

Natural-gas-powered turbines in Nogales provide a limited backup, but if the turbines aren't working, Nogales can be left without electricity when the transmission line goes out of service. That's exactly what happened during the graduation ceremony: A storm knocked out the power line, so parts of Santa Cruz County were dark for several hours.

This power-outage problem and lack of electrical redundancy for the border region has been recognized for more than a decade. In 1998, the city of Nogales filed a complaint about power outages with the Arizona Corporation Commission (ACC). In response, the ACC ordered Citizens Utilities Company, which then supplied electricity to Nogales, to install a second transmission line by the end of 2003.

"The bottom line," the local chamber of commerce commented in a 2001 letter, "is that Nogales and Santa Cruz County needs new and reliable power sources, and soon."

A 2001 study looked at the Nogales power supply and, according to a story in the *International*, concluded: "Stabilized delivery of electric power would greatly improve opportunities for new industry and commerce."

But the matter of getting a second power line to Nogales soon became extremely complicated. Citizens in 2003 was acquired by UniSource Energy Services, which then assumed responsibility for meeting the ACC requirement.

By that time, UniSource, the parent company of Tucson Electric Power, had indicated to the ACC that it wanted to run a 345-kilowatt line to the border city. This line would also provide power to the potentially lucrative electrical market of Sonora, Mexico.

The route selected for UniSource's new 150-foot towers ran west of Interstate 19, cutting through the Coronado National Forest. While the ACC supported this idea, the U.S. Forest Service and many area residents did not. (See Tim Vanderpool's accompanying story on Page 15.)

"That project's in limbo," comments Joe Salkowski, a spokesman for UniSource, about the controversial 345-kilowatt proposal. "We're the innocent babies in this situation."

<http://www.tucsonweekly.com/gyrobase/lack-of-redundancy/Content?oid=1193273&mode...> 5/28/2009

ORIGINAL

The ACC apparently isn't pressuring UniSource to install a second transmission line to Nogales. Instead, since a 2004 decision which required the company to make some other improvements to the Nogales electrical system, the mandate for implementing the second line has been on hold.

UniSource has now applied to upgrade its existing line to Nogales in order to meet more of the current electrical needs of the community, although the company does not suggest that the upgrade is an alternative to the 345-kilowatt proposal. The 136-kilowatt upgrade would follow basically the same route as the present 115-kilowatt transmission line, but UniSource will replace its existing wooden poles with 70- to 85-foot-high steel monopoles.

"The situation is not one of outages," Salkowski says of the application, "as much as long-term reliability." He says that the existing line can only supply about two-thirds of the peak power load demanded in Nogales, and adds that additional use of the turbines is not economically ideal for electrical customers.

"It will give us more flexibility in terms of system reliability," Salkowski says about the proposed upgrade. He adds that any rate impacts which result from the construction project "are not going to be dramatic."

While Salkowski does not offer specific figures for power outages in Santa Cruz County, Salkowski does provide a general comparison with Tucson.

"Tucson benefits from multiple connections to the (national) power grid," he says, "so it has more redundancy than Santa Cruz County."

In any case, the current application leaves the issue of the ACC-required second transmission line to Nogales unresolved.

"The upgrade was seen as something the company could do more quickly, along with installing new turbines a few years ago," Salkowski explains.

That explanation may not offer much consolation to the 16,000 UniSource customers in Santa Cruz County who lost power for a few hours the night before Thanksgiving last year. One of those most impacted by this loss of power was Flavio Gonzalez, the utility director for the city of Nogales. He remembers the extended outage made his job "kind of interesting."

indicating that he always tries to provide double-coverage for things he deals with, Gonzalez believes UniSource should do the same.

"This situation has been going on for years," Gonzalez says about electrical outages. "It behooves (UniSource) to invest the money to take care of their responsibilities."

CONTACT: ENRIQUEZ@AZNEWS.COM

Consumer comment Kim Rego  
Docket number  
00000f-09-0190-00144-Case#144

Consumer comment Kim Rego  
Docket number  
L00000f-09-0190-00144-Case#144

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EW - 9

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Arizona Corporation Commission Docket No. L-00000F-09-0190-00144 Case #144 Vail to 1

Public Comment

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

I am a customer of Tucson Electric Power. I am also a resident along a designated Scenic Arizona Scenic Highway in Vail, AZ; SR 83 in the Empire Mountains in Supervisor Ray Carroll's District 4. I write today as a spokesman for the Hilton Ranch Road Community Association, a registered Neighborhood Association with Pima County in the vicinity of the proposed Vail to Valencia project. Please see the attached letter signed by several members of our Community Association in regard to concerns about Case 144.

I also have a few personal concerns I would like to share with you as well.

When I spoke in front of the Commissioners on August 18<sup>th</sup> 2008, Commissioner Mayes made the comment to me after I spoke: "...And so I hope that going forward the company learns a lesson from this case from its customers, which is you need to maximum outreach prior to do any case being filed and also multiple alternatives have to be offered. So I commend everybody who has been involved in this case for making those points."

It doesn't seem like much changed with this case, which was filed about eight months after these comments were made.

It is my understanding from reading the transcripts online that TEP intends to share the cost of a large 345kVA transformer with UNS Electric, indeed potentially bearing the majority of the cost for "future capacity" of 552 megawatts worth of a transformer. If this is the case why weren't we as customers of TEP and members of a community organization in the vicinity of the proposed project notified of this? Why were the notices written to imply that this project was merely an upgrade with a few minor changes? Cost is not the only issue. It is the idea of TEP receiving 552 megawatts of power without having to justify the need or say where it is going that is disturbing.

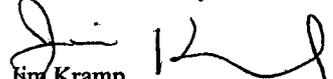
Just because all of us from our community do not waste the physical resources and time to attend meetings held outside of our area does not mean we do communicate with each other. We are a predominately working class neighborhood and many of us have long commutes and we are tired at the end of the day. Gas is expensive too.

We place a certain amount of trust in the fact that individuals in our community have settled into certain roles with certain responsibilities. It just sort of happened that way. Elizabeth Webb is the one who typically attends electric events and reports back. She may not represent all of us, but she keeps us informed. If she can't make electric meetings, such as the Rosemont project meeting that was held in March at Acacia Elementary, we are sure to have someone else there. I know she attended three separate meetings about this particular project, Case 144. I maintain our website, attend specific environmental meetings, report back via email and typically chair neighborhood meetings. We have others in our community who are responsible for other local issues. Others are responsible for food and beverage planning. Others plan and attend public outreach events where we need a face. When we need a large cohesive effort that is when we come together. This is the way a community conserves its limited resources.

I also very concerned about the perceived attempt to diminish the role of the BLM in this case to the public. The Nogales substation is located on BLM property. The preferred alignment crosses BLM land. It is extremely difficult to see this (if at all) on any of the photos on the Unisource Energy Services website. It is not mentioned on the project display board for right of way on the Unisource Energy Website except in a very general way. "Establish positive long term relationships between Unisource Energy Services and the landowner". There is a case where the Commission granted a certificate eight years ago where the Forest Service still has not allowed access through its land in Southern Arizona. Doesn't it make sense to work with the federal agencies concurrently? Also, and very important to our community is that fact that we have future and foreseeable projects in the area as well as potential cumulative impacts.

Again, I ask you to read the letter signed by many of the members of our Community Association with the mailing facilitated by me and take these comments into consideration.

Thank you,  
Dated this 14th day of June 2009

  
Jim Kramp  
<http://www.hiltonroad.com/>  
15560 E Hillton Ranch Rd  
Vail, AZ 85641

Arizona Corporation Commission  
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Public Comment

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

We the undersigned are customers of Tucson Electric Power (TEP) and have some concerns regarding the proposed Vail to Valencia case before the Committee. We are also members of the Hilton Road Community Association. Our area is a very diverse one with very high end custom homes to more modest mobile homes. We have a mixture of retirees and younger couples with children still in school.

What we have in common in our rural landscape is a sense of responsibility to our community and a strong sense of unity. This is in part because we have little to no services in our region and have to depend on each other. A drive to the grocery store is now quite close since one was built in Rita Ranch at just about 16-20 miles from our homes. We do not live in a fire district, we pay to be included. We typically do not have cell phone service out here. Internet service in some places can only be provided by satellite.

Our community has been left out lately in infrastructure and industrial land use issues that strongly impact our future and we expect that you will read our concerns and listen, as perhaps they will also echo the sentiments of other rural communities in Arizona.

Here are areas of specific concern and some suggestions for the future:

1. Public Outreach by the Utility Companies: In Line Site Case 144 there was no public meeting held in Vail or Corona de Tucson. If a meeting is to be held in an area outside of our community, we would suggest that the notification given be done in a timely manner so that we may prepare and carpool. Or the Company could provide a shuttle. We would also suggest that meetings start later in the day so that our community would have time to arrive home or arrive at the meeting after work. 5:30pm is too early. 6:00-6:30pm is more reasonable for a community that has many younger members.

2. Advertisement of Open Houses: Another important aspect of public outreach is clear concise information in the advertising for the meetings. Advertising construction of a completely new transmission line from a TEP substation after disconnecting it from a non-TEP substation to supply non-TEP customers as an *"upgrade that would involve only a few changes to the existing transmission line route"* is disingenuous. And that is how it was advertised in the newspaper for the May and Dec 2008 Open Houses in Tucson.

3. Availability of Information to TEP Customers. This project will use shared equipment between two utility companies and travel through TEP's service territory. We would suggest that future joint projects have a listing on both websites just as the Sahuarita to Nogales project is listed on both websites with an explanation of the joint project. We would also suggest putting the website information on the newspaper advertisements for the Open Houses for those who cannot attend.

4. Cooperating with Other Agencies. We suggest that the Committee work with the BLM, on whose land the Nogales substation sits and where the preferred alignment in Segment 1A would cross. There are cumulative impacts associated with several transmission lines, structures, and future projects in our area. Additionally, the NEPA process *requires* social, economic and rural lifestyle issues to be

considered while Arizona only *allows* them to be considered. We sincerely hope you will take these factors into consideration under Total Environment when you make your decision about granting your conditions in this Certificate.

5. Vail to Kantor Line: The potential of this line to be used as Option 1 and 3 in Rosemont Mine's plan of Operations. As of today, June 14<sup>th</sup> 2009, the Vail to Kantor line which still does not exist, is listed on Augusta Resources website as two possible alternatives. It is our understanding that TEP has asked Rosemont to remove these two options from Augusta Resource's website but it still has not done so.

[http://www.augustaresource.com/upload/Plan\\_of\\_Operations/2.7 Electrical Power Supply.pdf](http://www.augustaresource.com/upload/Plan_of_Operations/2.7_Electrical_Power_Supply.pdf)  
<http://www.augustaresource.com/section.asp?pageid=6320>

This creates great unease about this project among residents in my community, as if TEP/UNS Electric is being disingenuous about this aspect as well.

6. Structure color. We request any new transmission structures installed next to existing lattice structures be constructed of galvanized steel. In virginal areas with sky and mountains as a backdrop we would also request galvanized steel.

7. Potential use of the Vail Substation as a gas fired power plant. TEP had the land up zoned by the City of Tucson for this purpose.

Another concern as a TEP customer is the exporting of power to a community far south of the Vail Substation when it was mentioned several times in Line Site Case 137 (Cienega) that there were constraints on the Vail Substation via transmission line length. I question how much of this case is about providing reliable energy to Santa Cruz County and how much is about tying the Tucson Electric Power and UNS Electric regional grid together for future projects. Is this the basis for granting a Certificate of Environmental Compatibility? We question the future cumulative environmental costs to my area, such as water and air quality, especially if a gas fired power plant, of any kind, is constructed in the vicinity of the Vail Substation.

Our families live in a growing region already threatened by many environmental polluters. We recommend our community have a proactive role in transmission planning, (particularly since the Vail Substation is expected to have many projects in the next few years) and request that a Citizens' Advisory Council, comprised of various community associations, emergency responders, and environmental groups is added to the conditions of the Certificate of Environmental Compatibility, should it be granted.

Thank you,  
Dated this 14th day of June 2009

*Debra M. Hanna* P.O. Box 99 VAIL, AZ 85641  
*Debra M. Hanna* P.O. Box 99 VAIL, AZ 85641  
*Carol Shinsky* 15791 E. Hilton Ranch Rd Vail, AZ 80241  
*Bonnie Donley* 15560 E. Hilton Ranch Rd. Vail, AZ 85641

Chuck Woodford 15895 Hilton Ranch Rd Vail, AZ 85641  
Mailing ~~to~~ PO BOX 144

DAVE TENPENNY 20500 S. MARAUDERS TRAIL VAIL, AZ 85641

Gail Evanoff 20421 S. Sonoma Wy Vail, AZ 85641

Shelley Tanner 15393 E. Hilton Ranch Road, Vail, AZ 85641

Robert Huff 20421 S. Sonoma Hwy, VAIL, AZ 85641

Jan Kumpf 15560 E. HILTON RANCH RD VAIL, AZ 85641

M. L. [unclear] 15791 E. HILTON RANCH RD, VAIL, AZ 85641

[unclear] 17451 E. Hilton Ranch Rd Vail AZ 85641  
2059/06/14

Roger D. [unclear] 15393 E. HILTON RANCH RD. VAIL AZ 85641

Jack & Linda Pennington 20404 S. Marauders Dr Vail, AZ 85641

Greg Schoon Marauders Trail VAIL 85641

W. [unclear] Marauders Trail VAIL 85641

Randy Oberholt 20301 S. Sonoma Hwy Vail AZ 85641

[unclear] 15690 E. Hilton Vail, AZ 85641

Ray [unclear] 15690 Hilton Ranch Rd, Vail, AZ 85641

20985 S. total Wreck in Vail "

George Krump 15560 E. Hilton Ranch Rd Vail 85641

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Arizona Corporation Commission

1200 West Washington Street

Phoenix, Arizona 85007-2027

June 16<sup>th</sup>, 2009

ORIGINAL

Arizona Corporation Commission  
Docket No. L-00000F-09-0190-00144  
Case #144 - Vail to Valencia  
Public Comment

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2009 JUN 19 A 9:54

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

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*[Signature]*

I am writing on the behalf of the New Dawn and Vail Vistas Estates. Both are registered Neighborhood Associations with Pima County in the vicinity of the proposed project.

In February of 2008 at the hearings for LS 137 we were surprised to learn that in addition to the proposed line between the Vail Vistas and New Dawn Estates, Tucson Electric Power intended to install a third 345 kVa line in the future. It would have made a total of 4 very large lines and towers between our neighborhoods in a very narrow corridor. Such a large impact on one group of people is inappropriate. The neighborhoods will vigorously oppose additional lines and towers. Accordingly, TEP should prepare alternate routes for the lines.

We have worked extensively with TEP, the City of Tucson and the ACC to move the Cienega substation to a more appropriate location using appropriate colored monopoles (please see the attached notation regarding pole color from the City of Tucson Special Land Use Permit Application that was provided to us). We have really appreciated the efforts TEP has put into our requests regarding safety during construction, re-vegetation, flooding issues, intensive OHV prevention, and gating to prevent neighborhood trespassing. Additionally, we appreciate the neighborhood meetings that were held in our area at convenient times at convenient locations. We have shown that the Company can work collaboratively with the community on site specific issues. The Mountain View substation was shown that it was not needed.

However, TEP still has the third 345 (TEP Winchester to Vail) shown in their ten year plan that we will have to contend with. My point is this. **NO other community should be blind sighted at one hearing that their community is going to be hit in the near future by another possible transmission line, especially another extra high voltage line.**

This is one reason, among many, we highly recommend Citizens' Advisory Council, comprised of various community associations, emergency responders, and environmental groups is added to the conditions of the Certificate of Environmental Compatibility, should it be granted. Long term planning will help prevent these kinds of surprises.

I spoke and represented my neighborhoods on August 18<sup>th</sup> 2008 in front of the Commissioners. Commissioner Mundell spoke when I finished and said "*That's why we have these public meetings, so that the Commissioners can all hear what the utility is telling you, for lack of a better word, in other meetings that we don't attend.*" If the Committee approves a Citizen's Advisory Council, there can be accountability and the Community, the Commission and the Utility will all hear the same thing. It is a win-win situation for everyone.

Also, my husband and I stayed and we heard what Commissioner Mayes had to say when she spoke at the end. "So, you know, in addition to that I think we have learned a lot in this case. And I hope that the company has learned a lot. There has to be aggressive, upfront outreach to communities on all of these line siting cases."

Unfortunately, in Line Site Case 144, filed 8 months after the meeting on August 18<sup>th</sup>, 2008 there still was not aggressive upfront outreach to the community of Vail. We have hopes this will change in the future with your help.

Thank you,

*Nan Cowley*

*Nan and Curt Cowley*

13652 E. Mooncloud Way

Vail, AZ 85641

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## Cienega Utility Substation Special Exception Land Use Permit Application

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Estates commented that the residents in New Dawn Estates and Vail Vista approve of this new site for Cienega Substation and lists stipulations for approval. At a neighborhood meeting on 8/26/08 (see Neighborhood Meeting Documentation within the Special Exception Land Use Permit application) TEP discussed the stipulations with the neighbors and agreed to the following conditions:

1. TEP has applied to Arizona State Land Department (ASLD) for a 35-foot Right-of-Way (ROW) No. 18-112941 for underground distribution facilities (feeders) on ASLD land adjacent to the west boundary of New Dawn Estates. Within the 35-foot ROW, TEP will try to maintain a 15-foot natural buffer on the east side adjacent to neighbors. However, there will be a few areas within the 35-foot easement that will contain manholes for access to the underground system, which may make the 15-foot buffer unattainable. The remaining 20 feet on the west side of the ROW will be cleared to install underground feeders, and will be revegetated to ASLD's ROW requirements and City of Tucson's NPPO standards.
2. There will be construction traffic within the ROW during installation, but there will be no other routine traffic once the cables have been installed but for periodic operation and maintenance. The ROW will be gated to restrict public access.
3. TEP will install galvanized steel poles for the Vail Area project to respond to neighbors' expressed preference.
4. TEP will proceed with the construction process to minimize the amount of time and impact to land and vegetation.
5. TEP will follow a Stormwater Pollution Prevention Plan (SWPPP) during construction.
6. TEP has withdrawn the SE-08-05 application for the original substation site east of Colossal Cave Road.

Neighborhood representatives reviewed a draft of this new application and provided comments prior to submitting the application to the City of Tucson. On October 20, 2008 an email was received from Nan Cowley representing New Dawn/Vail Vista residents. After her review, she found the application satisfactory to all the neighborhood concerns. This email has been provided within the Special Exception Land Use Permit application as Appendix E: Neighborhood Correspondence.

*Special Exception Land Use Permit TEP Cienega substation  
Supplemental site information TEP-12*

*The Planning Center  
1105 Church Ave Suite 6320  
Tucson, Arizona 85701  
Telephone (520) 623-6146*

ORIGINAL

**Arizona Corporation Commission  
Docket No. L-00000F-09-0190-00144  
Case #144  
Vail to Valencia  
Public Comment**

Chairman John Foreman  
Arizona Power Plant and Transmission Line Siting Committee

Dear Chairman Foreman and Members of the Committee,

As President of the Santa Rita Foothills Community Association I write to you with the following concerns about the proposed Vail Substation siting tentatively to be located west of the unincorporated village of Corona de Tucson where my family and I have made our home for the past 33 years.

I spoke to the Commissioners at the public meeting on August 18th 2008 concerning TEP line site case #137. The areas of concern I addressed at that meeting are of concern now.

- 1.) Lack of public outreach on the part of the utility company; to date there has been no public meeting in Vail or in Corona de Tucson concerning the placement of the proposed line in Case #144.
- 2.) Potential use of the proposed Vail Substation as a gas-fired power plant; it is my understanding that the City of Tucson approved zoning for this purpose.
- 3.) Structure appearance; we request any and all new transmission structures installed next to existing lattice structures be constructed of galvanized steel. Our village nestles in an area of the Sonoran Desert with a unique beauty. Lest the landscape be blighted in virginal areas with a backdrop of the majestic mountains that surround us and the unmarred vision of the vast Arizona sky, we request galvanized steel structures be used as well. These structures weather and will better blend into the environment than any other alternative.

I did not address the possibility of the proposed Vail to Kantor line at the August 18th meeting of the Commission. If site case #144 is granted a certificate of environmental compatibility, it would provide an alternative route for a power source to the proposed Rosemont Mine. The Vail Substation is listed on TEP's transmission line projects under Rosemont Mine as one of the initial locations. The Rosemont Mine is vehemently opposed by the residents of Corona de Tucson and residents of hamlets, villages, ranches and country homes throughout Southern Arizona. The fight is ongoing and will not be easily won by the foreign mining conglomerate proposing an open pit mine that will forever scar our beloved desert.

Corona de Tucson is a growing community with roots sunk deep in our rural desert and a population ready and willing to protect our stark, yet beautiful landscape and the wilderness that surrounds us. We deserve a role in transmission line planning. We request the appointment of an Advisory Council comprised of community, neighborhood and homeowners associations, emergency responders, environmental groups and other interested parties be added to the conditions to the granting of any proposed Certificate of Environmental Compatibility.

Thank you,

Dated this 25th day of May 2009

By: *Sandra M. Whitehouse*

Sandra M. Whitehouse  
139 West Camino del Emperador  
Corona, AZ 85741-2032.

Pursuant to AAC R14-3-204

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MAY 26 2009

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

My name is Mary Ann Cleveland and I am TEP Customer. I am also one of the first Rita Ranch residents, support staff for Greeter Scheduling for the historic Saint Rita Shrine in the Desert (located between the tracks in down town Vail, AZ) and a very vigorous community activist. One of my proudest accomplishments was never giving up hope in my three year quest to see a road built to connect the communities of Rita Ranch in the City of Tucson and Vail in Pima County for the safety of our children.

That said, we still have much work left to do. Elizabeth Webb and I have worked on many community projects together in the past; the 2008 Pima County Bond to advocate for a library, community center and parks for our area, historic preservation on the two remaining oldest buildings left in downtown Vail and have attended Vail School District town halls, business, Pima County Board of Supervisor, City Council meetings and more.

I write today with the following concerns about LS case 144 and TEP's plan to acquire a large portion of a new transformer with another company. Eight years ago, Tucson Electric Power met with us about plans for a gas fired power plant at their location south of I-10 off Rita Rd. located less than 3 miles from our community in Rita Ranch and their plans to apply to the City for their property to be rezoned to Industrial Use. The TEP guys were extremely vague in their plans for the area. Then, they went in front of the City of Tucson and said something different. They received their rezone. TEP's spokesman Bill Norman said reserve amounts of electricity would need to be generated in preparation for the Southeast side's expected population boom. When are companies going to have to be accountable for statements they make regarding population growth when receiving permits and equipment? I still have the same concerns about water and air pollution associated with any future growth at the Vail Substation that I had then.

In this case there was no meeting held in Rita Ranch, Vail or Corona de Tucson. Rita Ranch is still located less than 3 miles from the Vail Substation. Children from as far away as Sonoita in Santa Cruz County attend high school at Empire HS which is located next to Rita Ranch. We have held plenty of meetings in our area at the schools. The Vail School District is very accommodating. The newspaper advertisement for the project is very vague and it is very difficult to know about proposed new construction when a project is called an upgrade.

My family lives in a growing region already threatened by many environmental polluters. I recommend our community have a proactive role in transmission planning and request that a Citizens' Advisory Council, comprised of various community associations, emergency responders, and environmental groups is added to the conditions of the Certificate of Environmental Compatibility, should it be granted.

Thank you,  
Dated this 17th day of June 2009

*Mary Ann Cleveland*

Mary Ann Cleveland

9820 E. Donati Way, Tucson, AZ 85747

Arizona Corporation Commission

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**Arizona Corporation Commission- Docket No. L-00000F-09-0190-00144 - Case #144 - Vail to Valencia**

**Public Comment**

Dear Chairman Foreman and Members of the Members of the Committee,

My name is J.J. Lamb and I write today to give you some insight into the delicate workings of historic preservation and building community partnerships.

Nearly three years ago, Elizabeth Webb and I began conversations with Cal Baker, another history buff, about the buildings near Kolb Rd. and I-10 located in the Vail to Valencia Project study area in regard to the 2008 Pima County Bond. I have included a letter written by Mr. Baker and a few photographs.

Two years ago, during a meeting to discuss historic preservation with our District 4 Supervisor Ray Carroll, Rita Ranch resident Mary Ann Cleveland, Elizabeth, an owner of an historic property who for privacy reasons shall remain nameless and I discussed various projects in our region and how they could fit into an overall plan. These buildings were discussed then as well.

We believe a Vail pioneer lived in one of the buildings as a boy when it was located in Vail, AZ in the forties.

More than a year ago, I spoke in front of the Line Siting Committee and asked to be added to the company stakeholder list for future projects. We were not. It should have come as no surprise to TEP/UNS Electric or its environmental planning group that the Vail Preservation Society has identified boundaries west to Wilmot Rd. Our boundaries were identified over two years ago in our strategic plan.

We have been working diligently with other companies to create community connections through local history.

I do not have any expectations about these buildings. I write only to point out they are in the project study area. It is also important to note today's idea of community is different than it was previously. Objects and buildings were moved in an interesting concept of recycling. Perceived boundaries were once much more expansive as were the boundaries of our founders' ranches-their "Empires".

Thank you,  
Dated this 19th day of June 2009

*J. J. Lamb*

J.J. Lamb  
2954 E Cardenas Dr  
Vail, AZ 85641  
(520)419-4428

Arizona Corporation Commission

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JUN 22 2009

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*Letter written by Calvin Baker, superintendent of the Vail Unified School District to members of the Governing Board & co-directors of the Vail Preservation Society on November 19<sup>th</sup> 2006 during 2008 Bond discussions about the historical significance of the aging buildings located between Kolb and Rita Rd, south of Interstate-10. This is in the Vail to Valencia study area.*

## Save Esmond Station

From: Calvin Baker (bakerc@vail.k12.az.us)  
Sent: Sun 11/19/06 4:23 PM  
To: E Webb (rinconvalleyis@hotmail.com)  
Jim Coulter (coulterj@vail.k12.az.us); Margaret Burkholder (burkholderm@vail.k12.az.us); Deb King (Debkingvail@aol.com); Anne Gibson  
Cc: (gibsona@mindspring.com); Randy Kinkade (whatrukidn@yahoo.com); John Carruth (carruthj@vail.k12.az.us); Lu Ann Posey (poseyl@vail.k12.az.us); Al Flores (floresa@vail.k12.az.us)

Elizabeth,

I am writing to confirm our recent conversation regarding the importance of saving/restoring Esmond Station.

When the railroad first came through Southern Arizona in the early 1880's, a series of train stations were established along with it. Due to the technology of railroads and the nature of life at that time, one of these stations occurred every 10 to 20 miles along the track. Each station had a foreman's residence. Each station also usually included a depot and housing (either houses or a dormitory) for other railroad workers. Most of the stations had a water tower as well as some kind of warehousing facility.

In the mid-1900's railroad technology and life had changed to the point where these small stations were no longer necessary. In order to decrease assets, and thus property tax liability, the railroad eliminated the buildings from the property they owned. In brief, the stations disappeared.

Esmond Station was the exception. It was abandoned by the railroad in an earlier time period, when the track it was located on was also abandoned. The foreman's house remained, as well as a warehouse structure. The land it is located on became State Trust Land and a local ranching family occupied the foreman's house and made use of some of the other structures.

In addition to its unusual state of preservation, Esmond Station has another important claim to notoriety. In 1903 the worst train wreck in Arizona History occurred just northwest of Esmond Station (specifically the site of the current Fry's parking lot at Rita Road and Houghton Road). Reportedly, the wreck was caused by orders that were mishandled at Esmond Station. Restoration of the Esmond Station was on the 2004 bond list. In fact, the planned restoration of Esmond Station and the plans for an adjacent regional park and railroad bed trail system is one of the primary reasons why the Vail School District chose the current, adjacent site for Empire High School — just south of the Esmond Station. The school itself was given a historical name ("Empire" after the "Empire Ranch" that was active during the same time period Esmond Station was active).

Unfortunately, just prior to the 2004 bond, the foreman's house at Empire caught fire and burned. The fire was most likely set by vandals. With no historic house on site, the project seemingly lost appeal and was taken off the list.

The opportunity still exists, however, to save and restore this historical site. **A number of the distinctively designed foreman's houses do still exist. They are located just south and east of Kolb and I-10.** At least one of these houses could be purchased, moved to the Esmond site and restored. This project should not be delayed any further.

The mud adobe warehouse structure at Esmond Station was likely built in the 1800's. While it is badly damaged, most of it is still standing. The State Land Department did have it fenced in to protect it, but vandals have broken the fence. The wooden roof is ready to suffer the same fate as the foreman's house and much of the adobe is exposed to the weather. All of it is exposed to vandals. The foreman's houses by Kolb & I-10 also appear to be deteriorating rapidly. A fleeting opportunity exists to save and remember this critical part of Arizona History. The site could be part of the regional park, a feature of the trail system and a historical location to be studied by students from Empire and other local schools.

Attached please find the following picture:

1.. Site of the burnt foreman's house at Esmond.

If we do not act soon, the remaining pieces of these historical treasures will be gone forever.

Calvin Baker



Calvin Baker Photo- Burned Foreman House at Esmond Station

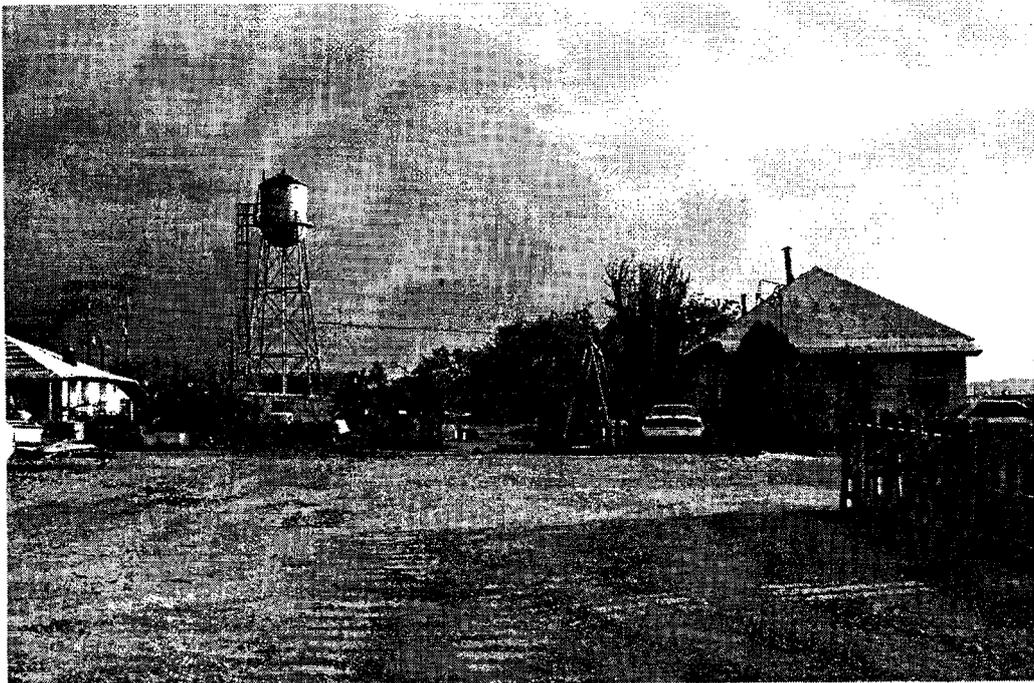
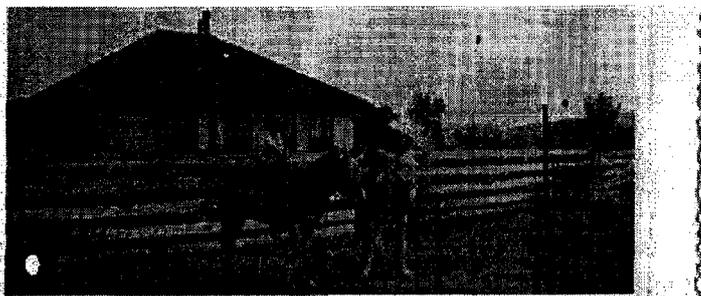


Photo taken June 2009 Kolb/I-10  
Foreman Houses



This was the section foreman house where we lived. *[in Vail]* It was located on the north side of the north railroad tracks (about where the fiber optic facility is located). You can still see part of the house foundation. The photo is oriented to the west/northwest. You can also see a portion of the Trotter sister's house in the background. The handsome guy on the white donkey is Bill Allen and Billy Joe Henly on the darker donkey. He was a friend from Coolidge staying for a few days. —*Vail Pioneer Max "Bill" Allen*

*We believe this is the same house now located in the vicinity of the proposed project. East of Kolb Rd, West of Rita Rd, South of I-10 —Photo taken June 2009*



ORIGINAL

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

Arizona Corporation Commission

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**Public Comment**

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

I am a customer of Tucson Electric Power (TEP) and have some concerns regarding the proposed Vail to Valencia case before the Committee. My concerns are prefaced by the following. A couple of years ago I was lucky enough to read Commissioner Kristin Mayes guest opinion in the Sunday Star speaking about TEP's Sun Share Solar program. I was so impressed with Commissioner Mayes and wowed by this idea that my wife and I installed the system on our house. (An energy efficient stabilized adobe home). We received the rebate and are thrilled with the system. We do believe large companies can work with the public to help the environment and the economy.

