

ORIGINAL



0000101938

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

IN THE MATTER OF THE APPLICATION OF SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT, IN CONFORMANCE WITH THE REQUIREMENTS OF ARIZONA REVISED STATUTES, SECTIONS 40-360, et seq., FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AUTHORIZING CONSTRUCTION OF A 230 kV DOUBLE-CIRCUIT TRANSMISSION LINE ORIGINATING AT THE PLANNED AND PERMITTED ABEL SUBSTATION, NEAR JUDD AND ATTAWAY ROADS IN PINAL COUNTY, TO THE PLANNED AND PERMITTED RS-17 SUBSTATION, ADJACENT TO THE EXISTING MOODY SUBSTATION, LOCATED NEAR PECOS AND RECKER ROADS, IN THE TOWN OF GILBERT, MARICOPA COUNTY, ARIZONA, AND INCLUDING A NEW 230/69 kV SUBSTATION NEAR THE INTERSECTION OF COMBS AND MERIDIAN ROADS, IN OR ADJACENT TO THE TOWN OF QUEEN CREEK, ARIZONA.

Docket No. L-00000B-09-0311-00148

Case No. 148

**NOTICE OF FILING E-MAIL COMMUNICATION**

RECEIVED  
2009 AUG 25 P 1:40  
AZ CORP COMMISSION  
DOCKET CONTROL

The Chairman of the Arizona Power Plant and Transmission Line Siting Committee is providing notice of filing the attached e-mail communications that have occurred between the Parties to this case and the Chairman, up to this date, since the last filing on August 4, 2009.

DATED: August 25, 2009

Arizona Corporation Commission  
**DOCKETED**

AUG 25 2009

DOCKETED BY

John Foreman, Chairman  
Arizona Power Plant and Transmission  
Line Siting Committee  
Assistant Attorney General  
[john.foreman@azag.gov](mailto:john.foreman@azag.gov)

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

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

8 Copy of the above was mailed  
9 this 25<sup>th</sup> day of August, 2009 to:

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

15 Kenneth C. Sundlof, Jr.  
16 Jennings, Strouss & Salmon, PLC  
17 The Collier Center, 11<sup>th</sup> Floor  
18 201 East Washington Street  
19 Phoenix, AZ 85004-2385  
20 Counsel for Applicant, SRP

21 Robert Taylor  
22 Salt River Project Agricultural Improvement & Power District  
23 Regulatory Affairs & Contracts, PAB 221  
24 P.O. Box 52025  
25 Phoenix, AZ 85072-2025  
26 Co-Counsel for Applicant, SRP

Gary Birnbaum  
Jim Braselton  
Mariscal, Weeks, McIntyre & Friedlander, PA  
2901 North Central Avenue, Suite 200  
Phoenix, AZ 85012  
Counsel for the Town of Queen Creek

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2 Craig A. Marks, PLC  
3 10645 North Tatum Blvd, Suite 200-676  
4 Phoenix, AZ 85028  
5 Counsel for the City of Mesa

6 William P. Sullivan  
7 Larry K. Udall  
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13 90 East Civic Center Drive  
14 Gilbert, AZ 85296

15 Lawrence V. Robertson, Jr.  
16 P.O. Box 1448  
17 2247 East Frontage Road  
18 Tubac, AZ 85646  
19 Counsel for Pinal County

20 Christopher Schmaltz  
21 Gust Rosenfeld, PLC  
22 201 East Washington Street, Suite 800  
23 Phoenix, AZ 85004  
24 Counsel for Phoenix-Mesa Gateway Airport

25 Gregory Miles  
26 Shawn Nelson  
Davis Miles, PLLC  
P.O. Box 15070  
Mesa, AZ 85211  
Counsel for Vlachos

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

25 Jana Williams

**From:** "Barr Kelly J" <Kelly.Barr@srpnet.com>  
**To:** "John Foreman" <John.Foreman@AZAG.GOV>  
**Date:** 7/16/2009 5:44 PM  
**Subject:** RE: siting committee establish by commission chair is Asst. AG

Thank you for forwarding this along. We have been in contact with Ms. Pritzker for some time. I appreciate you sending her back our way. We will continue to endeavor to address her concerns.

Kelly

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

From: John Foreman [mailto:John.Foreman@azag.gov]  
Sent: Thursday, July 16, 2009 9:14 AM  
To: Tracy Pritzker  
Cc: Susan Ellis; Tara Williams  
Subject: RE: siting committee establish by commission chair is Asst. AG

Ms. Pritzker,

Thank you for clarifying your interest. Since you are not interested in something pending before the Line Siting Committee, I can respond to your request.