That said, I do feel an obligation to express these views. My wife and I are long time residents of Vail in the Empire Mountains SE of the proposed project. We are members of the Hilton Road Community Association which is a registered Neighborhood Association with Pima County in the direct vicinity of the project. (Please see the attached Pima County GIS map) We pride ourselves on being strong members of our community and are activists for a variety of important causes.

Here are areas of specific concern and some suggestions for the future:

**1. Public Outreach by the Utility Companies:** In Line Site Case 144 there was no public meeting held in Vail or Corona de Tucson. If a meeting is to be held in an area outside of our community, I would suggest that the notification given be done in a timely manner so that we may prepare and carpool. Or the Company could provide a shuttle. I would also suggest that meetings start later in the day so that our community would have time to arrive home or arrive at the meeting after work. 5:30pm is too early. 6:00-6:30pm is more reasonable for a community that has many younger members.

**2. Advertisement of Open Houses:** Another important aspect of public outreach is clear concise information in the advertising for the meetings. Advertising construction of a completely new transmission line from a TEP substation after disconnecting it from a non-TEP substation to supply non-TEP customers as an "upgrade that would involve only a few changes to the existing transmission line route" is disingenuous. And that is how it was advertised in the newspaper for the May and Dec 2008 Open Houses in Tucson.

**3. Availability of Information to TEP Customers.** This project will use shared equipment between two utility companies and travel through TEP's service territory. I would suggest that future joint projects have a listing on both websites just as the Sahuarita to Nogales project is listed on both websites rather than the link I saw today. I would also suggest putting the website information on the newspaper advertisements for the Open Houses.

**4. Cooperating with other agencies.** I suggest that the Committee work with the BLM, on whose land the Nogales substation sits and where the preferred alignment in Segment 1A would cross. There are cumulative impacts associated with several transmission lines, structures, and future projects in our area. Additionally, the NEPA process *requires* social, economic and rural lifestyle issues to be considered while Arizona only *allows* them to be considered. I sincerely hope you will take these factors into consideration under Total Environment when you make your decision about granting your conditions in this Certificate.

conditions in this Certificate.

5. Vail to Kantor Line: The potential of this line to be used as Option 1 and 3 in Rosemont Mine's plan of Operations. As of today, June 13<sup>th</sup> 2009, the Vail to Kantor line which still does not exist, is listed on Augusta Resources website as two possible alternatives. It is my understanding that TEP has asked Rosemont to remove these two options from Augusta Resource's website but they still have not done so.

[http://www.augustaresource.com/upload/Plan\\_of\\_Operations/2.7 Electrical Power Supply.pdf](http://www.augustaresource.com/upload/Plan_of_Operations/2.7_Electrical_Power_Supply.pdf)  
<http://www.augustaresource.com/section.asp?pageid=6320>

This creates great unease about this project among residents in my community, as if TEP/UNS Electric is being disingenuous about this aspect as well.

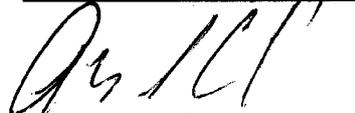
6. Structure color. I request any new transmission structures installed next to existing lattice structures be constructed of galvanized steel. In virginal areas with sky and mountains as a backdrop we would also request galvanized steel.

7. Potential use of the Vail Substation as a gas fired power plant. TEP had the land up zoned by the City of Tucson for this purpose.

Another concern as a TEP customer is the exporting of power to a community far south of the Vail Substation when it was mentioned several times in Line Site Case 137 (Cienega) that there were constraints on the Vail Substation via transmission line length. I question how much of this case is about providing reliable energy to Santa Cruz County and how much is about tying the Tucson Electric Power and UNS Electric regional grid together for future projects. Is this the basis for granting a Certificate of Environmental Compatibility? I question the future cumulative environmental costs to my area, such as water and air quality, especially if a gas fired power plant, of any kind, is constructed in the vicinity of the Vail Substation.

My wife and I live in a growing region already threatened by many environmental polluters. I recommend our community have a proactive role in transmission planning, (particularly since the Vail Substation is expected to have many projects in the next few years) and request that a Citizens' Advisory Council, comprised of various community associations, emergency responders, and environmental groups is added to the conditions of the Certificate of Environmental Compatibility, should it be granted.

Thank you,  
Dated this 13th day of June 2009

  
Greg and Carol Shinsky  
15791 E Hillton Ranch Rd  
Vail, AZ 85641

Pursuant to AAC R14-3-204  
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Arizona Corporation Commission  
1200 West Washington Street  
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**Arizona Corporation Commission - Docket No. L-00000F-09-0190-00144 - Case #144 - Vail  
Public Comment**

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

I am a customer of Trico and a resident of "New Tucson" in the Vail area, located due east of the proposed project. I have volunteered for many organizations and love my community. It was just ten years ago that I boarded a bus with other parents of diverse backgrounds and rode to Phoenix to advocate in front of the Arizona State Legislature for the first high school in the Vail Unified District. We have always had to work hard to express our needs and to be heard. I write today with the following concerns.

- 1. Public outreach by the utility companies.** In Line Site Case 144 there was no public meeting held in Vail or Corona de Tucson. This is especially of concern as Trico has plans to construct a new substation in our neighborhood in the next year.
- 2. Views along Interstate Ten.** As there is little to no commercial activity in the Vail area, it is largely a commuting population. I am a night worker at the US Postal Service Cherry bell Location. My commute is almost entirely on Interstate Ten from the Vail/Wentworth Exit to Kino Parkway. On my trip to work, the brightly lit Vail Substation sits on my left, to the south. On my return trip, depending on the season, my sunrise is marred by several large steel four legged structures, and transmission lines and various brown poles to the south, on my right. How many are enough?
- 3. Potential use of the Vail Substation as a gas fired power plant.** TEP had the land up zoned by the City of Tucson for this purpose. This was fought by Mary Ann Cleveland, a Rita Ranch activist (see attached article) How many more lights will be required if this CEC is approved and how many lights will be required in the future if TEP builds its gas fired power plant. What are the environmental risks? It appears as if the industrial blight that Mary Ann feared is becoming a reality.
- 4. Structure color.** I request any new transmission structures installed next to existing lattice structures be constructed of dull grey galvanized steel. In natural areas with sky and mountains as a backdrop I would also request dull grey galvanized steel. If I am going to have to see more towers I prefer that they are the same color. In some places the violent contrast of the black poles crossing the interstate is not appealing at all. It seems that it would make more sense to build on the existing steel structures as there are so many of them and they are so large. Why not use what is already there?

As the member of a family in a growing region already threatened by many environmental polluters, I believe and request that our community should have a proactive role in transmission planning, (particularly since the Vail Substation is projected to have many projects in the next few years) and request that a Citizens' Advisory Council, comprised of various community associations, emergency responders, and environmental groups be added to the conditions of the Certificate of Environmental Compatibility, should it be granted.

Thank you,  
Dated this 10th day of June 2009

  
Ken Lamb  
2954 E. Cardenas Dr.  
Vail, AZ 85641

Arizona Corporation Commission  
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# Tucson Weekly

CURRENTS - FEATURE

July 05, 2001

## The Next Generation

### Twenty potentially harmful proposed electricity plants jolt Arizona into a new era of power politics.

by Tim Vanderpool

Sunrise spills like a broken yolk over Picacho Peak, as Jon Shumaker stalks the furrowed ground that's consumed his life.

If a group called Toltec Power Station LLC has its way, he says, this remote patchwork of cotton farms south of Casa Grande will soon be home to four smoke-belching power generators, pumping up to 2,000 megawatts of electricity into the commercial wholesale market. The enormous plant would span 215 acres sandwiched between Picacho Peak State Park on the east, the Sawtooth Mountains to the west, and the brand new Ironwood Forest National Monument on the south and west.

Nearby, an International tractor rumbles through a field, and a crop-dusting plane dips and rises above a carpet of green. Over the din, Shumaker, an archaeologist by training, describes how he's been single-handedly forced onto a gargantuan learning curve, attending relentless hearings and reading through enough legalese to swamp an army of lawyers, simply to make sure Toltec doesn't shove its way toward state approval like "greased lightning."

He recites a litany of complaints against the proposed plant, from concerns over water use and air pollution to its placement near the nature preserves. While a Toltec official says company planners have done their best to keep impact at a minimum, through extensive hydrological studies and revegetation research on surrounding farmland slated to become fallow, Shumaker flatly disputes these claims.

"Under questioning at a public hearing, I got them to admit that (revegetating farmland) is impossible to do," he says. "They're trying to make it look like they're great stewards of the land, but their science is completely non-existent."

Worst of all, the Toltec plant would be visible from the new Ironwood Monument, including a portion of the Sawtooths rising only six miles to the west. He says a power plant with eight towering stacks cannot peacefully exist next to so much wilderness.

"Yes, I do have a real problem with the proximity of this monster to the Ironwood. We're talking about a national monument, not just some little county park." All for a merchant plant geared to serve the lucrative wholesale market, he says, and California in particular. "It's pure arrogance on their part."

He kicks at a dirt clod, and his eyes narrow on a sign announcing the coming plant.

According to Shumaker, his questions about revegetating the farmland prodded Toltec to endow a related research position at the UA. His interrogation also slowed the project's approval, at least until another public meeting planned for July 9 in Phoenix, where he says "they're going to try to annihilate me."

Meet the new face of power politics in Arizona.

JON SHUMAKER'S BATTLE is being replicated across the state, as an unprecedented stampede of 20 applications for new power plants head for hearings before the Arizona Corporation Commission. That's in addition to a plethora of companies, from Tucson Electric Power to the Public Service Company of New Mexico, seeking approval for new high-power transmission lines across the landscape.

click to enlarge



TIM VANDERPOOL

"PNM doesn't give a damn whose lives they're affecting," says John Hewitt of Stoplines, a group opposing a transmission corridor through Avra Valley.



For information on these power projects, call the Arizona Corporation Commission at (520) 628-6550.

In most cases, the energy onslaught has local citizens running for cover. And statewide, environmental groups appear overwhelmed. "It's like trying to step on ants running every direction," says Steve Brittle of Don't Waste Arizona. "It just doesn't stop."

For example, in the small town of Kingman near the Arizona-California border, residents have protested a new power plant that will pump 8.4 million gallons of water daily from their aquifer. And in the Phoenix suburb of Gilbert, neighbors like Dale Bolger unsuccessfully opposed the expansion of a Salt River Project generator.

"There are 21 schools within a three-mile radius of this one plant," Bolger says. "The company is willing to put children at risk, so they can make money selling electricity to California."

Houston-based Reliant Energy Inc.--recently attacked by California Gov. Gray Davis for alleged price-gouging--is likewise putting the finishing touches on its new Desert Basin Plant in Casa Grande.

Meanwhile in Tucson, TEP is requesting an industrial rezoning for property it owns near I-10 and Rita Ranch Road. Area neighbors fear such a rezoning will spark an industrial blight in their midst, and two 75-megawatt plants in their backyard. "The TEP guys were extremely vague about their plans at a meeting with us," says Rita Ranch activist Mary Anne Cleveland. "Then when they went before the (city) zoning folks, they said something completely different. They essentially lied about their plans."

TEP officials didn't return several phone calls seeking comment on the neighbors' concerns.

The Tucson utility is also competing with the Public Service Company of New Mexico, or PNM, to run high-voltage power lines to Mexico, which is viewed as a market of limitless proportions.

The TEP preferred plan would place 150-foot towers through the environmentally sensitive Coronado National Forest. Its second choice would have lines running adjacent to I-19, and near the communities of Tubac, Amado and Green Valley.

At public hearings in Nogales on May 7 and 8 concerning TEP's transmission line plan, Emilio Falco, an astronomer with hopes to construct a home near one proposed path, raised the type of question leveled at other expansion-minded power companies across the state. "Your preferred alternative route passes right over where we plan to build our house," he said. "Do you expect to negotiate away our house?"

On June 11, PNM officials heard similar comments in the Marana High School auditorium, over their plans to blaze a megawatt transmission corridor through Avra Valley. "PNM doesn't give a damn whose lives they're affecting," said John Hewitt, a valley resident and member of Stoplines, a group opposing the project. Hewitt said the New Mexico company's stubbornness reminded him of a country song. "My question to PNM is this: What part of no don't you understand?" The audience of 200 roared in support.

SUCH COMMUNITY CONCERNS are well-founded, according to Ellen Berman, president of the Consumer Energy Council of America Research Foundation in Washington, D.C. "Companies are seizing opportunities (under electricity deregulation), which is not inherently bad," she says. "But the worry is, what are the environmental consequences, and what are the price benefits?"

In Arizona, where the vast majority of pending plants are geared toward western wholesale markets, the environmental consequences are likely to include dirty air, reduced water supplies and countless eyesores. The price benefits, if any, are a gambler's paradise.

This tsunami of power projects comes amid vigorous encouragement from the administration of President George W. Bush, and the mood among energy companies, as one observer puts it, "is to get going while the going is good."

Indeed, on May 18 the president ordered federal agencies to speed up approvals for refineries and power plants. This order came a day after the release of his energy plan, a blueprint that he said will balance energy development with environmental concerns. "We don't want either of them snarled in bureaucratic tangles, as local governments or entrepreneurs seek permit after permit from agency after agency."

Bush then asked citizens to help silence his critics. "When you hear these folks--it doesn't matter what side of the debate they're on--who are willing to kind of castigate somebody who may have a good idea, stand up and let them have it," he said while touring western hydroelectric projects.

Bush didn't specify which citizens he was referring to.

But even the bully pulpit has its limits. On June 18, the Federal Energy Regulatory Commission approved a price "mitigation" plan, aimed at reducing sudden whole electricity rate hikes in California and other western states, including Arizona.

This comes after intense criticism of the FERC's inaction as Californians saw their electricity bills mushroom--despite the commission's mandate to ensure "just and reasonable" consumer electricity prices.

The commission's new strategy is to limit power prices, tying them to a formula based on the efficiency of power generation. It also restricts energy providers from withholding electricity from the market simply to spike prices.

This plan falls just short of introducing price caps, a move Bush has ardently opposed, saying it would only reduce incentives for new plant construction.

Arizona Gov. Jane Hull has also opposed price caps. At a February energy conference in Oregon with other western governors, Hull said such limits would "undermine our deregulation efforts and discourage investment in power plants."

And, echoing the president, Hull said that "We need to keep a balance between environmental concerns and reliable power."

But the question lingers: How much reliable power is enough? And when does the environmental havoc wreaked by a surge in power projects outweigh reliability worries?

Basic math lends a clue. According to industry watchers, if all the planned plants are built, within two years Arizona will have enough power to serve 20 million people. This in a state where the population hovers between five and six million.

ON MAY 9, SEVERAL environmental and consumer groups called for a full analysis of Arizona's energy needs before further plants are approved by the Arizona Corporation Commission.

Airing their concerns to the ACC were organizations ranging from the Grand Canyon Trust in Flagstaff to the Phoenix-based Arizona Center for Law in the Public Interest.

In the past, the ACC conducted regular inventories of Arizona's energy needs, said Rick Moore, program officer with the Trust. And Tim Hogan from the Center for Law cautioned that "No one is minding the store while all these plants are being approved."

The power plant boom has also prompted at least three lawsuits by the Center against the ACC. "State law governing the siting of power plants requires the commission to balance the need for an adequate, economical supply of power against the environmental impacts that the plants will have," Hogan told the *Tucson Weekly*. The legal action is meant to highlight that responsibility, he says.

Arizona officials say they've already responded to the power boom by tightening review procedures for the new plants. When the Corporation Commission recently approved one generator near Gila Bend, it included toughened air quality standards equivalent to those of coastal California.

Those standards include catalytic converters and other state-of-the-art technology to reduce emissions of carbon monoxide, particulates and organic compounds. "I think this does show there's a different level of scrutiny, in terms of collective impact of all these plants," says Heather Murphy, a commission spokeswoman.

Calls to ACC Chairman William Mundell for comment were not returned.

Still, the state's standards correlate with federal air and water quality standards laws, says Richard Tobin, deputy director of the Arizona Department of Environmental Quality. As plants go through the planning process, he says his department reviews them for compliance.

Tobin says new plant operators must show a commitment to actually improving overall air quality in their area. This can mean anything from the installation of high-tech pollution controls to simply paving nearby roads to reduce dust. Nor, he says, is the ADEQ asleep at the wheel. "Our folks are very committed to the job they do, and they're holding the utility companies' feet to the fire."

And while the sheer number of new generators under review has strained the agency's resources, "Plants meant to serve state residents are given priority," he says.

The *Weekly* has also been told that the Arizona Attorney General's office will be looking into the rash of new plant applications, though details of this investigation were not available at press time.

### You Gotta Have Friends

UNFORTUNATELY, LYING BEHIND this high-tech surge—with its enormous investments and potential for environmental calamity—is one factor that's been around since mankind first harnessed the energy of fire: plain old politics.

TEP's proposal for stringing transmission lines into Mexico is a good example of how political influence might be bought and sold to further Arizona's power industry.

Since TEP's plan and that of its competitor, PNM, include linkage with the power grid of a foreign country, the plans require approval from the federal Department of Energy with what's called a presidential permit.

Near the time its plan was released on August 17, TEP hired longtime local public relations executive Steve Lynn as director of corporate relations and communications. Lynn is also a former assistant director of the City of Tucson's Department of Human and Community Development.

In addition to his TEP duties, Lynn currently wields enormous clout as chairman of the Arizona Independent Redistricting Commission, which is charged with redrawing the state's congressional boundaries.

As coincidence would have it, the public-relations veteran is also a longtime friend of Fifth District Congressman Jim Kolbe, having worked both as a volunteer and paid consultant on Kolbe campaigns.

Now in his ninth term, the congressman sits on several House committees that oversee border issues, from the Subcommittee on Foreign Operations, Export (which he chairs), to the Subcommittee on Commerce, Justice, State and Judiciary, which funds agencies ranging from the Immigration and Naturalization Service and the Drug Enforcement Administration to the International Boundary and Water Commission.

As its name implies, the latter commission oversees water and boundary issues along the U.S.-Mexico border. According to a federal official who asked to remain anonymous, as an organ of the U.S. State Department, "the IBWC must sign off on any presidential permits" for international power lines.

Finally, Kolbe also serves on the House Interior Subcommittee, which monitors the U.S. Forest Service. This oversight of course includes the Coronado National Forest, where TEP hopes to string its huge power lines.

In his roles on these various committees, Kolbe obviously has many opportunities to affect the presidential permitting process for TEP's transmission line proposal.

When asked whether he had discussed the project with his friend Steve Lynn, or with any other TEP officials, Kolbe responded by e-mail, through his press aide, Neena Moorjani. Rather than directly answer questions about specific discussions, the congressman wrote that "I have had numerous meetings on this matter with a full range of groups, individuals, and government agencies (federal, state, and local).

"I am following the matter closely as it goes through the public participation process seeking to ensure that federal agencies are response [sic] to the community," he said. "The current process is a public process, which I hope everyone with interest in this matter will participate."

Still, this isn't the end of cozy relationships. Serving alongside Lynn on the highly powerful, five-member redistricting committee is Dan Elders, owner of DRE and Associates, a Tucson landscape architecture and environmental consulting firm.

Elders was among those who later appointed Steve Lynn to the group, and selected him as chairman. Elders told a local daily newspaper that he chose Lynn because of the PR executive's communication and consensus-building abilities.

In turn, Elder's firm was hired by TEP to conduct environmental impact studies on the transmission line project, and Elders testified under oath on the utility's behalf during the May transmission line hearings in Nogales.

But following his own appointment to the commission, Elders portrayed himself as a political babe in the woods. "Gee whiz, I'm probably right there with George Bush," he told the *Arizona Daily Star*. "If someone asked me who the president of X, Y or Z was, I wouldn't have a clue. I don't know the political pundits or who the movers and shakers are."

Elders did tell the *Star*, however, that among his first notes of congratulation was one from Kolbe.

Contacted by the *Weekly*, Elders said that he publicly disclosed his business relationship with TEP to the Arizona Secretary of State's office while being considered for the redistricting committee, and that he has only had one conversation "of a general nature" with Congressman Kolbe since his appointment

He says any linkage between himself, Lynn and Kolbe "is of such a tenuous nature" that "it doesn't deserve comment."

Numerous calls to Lynn for comment were not returned.

However, the Kolbe/Lynn/Elders triad certainly provides ample opportunity for a juicy, last-minute quid pro quo: Under a draft map of newly drawn Congressional boundaries released in June, Kolbe will lose a large portion of his Catalina Foothills constituents. In turn, according to the draft, he would acquire a chunk of Tucson's south side, a portion of the Tohono O'odham Nation, and a slice of Santa Cruz County. None are considered particularly fertile ground for a Republican seeking reelection to a 10th term.

Observers are awaiting release of the final boundaries, to determine whether Lynn and Elders will be more kind to the Congressman in that version.

Regardless, Kolbe's Web site proclaims, in no uncertain terms, the congressman's opposition to an earlier transmission line route proposed by TEP's competitor, PNM. That route would have cut through the heart of his district, near Sonoita and Patagonia. There has been no specific comment from Kolbe's office about his position on PNM's newly proposed Avra Valley route.

Is this an insider's game? Ask Emilio Falco, the astronomer. "It seems pretty obvious what is going to happen," he said after the Nogales meeting. "Of course, TEP is going to get what they want."

### More Lines of Power

THE FIRST STEPS in granting approval for power lines and plants in Arizona involve the ACC's Line Siting Committee. Committee meetings are meant to gather public opinion, and evidence about environmental impacts of a project. They are conducted like a court of law, with testimony and questioning under oath.

The committee is comprised of representatives from various state agencies, including the Corporation Commission, the Department of Environmental Quality and the Department of Commerce. Corporation commissioners also appoint six members representing the public, though one position is currently vacant.

Laurie Woodall of the Arizona Attorney General's office chairs the committee on behalf of Attorney General Janet Napolitano.

Following hearings on particular projects, a majority of committee members either rejects the project, or grants approval in the form of a Certificate of Environmental Compatibility.

Environmental and consumer advocates say the Line Siting Committee has a pro-business tilt. But Woodall says its diverse membership ensures that all viewpoints are represented.

"It's a common prejudice to somehow believe that everything that's involved in government ... that there must be something sort of cynical about it," she says. "But that has not been my observation." Woodall says Arizona law requires that "one member shall represent cities, one shall represent counties, one shall be actively involved in agriculture." As a result, "I think this board has an extraordinary number of representatives of the public."

Once the Line Siting Committee makes its call, the matter is forwarded to the ACC for a final decision. Calls to ACC Chairman William Mundell for comment on this process were not returned. But when the commission approved the Gila Bend plant with tightened environmental requirements in early April, Mundell told the *Arizona Republic* that "the pendulum has swung toward protecting the environment."

There have since been questions about whether officials from the Gila Bend project accurately listed planned emissions.

And in May, when activist groups aired their concerns before the ACC, Commissioner Marc Spitzer reiterated that he and fellow regulators were very dedicated to balancing power needs with environmental impacts.

Do such comments allow activists a better night's sleep? Steve Brittle of Don't Waste Arizona says he isn't comforted. "I don't really have a good view of (the commission) because I have seen them presented with testimony that I would call compelling, and they've ignored it."

He says the plant expansion approved for Gilbert provides "a perfect example. People put on the record plenty of information about hazards from the chemicals, such as ammonium sulfate that causes respiratory problems, all these concerns. Then commissioners told the Salt River Project they could build the huge plant, but that they couldn't burn diesel fuel. They [the commission] called that a significant environmental restriction. In terms of the potential tons and tons of pollution, that didn't really do much.

"The thing that really bothers me," Brittle says, "is when I've gone to hearings, and everything is supposed to be quasi-judicial. But it's only that way when [the commissioners] need it to be. It's really been about listening to what the corporations tell them. Then they sort of nod their heads, but you can tell they're not really listening to citizens, or the other information that's presented to them."

### **Back at Ground Zero**

JON SHUMAKER ISN'T UNDER any illusions about his chances for killing the \$1 billion Toltec power plant project. Still, he's not about to stop trying. "There are still intact bighorn sheep herds in the Silverbell Mountains," he says. "And they move throughout those mountain ranges out there, and one of the ranges they go through is the Sawtooth Mountains. Is this really the kind of thing you want to build eight smokestacks next to?"

But Tom Wray, who spearheads the Toltec Project for the Phoenix-based Southwestern Power Group II, says the company has all its environmental ducks in a row, after conducting studies on land subsidence, water use and potential emissions. The company has also scouted how best to keep the visual impact on nearby monuments to a minimum, he says.

"I believe the nearest facility to Ironwood would be one of the transmission lines that's about nine miles (away). We've done numerous simulations of views from Picacho Peak, from different points inside Ironwood, [and the facilities and transmission lines] would be very difficult to see."

(In truth, Toltec would be roughly six miles east of the Sawtooth Mountains, which lie in the monument, and seven miles north of the core monument.)

Wray estimates that 75 to 80 percent of power produced at Toltec "would remain inside the state of Arizona for the local needs."

However, such numbers are little more than speculation in the volatile energy market; industry watchers say nearly all the new plants are aimed primarily at customers outside the state.

Like many of these planned plants, Toltec is owned by a limited liability partnership. This means that the true money behind such a project is difficult to trace. Wray refused to name Toltec's parent company. "I can't give you that information," he says. "That's one of the reasons you have limited liability companies--the owners are not disclosed."

But some digging unearthed a Louisiana company named MMR Power Group, based in Baton Rouge. Calls to MMR official Allen Boudreaux seeking comment were not returned, but a secretary confirmed that MMR owns the Toltec project.

Regardless, Wray says his company put the plant on the best spot it could find. "I would point to situations where you build plants in populated areas, which impacts those people's lives. We've bought enough land to buffer these plants from any of the homes that would still be there. And our simulations do not show visual impact from Ironwood or Picacho at all. I guess it's all in the eyes of any particular viewer."

*Wildlife included.*

For his part, Jon Shumaker watches the mad rush of new power projects like Toltec, and says he doesn't like what he sees. "At one hearing, this guy came up and asked me, 'If we don't build it here, where do you want to build it?' I told him I'd rather have it built in my back yard than out here. That shut him up for awhile."

The tractor is plowing its last row of the morning, as Shumaker takes a final glance around this remote battleground. He shakes his head in disgust. "It seems pretty simple to me," he says. "The more they develop next to this brand new national monument, the more they degrade the habitat out here. And where this plant is supposed to be is currently the quiet, rural, agricultural heartland of Arizona. If this goes through, Toltec is going to change the ambience of the entire area."

And like others opposing endless, well-funded power plans, he refuses to abandon his David vs. Goliath fight. "My intent is to drive a stake into the heart of this project," he says. "It's a bad project, and it's a terrible location."

[Feature archives »](#)

ORIGINAL

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

I am a customer of Tucson Electric Power (TEP). My family and I live in New Dawn Estates in Vail, AZ. Our community just went through a long and drawn out process with Line Site Case 137 and the Cienega Substation siting process with the City of Tucson. Fortunately, we were able to work cohesively with TEP to a positive end in that case.

Additionally, as the Chairperson for the first annual 'Tis the Season Tree Lighting "Between the Tracks" in Vail, AZ, I am happy to say that TEP made the lighting ceremony possible with its donation. That is the way it should be; Communities and Corporations working together. Today; however, I am writing about the following concerns regarding the proposed relocation of the transmission line to Nogales, Arizona from the Nogales Substation located at Wilmot Rd to the Vail Substation, located at Rita Rd.

1. Public Outreach by the utility companies. In this case, Line Site Case 144, there was no public meeting held in Vail, or Corona de Tucson. I thought things were going to change after the Cienega/Mountain View case.
2. Potential use of the Vail Substation as a gas fired power plant. TEP had the land up zoned by the City of Tucson just South of Rita Ranch for this purpose. How many cumulative impacts from environmental polluters should this area sustain?
3. Structure color. We request any new transmission structures installed next to existing lattice structures be constructed of galvanized steel. In virginal areas with sky and mountains as a backdrop we would also request galvanized steel..
4. Concern as a TEP customer at the exporting of power to a community far south of the Vail Substation when it was mentioned several times in the Cienega substation (137) that there were constraints on the Vail Substation via transmission line length. I question how much of this case is about providing reliable energy to Santa Cruz County and how much is about tying the Tucson Electric Power and UNS Electric regional grid together for future projects. Is this the basis for granting a Certificate of Environmental Compatibility? I question the future cumulative environmental costs to my area, such as visual impacts, water and air quality and more.

I read the article in the Tucson Weekly today where Joe Salkowski is quoted as saying "the situation is not one of outages...as much as long term reliability" Nowhere in the "Lack of Redundacy" article by Dave Devine in the May 24<sup>th</sup> edition of the Tucson Weekly does it mention that the line is anything but a system upgrade. I am concerned because this project at the north end involves construction of a completely new transmission line to the Vail Substation. It is by no means strictly an "upgrade" of an existing line.

As the member of family in a growing region already threatened by many environmental polluters, and someone who spent a vast amount of time on the City of Tucson Cienega Substation permitting process, I request that a Citizens' Advisory Council, comprised of various community associations, emergency responders, and environmental groups be added to the conditions of the Certificate of Environmental Compatibility, should it be granted.

Thank you,  
5/28/09

  
Sherri Stinnett  
13695 E. Windswept Way  
Vail, AZ 85641  
(520) 762-0483

Pursuant to AAC R14-3-204  
Original and 25 copies of the foregoing are filed with  
Docket Control (25 copies)  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, Arizona 85007-2927

Arizona Corporation Commission  
DOCKETED

MAY 29 2009

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AZ CORP COMMISSION  
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2009 MAY 29 A 10:45

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ORIGINAL

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

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

I am a customer of Tucson Electric Power (TEP), webmaster of AZHighway83.com, small business Owner, and member of the Empire Fagan Coalition, a long time resident of Vail, located south and east of the Vail Substation and the proposed project. In this case I write with the following concerns that I wrote to the Commissioners regarding the TEP Line Site Case 137.

Many areas of concern were similar to the areas of concern now.

1. Public Outreach by the utility companies. In Line Site Case 144 as there was no public meeting held in Vail or Corona de Tucson.
2. Potential use of the Vail Substation as a gas fired power plant. TEP had the land up zoned by the City of Tucson for this purpose.
3. Structure color. We request any new transmission structures installed next to existing lattice structures be constructed of galvanized steel. In virginal areas with sky and mountains as a backdrop we would also request galvanized steel.

One concern I did not comment in TEP line site case 137 is the possibility of the "Vail to Kantor" line (if line site case 144 is granted a certificate an environmental compatibility) as one alternative route for a power source to the Rosemont Mine. The Vail Substation is currently pictured on TEP's Transmission Line Projects under Rosemont Mine as one of the starting locations. The Rosemont Mine is opposed vehemently in Southern Arizona.

A second concern as a TEP customer is the exporting of power to a community far south of the Vail Substation when it was mentioned several times in Line Site Case 137 that there were constraints on the Vail Substation via transmission line length. I question how much of this case is about providing reliable energy to Santa Cruz County and how much is about tying the Tucson Electric Power and UNS Electric regional grid together for future projects. Is this the basis for granting a Certificate of Environmental Compatibility? I question the future cumulative environmental costs to my area, such as water and air quality, especially if a gas fired power plant, of any kind, is constructed in the vicinity of the Vail Substation.

As the member of family in a growing region already threatened by many environmental polluters, I believe and request that our community should have a proactive role in transmission planning, (particularly since the Vail Substation is projected to have many projects in the next few years) and request that a Citizens' Advisory Council, comprised of various community associations, emergency responders, and environmental groups be added to the conditions of the Certificate of Environmental Compatibility, should it be granted.

Thank you,  
Dated this 25th day of May 2009

  
KIM REGO

Kim Rego  
PO Box 786  
Vail, AZ 85641-0786  
[www.azhighway83.com](http://www.azhighway83.com)  
[info@azhighway83.com](mailto:info@azhighway83.com)

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Arizona Corporation Commission

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ORIGINAL

Arizona Corporation Commission-Docket No. L-00000F-09-0190-00144, Yail to Valencia

011

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

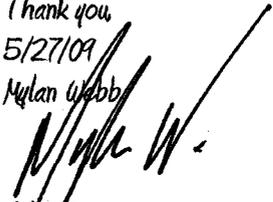
My name is Mylan Webb and I will be a senior in the Yail School District this year. For the last five years I have watched and helped my mother and others in our neighborhood do community service. We have tried to fight against and even work with companies trying to come in and pollute our area. We have tried to get parks and libraries for kids and adults because we don't have any and tried to save historic sites. I have stapled a news article where I talked about some of the blights our area already has to this letter. I also volunteer for the Southern Arizona Aids Foundation Moda Provocateur.

This is what I think about this electric business. My Mom and Mr. Magruder work harder than those lawyers because they actually care about their communities. My Mom becomes engrossed with this stuff because she does not know what she is doing and has to work harder to figure it out. She is on the computer and phone all of the time when the meetings are going to happen. We do not get to spend any time with her then. We do not even live in the actual place where the other case happened, and we do not live in the actual place where this case is happening either. My Mom and Mr. Magruder do this stuff because no one else will. It seems that way to me anyhow. Please consider the amount of electric projects there will be in the future. There are already so many electric towers and lines in our area.

One of the worst things is the amount of money she has to spend to send all of the papers to Phoenix. I remember at the last case on the last day, about five of the people who were had been on the committee just left their papers there for the garbage. You could see that had not even read the papers my Mom had to copy and I had to put together. My Mom made me pick up the stuff to save in case she might need it for another trial. If my Mom and Mr. Magruder do this and spend their own money you would think the people who get paid would at least pretend they are interested. It was uncomfortable watching my Mom at the last trial because she did not know what she was doing. But, she tries.

I don't think they should have to go to a trial. Like, why can't the electric company just consider what the people want or be honest with them about what is going to happen? Why can't the electric company bargain with the people before the trial to make sure things are ok for the communities? Why do they wait to the last minute so my Mom is running around to meetings and spending money on so many copies and gas?

I like the idea she has of a group made up of the people I have met in the years I have been helping. People like Sandy from Corona, Kim and Charlotte from Sonoita Highway, people from the Hilton Ranch Rd. Association, J.Lamb from the Yail Preservation Society and also some students from the school district. I hope you will seriously consider it because it is not fair what happens to families every time there is an electric trial.

Thank you  
5/27/09  
Mylan Webb  
  
Yail, AZ  
yailaz@hotmail.com

RECEIVED  
2009 MAY 29 A 10:50  
AZ CORP COMMISSION  
DOCKET CONTROL

Pursuant to AAC R14-3-204  
Original and 25 copies of the foregoing are filed with  
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Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, AZ 85007

Arizona Corporation Commission  
DOCKETED  
MAY 28 2009  
DOCKETED BY 

## Tucson Citizen

### Mine opposed; much of copper for Asia

B. POOLE

Published: 06.09.2008

Just more than 200 people filed into an auditorium at Sahuarita High School on Saturday to hear views on a proposed mine.

The public hearing - part of the recently extended comment period for a mile-wide open-pit mine proposed for the eastern flank of the Santa Rita Mountains - drew about 60 speakers, the vast majority against the mine.

Mylan Webb, 16, who lives about five miles from the mine site, was among the detractors of the Rosemont Mine. She recited a list of blights that her rural community already has, including a gravel mine, abandoned mine shafts, cell phone towers and gas supply lines. She doesn't want another one.

She urged the Forest Service to consider the impact on the families that live nearby.

"We will have the trucks. We will have the dust. We will have the leftover mess," Webb said.

Jamie Sturgess, vice president for sustainable development for Augusta Resource Corp., the Canadian company that hopes to pull copper, molybdenum and silver from the mine for 19 years, defended the mine.

It will bring about 500 jobs paying \$60,000 per year into southern Arizona. More than 100 locals are already employed planning for the mine, mostly in Tucson consulting firms, Sturgess said.

Several speakers pointed out that much of the copper would be for the Asian market, which Sturgess conceded.

"But even if our copper does go to China, there's other products that come back that we do use that contain that copper," he said.

<http://www.tucsoncitizen.com/altss/printstory/frontpage/87626>

5/28/2009

Sturgess said he does not think he was attacked, despite the jeers and comments that follow him at public hearings about the mine. There are thousands of people who would be directly or indirectly employed by the mine, he said.

"They're not here because we don't know who they are yet," he said.

Other concerns raised by mine opponents were for water use, increased truck traffic and thus danger - along state Route 83, the cost of increased emergency calls because of that traffic and the loss of a chunk of the ever-dwindling natural beauty of southern Arizona.

The Forest Service will hold one more hearing - 6 p.m. June 30 at Tucson's Rincon High School, 421 N. Arcadia Ave. - to take comments.

The service will not stop taking comments after the official comment period ends July 14, a spokeswoman said.

"We will continue to accept comments past that point," said Heidi Schewel of the Coronado National Forest.

#### ADDITIONAL INFORMATION

##### TO COMMENT ON THE MINE

- In person: 9 a.m., June 30, Rincon High School, 421 N. Arcadia Ave.
  - By mail: Team Leader, Rosemont Copper Project, Coronado National Forest, 300 W. Congress St., Tucson, AZ 85701
  - By fax: 388-8305, Attn: Rosemont Team Leader
  - By e-mail: [comments-southwestern-coronado@fs.fed.us](mailto:comments-southwestern-coronado@fs.fed.us). Put "Rosemont" in the subject line.
- ON THE WEB**  
Coronado National Forest Rosemont Mine page  
Save the Scenic Santa Ritas, an anti-mine nonprofit  
Augusta Resource Corp. Web site

<http://www.tucsoncitizen.com/altss/printstory/frontpage/87626>

5/28/2009

ORIGINAL

Arizona Corporation Commission - Docket No. L-00000F-09-0190-00144 - Case #144 - V1

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

I am a customer of Tucson Electric Power (TEP) and a resident of Rita Ranch in SE Tucson, Arizona. I am writing about the following concerns regarding the proposed relocation of the transmission line to Nogales, Arizona from the Nogales Substation located at Wilmot Rd to the Vail Substation, located at Rita Rd.

1. Public Outreach by the utility companies. In this case, Line Site Case 144, there was no public meeting held in Vail, Rita Ranch or Corona de Tucson.
2. Potential use of the Vail Substation as a gas fired power plant. TEP had the land up zoned by the City of Tucson just South of Rita Ranch for this purpose. Mary Ann Cleveland, a community activist from Rita Ranch fought against this rezone. How many cumulative impacts from environmental polluters should this area sustain?
3. Structure color. We request any new transmission structures installed next to existing lattice structures be constructed of galvanized steel. In virginal areas with sky and mountains as a backdrop we would also request galvanized steel..
4. Concern as a TEP customer at the exporting of power to a community far south of the Vail Substation when it was mentioned several times in the Cienega substation (137) that there were constraints on the Vail Substation via transmission line length. I question how much of this case is about providing reliable energy to Santa Cruz County and how much is about tying the Tucson Electric Power and UNS Electric regional grid together for future projects. Is this the basis for granting a Certificate of Environmental Compatibility? I question the future cumulative environmental costs to my area, such as visual impacts, water and air quality and more.

I read the article in the Tucson Weekly today where Joe Salkowski is quoted as saying "the situation is not one of outages...as much as long term reliability" Nowhere in the "Lack of Redundancy" article by Dave Devine in the May 24<sup>th</sup> edition of the Tucson Weekly does it mention that the line is anything but a system upgrade. I am concerned because this project at the north end involves construction of a completely new transmission line to the Vail Substation. It is by no means strictly an "upgrade" of an existing line.

As the member of family in a growing region already threatened by many environmental polluters, I believe and request that our community have a proactive role in neighborhood and regional transmission planning, (particularly since the Vail Substation is anticipated to have many projects in the next few years) and request that a Citizens' Advisory Council, comprised of various community associations, emergency responders, and environmental groups be added to the conditions of the Certificate of Environmental Compatibility, should it be granted.

Thank you  
5/27/09



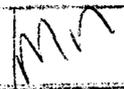
Ron and Sue Hermes  
10233 E. Calle Costa del Sol  
Tucson, AZ 84747  
(520) 490-4798

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ORIGINAL

Arizona Corporation Commission - Docket No. L-00000F-09-0190-00144 - Case #144 - Vail

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

I am a customer of Tucson Electric Power (TEP) and a resident of Vail, Arizona. I am writing about the following concerns regarding the proposed relocation of the transmission line to Nogales, Arizona from the Nogales Substation located at Wilmot Rd to the Vail Substation, located at Rita Rd.

1. Public Outreach by the utility companies. In this case, Line Site Case 144, there was no public meeting held in Vail or Corona de Tucson.
2. Potential use of the Vail Substation as a gas fired power plant. TEP had the land up zoned by the City of Tucson for this purpose. How many cumulative impacts from environmental polluters should this area sustain?
3. Structure color. We request any new transmission structures installed next to existing lattice structures be constructed of galvanized steel. In virginal areas with sky and mountains as a backdrop we would also request galvanized steel.
4. The possibility of the "Vail to Kantor" line (if line site case 144 is granted a certificate an environmental compatibility) as one alternative route for a power source to the Rosemont Mine. The Vail Substation is currently pictured on TEP's Transmission Line Projects as one of the alternative starting locations for the proposed Rosemont Mine. The Vail to Kantor line is listed in two of Rosemont Copper's proposed alternatives on Augusta Resources website as of May 25<sup>th</sup>, 2009. My question is this. If the Vail to Valencia line is granted a certificate, can it be used with any connection to the proposed Rosemont Mine? Or, with a cross territory agreement to circumvent the two county rule? The Rosemont Mine is opposed vehemently in Southern Arizona.
5. Concern as a TEP customer at the exporting of power to a community far south of the Vail Substation when it was mentioned several times in the Cienega substation (137) that there were constraints on the Vail Substation via transmission line length. I question how much of this case is about providing reliable energy to Santa Cruz County and how much is about tying the Tucson Electric Power and UNS Electric regional grid together for future projects. Is this the basis for granting a Certificate of Environmental Compatibility? I question the future cumulative environmental costs to my area, such as visual impacts, water and air quality and more.

As the member of family in a growing region already threatened by many environmental polluters, I believe and request that our community have a proactive role in neighborhood and regional transmission planning, (particularly since the Vail Substation is anticipated to have many projects in the next few years) and request that a Citizens' Advisory Council, comprised of various community associations, emergency responders, and environmental groups be added to the conditions of the Certificate of Environmental Compatibility, should it be granted.

Thank you,  
5/27/09

Melvin Kolba

MELVIN KOLBA

PO Box 786  
Vail, AZ 85641  
mgkolba@msn.com

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ORIGINAL

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

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

I am a customer of Tucson Electric Power (TEP), Former Board Member of the Empire Fagan Coalition (broad based community coalition), previous resident of Sonoita, and a long time resident of Vail, located south and east of the Vail Substation and the proposed project.

I spoke to the Commissioners at the public meeting on August 18th 2008 concerning TEP Line Site Case #137 (Decision 73469) but due to time issues focused more on environmental issues.

Areas of concern now include:

1. Public Outreach by the utility companies. In Line Site Case 144 as there was no public meeting held in Vail or Corona de Tucson.
2. My perception is that people in my region are beginning to suffer from learned helplessness. Although the area has been overrun with obvious environmental polluters such as California Cement, W.R. Henderson, Kinder Morgan, El Paso Natural Gas, Tucson Electric Power, multiple cell towers and more, people often appear apathetic. This learned helplessness comes when people feel that their opinion has no value or that it will make no difference that large corporations will do as they please anyhow. A Citizen's Advisory Council, composed of several local members who are involved from onset in transmission planning would foster a sense of ownership in the process.
3. Structure color. We request any new transmission structures installed next to existing lattice structures be constructed of galvanized steel. In virginal areas with sky and mountains as a backdrop we would also request galvanized steel.
4. I am concerned about the possibility of the "Vail to Kantor" line (if line site case 144 is granted a certificate an environmental compatibility) as one alternative route for a power source to the Rosemont Mine. The Vail Substation is currently pictured on TEP's Transmission Line Projects under Rosemont Mine as one of the starting locations. The Rosemont Mine is opposed vehemently in Southern Arizona.

A second concern as a TEP customer is the exporting of power to a community far south of the Vail Substation when it was mentioned several times in Line Site Case 137 that there were constraints on the Vail Substation via transmission line length. I question how much of this case is about providing reliable energy to Santa Cruz County and how much is about tying the Tucson Electric Power and UNS Electric regional grid together for future projects. Is this the basis for granting a Certificate of Environmental Compatibility? I question the future cumulative environmental costs to my area, such as water and air quality, especially if a gas fired power plant, of any kind, is constructed in the vicinity of the Vail Substation.

As the member of family in a growing region already threatened by many environmental polluters, I believe and request that our community should have a proactive role in transmission planning, (particularly since the Vail Substation is projected to have many projects in the next few years) and request that a Citizens' Advisory Council, comprised of various community associations, emergency responders, and environmental groups be added to the conditions of the Certificate of Environmental Compatibility, should it be granted.

Thank you,  
Dated this 25th day of May 2009

*C. Cook*  
Charlotte Cook

Charlotte Cook  
16755 Old Sonoita Highway  
Vail, AZ 85641

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Arizona Corporation Commission  
Docket No. L-00000F-09-0190-00144  
Case #144  
Vail to Valencia  
Public Comment

Chairman John Foreman  
Arizona Power Plant and Transmission Line Siting Committee

Dear Chairman Foreman and Members of the Committee,

My name is J.J. Lamb and I live in New Tucson, one of the many small communities in the Vail/Cienega corridor. New Tucson is east of the proposed transmission line upgrade and new interconnection to the Vail Substation and is actually served by TRICO Electric. I write as a community volunteer and registered voter in Pima County. I am a volunteer co-director of the Vail Preservation Society and I am a native Tucsonan. I hold a BA in history and have also lived in Europe for several years. My daughter read my comments to the Commissioners at the public meeting on August 18th 2008 concerning TEP line site case #137 (Decision 70469). Some areas of concern my daughter read for me at that meeting are of concern now.

1.) "I feel strongly that protecting the cultural and historical integrity of a community makes it stronger and its members more vested in its natural and cultural resources that make that community a special place to live. She also read of the "Vail Preservation Society's interests in helping TEP work with community sensitive safety and visual issues in fledgling historic districts." The Vail Preservation Society's boundaries written in its strategic plan extend westward to Wilmot Rd.

In addition to the comments before the Commissioners on August 18<sup>th</sup> 2009, I spoke at call to the audience on the opening day of the evidentiary hearing for Line Site Case 137 on February 19<sup>th</sup> 2008 and said "We would also like to request that we be added to your contact list of area stakeholders"

It saddens me to note that there was not an Open House held in the Vail/Corona de Tucson area regarding Line Site Case 144. I was in attendance when Commissioner Mayes stated that there should be aggressive upfront outreach to communities.

It is for the above reasons that I respectfully request the Committee add a condition for a Citizen's Advisory Council to the Certificate of Environmental Compatibility, should it be granted to avoid confusion over transmission planning.

2. Secondly, at the meeting on August 18 2009 my daughter read of my concerns regarding pole color. I would like to request that any monopoles located adjacent to areas with existing steel lattice towers or placed in "virgin" areas against open sky or distant mountains have a galvanized steel finish.

Other concerns include the potential use of the proposed Vail Substation as a gas-fired power plant; it is my understanding that the City of Tucson approved zoning for this purpose and any potential use of this line for the proposed Rosemont line.

Thank You,  
Dated this 25th day of May 2009  
J.J. Lamb  
*J.J. Lamb*  
2954 E Carenas Dr  
Vail, AZ 85641  
(520)41904428

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Arizona Corporation Commission- Docket No. L-00000F-09-0190-00144 - Case #144 - Vail

47

**Public Comment**

Dear Chairman Foreman and Members of the Members of the Committee,

I am writing regarding the cost and use of resources to generate documents to forward to the ACC. Personally, to date I have incurred as a volunteer helper in the Vail area the following costs for Case 144.

- \$340.00 (2 black toners for hp3050 and hp2600 color) in toner costs
- \$43.00 for a case of paper
- Miscellaneous costs for 14 three ring binders (although I donated used ones in attempt at going green), stickers, folders, staples, paper clips, etc.

I am an office manager who works out of a home office half time so I have learned to be very frugal. I clip coupons and watch specials so these costs might actually be higher in the "real world"

My actual volunteer time to print, collate, staple and bind these documents is well over 40 hours. Mistakes are made when individuals who work during the day spend excessive hours doing tedious busy work well into the night. A much more professional presentation could be done on a CD, DVD or Flash but for the cost of having to print 26 copies of such a presentation.

It would be more cost effective to allow the transmission of documents via cd or upload to an ftp site at Docket Control. It would also be better for the environment. It would also make documents at Docket Control accessible to the public. Some of the files sizes are oversized and some members of the public cannot view them.

I write to you with the hopes that **some time in the future** this voluminous 26 paper copy process might change. I understand there is nothing that can be done for this case. **If there is someone the community can write to, some process we can get involved with to help affect change, please let me know when this case is done.**

Thank you for listening,  
Dated this 18th day of June 2009

  
**Kim Rego**  
 PO Box 786  
 Vail, AZ 85641-0786  
 www.azhighway83.com  
 info@azhighway83.com

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Public Comment

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

I am a customer of Tucson Electric Power (TEP), small business owner, and a volunteer for many organizations in the Vail/Corona de Tucson area. I am also a resident of Vail in the Rincon Valley. In this case I write with the following concerns:

1. Public outreach by the utility companies. In Line Site Case 144 as there was no public meeting held in Vail or Corona de Tucson. Additionally; the Vail Preservation Society, one of the community organizations I volunteer for is a registered Neighborhood Association in Pima County within the project vicinity
2. As a small business owner whose business has struggled substantially due to the downturn in the economy, I feel it is important now, more than ever, that large corporations connect with communities who will be impacted by new and long term construction plans.
2. Potential use of the Vail Substation as a gas fired power plant. TEP had the land up zoned by the City of Tucson for this purpose.
3. Structure color. I request any new transmission structures installed next to existing lattice structures be constructed of dull grey galvanized steel. In virginal areas with sky and mountains as a backdrop I would also request dull grey galvanized steel.

Another concern as a TEP customer is the exporting of power to a community far south of the Vail Substation, especially if as a TEP customer I am expected to bear any burden of the actual cost. I question how much of this case is about providing reliable energy to Santa Cruz County and how much is about tying the Tucson Electric Power and UNS Electric regional grid together for future projects. Is this the basis for granting a Certificate of Environmental Compatibility? I also question the future cumulative environmental costs to my area, such as water and air quality, especially if a gas fired power plant, of any kind, is constructed in the vicinity of the Vail Substation.

As a member of a family in a growing region already threatened by many environmental polluters, I believe and request that our community should have a proactive role in transmission planning, (particularly since the Vail Substation is projected to have many projects in the next few years) and request that a Citizens' Advisory Council, comprised of various community associations and emergency responders be added to the conditions of the Certificate of Environmental Compatibility, should it be granted.

Thank you,

Dated this 10th day of June 2009

*Dee Pfeiffer*  
Dee Pfeiffer  
13895 E. Placita Pezuna  
Vail, AZ 85641

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Arizona Corporation Commission - Docket No. L-00000F-09-0190-00144 - Case #144 - Vai

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

I am a customer of Tucson Electric Power (TEP) and a resident of Vail, Arizona, although my home is south of Corona de Tucson in the Santa Rita Foothills. View shed is very important to my community and it is already traversed by multiple lattice structures to the north. Additionally, my family has owned Vail Feed between the tracks in Historic Vail, AZ since the early 1970's. I am writing about the following concerns regarding the proposed relocation of the transmission line to Nogales, Arizona from the Nogales Substation located at Wilnot Rd to the Vail Substation, located at Rita Rd.

1. Public Outreach by the utility companies. In this case, Line Site Case 144, there was no public meeting held in Vail, Rita Ranch or Corona de Tucson.
2. Potential use of the Vail Substation as a gas fired power plant. TEP had the land up zoned by the City of Tucson just South of Rita Ranch for this purpose. How many cumulative impacts from environmental polluters should this area sustain?
3. Structure color. We request any new transmission structures installed next to existing lattice structures be constructed of galvanized steel. In virginal areas with sky and mountains as a backdrop we would also request galvanized steel..
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I read the article in the Tucson Weekly today where Joe Salkowski is quoted as saying "the situation is not one of outages...as much as long term reliability" Nowhere in the "Lack of Redundancy" article by Dave Devine in the May 24<sup>th</sup> edition of the Tucson Weekly does it mention that the line is anything but a system upgrade. I am concerned because this project at the north end involves construction of a completely new transmission line to the Vail Substation. It is by no means strictly an "upgrade" of an existing line.

As the member of family in a growing region already threatened by many environmental polluters, I believe and request that our community have a proactive role in neighborhood and regional transmission planning, (particularly since the Vail Substation is anticipated to have many projects in the next few years) and request that a Citizens' Advisory Council, comprised of various community associations, emergency responders, and environmental groups be added to the conditions of the Certificate of Environmental Compatibility, should it be granted.

Thank you,  
5/27/09

Patty Kelley  
11366 S. Vail Rd.  
Vail, AZ  
(520) 762-5301

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

I am a customer of Tucson Electric Power (TEP). My family and I live "between the tracks" in Vail, AZ. Additionally, I own Data Systems Group Inc., computer consulting and networking and local internet provider. View shed is very important to my community and it is already traversed by multiple lattice structures and cell towers. I am writing about the following concerns regarding the proposed relocation of the transmission line to Nogales, Arizona from the Nogales Substation located at Wilmot Rd to the Vail Substation, located at Rita Rd.

1. Public Outreach by the utility companies. In this case, Line Site Case 144, there was no public meeting held in Vail, or Corona de Tucson.
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Thank you,  
5/27/09

Stan Lalli  
PO 1023  
Vail, AZ  
(520) 762-8896

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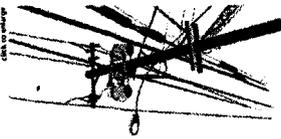
Tucson Weekly

CURRENTS FEATURE

Lack of Redundancy

A TEP power line upgrade would still leave Santa Cruz County residents vulnerable to blackouts

by Dan Zaitch



High school graduation is an especially joyous occasion in a small town. In 2005, however, the ceremony in Nogales took a dark turn. Literally. Power went out during the outdoor evening event, and megaphones had to be used by the various speakers. As a result, the graduates' names couldn't be heard as they crossed the stage to receive their diplomas.

"We're very proud of them," the *Nogales International* newspaper (which, like the *Tucson Weekly*, is owned by Wick Communications) quoted school principal Mark Valenzuela as saying about the graduating seniors. "It was kind of frustrating for them, but they hung in there."

All of the residents of Nogales have been hanging in there, suffering for years from periodic extended blackouts due to a lack of electrical redundancy. Only one major transmission line now runs south to Nogales, from near Yall east of Tucson. Carrying 115 kilowatts of power, the line serves much of Santa Cruz County.

Natural-gas-powered turbines in Nogales provide a limited backup, but if the turbines aren't working, Nogales can be left without electricity when the transmission line goes out of service. That's exactly what happened during the graduation ceremony: A storm knocked out the power line, so parts of Santa Cruz County were dark for several hours.

This power-outage problem and lack of electrical redundancy for the border region has been recognized for more than a decade. In 1998, the city of Nogales filed a complaint about power outages with the Arizona Corporation Commission (ACC). In response, the ACC ordered Citizens Utilities Company, which then supplied electricity to Nogales, to install a second transmission line by the end of 2003.

"The bottom line," the local chamber of commerce commented in a 2001 letter, "is that Nogales and Santa Cruz County needs new and reliable power sources, and soon."

A 2001 study looked at the Nogales power supply and, according to a story in the *International*, concluded: "Stabilized delivery of electric power would greatly improve opportunities for new industry and commerce."

But the matter of getting a second power line to Nogales soon became extremely complicated. Citizens in 2003 was acquired by UniSource Energy Services, which then assumed responsibility for meeting the ACC requirement.

By that time, UniSource, the parent company of Tucson Electric Power, had indicated to the ACC that it wanted to run a 345-kilovolt line to the border city. This line would also provide power to the potentially lucrative electrical market of Sonora, Mexico.

The route selected for UniSource's new 150-foot towers ran west of Interstate 19, cutting through the Coronado National Forest. While the ACC supported this idea, the U.S. Forest Service and many area residents did not. (See Tim Vanderpool's accompanying story on Page 13.)

"That project's in limbo," comments Joe Salkowski, a spokesman for UniSource, about the controversial 345-kilovolt proposal. "We're the innocent babies in this situation."

The ACC apparently isn't pressuring UniSource to install a second transmission line to Nogales. Instead, since a 2004 decision which required the company to make some other improvements to the Nogales electrical system, the mandate for implementing the second line has been on hold.

UniSource has now applied to upgrade its existing line to Nogales in order to meet more of the current electrical needs of the community, although the company does not suggest that the upgrade is an alternative to the 345-kilovolt proposal. The 138-kilovolt upgrade would follow basically the same route as the present 115-kilovolt transmission line, but UniSource will replace its existing wooden poles with 70- to 85-foot-high steel monopoles.

"The situation is not one of outages," Salkowski says of the application, "as much as long-term reliability." He says that the existing line can only supply about two-thirds of the peak power load demanded in Nogales, and adds that additional use of the turbines is not economically ideal for electrical customers.

"It will give us more flexibility in terms of system reliability," Salkowski says about the proposed upgrade. He adds that any rate impacts which result from the construction project "are not going to be dramatic."

While Salkowski does not offer specific figures for power outages in Santa Cruz County, Salkowski does provide a general comparison with Tucson.

"Tucson benefits from multiple connections to the (national) power grid," he says. "So it has more redundancy than Santa Cruz County."

In any case, the current application leaves the issue of the ACC-required second transmission line to Nogales unresolved.

"The upgrade was seen as something the company could do more quickly, along with installing new turbines a few years ago," Salkowski explains.

That explanation may not offer much consolation to the 16,000 UniSource customers in Santa Cruz County who lost power for a few hours the night before Thanksgiving last year. One of those most impacted by this loss of power was Flavio Gonzalez, the utility director for the city of Nogales. He remembers the extended outage made his job "kind of interesting."

indicating that he always tries to provide double-coverage for things he deals with, Gonzalez believes UniSource should do the same.

"This situation has been going on for years," Gonzalez says about electrical outages. "It behooves (UniSource) to invest the money to take care of their responsibilities."

Currents Feature Archives

Consumer comment Kim Rego  
Docket number  
00000f-09-0190-00144-Case#144

Consumer comment Kim Rego  
Docket number  
L00000f-09-0190-00144-Case#144

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## Lack of Redundancy

A TEP power-line upgrade would still leave Santa Cruz County residents vulnerable to blackouts

by Dave Devine

High school graduation is an especially joyous occasion in a small town. In 2005, however, the ceremony in Nogales took a dark turn. Literally.

Power went out during the outdoor evening event, and megaphones had to be used by the various speakers. As a result, the graduates' names couldn't be heard as they crossed the stage to receive their diplomas.

"We're very proud of them," the *Nogales International* newspaper (which, like the *Tucson Weekly*, is owned by Wick Communications) quoted school principal Mark Valenzuela as saying about the graduating seniors. "It was kind of frustrating for them, but they hung in there."

All of the residents of Nogales have been hanging in there, suffering for years from periodic extended blackouts due to a lack of electrical redundancy. Only one major transmission line now runs south to Nogales, from near Vail east of Tucson. Carrying 115 kilovolts of power, the line serves much of Santa Cruz County.

Natural-gas-powered turbines in Nogales provide a limited backup, but if the turbines aren't working, Nogales can be left without electricity when the transmission line goes out of service. That's exactly what happened during the graduation ceremony: A storm knocked out the power line, so parts of Santa Cruz County were dark for several hours.

This power-outage problem and lack of electrical redundancy for the border region has been recognized for more than a decade. In 1998, the city of Nogales filed a complaint about power outages with the Arizona Corporation Commission (ACC). In response, the ACC ordered Citizens Utilities Company, which then supplied electricity to Nogales, to install a second transmission line by the end of 2003.

"The bottom line," the local chamber of commerce commented in a 2001 letter, "(is that) Nogales and Santa Cruz County needs new and reliable power sources, and soon."

A 2001 study looked at the Nogales power supply and, according to a story in the *International*, concluded: "Stabilized delivery of electric power would greatly improve opportunities for new industry and commerce."

But the matter of getting a second power line to Nogales soon became extremely complicated. Citizens in 2003 was acquired by UniSource Energy Services, which then assumed responsibility for meeting the ACC requirement.

By that time, UniSource, the parent company of Tucson Electric Power, had indicated to the ACC that it wanted to run a 345-kilovolt line to the border city. This line would also provide power to the potentially lucrative electrical market of Sonora, Mexico.

The route selected for UniSource's new 150-foot towers ran west of Interstate 19, cutting through the Coronado National Forest. While the ACC supported this idea, the U.S. Forest Service and many area residents did not. (See Tim Vanderpool's accompanying story on Page 15.)

"That project's in limbo," comments Joe Salkowski, a spokesman for UniSource, about the controversial 345-kilovolt proposal. "We're the innocent babies in this situation."

The ACC apparently isn't pressuring UniSource to install a second transmission line to Nogales. Instead, since a 2004 decision which required the company to make some other improvements to the Nogales electrical system, the mandate for implementing the second line has been on hold.

UniSource has now applied to upgrade its existing line to Nogales in order to meet more of the current electrical needs of the community, although the company does not suggest that the upgrade is an alternative to the 345-kilovolt proposal. The 138-kilovolt upgrade would follow basically the same route as the present 115-kilovolt transmission line, but UniSource will replace its existing wooden poles with 70- to 85-foot-high steel monopoles.

"The situation is not one of outages," Salkowski says of the application, "as much as long-term reliability." He says that the existing line can only supply about two-thirds of the peak power load demanded in Nogales, and adds that additional use of the turbines is not economically ideal for electrical customers.

"It will give us more flexibility in terms of system reliability," Salkowski says about the proposed upgrade. He adds that any rate impacts which result from the construction project "are not going to be dramatic."

While Salkowski does not offer specific figures for power outages in Santa Cruz County, Salkowski does provide a general comparison with Tucson.

"Tucson benefits from multiple connections to the (national) power grid," he says, "so it has more redundancy than Santa Cruz County."

In any case, the current application leaves the issue of the ACC-required second transmission line to Nogales unresolved.

"The upgrade was seen as something the company could do more quickly, along with installing new turbines a few years ago," Salkowski explains.

That explanation may not offer much consolation to the 16,000 UniSource customers in Santa Cruz County who lost power for a few hours the night before Thanksgiving last year. One of those most impacted by this loss of power was Flavio Gonzalez, the utility director for the city of Nogales. He remembers the extended outage made his job "kind of interesting."

Indicating that he always tries to provide double-coverage for things he deals with, Gonzalez believes UniSource should do the same.

"This situation has been going on for years," Gonzalez says about electrical outages. "It behooves (UniSource) to invest the money to take care of their responsibilities."

### Tucson Weekly

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### Power Replay

By pushing a "new" proposal, TEP proves it's never too late to start over

By Zoltan Zoltovits

It's been nearly a decade since Tucson Electric Power rolled out the bright idea of stringing a huge, 345-kilovolt transmission line down through the Coronado National Forest into Nogales, and then on to Mexico.

To the good folks of Santa Cruz Valley, it seems like only yesterday. They haven't forgotten the multitude of hours and dollars spent countering TEP's army of engineers, lawyers and PR hacks, all handsomely paid to argue that anything less than a full-blown international connection was hugely impractical. Company officials scoffed at the idea of simply adding a 138-kilovolt line to the current 115-kilovolt line, thereby giving Nogales all the juice it needs—and is mandated by the Arizona Corporation Commission to receive.

That's why more than a few folks were scratching their heads recently, after TEP announced plans to upgrade that 115-kilovolt line to Nogales to 138 kilovolts. As you might expect, many Santa Cruz Valley residents are a touch disgusted that the company bought them tooth and claw, only to completely reverse itself.

"They wasted a lot of our time and energy, and money as well," says Rich Bohman, president of the Santa Cruz Valley Citizens Council. The volunteer group became an official participant—known as an "intervener"—when TEP applied for the 345-kilovolt route with the Corporation Commission (a project which is now in limbo). Bohman's group also hired a Phoenix attorney to fight one proposed route, which would have directed the massive line along Interstate 19 through Tubac. "We easily spent \$40,000 on that," Bohman says.