As you correctly note, the Line Siting Committee has the power to grant or deny applications to originally place power transmission lines that are 115kV and above. So the first answer to your question is the Line Siting Committee is not the place that can do anything about your concerns, both because the line already exists and because its voltage is less than the amount that gives jurisdiction to the Committee. Nor am I as an Assistant Attorney General authorized to give you legal advice. The regulation of all power delivery in Arizona by public utilities is the responsibility of the Arizona Corporation Commission. So I would encourage you to take your concerns to them. They are the only public agency that I am aware of that could influence the placement of an existing power line.

I am unaware of a specific statute that controls the placement of specific electric power distribution lines like the one you describe. Also, the regulation of SRP is different than other utilities because it has a unique legal status. Sometimes it is treated as a private corporation and sometimes as a public entity like a municipal corporation. It does have a legal staff and public relations staff that might be able to give you an answer to your question from their point of view. If you have not already tried, you might try contacting Kelly Barr at the main SRP office.

John Foreman

>>> "Tracy Pritzker" <pritzker@cox.net> 7/15/2009 5:41 PM >>>

With all do respect Assistant Arizona Attorney General Mr. Foreman,

I contacted you because I understood that you are the current Asst. Attorney General of AZ. Not because you are the chair person of the Arizona Power Plant and Transmission Line Siting Committee. I am not familiar with the "Abel-Moody application #148." I am referring to a 69kv substation going up next to Ed-prize elementary school in Gilbert

cross roads Baseline and Stapley.

I read the online AZ statues, 40-360 definitions and found that the ACC including its "committee chair person" does not have authority over said substation therefore; I contacted the States Assistant Attorney General. I am sorry if I did not make that clear in my earlier e-mail Mr. Foreman. I am not an attorney. I am however a mother, a wife, a veteran of this nation, a tax payer, and simply concerned that SRP can build 69kv substations next to schools, any school without any oversight from the city or State.

I am not someone who finds it easy interrupting the law sir.... And that is why I call on you Mr. Foreman. I have read your stuff, I have read about the great things you do for this state and was praying for a little help in simply understanding how the wheels on the bus go round and round sir.

40-360 reads in the Definitions that "Transmission line" means a series of new structures erected above ground and supporting one or more conductors designed for the transmission of electric energy at nominal voltages of one hundred fifteen thousand volts or more. SRP, local, state, and federal legislators along with the ACC has made its self clear, "NO ONE HAS AUTHORITY OVER SRP when building these 69kv substations." They are the government as it goes.

Therefore my question was since this substation is less than 115k (not in the ACC authority) then simply where is it written sir that SRP can develop said substation "less than" one hundred fifteen thousand volts with zero oversight from local, state, and Federal authorities. Thing is, I can not challenge a bill if the bill doesn't exist. I can't talk with legislators about sponsoring an amendment to a bill if NO one can locate the bill. Someone mentioned billed 250 chapter 189 from 1971. Can you help me sir? Then of course there is the question about whether or not SRP is acting in a proprietary or governmental function with respect to this high voltage 69kv Substation. Until yesterday, I didn't learn how the ACC created a committee and certainly didn't know by law that the chair would be the states AG but unlike most, I took the time to learn with three children underfoot. So I hope you can help me Mr. Foreman.

With much respect,

Tracy Pritzker  
Gilbert, AZ  
480-588-7721

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

From: John Foreman [mailto:John.Foreman@azag.gov]

Sent: Wednesday, July 15, 2009 4:27 PM

To: Tracy Pritzker

Cc: tubaclawyer@aol.com; Susan Ellis; Tara Williams;  
craig.marks@azbar.org; JAlward@azcc.gov; wsullivan@cgsuslaw.com;  
gmiles@davismile.com; rporter@davismiles.com; b.slavin@fjslegal.com;  
cschmaltz@gustlaw.com; jason@jasonbarney.com; mmaser@jsslw.com;  
sundlof@jsslw.com; gary.birnbaum@mwmf.com; jim.braselton@mwmf.com;

wfix@phxmesagateway.org; sswakefield@rhhklaw.com  
Subject: RE: siting committee establish by commission chair is Asst. AG

Dear Ms. Pritzker,  
Apparently your e-mails refer to the substance of a matter pending before the Arizona Power Plant and Transmission Line Siting Committee. It is inappropriate for you to attempt to communicate with any member of the Committee, including me, about the substance of the matter while it is pending except at the hearing. My guess is the matter about which you are concerned is the Abel-Moody application #148 which is scheduled for hearing beginning on Wednesday, August 5, 2009 at 9:30 am at the Cooley Ballroom, ASU Polytechnic Campus, 7001 E. Williams Field Rd., Mesa, Arizona. All of the information about the hearing can be obtained through the docket control of the Arizona Corporation Commission or from one of the parties. The file is accessible on line at the Commission's website.