If Marshall Magruder had been paid for time spent fighting TEP, he could have retired all over again. The Tubac resident became a perpetual thorn in the company's side, arguing against the 345-kilovolt line at Corporation Commission hearings and to anyone else who would listen. (See TQ&A, Feb. 3, 2005.) As it turns out, the former systems engineer knew exactly what he was talking about. Today, Magruder is still keeping close tabs on TEP shenanigans.

While he has no major beef with the latest proposal, he does note a few niggling problems. For instance, power for Santa Cruz County currently comes from the "Nogales Tap" on lines owned by the Western Area Power Administration. Though WAPA charges a fee for this northern connection, the proposed link will run on TEP lines—at a higher cost. "They'll have to put a couple of miles of new transmission lines in to do that," he says, "and it means we'll pay a different rate. It will be about \$2.50 more per month, per customer. And that's forever."

Nor would the latest TEP proposal have more than one line serving Nogales. That could leave the city vulnerable to blackouts—a key reason behind the Corporation Commission-ordered upgrade in the first place. (See Dave Davine's article on Page 13.) The new TEP proposal "doesn't do any improvement in reliability," Magruder says, "except that they're going to replace some of the existing wood poles with steel poles."

He also takes issue with the number of steel replacements needed. Magruder says there's a formula for when such poles need to be replaced, and that TEP might be racking up unneeded expenses. "Is it cost-effective? That's how I'm looking at it. They say they'll have less (power) failures with the steel poles. So then I asked them for their failure rate, and they said it's not relevant."

TEP estimated the cost for upgrade at between \$24 million and \$47 million, Magruder says. "But I'd like it a little closer. That's a big spread."

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Consumer comment Kim Rego  
Docket number L00000f-09-0190-00144-Case#144

Kim Rego  
PO Box 786  
Vail, AZ 85641-0786

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"They told me they would want to remove all the vegetation there within a 100-foot easement," he says. "It's an old-growth mesquite bosque with hackberry, elderberry, cat's claw and shrubs." It's also home to the yellow-billed cuckoo, which is currently a candidate for the endangered species list.

If Jakle doesn't sign on to the shift, the company could muscle away the habitat through condemnation. That would make a mockery of the power-line-location process, which he says is supposed to make sensitive species a top consideration. "I worked on environmental plans all of my professional career. If had a case like this, it would be such a no-brainer, because they have that lower-quality habitat on my property already cleared."

Still, the political habitat seems to favor TEP this time around. Unlike before, when it voted to oppose the 345-kilovolt line, the Santa Cruz County Board of Supervisors seems to be onboard with this latest proposal—although those sentiments aren't yet official. "TEP needs to do what it needs to do to make sure that we have the power available for our community," says District 1 Supervisor Manny Ruiz. "It will be interesting to see what happens. But as far as a board, we haven't taken a position."

Others have shifted their position from low-key opposition to borderline apathy. Among them is Hugh Holub, a longtime Santa Cruz County player who served as a city attorney for Nogales in the late-1990s. During the wrangling over the 345-kilovolt line, he was among a group calling itself Maestros, which proposed building a power plant in Nogales as an alternative.

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Comments: Comments are closed.

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Tubac resident Marshall Magruder, right, keeps close tabs on Tucson Electric Power



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**Arizona Corporation Commission**

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

Please view comments given to Tucson Electric Power at the Rosemont Mine Transmission Line Project Open House in Vail at Acacia Elementary on March 24<sup>th</sup> 2009. (2 days after VUSD students returned from Spring Break). I have the same concerns regarding the Vail Substation now. Additionally, the Vail to Kantor line currently does not exist, but it will if the CEC is issued in Line Site Case 14

My name is Charlotte Cook and I live in Vail, Arizona. I have serious concerns about using the Vail Substation to support this mine. It is already overloaded, we have way to many wires going into and out of it.

I am writing to ask you to please consider the ecologically, environmentally, culturally sensible route than the east side of the Santa Rita's. Science Highway 83 does not need to have 138-kV transmission lines or view of a substation on the side (or top) of the Santa Rita's. If an eastern route is selected to support Rosemont, local opposition will be extremely significant and should tie this project up in courts for decades to come.

Will the proposed 46-kV to 138-kV upgrade through Box Canyon to Greaterville use the same route as it does now? How will you reduce the visibility of these poles and please use galvanized steel with sky backgrounds?

And also, has the Forest Service approved any transmission line corridors or routes to Greaterville and then to the Rosemont Mine on Forest Service lands? What process will the Forest Service use to site on their land?

Also along the east side is the Sonoran Desert Conservation Plan, Biological Core Management Area and the Important Riparian Area. Would any of these transmission lines be running across state land through these important area? We need to protect the view shed and adverse affects on this critical area.

We need some questions answered. More information is needed to be addressed to the public. Will the ACC issue a certification of environmental compatibility (CEC) in the National Forest area or is that a separate process?

We must save existing scenic areas, historic sites and structures and Native American archaeological and cultural sites in the vicinity of these lines. These huge transmission lines would harm views and lower property values when within several miles of housing developments.

Below I have listed some cumulative impacts in or proposed along Hwy 83 that must be considered when conducting your reviews for the ACC CEC. These subjects all must be addressed so that a comprehensive picture of cumulative impacts on all of these is know before you start any work. The addition of air, land and water impacts from each of the below MUST be provided, not only for the present, but include the environmental impacts after the Rosemont mine is fully operational.

- 1) Proposed Rosemont Mining Project
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- 3) Proposed Charles Seel Mining Co.
- 4) W. R. Henderson (Andrada) Quarry at Wentworth and Sahaurita
- 5) Watershed issues (with proposed mines) to consider both impacts on quality and quantity of water

Arizona Corporation Commission

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- 6) El Paso Natural Gas Line
- 7) Kinder Morgan Liquid Products Pipeline
- 8) Historic Pioneer and Native American cultural resource and Artifacts
- 9) Historic Andrada Ranch is in proximity
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  - a) Several wildlife corridors, plant and animal habitats
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- 13) Scenic Hwy 83 visibility and transportation impacts when constructing and later
- 14) Cienega Creek (which is also designated by ADWR as an Outstanding Waters
- 15) Davidson Canyon is the largest drainage into the Cienega Creek and has received Outstanding Waters Way
- 16) Diverse flora and fauna
- 17) Cumulative economic property value losses w/3 new mines in the area
- 18) Loss to Heritage and Eco-Tourism revenue from birders, guest ranches, hikers, hunters, and others who come to southern Arizona to enjoy our unique and beautiful area
- 19) Missile Silos
- 20) Other agriculture lands and abandoned and operational mines off Mash Station Road and Old Sonoita Hwy
- 21) TEP services including know changes to support these mining projects
- 22) 3 - 4 Housing developments in the immediate 10/83 interchange
- 23) Rural response time in the area (fire and police and limited cell service)
- 24) Arizona Trail impacts

On the east of Sahuartia is the Scientific U of A Experimental Station, this pristine area has been doing research for 100 years. How will this impact the desert research for the future?

Will TEP generators be providing all the electricity power to the Rosemont mine? TEP is 95% coal-powered; this would add much more air that has been polluted to serve electricity for the Rosemont mine. The environmental effect of Mercury and other toxic and cancer causing pollutants are significant concerns. Once in the soil and water their presence is essentially irreversible. Below I have attached a article about coal powered plants and mercury pollution.

How much ground water will be used to generate the electricity for use by Rosemont and where will this electricity be generated? Who is supplying the water for these generators? I believe that TEP should be required to use only CAP water for making steam and for cooling instead of using any ground water at the Irvington Coal-Powered Plant. We do not need to be using any of our ground water to provide any electricity for Rosemont.

Also, the Rosemont mine itself should also be restricted to using CAP water only. How much electricity will be used just to pump CAP water up hill to the mine and how much electricity for the mining operations? Can renewable (solar or wind) be used in the vicinity of the mine so less electricity is required to be transmitted via high voltage lines to the mine?

Why couldn't TEP just use a short transmission line from Rosemont to the Helevicia mine just a few miles a way? I see that line going down Santa Rita Road. Can it also be used for Rosemont. Isn't this the easiest answer?

Could a local natural gas generator, using gas from a pipe connecting the El Paso Gas Line near I-10, be used near the Rosemont substation site so that no transmission lines are required? Could Rosemont use solar power/solar powered generator? This would be less air pollution, use less water, and not put excess demands on local Tucson Electric Power generation or require more and higher cost electricity to be imported for the Tucson area and this mine. And this will have less taxes on the locals.

I believe that TEP and Rosemont are putting the cart before the horse. Rosemont is NOT a done deal. When does Rosemont require electricity since it does not have any permits from the Forest Service?

Another item, the TEP mail flyer (received) and article in the newspaper (printed) and the meeting are all during Vail School's Spring Break and a lot of people are out of town on vacation time. It seems that everyone that I have tried to contact is gone. This kind/type of tricks has been done in the Vail area several times before, the Rosemont meetings, and the other TEP substations that Elizabeth Webb worked so hard on to stop off of Old Sonoita Hwy and relocate in the Vail area.

I would really appreciate someone to write me answers to my comments, as I know many of my neighbors have the same questions. I hope your answers will help us understand your positions.

March 16<sup>th</sup> 2009  
Sincerely,  
Charlotte Cook  
Vail, AZ 85641  
ccook520@aol.com

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Thank you,  
Dated this 25th day of May 2009

  
Charlotte Cook  
16755 Old Sonoita Highway  
Vail, AZ 85641

Pursuant to AAC R14-3-204  
Original and 25 copies of the foregoing are filed with  
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Arizona Corporation Commission  
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From: Organic Consumers Association  
Published February 23, 2009 09:20 AM

## UN Reaches Landmark Agreement to Reduce Global Mercury Pollution

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[Natural Resources Defense Council, via Common Dreams, February 20, 2009](#)  
[Straight to the Source](#)

WASHINGTON - February 20 - Representatives from more than 140 countries today committed to reduce global mercury pollution, which will help protect the world's citizens from the dangerous neurotoxin. This agreement was propelled by the United States' reversal in policy, which also influenced policy reversals of other countries, including China and India. The announcement is a historic step forward in the fight against mercury pollution, according to scientists and policy experts at the Natural Resources Defense Council (NRDC).

"This is great news for reducing mercury pollution around the world, and shows a commitment from the Obama Administration to international environmental issues," said Susan Egan Keane, policy analyst for NRDC. "The United States has taken a leadership role that will chart a new course on mercury protections around the world. We have set a strong example that is already influencing others to do the same."

The committed countries will reduce risks to human health and the environment from mercury by coordinating global cuts in the use and release of mercury into our air, water and land. The United Nations Environment Program Governing Council, which is meeting this week in Nairobi, Kenya, will now develop a legally binding treaty to be enacted by 2013. The treaty will include actions to reduce global mercury pollution and human exposure to the chemical, by reducing intentional use of mercury in industrial processes and products and reducing emissions from coal plants and smelters. It will also address the problems posed by mercury waste sites.

"Today we have won a momentous human health victory that will reduce illness and save lives both here and abroad," said Keane. "This globally coordinated plan will substantially reduce mercury contamination in fish, prevent the contamination of our water, and shield our children from a dangerous chemical."

**Mercury is a dangerous neurotoxin and global pollutant that moves thousands of miles from its original source.** Its travels through air and water, accumulating in large predatory fish, and poisons people mainly through the consumption of contaminated fish, including tuna. It is especially dangerous for pregnant women, babies and small children, as it can gravely impede brain development.

**Coal-fired power plants are the largest source of mercury air emissions worldwide - emitting 50 tons of mercury pollution=20 every year in the U.S. alone.** As the price of oil has risen, coal has become a more economically attractive source of energy in countries where it is abundant and inexpensive. Currently, coal-fired power plants supply 75 percent of China's energy; in the next eight years, China was expected to add more than 560 new coal plants - a pace of more than one new plant each week. Chemical manufacturing facilities in the European Union, India and China and small-scale gold mines in the developing world are also among the biggest mercury pollution sources.

NRDC has worked to enact mercury protections at the national and global levels for decades. NRDC representative Susan Egan Keane is currently in attendance at the U.N. Environment Program Governing Council meeting in Nairobi, where she is working with the Zero Mercury Working Group, an international coalition of more than 75 public-interest non-governmental organizations worldwide that has been pursuing a legally binding international agreement to reduce mercury pollution for more than five years. Last year, NRDC successfully advocated for a new U.S. ban on the export of mercury, working closely with members of Congress, including the bill's sponsor, then-Senator Obama.

###

The Natural Resources Defense Council is a national, nonprofit organization of scientists, lawyers and environmental specialists dedicated to protecting public health and the environment. Founded in 1970, NRDC has 1.2 million members and online activists, served from offices in New York, Washington, Chicago, Los Angeles, San Francisco and Beijing.

**Natural Resources Defense Council (NRDC)**

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Kim Rego  
 PO Box 786  
 Vail, AZ 85641-0786  
 kcr@vailaz.com

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Sent Via: Fax: Phoenix: 602-956-4374  
 Tap Website / US Mail - Comment card

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- 13) Davidson Canyon is the largest drainage into the Cienega Creek and has received Outstanding Waters Way
- 14) Diverse flora and fauna
- 15) Cumulative economic property value losses w/3 new mines in the area
- 16) Loss to Heritage and Eco-Tourism revenue from birders, guest ranches, hikers, hunters, and others who come to southern Arizona to enjoy our unique and beautiful area
- 17) Other agriculture lands and abandoned and operational mines off Mash Station Road and Old Sonoita Hwy
- 18) TEP services including know changes to support these mining projects
- 19) 3 - 4 Housing developments in the immediate 10/83 interchange
- 20) Rural response time in the area
- 21) Arizona Trail impacts
- 22) Limited cell service in this region

On the east of Sahuartia is the Scientific U of A Experimental Station, this pristine area has been doing research for 100 years. How will this impact the desert research for the future?

Will TEP generators be providing all the electricity power to the Rosemont mine? TEP is 95% coal-powered; this would add much more air that has been polluted to serve electricity for the Rosemont mine. The environmental effect of Mercury and other toxic and cancer causing pollutants are significant concerns. Once in the soil and water their presence is essentially irreversible.

How much ground water will be used to generate the electricity for use by Rosemont and where will this electricity be generated? Who is supplying the water for these generators? I believe that TEP should be required to use only CAP

water for making steam and for cooling instead of using any ground water at the Irvington Coal-Powered Plant. We do not need to be using any of our ground water to provide any electricity for Rosemont. As we all know, we are in the desert and water is an important asset. Groundwater should be used for human drinking consumption, not for industrial purposes. Will this be done?

Also, the Rosemont mine itself should also be restricted to using CAP water only. How much electricity will be used just to pump CAP water up hill to the mine and how much electricity for the mining operations? Can renewable (solar or wind) be used in the vicinity of the mine so less electricity is required to be transmitted via high voltage lines to the mine?

If I had to offer an alternative, I would suggest using existing lines and 'piggy back' or upgrade the poles, to the cost of the applicant (Augusta) not the other TEP customers.

Could a local natural gas generator, using gas from a pipe connecting the El Paso Gas Line near I-10, be used near the Rosemont substation site so that no transmission lines are required? Could Rosemont use solar power/solar powered generator? This would be less air pollution, use less water, and not put excess demands on local Tucson Electric Power generation or require more and higher cost electricity to be imported for the Tucson area and this mine. This will have fewer taxes on the resident / customers.

I believe that TEP and Rosemont are putting the cart before the horse. Rosemont is **NOT** a done deal. When does Rosemont require electricity since it does not have any permits from the Forest Service?

I would really appreciate someone to write me answers to my comments, as I know many of my neighbors have the same questions. I hope your answers will help us understand your positions.

Sincerely,

  
Kim Rego  
Vail, AZ 85641  
kcr@vailaz.com

Thank you,  
Dated this 25th day of May 2009

  
Kim Rego  
PO Box 786  
Vail, AZ 85641-0786

Pursuant to AAC R14-3-204  
Original and 25 copies of the foregoing are filed with  
Docket Control (25 copies)  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, Arizona 85007-2927

ORIGINAL

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

Dear Chairman Foreman and Members of the Committee,

My name is James Webb and I am a resident in the Empire Mountains SE of Vail, Arizona and a member of the Hilton Ranch Community Association. Additionally, I am the Manufacturing and Process Engineer at Sargent Controls and Aerospace in Marana Arizona and have a master's degree in Research and Development Technology.

I spoke in front of the Commissioners at the August 18<sup>th</sup> 2008 Open Hearing regarding my concerns in TEP line site case 137. I have concerns in UNS Electric's line site case 144 as well.

My biggest concern is attached from Rosemont Copper's Mine Plan of Operations, downloaded today, May 25<sup>th</sup> 2009, from the Augusta Resources website [http://www.augustaresource.com/upload/Plan\\_of\\_Operations/2.7\\_Electrical\\_Power\\_Supply.pdf](http://www.augustaresource.com/upload/Plan_of_Operations/2.7_Electrical_Power_Supply.pdf). The MPO speaks of two alternatives to provide power to the proposed Rosemont Copper project from a planned transmission line (Vail to Kantor) that did not exist when the MPO was written. In fact, it does not exist today. It will only exist if the Committee chooses to grant a CEC in line site case 144. The MPO was revision date is 7/09/2007.

- This date is approximately 5+ months before a community meeting was held to notify the Vail community of the Evidentiary Hearing in line site case 137.
- This date is 13 months prior to a decision in Line Site case 137.
- This date is approximately 6 months prior to the Agency and Tribal Mailing List for line site case 144
- This date is approximately 7 months before the Open House for the Vail to Valencia line was held in Rio Rico Az and then many months later than every subsequent Open House for the project.

My question to the Committee is this. How is it that an un-permitted, non-approved project (especially in 2007) that is as opposed in Southern Arizona as Rosemont Copper had more prior knowledge of the Vail to Valencia upgrade than the general public-in some cases by more than a year? There was never a meeting in Vail or Corona, although the Vail Substation is within the Vail School District boundaries and we had just been impacted by Line Site Case 137.

This is completely unacceptable. A Citizens Advisory Council composed of local citizenry should be added to the conditions of the Certificate of Environmental Compatibility -should it be issued. We deserve to know what is happening with transmission planning in our neighborhoods and communities in a timely fashion

Thank you,  
Dated this 25th day of May 2009

James M. Webb  
17451 E. Hilton Ranch Rd.  
Vail, AZ 85741-2032.

Pursuant to AAC R14-3-204  
Original and 25 copies of the foregoing are filed with  
Docket Control  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, Arizona 85007-2927

Arizona Corporation Commission  
DOCKETED

MAY 26 2009

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### 2.7.5 Preliminary Power Flow Analysis

A preliminary power flow analysis was prepared for an interconnection option with the TEP system (Option 1) and with the SWTC system (Option 2). The power flow studies utilized a 2010 summer peak-load base-case prepared by the Western Electricity Coordinating Council (WECC). The studies assessed the impacts on the system in southern Arizona for both normal and outage contingency conditions and for both pre- and post-project scenarios. Contingencies were simulated on the 345 kV lines into and within southern Arizona, and on all facilities in the area with an operating voltage greater than 100 kV.

The studies indicated that the Vail substation could serve up to 75 MW of mine load if 20 MW of generation is on-line at the Valencia generating facility, or up to 100 MW if the Gateway Project were in service. The Gateway Project is a new substation facility expected to come on line in 2010. The facility is located near Sahuarita. The studies also indicated that shunt capacitors at Sonoita and the Rosemont Project substation would be required to maintain pre-project voltage levels. Upgrades to certain SWTC facilities would also be required to mitigate any impacts due to outages.

The analysis of the SWTC substation at Sahuarita indicated that the SWTC substation could provide 100-plus MW of power to the mine; however, some upgrades to their facilities would be required to mitigate the impacts of outages. Shunt capacitors at Sahuarita and the Rosemont Project substation would also be required to maintain pre-project voltage levels.

### 2.7.6 Description of Proposed Electrical Power Supply

Based on the analysis summarized above, Option 4 is proposed, although the line routing has been modified to avoid traversing the Santa Rita Experimental Range. Recent discussions with TEP have confirmed that the Vail-Kantor transmission line upgrades will be completed in time to support the project and that the Vail substation can supply the 100-plus MW of power for the project. The source of power for the project is, therefore, based on tapping into the upgraded 138 kV Vail-Kantor transmission line as noted in Option 4. The tap will be made at the intersection of the transmission line and the northern boundary of the Santa Rita Experimental Range (Figure 2-9). A new switching station will be provided for the tap and a new 138 kV transmission line will run about 4 mi east, along the northern boundary of the Santa Rita Experimental Range. The transmission line will then turn south for another 4 mi until it intersects the west access road into the mine site. The new transmission line to the plant main substation is about 11.6 mi long and follows the proposed fresh water pipeline route from the well fields north west of the tap near Sahuarita, Arizona (see Section 2.8).

The proposed 138 kV transmission poles will be single 90 foot, two section, direct buried, steel supporting a vertical type, three phase line configuration, providing a minimum of 75 ft ground clearance for the transmission line. Pole spacing will be about 800 ft on level ground and less where required to maintain ground clearance on varying and steep topography.

A new substation would be located at the switching station with a single 138 kV to 4.16 kV or 34.5 kV, step down transformer, isolation switches, and circuit breakers to distribute electrical power to the fresh water wells and pump stations at either 34.5 kV or 4.16 kV, using a three phase, overhead distribution wooden pole line. As an alternative, electrical power for the well fields and fresh water pump stations could be fed independently from a separate source on the SWTC system which is in TRICO's service area. The estimated power load for the well fields and pump stations is about 7.2 MW.

## 2.7 Electrical Power Supply

The electrical power supply for the Project facilities falls within the Tucson Electric Power (TEP) and the TRICO service territories. The eastern area of the Rosemont Project, which includes part of the mine and all the process facilities, falls in the TEP service territory. The western area of the Project, including the balance of the mine and the fresh water pumping system, falls in the TRICO service territory. Because most of the Project's estimated electrical load and power requirements fall within TEP's service territory area, TEP will be the main electric utility service provider for the entire facility, including the fresh water system. A joint-venture business arrangement between TEP and TRICO will be negotiated and established to compensate both electric utility service providers. The arrangement will probably be based on a percentage of actual mine electrical load between each of the service territories. However, Rosemont Copper will receive one electric utility rate and bill with the breakdown of revenue between TEP and TRICO transparent to the project. This multiple service territory and provider agreement will be submitted, as required, to the Arizona Corporation Commission (ACC) for review and final approval prior to implementation.

In addition to traditional electrical service from commercial providers, the Rosemont Project will also generate energy on site using solar technologies such as passive solar installations for appropriate applications, such as water heaters and fans, and photo-voltaic cell technology for supplemental electricity generation. By using the significant available surface area on facility roofs for the installation solar systems (approximately 300,000 sq ft), Rosemont will be able to enhance the overall energy efficiency of the operation.

The total connected load for the Rosemont mine and process facilities is estimated to be 133 mega watts (MW) and will require a minimum transmission voltage of 138 kV. Appendix C provides a summary table of the connected loads by mine process area as well as the demand load and estimated running load.

Four power supply options were evaluated to supply this load to the Project. Each is discussed below, followed by the proposed route.

### 2.7.1 Interconnection with TEP Line Serving Santa Cruz County (Option 1)

TEP currently has a 115 kV transmission line starting at the Nogales tap on the Western Area Power Administration (WAPA) line and running south through the Santa Rita Experimental Range to Santa Cruz County and Nogales. This is the Vail-Kantor line that runs approximately 9 mi northwest of the project site. This option would require that the 115 kV Vail-Kantor line be upgraded to 138 kV and the connection moved from the Nogales tap on the WAPA 115 kV line to the Vail 345 kV substation. A new 138 kV switching station would be required to tap into this line with a new 138 kV transmission line running to the main substation at the plant site. The switching station was initially to be located along Santa Rita Road, which was in the vicinity of the fresh water pipeline and pumps. Step-down transformers at this switching station would distribute power to the pump stations at either 34.5 or 4.15 kV, on a three phase overhead distribution pole line.

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Advantages of this option are that the cost for upgrading the Vail-Kantor line to 138 kV would be partially borne by TEP as part of a previously planned system upgrade of the system to improve service to Santa Cruz County. The new transmission line to the project site, at 9 mi, would be the shortest distance. The disadvantages are that the timing of the Vail-Kantor line upgrade to 138 kV may not meet the needs of the project schedule, and additional modifications to the TEP system may be required to ensure that 100-plus MW of power is available to the Project. This system option can currently provide only up to 75 MW of power for the Project.

### 2.7.2 Interconnection with SWTC Sahuarita 230 kV Substation (Option 2)

This option will connect to the existing SWTC 230 kV substation, located north of Sahuarita, and include a new 230 kV transmission line running south. It will parallel the existing SWTC transmission lines, until the new line reaches Santa Rita Road. At this point, the line will follow Santa Rita Road and the Rosemont Project's west access road to the mine's main substation.

The advantage of this option is that the Sahuarita 230 kV substation currently has capacity to provide the required 100-plus MW power load for the Project with improved reliability. The disadvantages are that the new 16-mi transmission line is the second longest, and there would be added cost for substation electrical equipment rated for the higher, 230 kV transmission voltage. Another disadvantage is the Project load will cause an overload on the existing 345/230 kV SWTC Bicknell transformer.

### 2.7.3 Interconnection with TEP South 345/138 kV Substation (Option 3)

This option will connect to the existing TEP south 345/138 kV substation located another four mi northwest of the SWTC Sahuarita substation described in Option 2. The new 138 kV transmission line will run east, then about 2.3 mi and then south about 5.2 mi to pick up the same alignment from Santa Rita Road to the mine site as illustrated in Option 2.

The advantage to this option is that the TEP South substation can provide the required 100-plus MW at a lower transmission voltage without affecting the 345/230 kV SWTC Bicknell transformer described in Option 2. The 138 kV main substation at the mine site would be less expensive at 138 kV than the higher transmission voltage in Option 2. The South 345/138 kV substation is also owned and operated by TEP, which will be the electric utility service provider for the project. The disadvantage is the new 138 kV transmission line would be the longest at 21 mi.

### 2.7.4 Interconnect the TEP South Line to the TEP Vail-Kantor Line (Option 4)

This option will connect the 138 kV transmission line from the TEP 345/138 kV south substation described in Option 3 with the TEP 138 kV Vail-Kantor line. They will join where the two lines cross at Santa Rita Road when the Vail-Kantor transmission line is upgraded to 138 kV service voltage. This will be the most expensive option; however, the two sources of electrical power will provide greater reliability for the mine.

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## **Rosemont Project Mine Plan of Operations**

### **2.7 Electrical Power Supply**

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#### **WestLand Resources, Inc. 38**

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Advantages of this option are that the cost for upgrading the Vail-Kantor line to 138 kV would be partially borne by TEP as part of a previously planned system upgrade of the system to improve service to Santa Cruz County. The new transmission line to the project site, at 9 mi, would be the shortest distance. The disadvantages are that the timing of the Vail-Kantor line upgrade to 138 kV may not meet the needs of the project schedule, and additional modifications to the TEP system may be required to ensure that 100-plus MW of power is available to the Project. This system option can currently provide only up to 75 MW of power for the Project.

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#### **2.7.5 Preliminary Power Flow Analysis**

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#### **WestLand Resources, Inc. 40**

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A new substation would be located at the switching station with a single 138 kV to 4.16 kV or 34.5 kV, step down transformer isolation switches, and circuit breakers to distribute electrical power to the fresh water wells and pump stations at either 34.5 kV or 4.16 kV, using a three phase, overhead distribution wooden pole line. As an alternative, electrical power for the well fields and fresh water pump stations could be fed independently from a separate source on the SWTC system which is in TRICO's service area. The estimated power load for the well fields and pump stations is about 7.2 MW.

#### **WestLand Resources, Inc. 41**

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

EW-10  
Deferred

- 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

Search

EXHIBIT  
EW - 11

- YOUR HOME
- YOUR BUSINESS
- CUSTOMER SERVICE
- IN THE COMMUNITY
- GREEN ENERGY

**UNS Electric Solicitation**

- Master Agreements
- RFP
- Confidentiality
- System Maps
- Resource Plan
- Bidder Teleconference
- Contacts
- UES Credit Ratings

## TEP and UNS Electric solicitation

### Notice to Bidders

Tucson Electric Power Company ("TEP") and its affiliate UNS Electric Inc., ("UNSE") are jointly soliciting proposals from parties interested in providing renewable energy and associated credits from wind resources only to TEP and UNSE through power purchase agreements and/or the ownership of generation assets.

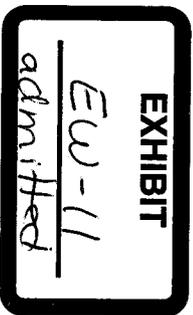
### RFP

During this RFP process, Accion Group, Inc. (Accion) will be providing Independent Monitoring services. Accion will be responsible for monitoring and overseeing the RFP process to ensure it is being conducted in an open and fair manner in accordance with the best procurement practices defined by the Arizona Corporation Commission. All questions, comments, suggestions, and complaints about the RFP process should be directed to the Accion Group.

Accion Group, Inc.  
Mr. Harold Judd - President  
244 N. Main Street  
Concord, NH 03301  
Tel. 603-229-1644  
Cell 603-568-8207  
hjudd@acciongroup.com

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**EXHIBIT**  
*EW-11*  
admitted



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  - 1.2 Proposal Schedule
- 2.0 Proposal Summary
  - 2.1 Project Information
  - 2.2 Description of Products
  - 2.3 Energy Delivery
  - 2.4 Energy Product – Economy As Available Energy
  - 2.5 REC Product – Customer Sited Renewable Energy Systems
  - 2.6 Transmission Interconnection
  - 2.7 Resource Acquisition
- 3.0 Bid Evaluation
  - 3.1 Evaluation Criteria
  - 3.2 Renewable Energy Credit Evaluation
- 4.0 Scheduling and Dispatching
  - 4.1 Credit Terms and Conditions
  - 4.2 Proposal Terms and Conditions
  - 4.3 TEP/UNSE's Reservation of Rights
  - 4.4 Renewable Energy Generation Profile
  - 4.5 Delivery Points

**2009 Request for Proposals  
For Wind Renewable  
Energy Resources**

**Tucson Electric Power Inc.  
UNS Electric Inc.**

Issued May 19, 2009

TEP/UNSE RFP

**Tucson Electric Power Company**

Mailing Address: P.O. Box 711, Tucson, AZ 85702  
Located at: 4350 E. Irvington Road, Tucson, AZ 85714

1.0 Introduction

Tucson Electric Power Company ("TEP") and its affiliate UNS Electric Inc. ("UNSE") are jointly soliciting proposals from parties interested in providing renewable energy and associated credits from wind resources only to TEP and UNSE through power purchase agreements and/or the ownership of generation assets. This request for proposal package ("RFP") includes a description of the products requested, energy delivery points, energy scheduling and dispatching requirements, and a detailed outline of the bid process, including relevant dates, contact information, and proposal submission requirements.

TEP/UNSE's annual aggregate renewable energy purchase and delivery target under this RFP is approximately 100,000 MWh. TEP/UNSE will only consider wind generation resources for this RFP.

In the future, in order for TEP and UNSE to comply with the Arizona Corporation Commission's Renewable Energy Requirements, we will be looking to increase our renewable energy production by approximately 50,000 MWh per year through 2015, and by 100,000 MWh per year from 2016 through 2025. Participants in this RFP are encouraged to submit proposals that include the ability for future expansion.

1.1 Purpose

The objective of this RFP is to solicit competitive proposals for the procurement of cost effective wind-generated renewable energy that will contribute to the diversification of TEP's and UNSE's internal fuel resources, reduce environmental impact of new resources, and provide environmental attributes as part of TEP's and UNSE's Arizona Corporation Commission ("ACC") Renewable Energy Standard and Tariff ("REST") requirements. TEP/UNSE will evaluate all proposals that, in TEP/UNSE's opinion, provide both economic and non-economic benefits to TEP/UNSE and their customers as more fully described below.

Proposals must be received prior to noon (MST) on the Closing Date to be considered. Proposals received after the instant of noon (12:00:00 MST) on the Closing Date will, at TEP/UNSE's discretion, either be returned to the bidder unopened, or disregarded with or without notification to the bidder. A proposal may be withdrawn by the bidder by written notice to TEP/UNSE at any time prior to the Closing Date.

TEP/UNSE RFP

TEP, UNSE and all other affiliates will not submit bids in response to this RFP. However, TEP and UNSE do reserve the right to use internal renewable energy generation project cost projections when performing the evaluation of the qualified bids received.

1.2 Proposal Schedule

RFP Issue Date:	May 22, 2009
Bidder Teleconference:	June 3, 2009, 1:30 pm (MST)
Bidder Teleconference Phone Number:	877-222-9054, pin: 907312
Proposal Closing Date:	June 30, 2009
Short List Notification (if any):	July 15, 2009
Successful Bidder Notification (if any):	August 14, 2009
Complete Negotiations (Targeted):	September 30, 2009
Preferred Energy Delivery Start:	October, 2010 (earlier start dates acceptable)

All Proposals and refreshed bids are to be submitted to TEP/UNSE's Primary Contact Person by either:

Email to: [cfitelgman@tep.com](mailto:cfitelgman@tep.com)

or by mail to: Carmine A. Tilghman  
Tucson Electric Power Company  
3950 E. Irvington Road  
Mail Stop SC115  
Tucson, AZ 85714

TEP will not accept proposals after the closing date.

Questions regarding either the solicitation process or products specified herein should be directed to the RFP Website at: <http://www.uesaz.com/wholesale/> or by contacting Mr. Carmine Tilghman at (520)745-7108.

## TEP/UNSE RFP

Any and all bidders will be allowed to contact the Primary Contact Person until the closing date. After the closing date, no further questions from bidders will be allowed.

Questions regarding credit terms should be directed to Ms. Barbara McCormick at 520-884-3620.

TEP/UNSE reserves the right to revise the proposal schedule at any time at its sole discretion.

The Short List of Bidders will contain bidders that meet all preliminary proposal requirements set forth in this RFP, and does not represent a proposal acceptance or obligation to accept any proposal.

All proposals submitted shall include guarantee price and terms for at least 6 months from Proposal Closing Date.

All RFP and supporting documents can be found on TEP's website at <http://www.usnsz.com/wholesale>.

## 2.0 Proposal Summary

TEP/UNSE issues this RFP for the Energy Products and REC Products as defined below. Proposals in response to this RFP shall be delivered to TEP/UNSE at the address set forth in Section 1.2 above. Alternatively, bidders may provide an electronic or CD copy of their proposal to TEP/UNSE by the Closing Date to the address set forth in Section 1.2 above. Text portions of proposals should be in Microsoft Word or Adobe Acrobat format, and spreadsheets or tables should be in Excel format.

All proposals will be considered confidential, and will either be destroyed or archived by TEP/UNSE at the conclusion of the RFP evaluation process. TEP/UNSE reserves the right to contact bidders for purposes of clarifying proposal terms or requesting additional information.

By submitting a proposal in response to this RFP, the bidder agrees that: (1) it has or will obtain the transmission necessary to effect delivery of the Product(s) to acceptable delivery points, (2) its bid or bids constitute a "proposal" that shall remain irrevocable for six months after the Closing Date, (3) if selected as a successful bidder, the bidder and TEP or UNSE will execute a Power Purchase & Sale Agreement ("Agreement"), associated confirmations to effect the purchase of the Products, and a confidentiality agreement with TEP or UNSE in a form acceptable to TEP/UNSE.

## TEP/UNSE RFP

Specific proposal requirements are described below.

### 2.1 Project Information

TEP/UNSE will only consider proposals for wind generation under this RFP. Each proposal shall include all relevant site and resource information required under this RFP to enable TEP/UNSE to accurately evaluate the impact and risks of the proposal. Specifically, the following information shall be included in each proposal, as applicable, depending on the type of resource proposed:

#### *Site Zoning and Construction Permitting*

Bidder shall provide the number and type of land use and construction permits, if any, required to develop the proposed project, and the impact of the project on areas in close proximity to the project site. For projects not yet built, the Proposals shall also include an explanation of the bidder's plan for acquiring such permits, the status of the permitting process, construction and development schedules, and any rezoning plans considered.

Each proposal shall detail all relevant site ownership, lease agreements, and purchase option information associated with the project site and should include a USGS map of the proposed or existing site.

Proposals shall additionally list all commitments made in connection with obtaining such permits, including those associated with renewable generation plant decommissioning, and shall list all conditions which may trigger such decommissioning.

#### *Technical Information*

The bidder shall provide a correlation of the long term wind speed data in the region to the collected resource data at the proposed project site. The proposal should also include a general plot plan showing site location, turbine positions, IEC wind class, annual wind production average capacity factor, proposed wind turbine power curve data, and nameplate ratings of proposed turbine equipment.

Voltage changes of wind systems shall be limited to no more than 0.2% of nominal voltage per second due to changes in wind generation levels.

If available, the proposal should also include turbine blade shadowing studies for light and radio wave impacts and any avian (or bat) impact studies performed for the project site as well as confirmation that the site is not in conflict with any training area requirements of the US armed services. Bidder should also include any droop response for the wind generation.

## TEP/UNSE RFP

If firming is provided for the wind resource, similar information must be provided for the source of the firming generation. Firming energy provided by hydro resources of any size can be used to meet REST requirements providing all provisions of the REST rules are met regarding qualification of hydro for firming purposes. See the REST rules for details. If firming for wind energy resources is provided by hydro resources, bidder needs to specify all information for the firming resources that would be provided for that hydro resource as a stand alone renewable energy resource under this Section 2.1. In addition, bidder shall provide information regarding the firming resource sufficient for TEP/UNSE to determine the reliability of the firming resource and firming agreement, including providing information on limitations to the firming provided.

### *Site and Cost Impacts*

Each proposal should include all relevant information about archeology, wildlife and visibility/viewshed studies that have been conducted for the proposed site, and the results thereof. Proposals should also include documentation of the closest human habitats in proximity to the generation site.

It is further recommended that each proposal include sufficient information to enable TEP/UNSE to evaluate the bidder's development and construction costs of the project, including capital and O&M expenditures during construction, and intended construction funding sources. The bidder should also indicate the renewable generation plant operating agent if bidder will not act in that capacity.

In addition to the information specifically required to be submitted under this RFP, TEP/UNSE encourages bidders to provide any supplemental information that they believe will assist TEP/UNSE in the evaluation process, including technical descriptions of the renewable project (i.e., quantity of generators, equipment specifications, equipment performance characteristics, etc.).

## 2.2 Description of Products

For utility scale generation projects, TEP/UNSE is interested in purchasing a minimum of 10 MW increments or blocks of renewable energy for a preferred minimum 10-year period to a maximum 20-year period.

TEP/UNSE's annual aggregate renewable energy purchase and delivery target under this RFP is approximately 100,000 MWh. TEP/UNSE will only consider wind generation resources for this RFP.

The ACC will annually review the TEP and UNSE REST Implementation Plans. Depending on the outcome of this review and the ACC's resultant actions, Arizona utilities may be required to revise their renewable energy purchase targets under the REST. TEP/UNSE accordingly reserves the right to reject any and all proposals that may be adversely impacted by ACC actions that may change TEP's or UNSE's annual energy

## TEP/UNSE RFP

goals under the REST. TEP or UNSE will require all proposed contracts resulting from bids to be submitted for ACC approval prior to final bid acceptance.

The evaluation of the bids by TEP and UNSE may include an Arizona economic development factor that will be renewable energy resource and technology dependent.

Renewable energy credits or "green tags" ("*Credits*") must accompany any energy purchased by TEP/UNSE through this RFP. The bidder must include any credit multipliers that would apply under the current or future ACC REST, or any successor program thereto. The bidder shall provide TEP/UNSE with all documentation reasonably requested by TEP/UNSE to enable TEP and UNSE to demonstrate to the ACC that any Credits transferred were derived from an eligible technology under the ACC REST rules, that the kWh generated are accurately reported, that Extra Credit Multipliers (as defined in the REST), if any, are properly calculated, and that the Credits transferred were not previously retired and have not been used by any other entity to meet its renewable energy requirements.

Further, to the extent deemed necessary by TEP or UNSE, the bidder shall provide to TEP or UNSE a certificate of transfer certifying: (i) bidder's production of and title to the Credits, (ii) the transfer of such Credits to TEP or UNSE, (iii) the number of Credits transferred to TEP or UNSE, (iv) the date of the transfer, (v) the origin of the Credits and associated Extra Credit Multipliers (if any), and (vi) that the Credits transferred have not been retired, have not been used by bidder to meet its REST requirements, and have not been transferred by bidder to any other entity.

The bidder acknowledges and agrees that in addition to any Credits resulting from the production of renewable power, the term "Credits" expressly includes any and all other environmental attributes of any kind that may result from the production of renewable energy purchased, as such attributes are defined by any international, federal, state or local legislation or regulation that is or becomes effective during the term of a renewable power purchase agreement entered into by and between bidder and TEP or UNSE. Such other environmental attributes expressly include any carbon-related and Greenhouse Gas (as defined by the Intergovernmental Panel on Climate Change) related attributes.

For each Product, 10 MW will be the minimum bid allowed, except customer-sited distributed generation where Credits only are the Product delivered, in which case 20 kW will be the minimum bid allowed. For distributed generation submissions, the RFP must clearly state the system capacity, expected energy output and credit pricing. For all other submissions, pricing of energy under the Agreement will be based on an "all-in" fixed price as represented in Product descriptions set forth in Section 2.4 and 2.5 below, to a bid specified point of delivery on the TEP or UNSE transmission system or to a bid specified Arizona customer if provided by distributed energy sources. Pricing must include all capital costs, fixed and variable O&M costs, interconnection and delivery costs, and any other costs associated with delivering the full energy output of the renewable generation facility to the specified delivery point. Customer sited distributed

## TEP/UNSE RFP

generation shall be priced as represented in Section 2.5 below. The wind facility developer will be responsible for all costs to interconnect with the transmission system, including the cost of any distribution system upgrades in the event the facility connects to the grid at subtransmission voltages.

A bidder may also offer a "buyout" option giving TEP or UNSE the option to acquire all or part of the renewable generation facility at a negotiated price and time. At the bidder's discretion, any such option may also include the right to purchase all or part of the environmental attributes, land rights, permits and licenses to enable TEP or UNSE to acquire and operate the facility upon exercise of the option. Bidders desiring to include such a buyout option in their proposal shall include an option exercise price and may include multiple ownership options and option exercise dates.

As discussed above, all proposals must state the source of the renewable energy and the associated Credits, whether obtained under power purchase or other agreements, through market purchases, or from owned or partnered generation resources. The proposal must clearly define and identify each such renewable resource. Successful bidders will be required to deliver the renewable energy and Credits in amounts that meet the renewable energy content associated with the actual quantity of energy purchased for the term of the applicable Agreement to be executed between TEP or UNSE and the bidder.

Each proposal shall also include an annual and monthly projection of the energy production profile and expected energy delivery for a typical calendar year.

## 2.3 Energy Delivery

TEP/UNSE will entertain proposals for delivery at the following delivery points: Vail 345kV, Saguaro 500kV, South Loop 345kV, Palo Verde 500kV, WestWing 500kV, Pinal West 345kV, San Juan 345kV, Four Corners 345kV, Navajo 500kV, Springerville 345kV, Greenlee 345kV, McKinley 345kV, Pinnacle Peak 230kV, Hilltop 230kV, Black Mesa 230kV, Dural-Warm Springs Tap 69kV, Planet 69kV, North Havasu 230kV, Griffith 230kV, and Nogales Tap 115kV switchyards, ("Delivery Points").

Proposals for energy delivery at Vail 345kV, Saguaro 500kV, South Loop 345kV, or Pinnacle Peak 230kV do not require any additional EHV transmission to serve TEP's or UNSE's load. Proposals to deliver energy at any other location are subject to the availability and economics of purchasing additional transmission to deliver the energy to either TEP's or UNSE's load.

Bidders shall specify the proposed point(s) of delivery in their proposal. Other delivery points will be considered, however the bidder must demonstrate that any such alternative delivery point will serve TEP's or UNSE needs. Delivery to any alternative delivery points can include use of Arizona-located distribution feeders ultimately

## TEP/UNSE RFP

connecting to the Delivery Points, if the bidder can demonstrate it has the legal right to deliver to the delivery points through agreements with owners of all the distribution lines required for the delivery path. TEP/UNSE will also entertain proposals for delivery at Arizona located TEP or UNSE customers for distributed renewable energy generation.

Bidders must include in their proposals a description of the transmission and/or distribution interconnection, switchyard or substation interconnection, line extensions or upgrades, and any operational or support equipment necessary for maintaining system stability. This description should include the history of system overloads, local congestion impacts, if any, any additional generation plans in the respective area.

Proposals should also include descriptions of any construction and ownership requirements necessary for the interconnection facilities or equipment proposed. Bidders should further provide any transmission feasibility, system impact, or transmission facility studies that have been performed with respect to the proposed generation project and information regarding third-party transmission providers required for the proposed delivery. In the event there are any transmission studies required, either to interconnect the facility to the electrical grid, or to transmit the energy from the facility to TEP or UNSE, the proposer will be responsible for those costs.

For non-dispatchable, time variant renewable resources, bidders must describe actions that can be taken to prevent NERC CPS-2 index ACE deviations due to differences between scheduled and actual renewable generation production. Bidders will be solely responsible for the financial impact, if any, of management by the interconnected transmission operator of power production variations on the local interconnected control area. This shall include, but not be limited to, expenses of any regulation or load balancing services provided to maintain system reliability and conformance with CPS-1 and CPS-2 reliability indices as necessary due to unforecast energy output variations of the bidders' generation resources.

For energy wheeled to TEP's or UNSE's transmission system, the proposal must contain a transmission plan for wheeling services from entities responsible for wheeling the energy and the terms of the wheeling agreement. Transmission costs, including losses, for wheeling energy to the TEP or UNSE system shall be the sole responsibility of the bidder.

## 2.4 Energy Product - Economy As Available Energy

This product provides for an Economy As Available Energy Standard 7x24 Product, delivered all hours, Monday through Sunday.

For the purpose of this RFP, "Economy Energy" shall have the meaning ascribed to it in the FEI Master Agreement. For the purpose of this Section 2.4, "As Available" means all output from a specific renewable facility as produced by the wind resource.

## TEP/UNSE RFP

- Price  
TEP will accept either a price simply structured as \$/MWh at an annual rate or a price based on the Dow Jones Palo Verde Hourly Index plus/minus an adder at an annual rate.

Pricing options shall include a levelized price for the entire term of the proposal, as well as a fixed first year rate with an annual escalator.

## 2.5 REC Product - Customer Sited Renewable Distributed Generation Systems

For customer-sited renewable distributed generation the product delivered will be Renewable Energy Credits (RECs). Delivery will be made by REC certificate from the owner of the REC to TEP or UNSE and invoiced monthly. Energy will be delivered to the customer of TEP or UNSE under this product, but no energy will be delivered to TEP or UNSE under this product.

RECs should be priced as \$/kWh and REC source shall be provided in the pricing. Pricing options shall include a levelized price for the entire term of the proposal, as well as a fixed first-year rate with an annual escalator.

## 2.6 Transmission Interconnection

All proposals shall describe the technologies and equipment that have been/will be implemented to mitigate power factor, power stability and blink issues on the distribution/transmission interconnection from the renewable generator(s) to the delivery point. Power factor at the point of interconnection will at all times be kept no lower than 0.95 lagging or leading. Bidder shall include the voltage and frequency operational limits for the generators. Bidder will provide and operate equipment to maintain at all times the interconnection voltage at +/- 2.0% of nominal voltage, and limit any applicable voltage changes due to daily climate variations affecting generation output to no more than 0.2% of nominal voltage per second.

If the proposed renewable generating facility is not currently operational or has not secured a transmission interconnection agreement with TEP or UNSE, the bidder must apply for transmission service to TEP and enter into the applicable interconnection agreement with TEP or UNSE prior to acceptance of the bidder's proposal.

## 2.7 Resource Acquisition

Each proposal shall include the current status of applicable site acquisition or other land use options, including lease agreements, land grants, and other arrangements pertaining to the use of the renewable resource. Also as described above, proposals shall

## TEP/UNSE RFP

include a description of the current status of any required resource acquisition that are being negotiated or have been secured, including wheeling agreements. Such status descriptions shall include relevant time frames and estimated completion dates.

## 3.0 Bid Evaluation

TEP/UNSE will consider proposals that provide cost effective pricing levels based on the bid's "all in" fixed price for the Products. TEP/UNSE will consider both economic and non-economic factors in evaluating submitted proposals. TEP/UNSE may choose to use production cost models to evaluate the economic benefits of the proposals.

Consideration will also be given to bids that meet avoided cost and price level thresholds established by the REST. The specific factors to be considered are set forth below. Proposals that do not provide the required energy to a Delivery Point may be eliminated from further evaluation in TEP/UNSE's sole discretion. Any Distributed Generation projects under the proposed ACC Uniform Credit Purchase Program (UCPP) guidelines will be considered as credit purchase only.

As explained above, all proposals submitted by bidders by the Proposal Closing Date are final and binding. During the next six month period following the Proposal Closing Date during which the proposals are irrevocable, such proposals may not be modified, except for conditions written and agreed to by the bidder and TEP/UNSE. Except as expressly provided in this RFP, any bidder making unsolicited contact with TEP/UNSE about this RFP during the bidding process may be disqualified at TEP/UNSE's sole discretion.

An Independent Monitor will review the bid evaluation plan and the evaluation process to ensure fairness and equity in the evaluation of the bids against each other and against the Market Cost of Comparable Conventional Generation.

## 3.1 Evaluation Criteria

Each proposal will be evaluated to determine if it meets the RFP bid package minimum requirements. TEP/UNSE will further consider several specific factors in evaluating proposals including the following: proposed energy costs, delivery points (and TEP's and/or UNSE's ability to accept the energy at the specified delivery point), operational and technical attributes, delivery terms, transmission impacts (including third party transmission agreements, incremental costs to TEP/UNSE, including those associated with transmission upgrades and interconnection required for TEP or UNSE to deliver the Energy Product at the specified point of delivery and to other transmission facilities within TEP's or UNSE's service territory), economic development opportunities, generation technology, project capacity, generation profile, any firming provided, environmental attributes, land rights and associated risks, the timeliness of project completion, permit acquisition, and the bidder's experience and financial viability.

## TEP/UNSE RFP

TEP and UNSE shall include an evaluation of the bid to determine the above Market Cost of Comparable Conventional Generation, if any, as defined in the REST. Bidder shall provide all information needed to perform that evaluation, and shall specifically include the expected generation profile for a 12-month period.

### 3.2 Renewable Energy Credit Evaluation

TEP/UNSE will only consider proposals that have documented Credits associated with the proposed renewable energy Product purchased by TEP/UNSE through this RFP. The Credits shall represent the total energy output as described in the EEI Master Agreement. TEP/UNSE will review the proposals to ensure that the proposed Credits meet TEP's or UNSE's requirements under this RFP, including any requirements imposed by the REST. TEP/UNSE's review will include verification that the Credits under any proposal are associated with the actual energy proposed to be produced and delivered.

### 4.0 Scheduling and Dispatching

Each of the Energy Products must be able to be scheduled in accordance with the requirements of the WECC. Bidders shall indicate who will have scheduling responsibilities for each Energy Product bid.

### 4.1 Credit Terms and Conditions

TEP/UNSE reserves the right, in its sole discretion, to determine each bidder's creditworthiness and ability to perform under any proposal submitted by that bidder, and to accept or reject any proposal based on any such determination.

### 4.2 Proposal Terms and Conditions

TEP/UNSE will consider proposals for the Products for a preferred minimum 10-year period to a maximum 20-year period. Staged or phased build out or scaling of wind plants over multi-year timeframes will also be considered. TEP/UNSE will also consider additional five-year incremental durations offered by the bidder. In addition to the factors set forth above, bids will be evaluated based on any other considerations TEP/UNSE deems relevant. The specific quantity of energy to be purchased will be finalized during negotiations with each successful bidder.

For proposals that include a buyout purchase option for renewable generation assets, the proposal must include the option price, expiration date, percentage or portion of project with nameplate capacity for purchase at option expiration, and purchase price at option expiration including all fees and expenses. Option proposals must also include additional information regarding the project specific to the type of renewable energy proposed. Although the content of such additional information will be decided during negotiations of the option purchase agreement between TEP/UNSE and the bidder, it is

## TEP/UNSE RFP

anticipated such information will include detailed generation site design layout and construction drawings and maintenance records including preventive and predictive maintenance strategies used and the applicable project information requirements set forth above.

Each proposal shall additionally include a milestone schedule expressed in monthly increments with due dates for commercial operation of the renewable resource proposed, and shall include the following milestones:

Regulatory/governmental approval	Equipment acquisition
Permitting	Construction start
Construction financing	Commercial operation
Site acquisition	

Each proposal submitted shall include a bidder's direct contact name, phone number, and email address. TEP/UNSE must receive proposals prior to noon (12:00:00 MST), on the Closing Date, addressed to TEP/UNSE's Primary Contact Person as set forth in the Proposal Schedule above. Upon selection of any proposal, bidder shall be required to execute a confidentiality agreement with TEP/UNSE.

TEP/UNSE is under no obligation to accept any proposal from any bidder and TEP/UNSE's decision to select any, or no, proposal (or proposals), shall be in TEP/UNSE's sole discretion.

The bidder acknowledges that executed proposals may be filed with the ACC, and be subject to ACC approval and by submitting a proposal, consent to such filing.

### 4.3 TEP/UNSE's Reservation of Rights

TEP/UNSE RESERVES THE RIGHT AT ANY TIME, IN ITS SOLE DISCRETION, TO ABANDON THIS RFP PROCESS, TO CHANGE THE BASIS FOR EVALUATION OF PROPOSALS, TO TERMINATE FURTHER PARTICIPATION IN THIS PROCESS BY ANY PARTY, TO ACCEPT ANY PROPOSAL, TO ENTER INTO ANY DEFINITIVE AGREEMENT WITH RESPECT THERETO, TO EVALUATE THE QUALIFICATIONS OF ANY BIDDER OR THE TERMS AND CONDITIONS OF ANY PROPOSAL, AND TO REJECT ANY OR ALL PROPOSALS, ALL WITHOUT NOTICE AND WITHOUT ASSIGNING ANY REASONS AND WITHOUT LIABILITY TO TEP/UNSE, ITS PARENT COMPANY OR ANY OF ITS SUBSIDIARIES, AFFILIATES OR REPRESENTATIVES TO ANY BIDDER. TEP/UNSE SHALL HAVE NO OBLIGATION TO CONSIDER ANY PROPOSAL. TEP WILL NOT REIMBURSE BIDDERS FOR THEIR EXPENSES UNDER ANY CIRCUMSTANCES, REGARDLESS OF WHETHER THE RFP PROCESS PROCEEDS TO A SUCCESSFUL CONCLUSION OR IS ABANDONED.

**TEP/UNSE RFP**

**4.4 Renewable Energy Generation Profile**

All proposals must provide information on expected annual energy production. TEP/UNSE prefers an 8,760 hourly energy production profile for a typical calendar year. Bidders shall explain the source of the information, assumptions for losses and derations, including location where the data was acquired or measured. Bidders shall also provide the resource data measurement plan used at the generation site.

Bidders may propose both capacity and energy associated with various renewable energy generation facilities, including all information requested in this RFP as applied to multiple facilities. For renewable energy facilities that may change in capacity or resource supply over time, bidder shall provide information, to the best of their knowledge, of future facility, resource or capacity plan changes or revisions as part of the bid submittal.

Bidders must provide information that may affect energy delivery due to third party energy obligations, transmission congestion, resource supply limitations, or other capacity or power output limitations that may exist.

**4.5 Delivery Points**

Delivery Point abbreviations:

**Tucson Electric Power (TEP)**

VL3 - Vail 345K V  
SG5 - Saguaro 500K V  
SO3 - South Loop 345K V  
PV5 - Palo Verde 500K V  
W/W5 - Westwing 500K V  
PW3 - Pinal West 345K V  
SL3 - San Juan 345K V  
FC3 - Four Corners 345K V  
NV5 - Navajo 500K V  
SP3 - Springerville 345K V  
GL3 - Greenlee 345K V  
MK3 - McKinley 345K V

**Unisource Electric (UNSE)**

Pinnacle Peak 230K V  
Griffith 230K V  
Hilltop 230K V  
Black Mesa 230K V  
North Havasu 230K V  
Nogales Tap 115K V  
Duvall-Warm Springs Tap 69K V  
Planet 69K V

ORIGINAL

BEFORE THE ARIZONA POWER PLANT AND TRANSMISSION

EXHIBIT  
EW-12  
admitted

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

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Notice of Filing of Additional Potential Exhibits

By

Elizabeth Buchroeder-Webb (Elizabeth Webb)

On behalf of herself, Elizabeth Webb provides notice that the following documents may be introduced as exhibits.

- EW-12 SWTC Ten Year Plan Map 2009-2018
- EW-13 TEP EHV Ten Year Plan Map
- EW-14 Photo Sonoita Substation
- EW-15 Minutes Santa Cruz County April 21 2008 Minutes (P.2)
- EW-16 Workshop #2 on Transmission to Support Renewable Energy Development Interconnection Process June 5<sup>th</sup> 2009 (PP 1 and 8)

Furthermore Applicant provides notice that the following documents may be introduced as exhibits:

- Open Access Technology International Online-Tucson Electric Power available at:  
<http://www.oatioasis.com/tepc/index.html> (Original disclosure that information would be taken from this source given to Applicant and Intervener Magruder on May 27<sup>th</sup> 2009)  
<http://www.oatioasis.com/TEPC/TEPCdocs/SWTC-TEPPublicTransmissionMtg06042009.pdf>  
(Administrative notice: applicable excerpts to be provided at the hearing, although two have been numbered and are being docketed with this notice today as EW-12 and EW-13).  
[http://www.oatioasis.com/TEPC/TEPCdocs/SatStudy\\_Phase4\\_05-07-2008.pdf](http://www.oatioasis.com/TEPC/TEPCdocs/SatStudy_Phase4_05-07-2008.pdf)
- BLM National Environmental Policy Act Handbook H-1790-1 available at  
[http://www.blm.gov/pgdata/etc/medialib/blm/wo/Information\\_Resources\\_Management/policy/blm\\_handbook.Par.24487.File.dat/h1790-1-2008-1.pdf](http://www.blm.gov/pgdata/etc/medialib/blm/wo/Information_Resources_Management/policy/blm_handbook.Par.24487.File.dat/h1790-1-2008-1.pdf)
- BLM Rights of Way and associated forms

Arizona Corporation Commission  
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[http://www.blm.gov/wo/st/en/prog/energy/cost\\_recovery\\_regulations.html](http://www.blm.gov/wo/st/en/prog/energy/cost_recovery_regulations.html)

- Community Associations registered with Pima County in the Vicinity of the Proposed Project.

<http://dot.pima.gov/gis/maps/mapguide/>

- Data Request responses as applicable when received from Applicant.

Copies of this information have been provided via email to the Applicant's attorneys and Intervener Magruder.

Dated this 15th day of June 2009

ELIZABETH BUCHROEDER-WEBB



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

Pursuant to AAC R14-3-204

Original and 25 copies of the foregoing are filed with

Docket Control (26 copies)  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, Arizona 85007-2927

**Service List:**

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& Transmission Line Siting Committee  
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1275 West Washington Street  
Phoenix, Arizona 85007

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

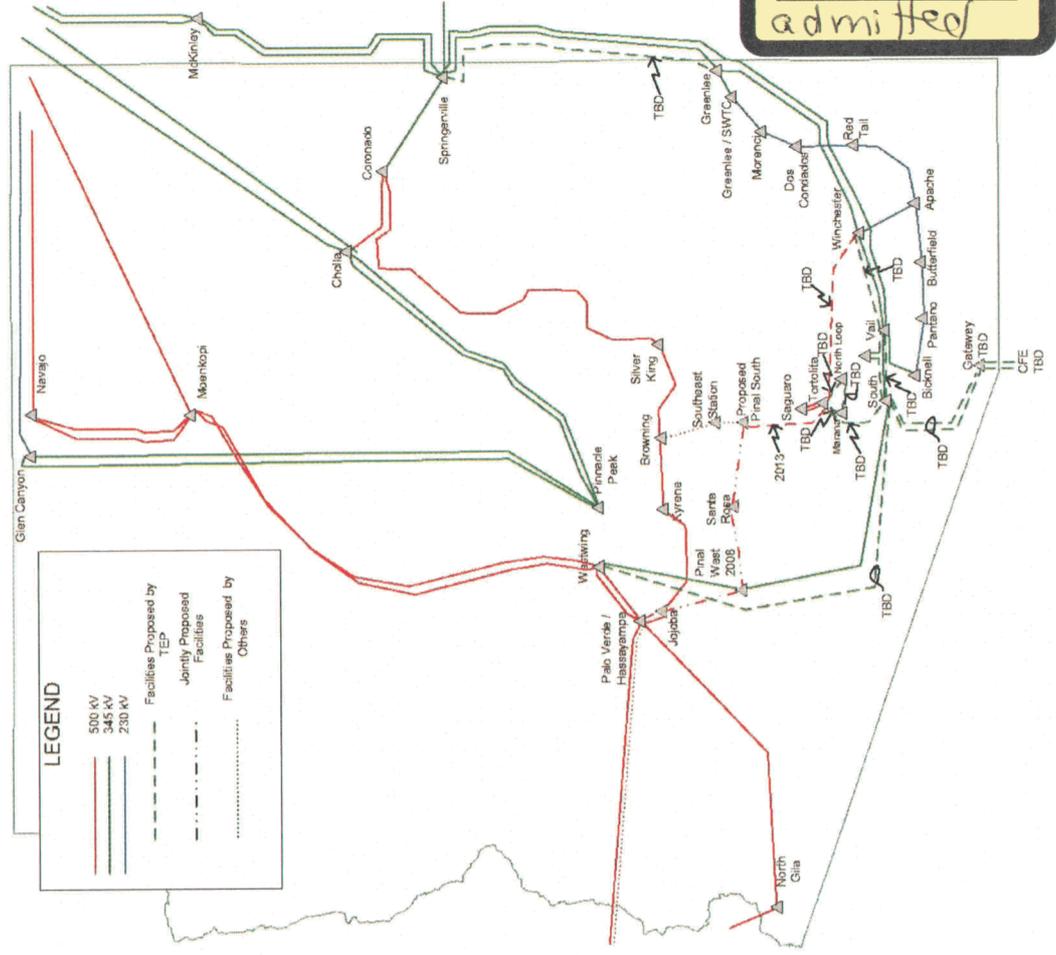
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Phoenix, AZ 85004-2262

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



# TEP 10 Year Plan (EHV System)

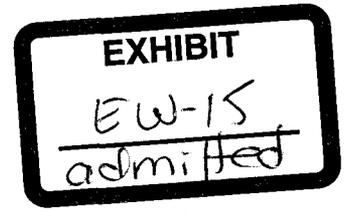
- 1) Pinal Central to Tortolita Substation (2013)
- 2) Tortolita to North Loop circuit #1 and #2 or Tortolita Substation to SWTC Marana to North Loop
- 3) Willow Interconnection on the Greenlee – Winchester 345 kv (2013)
- 4) Vail to Irvington
- 5) Irvington to South
- 6) Tortolita to Winchester
- 7) Winchester to Vail #2 and #3
- 8) Vail to South #2
- 9) Springerville to Greenlee #2
- 10) Tortolita to South
- 11) Westwing to South #2
- 12) South to future Gateway (2 circuits)
- 13) Gateway to CFE (2 circuits)





Santa Cruz Valley Citizens Council

MINUTES  
APRIL 21, 2008  
TUBAC COMMUNITY CENTER  
9:00 A.M.



P2

**PLEDGE OF ALLEGIANCE**

**OFFICERS AND DISTRICT REPRESENTATIVES PRESENT:** President Rich Bohman, 1<sup>st</sup> Vice-President Harry Peck, 2<sup>nd</sup> Vice-President Jim Patterson, Executive Board Member Earl Wilson, Treasurer Judith Noyes, Secretary Nancy Bohman, 1-Mikell Lawrence, 2-Charlie Meaker, 3-Claire McJunkin, 4-Gillian Brooks, 5-Sherry Hull and 7-Germaine Juneau

**OFFICERS AND DISTRICT REPRESENTATIVES ABSENT:** Executive Board Member Susan Maurer, 6-Kim Etherington

**MARK YOUR CALENDAR**

**Wildfire Awareness Community Meeting – Wednesday, April 23, 7 p.m. – Tubac Community Center**

**Deadline to appeal Property Taxes: Tuesday, April 2 (Those for whom the appeal was successful, but nevertheless saw their tax amount rise, the Assessor's Office is planning on sending out corrected statements this week, but to be sure contact Liz Negrete, Office Manager, County Assessor's Office, 1-520-375-8030)**

**Dr. Michael Ben-Eli Talk on "Sustainability" – Friday, May 2, 3:00 p.m. – Tubac Community Center**

**Proposed Rosemont Copper Project Hearing – Saturday, June 7 – 9:00 – Noon, Sahuarita High School Auditorium, 350 West Sahuarita Road (Formal comment period extended through July 14, 2008: Mail or hand-deliver comments to ATTN: Rosemont Copper Project EIS, Coronado National Forest, 300 W. Congress St., Tucson, AZ 85701 E-MAIL: [comments-southwestern-coronado@fs.fed.us](mailto:comments-southwestern-coronado@fs.fed.us) and FAX: (520) 388-8305)**

**GENERAL BUSINESS**

The Secretary's Minutes for March 17, 2008 were unanimously approved with no discussion, opposition or abstention.