If you wish to have your thoughts considered by the Committee, I encourage you to take part in the public comment session at the hearing.

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

In order to avoid any potential question about an Open Meetings Law violation, please do not reply to any of the recipients of this e-mail except the sender.

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>>> "Tracy Pritzker" <pritzker@cox.net> 7/14/2009 3:30 PM >>>

\_\_\_\_\_ Also > Is SRP Is acting in a proprietary or governmental function with respect to these high voltage 69kv substations without any oversight from local, state, or federal authorities? The Arizona Supreme Court has written of the District: The profits from the sale of electricity are used to defray the expense in irrigating these private lands for personal profit. Is the Supreme Court saying SRP Uses funds from consumers of electricity to fund projects for profit? We act as a governmental function when gathering funds for a service offered to paying consumers and redirect those same funds to fund proprietary projects for profit.

Dear Mr. John Foreman, please assist me in finding where it is written

in the law that SALT RIVER PROJECT has the authority to erect above ground power lines and substations designed for the transmission of electric energy at voltages "less than" one hundred fifteen thousand volts with zero oversight from local, state, and Federal authorities. Regards, a concerned parent in Gilbert AZ, Tracy Pritzker. To see the issue please visit [www.srpfightswithkids.blogspot.com](http://www.srpfightswithkids.blogspot.com)  
<<http://www.srpfightswithkids.blogspot.com/>>

Tracy Pritzker  
1032 West Windhaven Ave  
Gilbert, AZ

40-360. Definitions

10. "Transmission line" means a series of new structures erected above ground and supporting one or more conductors designed for the transmission of electric energy at nominal voltages of one hundred fifteen thousand volts or more.

3. "Commission" means the Arizona corporation commission

4. "Committee" means the power plant and transmission line siting committee

A. The commission shall establish a power plant and transmission line siting committee of Arizona.

B. The committee shall consist of the following members:

1. State attorney General or the attorney general's designee.

2. Director of environmental quality or the director's designee.

3. Director of water resources or the director's designee.

4. Director of the energy office of the department of commerce or the director's designee.

5. Chairman of the Arizona corporation commission or the chairman's designee.

The attorney general or the attorney general's designee shall be chairman of the committee

FROM THE ACC WEBSITE SITING COMMITTEE IS AS FOLLOWS >

JOHN FOREMAN, Esq, serves as the Attorney General's designee and, by stature, is the Committee Chair

[http://www.cc.state.az.us/az\\_power\\_plant/Membership.asp](http://www.cc.state.az.us/az_power_plant/Membership.asp)

[john.foreman@azag.gov](mailto:john.foreman@azag.gov)

**From:** "Rebecca Porter" <rporter@davismiles.com>  
**To:** <TubacLawyer@aol.com>, <John.Foreman@azag.gov>  
**Date:** 8/4/2009 2:51 PM  
**Subject:** No. 148 Motion for Leave to Intervene- Vlachos  
**Attachments:** Motion for Leave to Intervene Vlachos.PDF

**CC:** <b.slavin@fjslegal.com>, <Tara.Williams@azag.gov>, <craig.marks@azbar.or...  
Mr. Chairman,

Attached please find Vlachos' Motion for Leave to Intervene.

Sincerely,

Rebecca Porter  
Attorney  
(480) 344-4587

davis|miles, PLLC  
with offices in Arizona and New Mexico  
MAILING ADDRESS  
PO Box 15070  
Mesa, AZ 85211-3070

PHYSICAL ADDRESS 560 West Brown Rd., 3rd Fl.  
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To ensure compliance with requirements imposed by the IRS, we inform you that any U.S. tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding tax related penalties under the Internal Revenue Code, or (ii) promoting, marketing or recommending to another party any tax-related matters addressed herein.