Treasurer Judith Noyes gave the Treasurer's report stating a balance of \$16,358.75. Since the beginning of the year dues and donations totaled \$7,525 and professional fees amounted to \$5,977.65. The Treasurer's Report was unanimously approved with no discussion, opposition or abstention. Treasurer Noyes asked the membership to use the membership application form along with a check (or cash) when paying in order to keep the files updated with the new Districts and any change of e-mail address.

President Bohman thanked Carol Cullen for her two years of service to the SCVCC. Ms. Cullen stepped down last month from her position as Executive Board Member. She is also the Executive Director of the Tubac Chamber of Commerce. Ms. Cullen was instrumental in helping the school bond issue pass and was a researcher as well as the main presenter for the power point presentations opposing the permanent border checkpoint last summer.

President Bohman recognized District 3 Supervisor John Maynard and District 3 Planning and Zoning Commissioner Lil Hunsaker in attendance. Supervisor Maynard then introduced Juan Pablo Guzman, Clerk of the County Court. Mr. Guzman was appointed by the Governor in December to fill in for the former Clerk of the Court. Mr. Guzman said there has been a huge transformation at the Judicial Branch and he hoped to bring the Judicial office closer to the citizens to show the important services that are provided. He said he felt they needed to be more accessible and would soon begin scanning all the criminal files, which would be made available electronically. Mr. Guzman also oversees passports and jury service. Mr. Guzman stressed the importance of participating in jury duty when called and urged the citizens to set up an appointment with him with any considerations they might have.

President Bohman also recognized Larry Robertson who had been selected in Tucson Lifestyle as one of the top Tucson attorneys and only one of two in his specialty of Energy Law.

**OLD BUSINESS**

**REFERENDA UPDATE:** Lynn Carey, Chairman for the Coalition for Responsible Growth, recapped the work done by the Coalition. Carey stated they had had a successful Kick Off Party and said if anyone wished to participate as a volunteer, to let her know.

**PROPERTY TAX APPEAL DEADLINE:** President Bohman reminded the membership that they have until April 29<sup>th</sup> to appeal their property taxes and emphasized that those who had been successful in their appeal to have their property taxes reduced last year should be sure that the tax has not gone up this year as by state law there is a year moratorium if the tax amount has been reduced. District 7 Representative

Germaine Juneau said she went to the County in person as she had been told she would have to sign a petition even though the mistake in raising her taxes had been made by the County. She said Liz Negrete, Office Manager at the Assessor's Office corrected hers online. Contact numbers: Assessor's Office 1-520-375-8030; TaxDetective, e-mail [support@taxdetective.com](mailto:support@taxdetective.com) or call 529-3154.

**NEW BUSINESS**



**UES UPGRADE OF 115 KV POWER LINE:** Larry Lucero, Manager of Marketing, and Art McDonald, Director of Corporate Relations and Communications, for UniSource Energy Services (UES) said UES is planning to upgrade the existing 115 kV primary transmission line to a 138 kV line between the Vail Substation in Tucson and the Valencia Substation in Nogales. ~~Mr. Lucero said 2700 persons within 300 feet of the existing line have already received a newsletter with a map regarding this project.~~ He said the 115 kV line has a 50 megawatts capability and that the upgrade to a 138 kV line will strengthen the system by doubling the capacity. Also, the wood frame poles will be replaced with steel monopoles, which will be about 75 feet high (current height of the 115 poles is 65 to 70 feet). According to the newsletter, the project is needed to meet growing demand, upgrade and reinforce the current electrical distribution system and improve reliability for now and the future. Mr. Lucero stated that until mid-year they will be conducting public meetings, inventorying environmental resources, conducting an impact assessment and mitigation planning, and selecting project alignments. By early fall they plan to apply for approval from the Arizona Corporation Commission (ACC). There will be more opportunity for public input and the project will go before the Arizona Power Plant and Line Siting Committee. If approved, construction would begin in 2010.

Leila Pearsall inquired about alignment changes. Mr. Lucero said they hoped to stay within the existing corridor of 100 feet, but they must wait for the study. He said they have already sited available lines in the existing corridor that could be used with sufficient width as an alternative. The study corridor is one half mile wide. Gene Rudolf asked if the new poles would be in the same positions and the response was they would be as close as possible to the old positions as the spans are pretty much the same. Mr. Lucero said to let them know if the poles were too close to existing businesses.

District 2 Representative Charlie Meaker asked how long the 138 kV line would last. Mr. Lucero said he didn't know the forecast.

Larry Roberston said in 2000 or 2001 the ACC mandated Tucson Electric Power to build a second kV line to Nogales and asked if this upgrade satisfied this requirement and Mr. Lucero said no.

Mr. Lucero said there was "nothing new" with the previously proposed 345 kV line to Mexico and added there was a new generator (combustion turbine - 20 megawatts) installed at the Valencia Substation in Nogales two years ago.

Marshall Magruder asked various questions regarding why galvanized steel poles couldn't be used as they were the same cost and asked Mr. Lucero to confirm that the Rosemont Copper Mine Plan includes the Vail to Nogales 138 kV transmission line as Tucson Electric Power's preferred Option to provide power to that mine. Mr. Lucero responded that these questions could be answered at the Line Siting Hearing.

President Bohman inquired if this cost would eventually be included in the rate base and Mr. Lucero responded it would.

Mr. McDonald said to call their **24 hour hotline with questions or comments: (866) 403-6358.**

**UNS GAS RATE CASE:** Marshall Magruder stated that a new rate case was submitted last month that included all the features that were disapproved in the prior rate case concluded last December, including being charged for gas being used by others and having a higher rate for areas with warmer climates because colder areas have higher gas bills. Also, Mr. Magruder said a UNS Gas Demand Side Management (DSM) program has been in effect since January but UNS Gas has not provided the public with any information as to how to reduce payment or receive rebates.

**UNS ELECTRIC RATE CASE:** Mr. Magruder advised that the following will happen on 1 June 2008: 1) residential rates will increase 11.8% (from \$104.05 to \$116.34 for 1,000 kw, 2) small business rates will decrease by 6.15% (from \$692.75 to \$650.16 for 5,000 kw. Mr. Magruder cited several of eighteen open issues, such as lack of response to life support customers during an outage and the \$93,000 for Santa Cruz County high school scholarships that are in arrears.

**DEBRIS PILES OFF EAST FRONTAGE ROAD:** Thomas Driscoll inquired of Supervisor Maynard who he could talk to regarding the piles of debris north of his subdivision, Tubac Rio Cruz, off the East Frontage Road. Supervisor Maynard said that he believed this land was owned by the Arizona Department of Transportation (ADOT) and would give Mr. Driscoll a point of contact.

**TALK WITH YOUR SUPERVISOR:** Supervisor Maynard mentioned that he would be at the Deli in the village for coffee until noon to meet with anyone who wanted to talk about County issues.

**NEXT SCVCC MEETING:** The next meeting will be Monday, May 19, 2008 at 9:00 a.m. at the Tubac Community Center unless further noticed.

**OURN: 10:15 A.M.**

Respectfully submitted:  
Nancy M. Bohman  
Secretary, SCVCC

**Arizona Corporation Commission**

**Fifth Biennial Transmission Assessment Commission Decision 70635**

**Workshop #2 on Transmission to Support  
Renewable Energy Development**

**Interconnection Process**

**Ron Belval  
Supervisor – Transmission Planning  
Tucson Electric Power Co.**

**EXHIBIT**

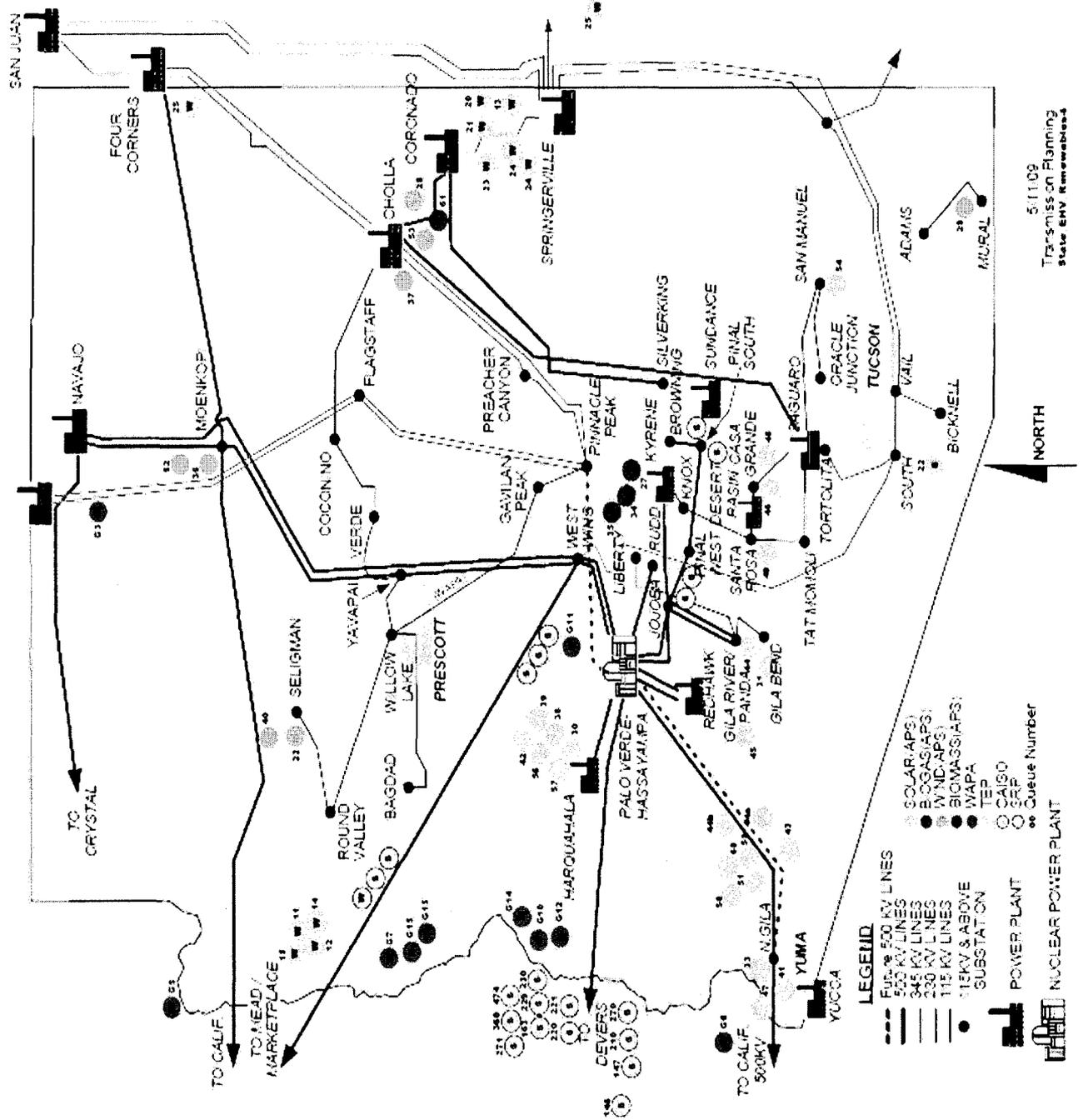
**EW-16  
admitted**

**June 5, 2009**

**Docket E-00000D-07-0376**

# 2009 ARIZONA RENEWABLES

## Active Generator Queue Listing



- LEGEND**
- 500 KV LINES
  - 500 KV LINES
  - 345 KV LINES
  - 230 KV LINES
  - 115 KV LINES
  - 15KV & ABOVE SUBSTATION
  - ☉ SOLAR (APS)
  - ☉ BIOGAS (APS)
  - ☉ WIND (APS)
  - BIOGAS (APS)
  - WAPA
  - TEP
  - CAISO
  - SRP
  - Queue Number
  - ☐ NUCLEAR POWER PLANT

5/11/09  
Transmission Planning  
State ENV Renewables



NORTH

TO CRYSTAL

TO CALIF.

TO CALIF. 500KV

TO HEAD / MARKETPLACE

A

ORIGINAL

BEFORE THE ARIZONA POWER PLANT AND TRANSMISSION

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

Arizona Corporation Commission  
**DOCKETED**

Notice of Filing of Potential Exhibits

By

Elizabeth Buchroeder-Webb (Elizabeth Webb)

DOCKETED BY *[Signature]*

On behalf of herself, Elizabeth Webb provides notice that the following documents may be introduced as exhibits.

EW-17 which includes the following taken from previously disclosed documents available online or from data requests and may include other relevant previously disclosed information

- Community Associations registered with Pima County in the Vicinity of the Proposed Project (A)
- Mailing label overlay map provided in UNS Electric response to Data Request EW 11 and 12 (B)
- TEP Certificate of Convenience and Necessity Segment 1A, taken from (C)  
[http://www.oatioasis.com/TEPC/TEPCdocs/SatStudy\\_Phase4\\_05-07-2008.pdf](http://www.oatioasis.com/TEPC/TEPCdocs/SatStudy_Phase4_05-07-2008.pdf)
- Table of Community Associations, Electric Provider and Project Distance (D)
- E Webb response to UNS Response to Data Request EW 11 and 12 (E)
- Response from UNS Electric to Data Request EW 11 and 12 (F)

Copies of this information have been provided via email to the Applicant's attorneys and Intervener Magruder.

Dated this 17<sup>th</sup> day of June 2009

ELIZABETH BUCHROEDER-WEBB

*[Signature]*

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

**EXHIBIT**  
*EW-17*  
*admitted*

RECEIVED  
2009 JUN 19 A 9:55  
AZ CORP COMMISSION  
DOCKET CONTROL

Pursuant to AAC R14-3-204

Original and 25 copies of the foregoing are filed with

Docket Control (26 copies)  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, Arizona 85007-2927

**Service List:**

Charles Haines  
Janice Alward, Chief Counsel, Legal Division  
1200 West Washington Street  
Phoenix, Arizona 85007

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

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

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

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

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

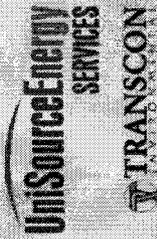


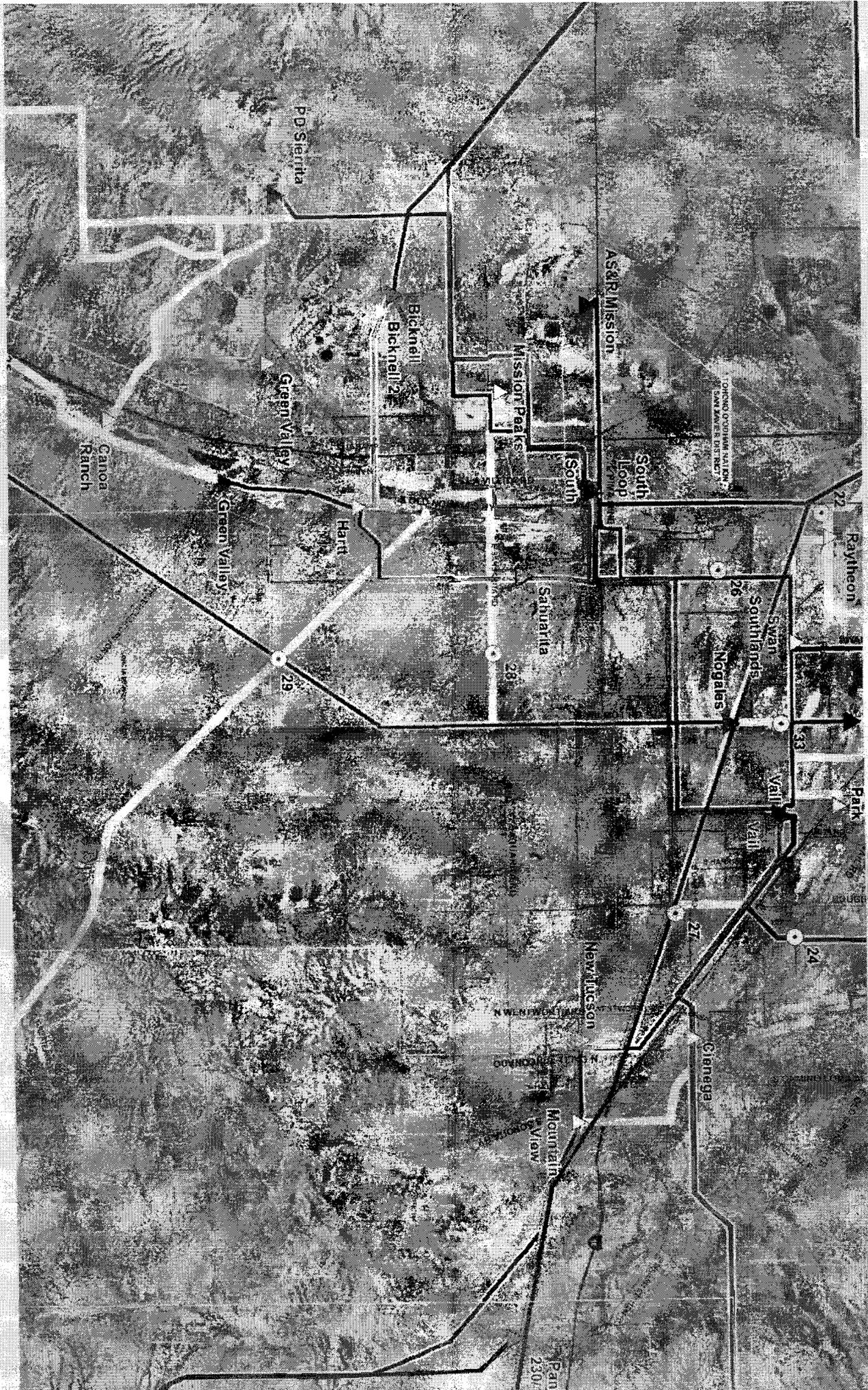
# Mailing List - Segment 1

Vail to Valencia 115kV to 138kV Upgrade Project

## Legend

- Existing 115kV Transmission Line
- Alternative Alignments (100 Foot ROW)
- Preferred Alignment (100 Foot ROW)
- 500 Foot Corridor
- ▲ Substations
- Area of Notification (Residents and Property Owners)
- Bureau of Land Mgmt.
- Coronado N.F.
- Private Land
- San Xavier Indian Res.
- State Trust Land





— CAP Canal

## Roads

— Interstate

— Major Streets

## Boundaries

□ TEP Certificate of Convenience and Necessity

□ Tribal

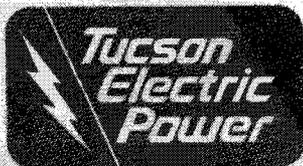
□ County

□ Town / City

*outside of*

**May 7, 2008**

This map is for general planning purposes only.  
TEP and UniSource make no warranty of its accuracy



A UniSource Energy Company

Data Sources:  
Lines: UniSource, SW Transco & PLATTS  
Data: ALRIS, ADOT, Pima  
County, PAG & nationalatlas.gov  
Projection:  
UTM Zone 12N NAD 1983 HARN

Source: POWERmap, [powermap.platts.com](http://powermap.platts.com)

Copyright 2006 Platts, A Division of The McGraw-Hill Companies

*C 2*

Community Associations/Non-Governmental Organizations registered with Pima County in the vicinity of the Proposed Project in Segment 1A in the Vail to Valencia Project

Name of Community Association registered with Pima County	Approx. Boundary Distance from Alternative Alignment proposed new construction at turn in TSR E151516	Approx. Distance from Proposed Project Unisource Energy Parcel held in fee simple at TSR E161504	Approx. Distance from project south of Sahuarita Rd. (no change to existing transmission line) TSR E171518	TEP or Trico Customer (Typically)
Hilton Road Community Association	At Project Site	At Project Site	At Project Site	TEP
Vail Preservation Society	At Project Site	At Project Site	At Project Site	TEP and Trico
New Dawn Estates Community Association	1.4 miles	2.10 miles	6.11 miles	TEP
Vail Vistas Estates Community Association	1.4 Miles	2.10 miles	6.11 miles	TEP
Santa Rita Foothills Community Association	.59 miles	2.64 miles	2.82 miles	Trico
Concerned Citizens of Corona	5.23 miles	7.18	2.82	Trico
Avis Acres Preservation Society			(at project site at Sahuarita and Wilmot)*	Trico

\* area in map overlay for individual mailing labels sent by USE as per Data Request EW 11 and EW 12 sent 5 June 2009. USE Map dated 8 June 2009, provided 17 June 2009. CEC\Hearing\Proposed-Corridors-Segment-1-24x36.mxd 6/8/2009

Information compiled from the Vail Neighborhood Associations list produced by Pima County DOT Geographic Information Systems dated June 16<sup>th</sup> 2009, from the Pima County GIS website: <http://www.dot.pima.gov/gis/maps/mapguide/> and from USE data request responses by Intervener Webb for informational purposes only. **Revision One Prepared June 17<sup>th</sup> 2009**

*The disclaimer provided on the County GIS Vail Neighborhood Association's map: The information depicted on this display is the result of digital analyses performed on a variety of databases provided and maintained by several governmental agencies. The accuracy of the information presented is limited to the collective accuracy of these databases on the date of the analysis. The Pima County Department of Transportation Geographic Information Services Division makes no claims regarding the accuracy of the information depicted herein. This product is subject to the Department's Disclaimer and Use Restrictions.*

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

12 June 2009

Sent via email and USPS

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

CC  
Marc Jerden  
Unisource Energy Corporation  
One South Church  
Suite 200  
Tucson, AZ 85701  
Email: [mjerden@tep.com](mailto:mjerden@tep.com)

Re: Vail to Valencia Case # 144 Docket # Docket No. L-00000F-09-0190-00144  
UNS Electric's response Sent June 9<sup>th</sup> to Data Request E Webb 11 and 12 Sent June 5<sup>th</sup> 2009

**Data Request E Webb 11**

"Please include a copy of the mailing labels used for any and all project newsletters for Segment 1A and 1B in the above referenced case formatted as such:

1. Project Newsletter "X" dated "X" mailed to this mailing list and attach mailing labels.
2. Project Newsletter "X" dated "X" mailed to this mailing list and attach mailing labels.

If there was no change between labels, you may state no change.

**Data Request E Webb 12**

Please provide an overlay map with the properties these mailing labels were sent to beneath it.

UNS Electric has objected to the extent that I am "requesting the mailing list containing specific names and addresses of persons sent mailings. That information is not public record, is confidential, and the privacy interests of those persons outweigh the need for disclosure."

It was also stated that UNS Electric "Is checking into the possibility of creating a map that will identify the properties included in the mailings.

I object to UNS Electric's objection for the following reasons:

1. In UNS Exhibit 4  
P2. It states that Mr. Miller will testify that:

- the first newsletter was sent Dec 27<sup>th</sup> 2007, to over 5000 residents in the initial study area.
- the second newsletter was sent in May 2008 to over 20,000 residents in the final and expanded study area.
- the third newsletter sent in November 2008 to over 30,000 addresses...

- the fourth newsletter sent in April 2009 to 30,000 addresses notifying the public...

2. If, as the exhibit states, the information was generated based on the study area, then the information I have requested is **not private** as the land ownership records in Segment 1A and 1B are listed as **public records**, available to the general public on the Pima County GIS mapping system. <http://dot.pima.gov/gis/maps/mapguide/>.

3. Roshka, DeWulf and Patten and Transon have set a precedent in LS Case 137 before the AZ. Power Plant and LS Committee in using mailing labels as evidence containing **specific non-redacted names and addresses** of persons sent mailings for public outreach. (NO. L-00000C-08-0011-00137 VOL II 2-20-2008 TEP -10)

4. In my motion to intervene, my opening statement, my cross examination to Mr. Beck, Mr. Warner and Mr. Miller I have spoken of concerns regarding public outreach and concerns in Segment 1A and a smidge south in Segment 1b to the Santa Cruz county line. The information requested in my data request would enhance my direct examination. It would also require UNS Electric to verify its statements of fact concerning newsletter mailings.

-----

If there are additional names on the mailing labels of individuals who are not along the project route and who were sent newsletters in the enhanced mailing lists, I will accept redacted information, such as provided in evidence already submitted and accepted into evidence by UNS Electric. An example is provided below from an Open House:

UNS-1 Application J-4 Open Houses Page 1

Sign In Sheet Summary Open House February 26 and 27<sup>th</sup>, 2008

Alice Lake-Rio Rico Resident [*Information Reducted*]

To summarize, my request for the labels, mailings and dates is valid and relevant as UNS Exhibit 4 is relevant to public outreach. My request would enhance that evidence to determine what addresses along the project route received mailings for the area known as Segment 1a and 1b.

I am asking UNS Electric to clarify and validate their assertions in Exhibit 4. My request is directly related to UNS Electric's statement of fact in Exhibit that it sent mailings to the "initial and expanded study areas" and the numbers of addresses listed above in #1 of my objection.

Providing this information will also expedite my direct examination and reduce my costs. I believe the former is a goal of the Committee. It is my perception that the Committee and the Chairman would like to complete the hearing in one day.

Additionally, I have articulated how UNS Electric's claim to privacy interests is not valid to deny discovery for this request in Pima County, the area for which I made my request. I certainly hope there is not confusion over the tiny portion of segment 2b that overlaps into Santa Cruz County. If that is at issue, please let me qualify that I am asking for the information in Pima County only.

On June 9<sup>th</sup>, I sent the following email to Roshka, DeWulf and Patten:

**From:** Vail Arizona [mailto:vailaz@hotmail.com]  
**Sent:** Tuesday, June 09, 2009 4:19 PM  
**To:** Mary Ippolito  
**Cc:** Jason D. Gellman; Matt Derstine; ebeck@tep.com; Michael Patten  
**Subject:** RE: Response to UNS Electric's response to EW Webb Data Request Dated 5 June 2009

Mary!

Thanks for sending this along! I have to head into town so this is just a quick response back. Will formulate a more official looking response tomorrow!

Typically mailing information is generated by a title company or through a mailing label service or such as the City of Tucson provided for the Cienega substation required notice for the properties in a certain area and it is public, not proprietary information- such as if I were asking for TEP/UNS Electric's customer list. (which I am not)

I think the idea of providing a map of the properties that were sent the newsletter would be adequate as long as I can see what what

properties in the vicinity of the project were sent which newsletter on which dates, as requested. I would appreciate receiving it in a timely manner from the original date I made the data request though. Thanks again!

---

I will still accept a map showing which specific properties were sent which specific newsletters on which date, but I am still requesting the rest of the mailing list in the above specified redacted form as already entered and considered acceptable by UNS Electric in this hearing, in a timely manner. (by 16 June 2009 according to the 10 calendar day mentioned in my motion to intervene).

Lastly, I am feeling frustrated by these continued protracted dealings over very simple data requests. It is difficult to form my testimony with incomplete information.

As I mentioned in the email sent on June 9th, the date the original data request was sent is still considered the original date and I appreciate a complete response by 16 June 2009.

Thank you,

Dated this 12<sup>th</sup> day of June 2009

*Elizabeth Buchroeder-Webb*

Elizabeth Buchroeder-Webb

UNS ELECTRIC, INC.  
RESPONSES TO MS. WEBB'S  
SUPPLEMENTAL REQUESTS  
L-00000F-09-0190-00144  
June 16, 2009

Data Request E Webb 11

Please include a copy of the mailing labels used for any and all project newsletters for Segment 1A and 1B in the above referenced case formatted as such:

1. Project Newsletter "X" dated "X" mailed to this mailing list and attach mailing labels.
2. Project Newsletter "X" dated "X" mailed to this mailing list and attach mailing labels.
3. etc.

If there was no change between label sets, you may state no change.

RESPONSE:

UNS Electric has previously indicated by correspondence that it objects to this request. A copy has been attached.

F /

**ROSHKA DEWULF & PATTEN**

ROSHKA DEWULF & PATTEN, PLC  
ATTORNEYS AT LAW  
ONE ARIZONA CENTER  
400 EAST VAN BUREN STREET  
SUITE 800  
PHOENIX, ARIZONA 85004  
TELEPHONE NO 602-256-6100  
FACSIMILE 602-256-6800

June 9, 2009

**VIA ELECTRONICALLY AND REGULAR U.S. MAIL**

Elizabeth Buchroeder-Webb  
17541 E.H. Hilton Ranch Road  
Vail, AZ 85641

Re: Vail to Valencia 115 kV to 138 kV Transmission Line Upgrade Project  
("Project") - Data Requests E Webb 11 and E Webb 12 sent June 5, 2009  
Docket No. L-00000F-09-0190-00144 (Case No. 144).

Dear Elizabeth:

The purpose of my letter is to respond to your letter sent electronically on June 5, 2009 requesting the following:

**Data Request E Webb 11**

Please include a copy of the mailing labels used for any and all project newsletters for Segment 1A and 1B in the above referenced case formatted as such:

1. Project Newsletter "X" dated "X" mailed to this mailing list and attach mailing labels.
2. Project Newsletter "X" dated "X" mailed to this mailing list and attach mailing labels.

If there was no change between labels, you may state no change.

**Data Request E Webb 12**

Please provide an overlay map with the properties these mailing labels were sent to beneath it.

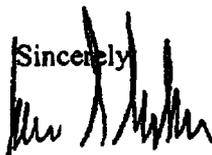
**ROSHKA DEWULF & PATTEN**

Elizabeth Buchroeder-Webb  
June 9, 2009  
Page 2

UNSE objects to your request to the extent you are requesting the mailing list containing specific names and addresses of persons sent mailings. That information is not public record, is confidential, and the privacy interests of those persons outweigh the need for disclosure.

UNSE is checking into the possibility of creating a map that will identify the properties included in the mailings.

Sincerely



Jason D. Gellman  
For the firm

cc: Ed Beck, Director Line Siting Services, UNS Electric

UNS ELECTRIC, INC.  
RESPONSES TO MS. WEBB'S  
SUPPLEMENTAL REQUESTS  
L-00000F-09-0190-00144  
June 16, 2009

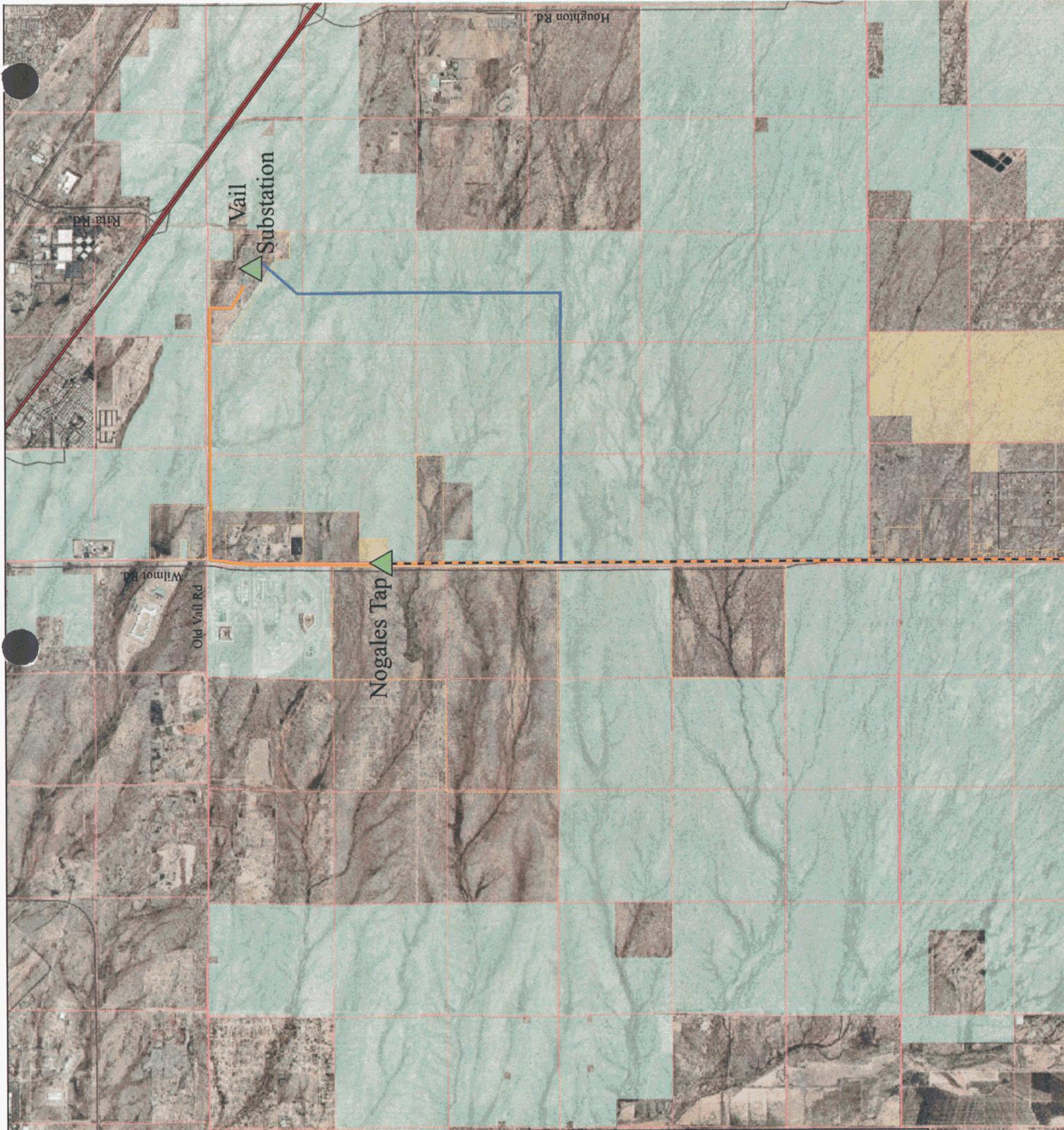
Data Request E Webb 12

Please provide an overlay map with the properties these mailing labels were sent to beneath it.

RESPONSE:

See the attached map that depicts the areas for the mailings of newsletters two through four in Segment 1.

# ment 1



**IRCEnergy**  
SERVICES

**LANSICON**  
ENVIRONMENTAL





Sahuarita Rd.

Without Rd.

Sahuarita

Doral Mesa Rd.

reen alley

19

Santa Rita  
Experimental

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

RECEIVED

JUN 29 2009

Notice of Filing of Potential Exhibits

By

Elizabeth Buchroeder-Webb (Elizabeth Webb)

ARIZONA CORP. COMM  
400 W CONGRESS STE 218 TUCSON AZ 85701

On behalf of herself, Elizabeth Webb provides notice that the following documents may be introduced as an exhibit during the continuation of the evidentiary hearing.

EW-18, A-F (9 Pages Total) which includes the following taken from previously disclosed documents available online, from data requests, new agency correspondence and may include other relevant previously disclosed information-Consisting of:

- Correspondence between Susan Bernal, BLM Realty Specialist, Tucson Field Office and Intervener Webb. Formatted for conservation purposes and to still be in an easily readable font size. Originally formatted copy will be available for viewing at the hearing. (A, 2 pages)
  - UNS Electric, Inc. Responses to Ms. Webb's Requests EW-14a-g. Dated June 23<sup>rd</sup> 2009. Formatted for printing conservation purposes and to still be in an easily readable font size. Originally formatted copy will be available for viewing at the hearing. (B, 3 pages)
  - UNS Electric, Inc. Response to Ms. Webb's first set of Data Request, Dated May 21, 2009. (C, 1 Page)
  - Data Request EWebb1 dated May 15<sup>th</sup> 2009. (D, 1 Page)
  - Data Request EWebb14 dated June 12<sup>th</sup> 2009 (E, 1 Page)
- Excerpt from PP 46 and 47 of the BLM National Environmental Policy Act Manual regarding Non Federal and Federal Connected actions and analysis required. Full manual will be available at hearing for viewing. As previously disclosed, the manual may be viewed online at:  
[http://www.blm.gov/pgdata/etc/medialib/blm/wo/Information\\_Resources\\_Management/policy/blm\\_handbook.Par.24487.File.dat/h1790-1-2008-1.pdf](http://www.blm.gov/pgdata/etc/medialib/blm/wo/Information_Resources_Management/policy/blm_handbook.Par.24487.File.dat/h1790-1-2008-1.pdf) (F, 1 page)

*Additional notice provided to the Docket of potential exhibits previously disclosed to the Parties electronically.*

- Information that may be found on TEP's website on Transmission Line Projects: Applicable excerpts to be given at hearing if they are to be used

<http://www.tep.com/company/news/TransProjects.asp>

and UNS Electric Website on Transmission Line Projects

<http://uesaz.com/Company/News/index.asp>

<http://uesaz.com/Company/News/TransProjects.asp>



Copies of this information have been provided via email to the Applicant's attorneys and Intervener Magruder.

Dated this 29<sup>th</sup> day of June 2009

ELIZABETH BUCHROEDER-WEBB

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

Pursuant to AAC R14-3-204

Original and 25 copies of the foregoing are filed with

Docket Control (26 copies)  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, Arizona 85007-2927

**Service List:**

Charles Haines  
Janice Alward, Chief Counsel, Legal Division  
1200 West Washington Street  
Phoenix, Arizona 85007

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

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

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

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

**Re: Questions from the Vail Area and the Vail to Valencia Electric Project****From:** Susan\_Bernal@blm.gov**Sent:** Fri 6/26/09 5:44 PM**To:** Vail Arizona (vailaz@hotmail.com)**Cc:** Linda\_Hughes@blm.gov**Attachments:**

ObtainingaROWPamphlet.ss04-08-05.pdf (239.5 KB)



Elizabeth, here are answers to your questions for both of your emails.

1. Did TEP, or Unisource Electric, Transcon or any representatives have an initial conversation with your office where it was indicated that it would be a relatively simple process that might involve a Categorical Exclusion or simple Environmental Assessment? How does your process work typically? Our office had a brief telephone discussion with Mike Warner of Transcon nearly a year ago, and he was advised that a right-of-way application would be required if they plan to cross public lands at the Nogales Tap, and more than likely an EA would be required covering the entire project. Per federal regulation 43 CFR 2800, the process starts with a preapplication meeting for a proposed right-of-way on public land, and the applicant can submit a SF-299 Application Request for a Right of Way Grant to the BLM. BLM then processes the application by beginning the NEPA process. The NEPA process begins with scoping of the issues and determining what level of NEPA analysis would be required. The NEPA is written (either by BLM or a contractor) and presented to the Field Manager to make a Decision on what alternative to select. Keep in mind this is a very generalized description of the project. I've attached a pamphlet below that describes what is needed to obtain a ROW from the BLM. (See attached file: ObtainingaROWPamphlet.ss04-08-05.pdf)

2. If the preferred alignments are chosen by the Line Siting Committee (which has already had three days of hearings and the next one is July 8th 2009) and are on BLM land, what level of NEPA process would be needed or how would the process be started? See answer in red to #1 above.

3. Would it affect the entire project, or just the small area of BLM near the Nogales Tap and the Santa Cruz County Complex? If the line has to cross federal land and cannot continue without a BLM ROW permit, then the entire line (regardless of ownership) would be analyzed in the environmental document. However, the BLM ROW Grant and any stipulations or mitigation would only apply to BLM land.

4. Does Unisource Electric have to do anything to dismantle their existing site with BLM at the Nogales tap? Yes, if their line exists on public lands they will need to advise us and provide a reclamation plan for the removal of the facilities. If there was no NEPA analysis done for the line they plan to dismantle, BLM would determine what level of NEPA would be required. (43 FR 2807.19)

**Second Email Responses:**

1. Is it true that the BLM would not require an amendment to the existing authorization? No, if there are substantial changes made to an existing facility from what was granted, the right-of-way holder will need to submit a new application along with preparing new NEPA analysis. (43 CFR 2807.20)

I have also received a data request back from UNS Electric stating that (I cannot cut and paste this imaged PDF into my hotmail today for some reason)

"Citizens Electric Company was not granted a ROW at the Nogales Tap for reasons unknown to UNS Electric. Neither WAPA nor BLM compelled UNS Electric to obtain a ROW grant at the Nogales Tap. The project requested here does not involve the Nogales Tap so no ROW grant is necessary for the Nogales Tap for the project".

2. The question I have though is this. If BLM granted a ROW to UNS or Citizens in Nogales, did they also grant a ROW for the lines and or poles leaveing the Nogales Tap and heading south? (or is that right on the border of the property line? My GIS map from home from the County website are not that clear) I have completed a records search and found that BLM never issued a right-of-way Grant to UNS/TEP/Citizen for their line into and out of the WAPA substation. I have recently been in contact by Unisource and they have asked to meet with our office regarding the unauthorized line and their proposed Vail project.

Their legal department also stated that it believes that no amendment to an existing ROW would be required to remove equipment. Is this true? No, if the right-of-way holder elects to remove facilities and cease using the lands for what BLM granted, the right-of-way would be terminated. The holder would be required remove all facilities and restore the right-of-way area. (43 CFR 2807.19)

Susan D. Bernal  
U.S. Department of Interior  
Bureau of Land Management  
Realty Specialist, TFO  
12661 E. Broadway  
Tucson, AZ 85748  
520-258-7206  
Fax: 520-258-7238

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**EXHIBIT EW-18**

**UNS ELECTRIC, INC.  
RESPONSES TO MS. WEBB'S  
REQUESTS - EWEBB 14  
L-00000F-09-0190-00144  
June 23, 2009**

**Data Request E Webb 14a** If UNS Electric is granted the CEC in LS Case 144, and will conduct the appropriate level of NEPA analysis once one alignment has been approved by the Arizona Power Plant and Transmission Line Siting Committee, how will it present reasonable alternatives as required in the NEPA process? Please be specific.

**RESPONSE:** This depends on what route is granted by the Committee and/or approved by the Commission. If the North Route in Segment 1A is selected, then UNS Electric believes the level of analysis may be that which involves a simple Environmental Assessment. BLM would then be only obligated to consider a no-action alternative (i.e. leaving the existing line as is) and the North Route. If the South Route is selected in Segment 1A no BLM land is affected and BLM would not be involved.

**RESPONDENT:** Mike Warner, Transcon Environmental, Inc.

**UNS ELECTRIC, INC.  
RESPONSES TO MS. WEBB'S  
REQUESTS - EWEBB 14  
L-00000F-09-0190-00144  
June 23, 2009**

**Data Request E Webb 14b** In the Application (UNS-1) under Agency Stakeholder Meetings it lists a meeting on July 7 2009 with Angel Mogel of BLM. What is the correct date of the meeting?

**RESPONSE:** July 7, 2008

**RESPONDENT:** Mike Warner, Transcon Environmental, Inc.

**UNS ELECTRIC, INC.  
RESPONSES TO MS. WEBB'S  
REQUESTS - EWEBB 14  
L-00000F-09-0190-00144  
June 23, 2009**

**Data Request E Webb 14c** When did TEP/UNS Electric or its assigns meet with the BLM Tucson Regional planning office/personnel ?

**RESPONSE:** Transcon Environmental, Inc. under the direction of UNS Electric discussed the Project with Tucson Field Office personnel during the Summer, 2008.

**RESPONDENT:** Mike Warner, Transcon Environmental, Inc.

UNS ELECTRIC, INC.  
RESPONSES TO MS. WEBB'S  
REQUESTS – EWEBB 14  
L-00000F-09-0190-00144  
June 23, 2009

Data Request E Webb 14d What was the date Citizens reassigned their BLM grant to UNS Electric at the Nogales Tap. Please provide documentation. If was not reassigned please state. If Citizens did not have a BLM grant, please state why.

RESPONSE: BLM manages the land surrounding the Nogales Tap – owned by Western Area Power Administration (“WAPA”). Citizens Utilities Company was not granted a ROW by BLM for the original connection, for reasons unknown to UNS Electric. Neither BLM nor WAPA have compelled UNS Electric to obtain a ROW grant. The Project requested here does not involve the Nogales Tap, so no ROW grant for the Nogales Tap is necessary for the Project.

RESPONDENT: Mike Warner, Transcon Environmental, Inc. and Ed Beck, UNS Electric, Inc.

UNS ELECTRIC, INC.  
RESPONSES TO MS. WEBB'S  
REQUESTS – EWEBB 14  
L-00000F-09-0190-00144  
June 23, 2009

Data Request E Webb 14e Has UNS Electric applied for a modification to an existing agreement (or applicable name) with BLM to remove its equipment from the Nogales substation?

RESPONSE: UNS Electric would object to the question to the extent it is vague and or ambiguous as to what “existing agreement” the request is referring to. Without waiving the objection, if the question is referring to a ROW grant by BLM, then see the response to Data Request E Webb 14d above. Further, UNS Electric does not believe an amendment to a ROW grant would be needed to remove equipment from the Nogales substation.

RESPONDENT: Legal Counsel for UNS Electric.

UNS ELECTRIC, INC.  
RESPONSES TO MS. WEBB'S  
REQUESTS – EWEBB 14  
L-00000F-09-0190-00144  
June 23, 2009

Data Request E Webb 14f If UNS Electric does not have a current agreement with the BLM at the Nogales substation, please explain, **with documentation.**

RESPONSE: See Response to Data Request E Webb 14 d above. Further, should the connection remain to the Nogales Tap, UNS Electric would likely seek to obtain a ROW grant with BLM for the connection to the Nogales Tap, if necessary.

RESPONDENT: Ed Beck, UNS Electric, Inc. and Mike Warner, Transcon Environmental, Inc.

UNS ELECTRIC, INC.  
RESPONSES TO MS. WEBB'S  
REQUESTS – EWEBB 14  
L-00000F-09-0190-00144  
June 23, 2009

Data Request E Webb 14g As the BLM application for right of way requires the applicant to describe the probable effects on the population in the area, including the social, economic and rural lifestyles and the A.R.S. 40-360.06. offers factors to be considered in issuing a certificate of environmental compatibility A-9. Any additional factors which require consideration under applicable federal and state laws pertaining to any such site. How were cumulative impacts and future and foreseeable projects considered in public outreach for this project?

RESPONSE: UNS Electric would object to the question as it is vague and ambiguous, as to what is meant by "cumulative impacts and future and foreseeable projects considered in public outreach for this Project" in relationship to the BLM ROW application. Without waiving the objection, the public outreach and notification process for the Project is described in Exhibit UNS-1 (the Application) at Ex. J, as well as in Mr. George Miller's testimony provided to the Committee June 4, 2009. As indicated on the record, comments and concerns from the public were incorporated into the analysis of alignments. UNS Electric believes both proposed routes in Segment 1A to be environmentally compatible under A.R.S. § 40-360.06.A., but the decision rests with the Committee and the Commission.

RESPONDENT: Legal Counsel for UNS Electric.

**EXHIBIT  
EW-18**

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

Data Request E Webb I. 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 Ia. 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

**EXHIBIT EW-18**

May 15<sup>th</sup> 2009

To:

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

From Elizabeth Buchroeder-Webb  
17451 E.H Hilton Ranch Rd.  
Vail, AZ 85641  
Phone 247-3838  
Email [vailaz@hotmail.com](mailto:vailaz@hotmail.com)

**Date Requests from Intervener Webb re Line Site Case 144 Vail to Valencia**

DataRequestEWebb1. 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?

DataRequestEWebb 1a. What was the specific outcome with supporting documentation.

EW-18 D (1 of 1)

## EXHIBIT EW-18

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

12 June 2009

Sent via email and USPS

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

CC  
Marc Jerden  
Unisource Energy Corporation  
One South Church  
Suite 200  
Tucson, AZ 85701  
Email: [mjerden@tep.com](mailto:mjerden@tep.com)

Re: Vail to Valencia Case # 144 Docket # Docket No. L-00000F-09-0190-00144  
New and Request for Complete Data Requests:

Request for Complete Information on previous Data Request E Webb 1 sent May 15<sup>th</sup>, answered May 21<sup>st</sup>.

I asked, 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:

*NEPA compliance was not initiated for the proposed project because alternate alignments exist which avoid BLM land and it was not clear that BLM 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 Arizona Power Plan and Transmission Line Siting Committee. Initial conversations with BLM have indicated that the approval of the alternative alignment north of 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 project of the proposed project alignments would not be subject to BLM review and approval." (Information provided by Mike Warner and Ed Beck)."*

This answer was not complete. I asked for supporting documentation, which was to support statement of fact. Again, I will ask for supporting documentation for my initial data request, dated 15 May 2009.

Here are my supplemental questions to my original data request....

EW-18 E (1 of 1)

# EXHIBIT EW-18

January 2008

BLM/WO

Bureau of Land Management (BLM) National Environmental Policy Act Program Office of the Assistant Director, Renewable Resources and Planning (WO-200) 1849 C Street NW, Mail Stop 1050LS Washington, DC 20240

email: NEPA@blm.gov

Available at BLM's Printed Materials and Distribution Section (PMD) Fax Number 303-236-0845 or BLM\_NCS\_PMDS@blm.gov Cover Photograph – Grand Staircase Escalante National Monument by Pæg Sorensen

Excerpt from handbook available online from

BLM Manual website [http://www.blm.gov/wo/st/en/info/regulations/Instruction\\_Memos\\_and\\_Bulletins/blm\\_handbooks.html](http://www.blm.gov/wo/st/en/info/regulations/Instruction_Memos_and_Bulletins/blm_handbooks.html) -link provided by Ms. Mogel, Phoenix Office.

[http://www.blm.gov/pgdata/etc/medialib/blm/wo/Information\\_Resources\\_Management/policy/blm\\_handbook.Par.24487.File.dat/h1790-1-2008-1.pdf](http://www.blm.gov/pgdata/etc/medialib/blm/wo/Information_Resources_Management/policy/blm_handbook.Par.24487.File.dat/h1790-1-2008-1.pdf)

(page 46 ) 46 H-1790-1 - NATIONAL ENVIRONMENTAL POLICY ACT HANDBOOK – (Public)

(paragraph 3) As with a Federal connected action, you must, at a minimum, demonstrate that you have considered the non-Federal connected action in the NEPA document for the proposed action (40 CFR 1508.25) (i.e., describe the connected action and its relationship to the proposed action, including the extent to which the connected action and its effects can be prevented or modified by BLM decision-making on the proposed action).

If the connected non-Federal action and its effects can be prevented by BLM decision-making, then the effects of the non-Federal action are properly considered indirect effects of the BLM action and must be analyzed as effects of the BLM action (40 CFR 1508.7, 40 CFR 1508.25(c)).

For example,

*You receive a right-of-way request from a private company to build a road across BLM-managed land to provide access to adjacent private land, on which the company plans to create and operate a quarry. The creation and operation of the quarry cannot proceed unless the road is constructed. The road cannot be constructed without the grant by BLM of a right-of-way. The grant of the right-of-way must be analyzed as a BLM action: the BLM can grant or deny the right-of-way request. The construction of the road and the creation and operation of the quarry are connected actions.*

*Alternatives: You must analyze the proposed action of granting the right-of-way, and consider the alternative of denying the right-of-way (the No Action alternative) and any other reasonable alternatives related to the right-of-way request. Because the construction of the road, and the creation and operation of the quarry would not be BLM actions, you do not need to consider alternatives to the road construction and creation and operation of the quarry.*

BLM MANUAL Rel. 1-1710 Supersedes Rel. 1-1547 01/30/2008 47

Page 47

*Direct and Indirect Effects: You must analyze the direct and indirect effects of granting the right-of-way. You must also analyze the direct and indirect effects of constructing the road and creating and operating the quarry, because these effects could be prevented by a BLM decision to deny the right-of-way request, and therefore are properly considered indirect effects of the BLM right-of-way grant.*

*Cumulative Effects: You must analyze the cumulative impact of the right-of-way grant, the road construction, and quarry creation and operation, taking into account the effects in common with any other past, present, and reasonably foreseeable future actions.*

(end of topic on connected actions)

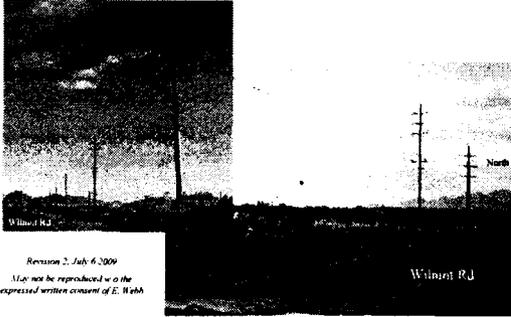
9 of 9

EW-18 F-(1 of 1)

**EXHIBIT**  
*EW-19*  
 admitted

**EXHIBIT EW-10 A**  
 For Pleading in Case #144

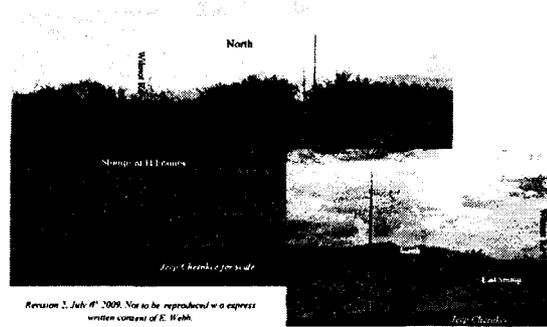
Examples of communication line, distribution line and transmission line on a recently constructed 138 KV LTL (2005). According to Public Notice, Robert Hills-Wilmot Substation and 138KV Transmission Line. Photos taken May 2009. E. Webb



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**EXHIBIT EW-10 B**  
 For Pleading in Case #144

Examples of Access Construction made still in existence from Decree 56097 in 1982, and stumps of old wood H frame from transfer of line to steel monopole structures. Directionals on Photos. Photos taken June 2009. E. Webb



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**EW-19,C-1,2,3Rio Rico Ranchette Plat Maps**

Please see the hard copy in your revised exhibit binder under EW-19 C-1,2,3 and large version on the display board

This exhibit shows existing

- 37.5' UNS Electric Distribution ROW East of RR
- 100' UNS Transmission ROW,
- RR 100' ROW East of the tracks
- 30' deeded drainage easements that are perpendicular to the tracks

**EW19-D Standards for Critical Facilities/Critical Services**

- Exhibit Found in Your updated Binder
- Critical Facilities and Critical Services are defined to include:
  - Public and private utility services such as **power**
  - Critical Facilities and Services **should not** be located in regulatory floodplain
  - Critical need to locate in floodplain
  - No suitable alternative determined by an Arizona Registered Civil Engineer.
  - Must be protected from 500 year flood event

**EXHIBIT EW-10 E**  
 For Pleading in Case #144

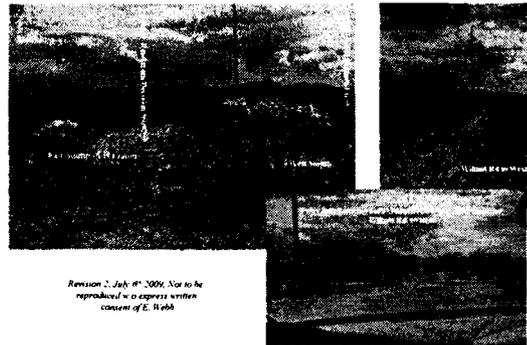
No less than "normal" roadway size signs in two different substation cases. Robert Hills-Wilmot and Cienega (left) and a typical Arizona State Trust Land sign.



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**EXHIBIT EW-10 F**  
 For Pleading in Case #144

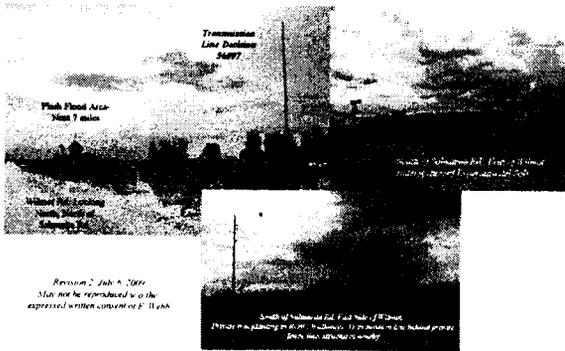
Examples of 2 Access Construction made still in existence from Decree 56097 in 1982. Directionals on Photos. Photos taken June 2009. E. Webb



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**EXHIBIT EW-10 G**

For Pleading in Case #144  
 Examples of fencing "encroachments" plantings structures north south Wilcox Rd. from Decision 56697 in 1988. Directional on Photos. Photos taken June 2009. E. Webb

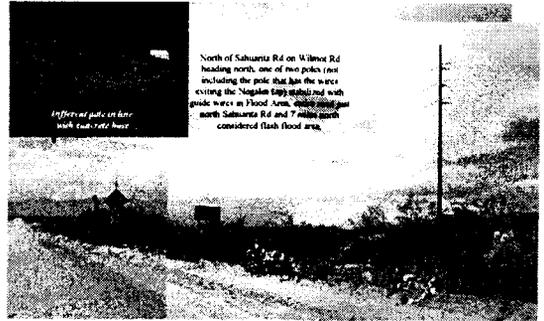


Revision 2, July 6, 2009  
 Map not be reproduced w/o the expressed written consent of E. Webb

South of Saluanta Rd. Flash Flood Area  
 Photo of utility pole in line with structure here

**EXHIBIT EW-10 H**

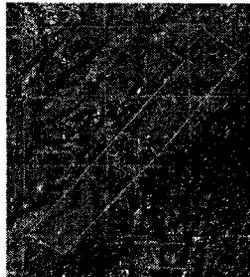
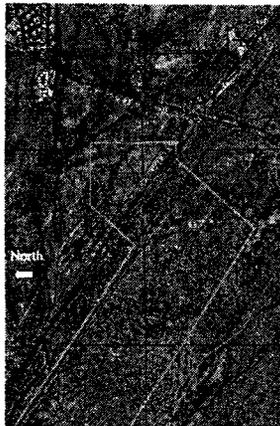
For Pleading in Case #144  
 Examples of flood issues north south Wilcox Rd. from Decision 56697 in 1988. Directional on Photos. Photos taken June 2009. E. Webb



Utility pole in line with structure here

**EXHIBIT EW-10-1**

Example of a corridor overlay. (from LS case 137)  
 Has street names, sections, land formation



**EXHIBIT EW-10 J**

For Pleading in Case #144  
 Distribution line, West Side of RR Tracks. Taken from Palo Parado RR Crossing in Rio Rico. Photo of Culvert, looking east from RR tracks, further south of PP crossing, transmission line in background.



1/ Revision 4 July 2009, E. Webb

**EXHIBIT EW-10 K**

For Pleading in Case #144  
 Possible under build opportunities shared ROW opportunities along preferred route in Segment 4



Revision 1, July 6, 2009, E. Webb

**EXHIBIT EW-10 L**

For Pleading in Case #144  
 Map from my meeting July 1st 2009 with John Hays, Floodplain Coordinator, Santa Cruz County Flood Control District. Very poor copy in your revised binder. A larger copy is on the display board.

• **UNS Electric Proposed Structures Map**

○ Proposed Structures

--- Existing 115 kV Transmission Line

— Alternative Alignment

--- Preferred Alignment

■ 100' Proposed ROW (existing Distribution 37.5' plus Additional 62.5')

■ Existing 115 kV Transmission Line ROW

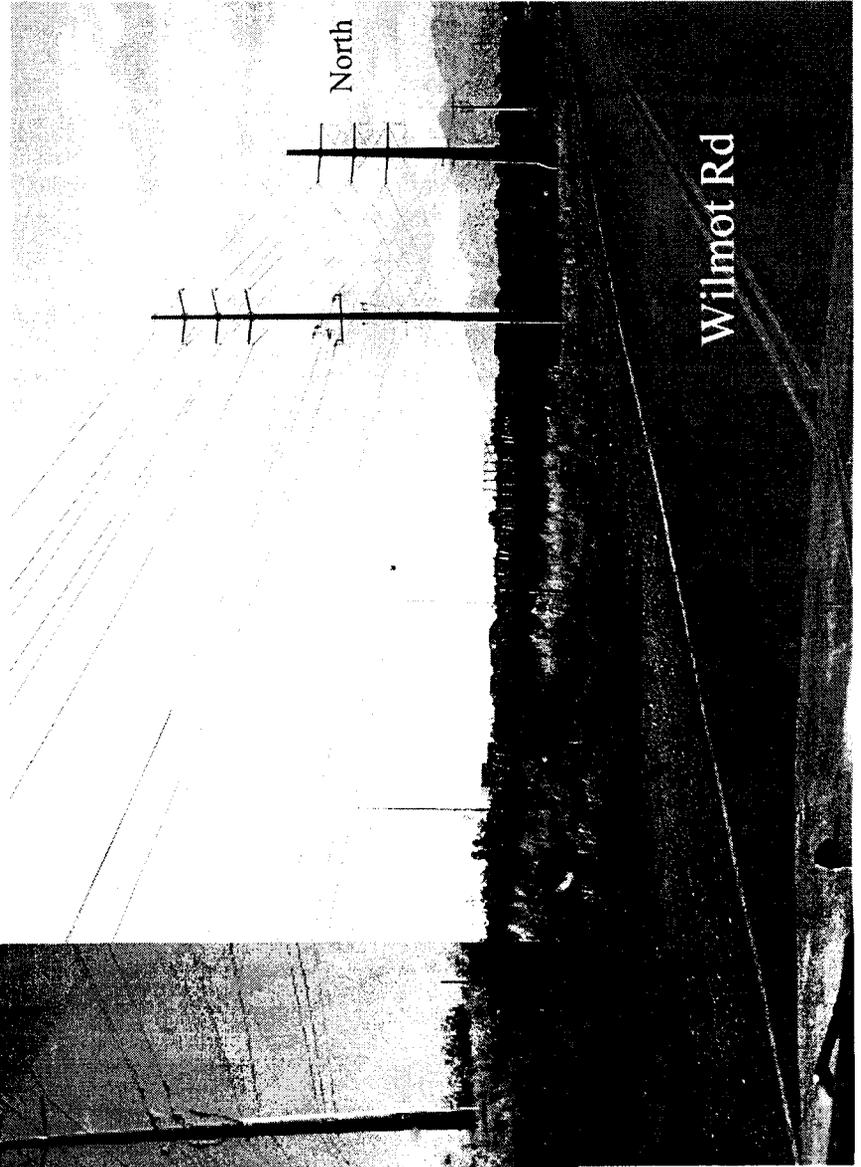
□ Union Pacific ROW (width varies)

■ 100' Proposed ROW west of the Union Pacific Railroad Substation

## EXHIBIT EW-19 A

For Pleading Case #144

Example of communication line, distribution line and transmission line on a recently constructed 138 kVa-TEP (2005- According to Public Notice). Robert Bills-Wilmot Substation and 138kVa Transmission Line. Photos taken May 2009, E. Webb



Revision 2, July 6 2009

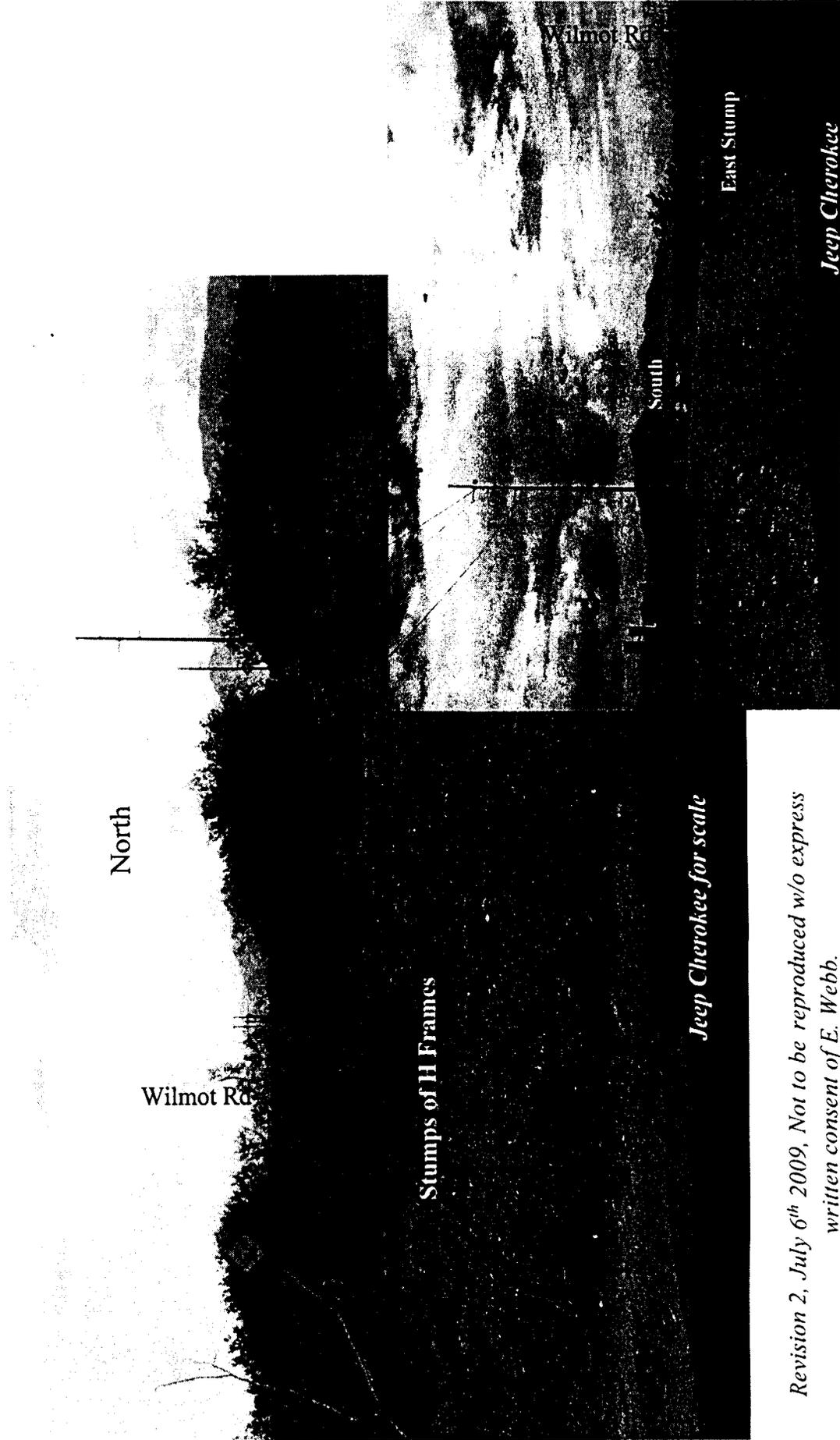
*May not be reproduced w/o the expressed written consent of E. Webb*

# EXHIBIT EW - 19 B

For Pleading in Case #144

Examples of

Access/Construction roads still in existence from Decision 56097 in 1988, and stumps of old wood H frames from transfer of line to steel monopole structures. Directionals on Photos. Photos taken June 2009, E. Webb.