1 **DAVIS MILES, PLLC**  
2 **Gregory L. Miles (No. 005263)**  
3 **Shawn E. Nelson (No. 019228)**  
4 **P.O. BOX 15070**  
5 **MESA, AZ 85211**  
6 **Telephone: (480) 733-6800**  
7 **Fax: (480) 733-3748**

8 *Attorneys for Intervenors Vlachos Enterprises, LLC,*  
9 *V & P Nurseries, Inc., QC Niko 1, LLC and QC Niko W, LLC*

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

12 IN THE MATTER OF THE APPLICATION OF  
13 SALT RIVER PROJECT AGRICULTURAL  
14 IMPROVEMENT AND POWER DISTRICT, IN  
15 CONFORMANCE WITH THE REQUIREMENTS  
16 OF ARIZONA REVISED STATUTES, SECTIONS  
17 40-360, et seq., FOR A CERTIFICATE OF  
18 ENVIRONMENTAL COMPATIBILITY  
19 AUTHORIZING CONSTRUCTION OF A 230 kV  
20 DOUBLE-CIRCUIT TRANSMISSION LINE  
21 ORIGINATING AT THE PLANNED AND  
22 PERMITTED ABEL SUBSTATION, NEAR JUDD  
23 AND ATTAWAY ROADS IN PINAL COUNTY,  
24 TO THE PLANNED AND PERMITTED RS-17  
25 SUBSTATION, ADJACENT TO THE EXISTING  
26 MOODY SUBSTATION, LOCATED NEAR  
27 PECOS AND RECKER ROADS, IN THE TOWN  
28 OF GILBERT, MARICOPA COUNTY, ARIZONA,  
AND INCLUDING A NEW 230/69 kV  
SUBSTATION NEAR THE INTERSECTION OF  
COMBS AND MERIDIAN ROADS, IN OR  
ADJACENT TO THE TOWN OF QUEEN CREEK,  
ARIZONA.

**Docket No. L-00000B-09-0311-00148**

**Case No. 148**

**MOTION FOR LEAVE TO INTERVENE**

21 Vlachos Enterprises, LLC, V & P Nurseries, Inc., QC Niko 1, LLC and QC Niko W, LLC  
22 (collectively herein as "Vlachos"), by their undersigned counsel, hereby moves for leave of the  
23 committee to intervene in this proceeding pursuant to A.R.S. § 40.360.05(A)(4) and A.A.C. R14-3-  
24 204.  
25

26 The Committee should grant its leave to intervene because the party seeking intervention  
27 desires to protect the use of its property and that property will be directly and substantially affected  
28

1 by various transmission line routes proposed by Salt River Project ("SRP") in its Application for a  
2 Certificate of Environmental Compatibility ("CEC") in the above-captioned matter. Vlachos owns  
3 240 acres of land in Maricopa County that is bounded by Germann Road on the north, Crismon  
4 Road on the west, Ryan Road to the south and the eastern boundary is located approximately ¼  
5 mile west of Signal Butte Road. Vlachos operates an agricultural business on the site, which  
6 employs over 180 people as well as serving a number of local retail and construction businesses.  
7 Several of the proposed alignments, including the Germann Road alignment and SRP's preferred  
8 alignment along Ryan Road, cross and border parcels of land owned by Vlachos and therefore  
9 materially affect Vlachos' commercial interests and the value of its land. Vlachos participation in  
10 these proceedings is not expected to broaden the issues, nor unduly delay the proceedings.  
11  
12

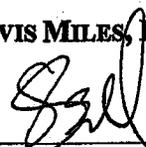
13       Specifically, of all of the numerous proposed routes, Vlachos is adamantly opposed to the  
14 alignment that runs along Germann Road as it would place the line along the main arterial access to  
15 the Vlachos business. Vlachos supports the preferred alignment proposed by SRP which would run  
16 the line along the south side of Ryan Road. In addition to being the preferred route proposed by  
17 SRP, it is believed that this position is supported by some of the party municipalities and by the  
18 airport. Vlachos would also support an alternative proposed alignment, such as running the line  
19 along the Rittenhouse corridor that would take the line away from the Vlachos property and other  
20 business and residential interests.  
21

22       For the foregoing reasons, Vlachos respectfully requests that it be permitted to intervene in  
23 this proceeding in order to provide the Line Siting Committee with relevant information during  
24 hearings in this matter. Vlachos requests that all communications in connection with the above-  
25 captioned proceedings be directed to:  
26  
27  
28