*Jeep Cherokee for scale*

*Revision 2, July 6<sup>th</sup> 2009, Not to be reproduced w/o express written consent of E. Webb.*



BOOK 7 PAGE 225

RIO RICO RANCHETTES UNIT NO. 4 Sheet 3 of 19

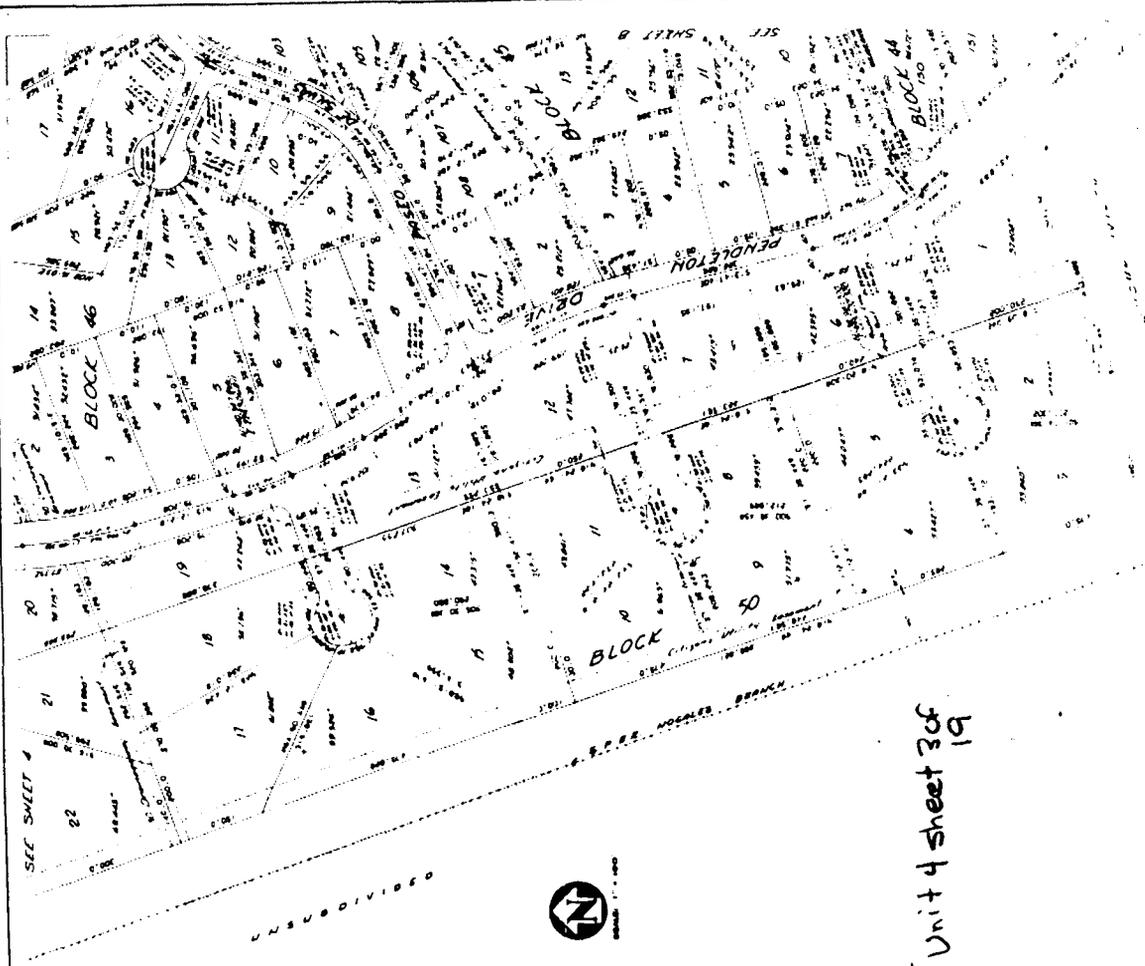
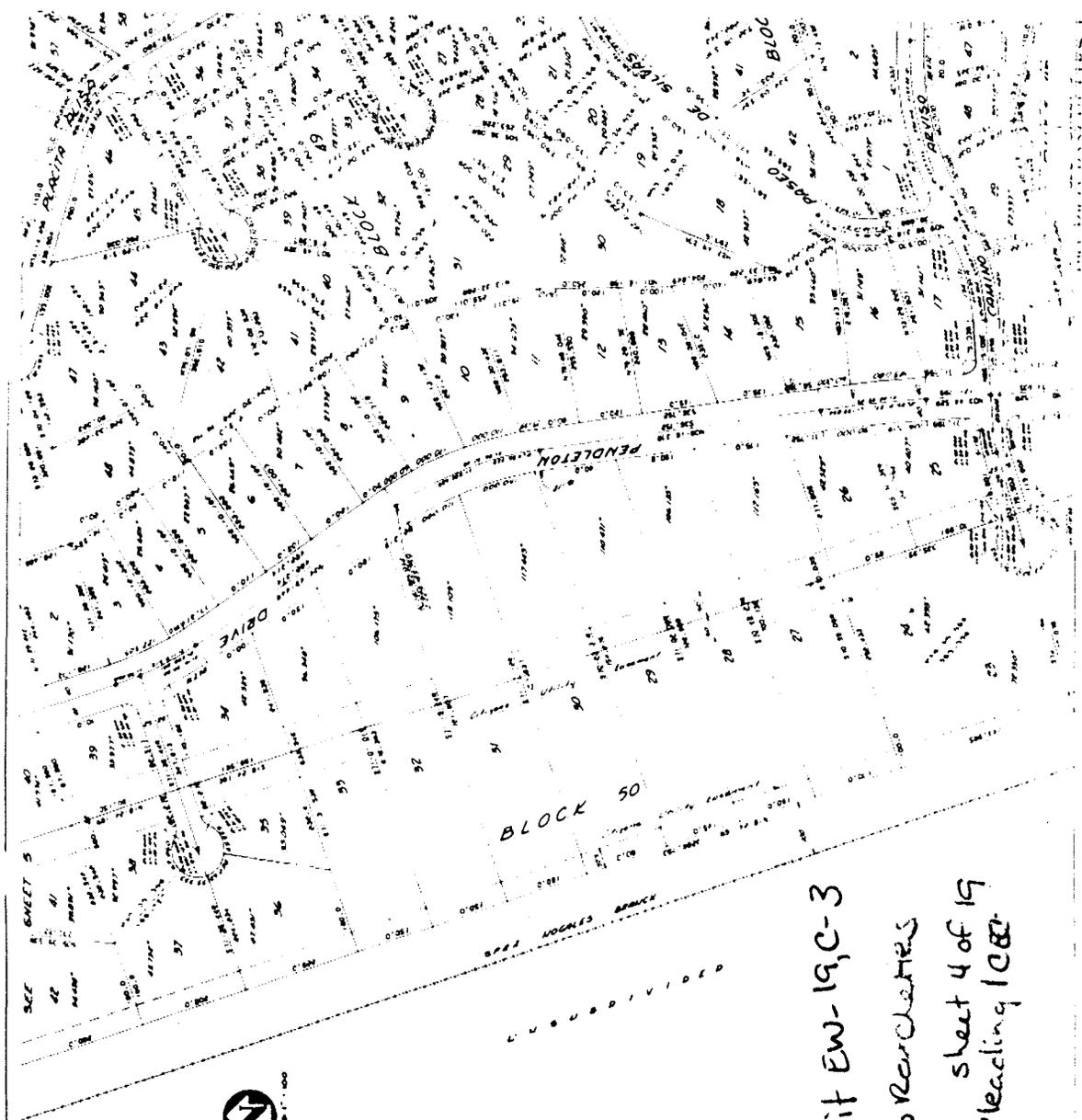


Exhibit EW-19, C-2  
 Rio Rico Ranchettes Unit 4 sheet 3 of 19  
 For Pleading / CEC

20377  
 City and County of Pima  
 Recorder's Office  
 Pima County, Arizona  
 Filed for Record  
 11/10/10



Sheet  
BOOK

Exhibit EW-19C-3  
 Rio Rico Ranchettes  
 Unit 4 sheet 4 of 19  
 For Pleading 1088

2019  
 Rio Rico Ranchettes  
 Unit 4 sheet 4 of 19  
 For Pleading 1088

KEN R. ZEHENTNER  
General Manager

FLOOD CONTROL DISTRICT  
AND  
FLOODPLAIN ADMINISTRATION  
SANTA CRUZ COUNTY

EXHIBIT EW-16  
For Pleading/CE

## Standards for Critical Facilities/Critical Services

These standards shall be considered the minimum to which "Critical Facilities" and/or "Critical Services" (as defined below) shall conform.

**"Critical Facilities" and "Critical Services" are defined to include:**

- Structures or facilities that produce, use or store highly volatile, flammable, explosive, toxic, and/or water-reactive materials.
- Hospitals, emergency medical facilities, nursing homes and housing facilities likely to have occupants who may not be sufficiently mobile to avoid injury or death during a flood.
- Police stations, fire stations, vehicle and equipment storage facilities, emergency shelters, and emergency operation centers that are needed for flood response activities before, during and after a flood.
- Public and private utility facilities, such as power, water (including water provided by an irrigation organization or facility), sewer, wastewater treatment, and communications that are vital to maintaining or restoring normal services to flooded areas before, during and after a flood.

Critical Facilities and Services are strictly prohibited from being constructed, or for existing facilities improved or repaired by an amount equal or greater than 50% of the pre-improvement/repair market value, within the regulatory floodway, as defined by the Santa Cruz County Floodplain and Erosion Hazard Management Ordinance, No. 2001-03, of any stream, river, wash, arroyo, or waterway. All such uses are strictly prohibited by Section 5.8 of the Ordinance, as the floodway is an extremely hazardous area.

Critical Facilities and Services should not be located in regulatory floodplain. If a Critical Facility/Service must be located in a floodplain, it must be demonstrated that there is either a critical need to locate the Critical Facility/Service within the floodplain, or that there is no suitable alternative site, as determined by a rigorous alternative site evaluation report, performed by an Arizona Registered Professional Civil Engineer. Any such facility or service located within a regulatory floodplain must be protected from the 500-year event flood. Such protection is to include, but not limited to, a finished floor elevation a minimum of one foot above the 500-year water surface elevation, elevated access ramps, utilities and mechanical services, and adequately protected from both lateral and vertical erosion associated with the 500-year flood event.

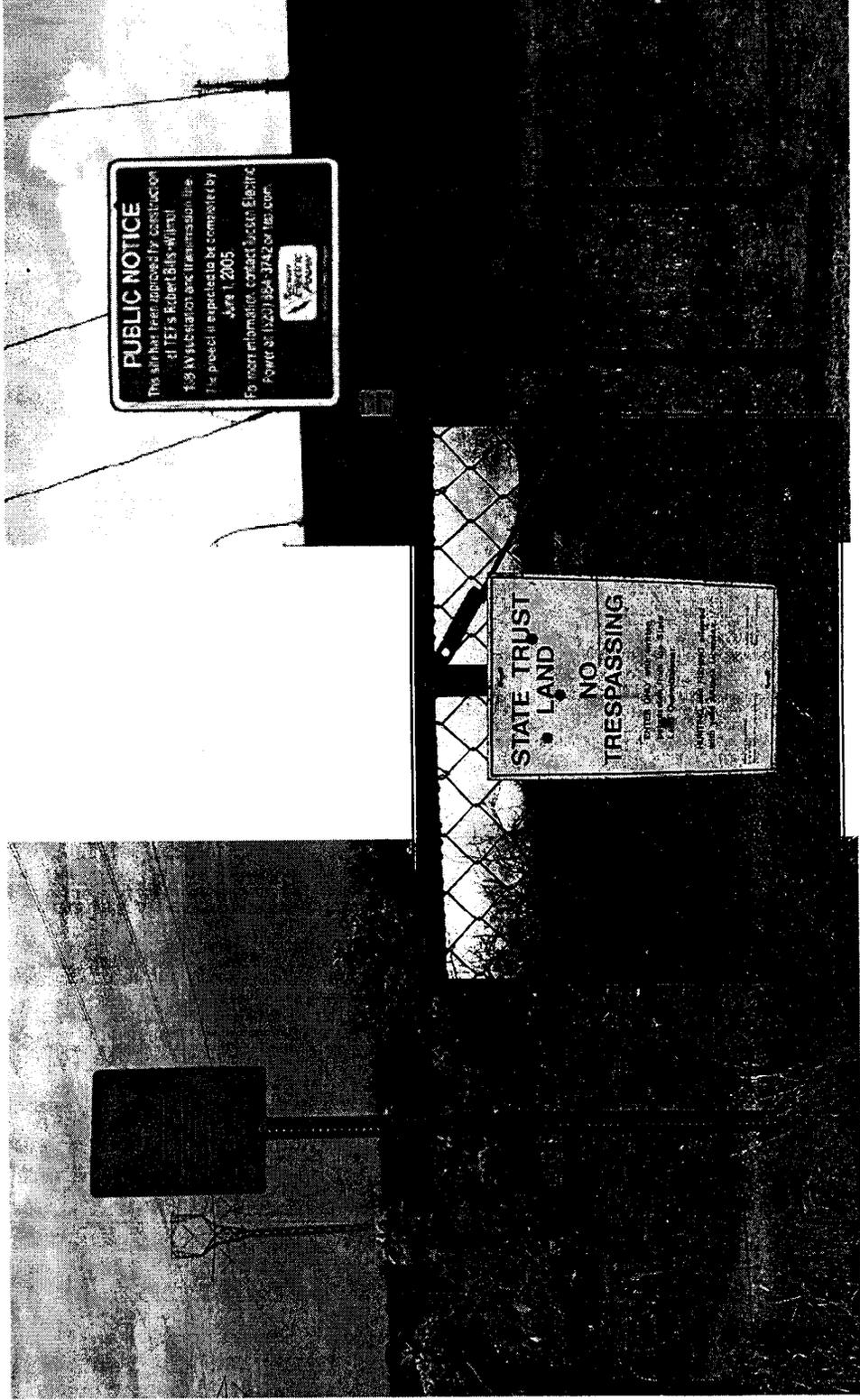
Improvements and/or repairs to exiting Critical Facilities and Services, by an amount equal or greater than 50% of the pre-improvement/repair market value, must be protected from the 500-year event. Such protection is to include, but not limited to, a finished floor elevation a minimum of one foot above the 500-year water surface elevation, elevated access ramps, utilities and mechanical services, and adequately protected from both lateral and vertical erosion associated with the 500-year flood event.

This Standard conforms with Executive Order No. 11988 of May 24, 1977, appearing at 42 FR 26971, 3 CFR, 1977 Comp., p. 117.

**EXHIBIT EW-19 E**

For Pleading in Case #144

No less than "normal" roadway size signs in two different substation cases. Robert Bills-Wilmot and Cienega (left) and a typical Arizona State Trust Land sign.



# EXHIBIT EW-19 F

For Pleading in Case #144

Examples of 2 Access/Construction roads still in existence from Decision 56097 in 1988. Directionals on Photos. Photos taken June 2009, E. Webb

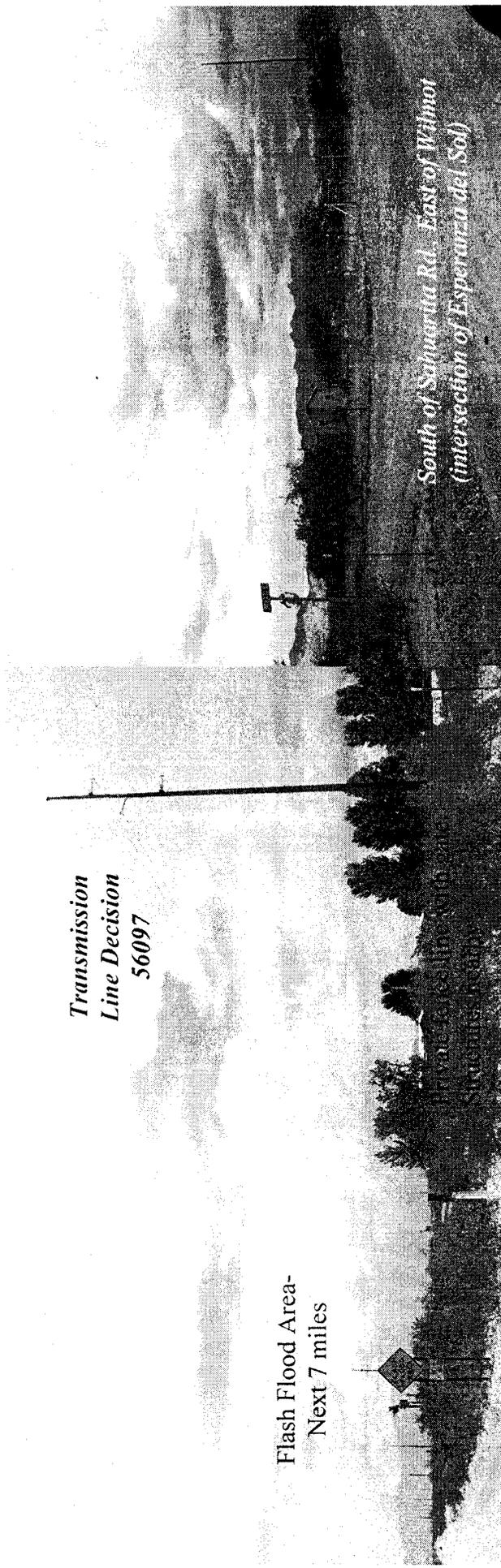


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**EXHIBIT EW-19 G**

For Pleading in Case #144

Examples of fencing "encroachments"/plantings/structures north/south Wilmot Rd. from Decision 56097 in 1988.Directionals on Photos. Photos taken June 2009. E. Webb

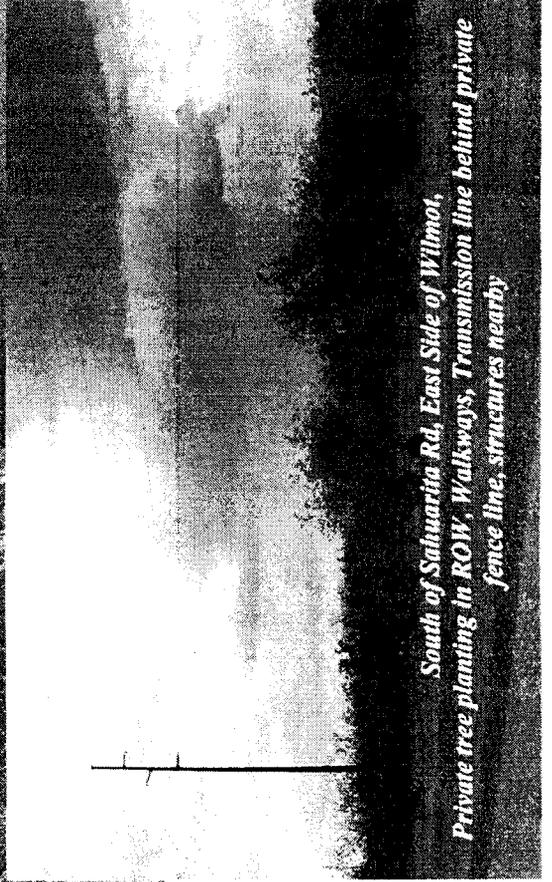


*Transmission  
Line Decision  
56097*

*South of Sahuarita Rd. East of Wilmot  
(Intersection of Esperanza del Sol)*

Flash Flood Area-  
Next 7 miles

Wilmot Rd, Looking  
North, North of  
Sahuarita Rd.



*South of Sahuarita Rd, East Side of Wilmot,  
Private tree planting in ROW, Walkways, Transmission line behind private  
fence line, structures nearby*

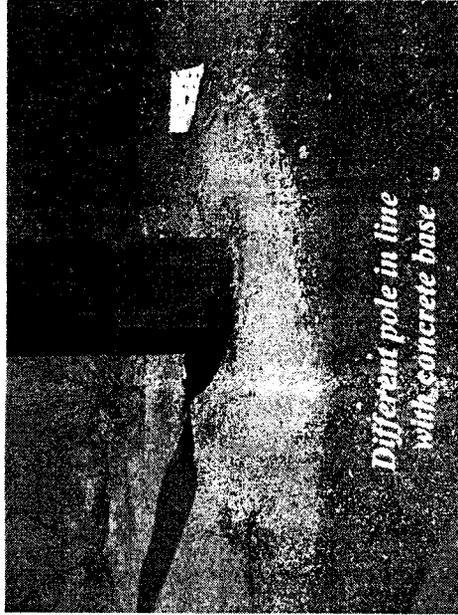
Revision 2, July 6, 2009

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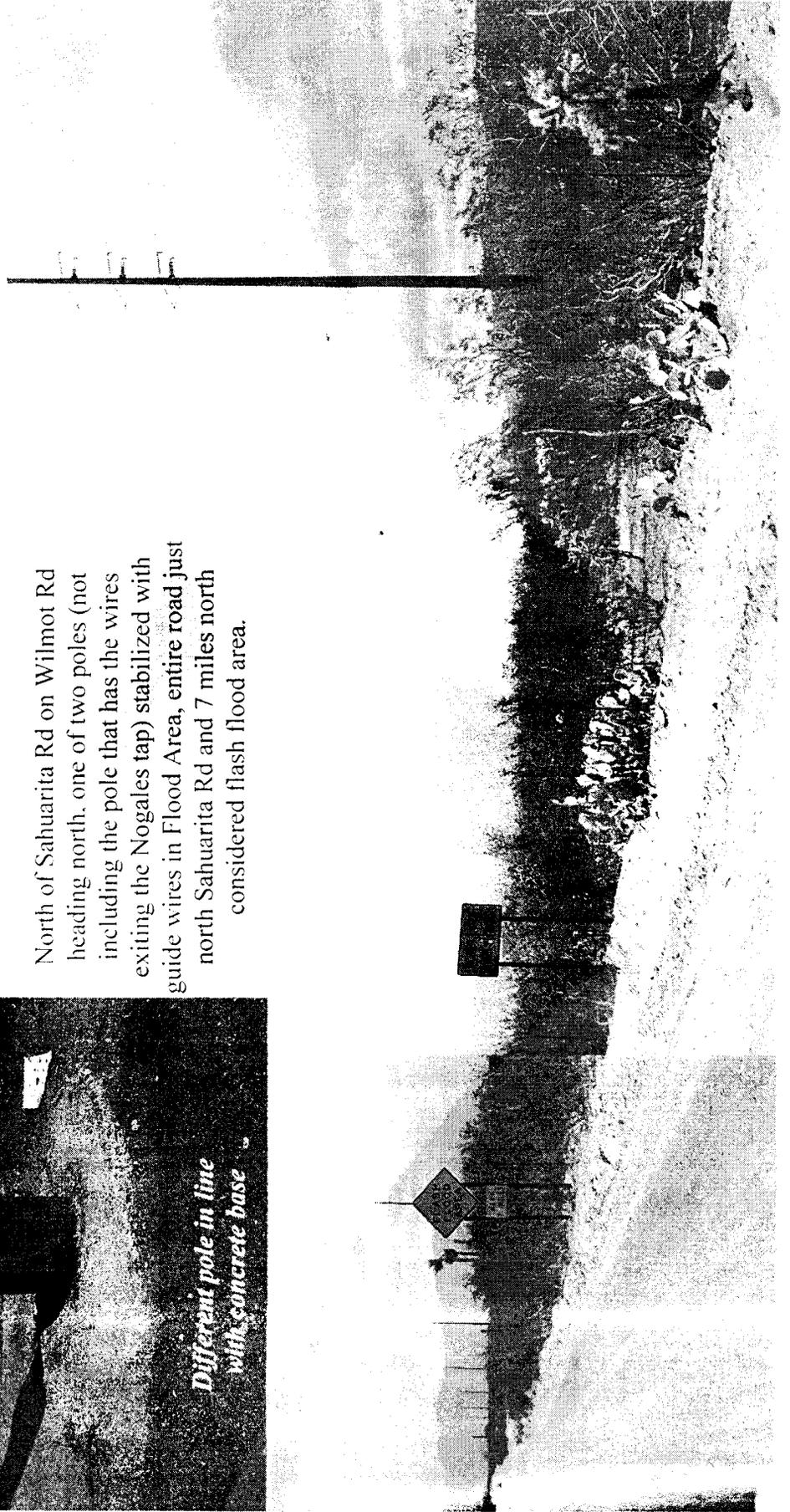
## EXHIBIT EW - 19 II

For Pleading in Case #144

Examples of flood issues north/south Wilmot Rd. from Decision 56097 in 1988. Directionals on Photos. Photos taken June 2009, E. Webb



North of Sahuarita Rd on Wilmot Rd heading north. one of two poles (not including the pole that has the wires exiting the Nogales tap) stabilized with guide wires in Flood Area, entire road just north Sahuarita Rd and 7 miles north considered flash flood area.





# EXHIBIT EW-19 J

For Pleading in Case #144

Distribution line, West Side of RR Tracks, Taken from Palo Parado RR Crossing in Rio Rico, Photo of Culvert, looking east from RR tracks, further south of PP crossing, transmission line in background.



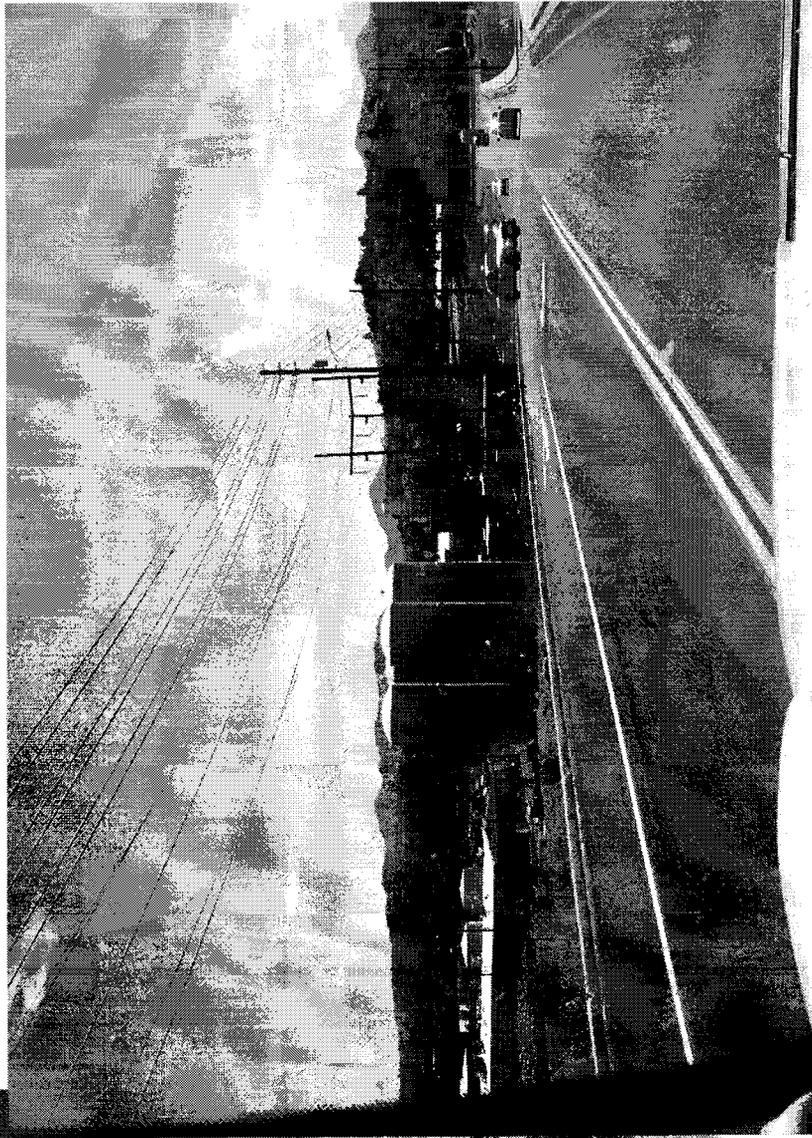
# EXHIBIT EW-19

For Pleading in Case #144

Possible under build opportunities/shared ROW opportunities along preferred route in Segment 4



Looking West-Valencia Sub to left (east)



Revision 1, July 6<sup>th</sup> 2009, E. Webb

Scott J. Altherr, P.E., CFM  
General Manager

FLOOD CONTROL DISTRICT  
AND  
FLOODPLAIN ADMINISTRATION  
SANTA CRUZ COUNTY

July 8, 2009

Unisource Electric  
C/O Mr. Kevin Heller, P.E.  
TEP CO.  
Mail Stop OH220  
P.O. Box 711  
Tucson, AZ 85702



RE: **Comments on Unisource Electric Line Proposal.**

Dear Mr. Heller,

I am in receipt the map left with me regarding the proposed routes for a new electric line main to replace the existing line from Tucson to Nogales. The particular area of review for this correspondence is from Avenida Ostion to the Sonoita Substation as that is the area covered by the map provided. However, the comments, in general, should work for the entire set of proposed alignments with Santa Cruz County.

In reviewing the proposed alignments, the district has the following comments:

- Section 3.7 of the Santa Cruz County Floodplain and Erosion Hazard Management Ordinance #2001-03, and A.R.S. §48-3601 exempts the line and poles from requiring a Floodplain Use Permit for construction; however, construction of a following road, especially if culverts or other improvements are to be constructed, will require a Floodplain Use Permit.
- As the line is the only transmission line for the area, it is recommended the line be considered a Critical Facility/Critical Service under the District's Critical Facility/Critical Service Standards and be protected from the 500-year flood event if placed within the 500-year floodplain of any watershed.
- In at least two locations, the channel of the Santa Cruz River is already meandering into the railroad right-of-way. As there is a history of the Santa Cruz River meandering during flood events and taking out portions of the railroad tracks, any alignment that is adjacent to the tracks is subject to the possibility of lateral channel migration damaging the power line and poles. In the two noted locations (see returned map) the proposed alignments would be within 100 to 200 feet of the channel bank of the Santa Cruz River, which has the potential of moving up to 500 feet in a single event.
- Verbally, the District was made aware of a proposal to place the line to the west of the railroad tracks. As this would place the line, in certain locations, within the actual channel of the Santa Cruz River, the District would protest such a decision. Furthermore, such an alignment would place the power line and its poles into the floodway of the Santa Cruz River. Section 5.8 of the Ordinance prohibits construction and placement of fill within the floodway.
- Placement to the west of the railroad tracks would also damage what riparian habitat remains or is reestablishing itself along the west side of the tracks, between the river and the tracks. Historically, it has been noted that the well established areas of riparian habitat along the Santa Cruz River have made the channel more stable and less prone to

FOR YOUR REFERENCE:

Top page of exhibit only.