1  
2 Gregory L. Miles  
3 Davis Miles, PLLC  
4 PO BOX 15070  
5 Mesa, AZ 85211

6 RESPECTFULLY SUBMITTED this 4<sup>th</sup> day of August, 2009.

7 **DAVIS MILES, PLLC**

8 By 

9 Gregory L. Miles  
10 Shawn E. Nelson  
11 P.O. Box 15070  
12 Mesa, AZ 85211

13 *Attorneys for Intervenors Vlachos Enterprises,  
14 LLC, V & P Nurseries, Inc., QC Niko I, LLC  
15 and QC Niko W, LLC*

16 Pursuant to A.A.C. R14-3-204, the original  
17 and twenty-five (25) copies of the foregoing Notice  
18 will be hand-delivered for filing this 4<sup>th</sup> day of August, 2009 to:

19 Docket Control  
20 Arizona Corporation Commission  
21 1200 West Washington Street  
22 Phoenix, Arizona 85007

23 A copy of the foregoing Notice will  
24 be emailed this same date to:

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

Janice Alward, Chief Counsel  
Legal Division  
Arizona Corporation Commission  
1200 West Washington  
Phoenix, AZ 85007

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Phoenix, AZ 85004

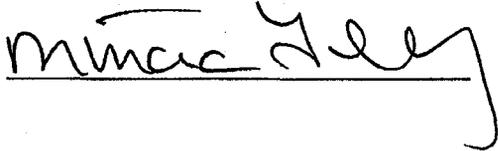
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Scott Wakefield  
Ridenour, Hienton, Kelhoffer & Lewis, PLLC  
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Phoenix, AZ 85004

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Marta T. Hetzer  
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2200 N. Central Ave.  
Phoenix, AZ 85004

Gary Birnbaum  
Jim Braselton  
Mariscal, Weeks, McIntyre & Friedlander, PA  
2901 N. Central Ave., Ste. 200  
Phoenix, AZ 85012



**From:** "William Sullivan" <wsullivan@cgsuslaw.com>  
**To:** "John Foreman" <John.Foreman@azag.gov>  
**Date:** 8/4/2009 3:01 PM  
**Subject:** Case #148 (Abel-Moody)  
**Attachments:** 09-08-04 Notice of Filing Direct Testimony (Mieras).pdf; MierasK Testimony w Exhibits.pdf; GIL-002 (Santan Character Area).pdf; GIL-003 (230KV\_Line\_Santan).pdf; GIL-004 (Composite Map).pdf

**CC:** <Bill.Taebel@mesaaz.gov>, "Christopher A. Schmaltz" <cschmaltz@gustlaw.c...  
Chairman Foremen,

On behalf of the Town of Gilbert, attached is a copy of the Pre-Filed Direct Testimony of Kyle Mieras (GIL-001), which also includes Town of Gilbert Exhibits GIL-002, GIL-003 and GIL-004. For ease of reference, separate copies of Exhibits GIL-002 - 004 are also attached. Also attached is the Notice of Filing.

These documents will be docketed with the Arizona Corporation Commission this afternoon.

William P. Sullivan

Curtis, Goodwin, Sullivan,

Udall & Schwab, PLC

501 East Thomas Road

Phoenix, Arizona 85012

Phone: (602) 393-1700

Facsimile: (602) 393-1703

E-mail: wsullivan@cgsuslaw.com

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THANK YOU FOR YOUR COOPERATION

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

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IN THE MATTER OF THE APPLICATION OF  
SALT RIVER PROJECT AGRICULTURAL  
IMPROVEMENT AND POWER DISTRICT, IN  
CONFORMANCE WITH THE  
REQUIREMENTS OF ARIZONA REVISED  
STATUTES, SECTIONS 40-360 et seq., FOR A  
CERTIFICATE OF ENVIRONMENTAL  
COMPATIBILITY AUTHORIZING  
CONSTRUCTION OF A 230 kV DOUBLE-  
CIRCUIT TRANSMISSION LINE  
ORIGINATING AT THE PLANNED AND  
PERMITTED ABEL SUBSTATION, NEAR  
JUDD AND ATTAWAY ROADS IN PINAL  
COUNTY, TO THE PLANNED AND  
PERMITTED RS-17 SUBSTATION,  
ADJACENT TO THE EXISTING MOODY  
SUBSTATION, LOCATED NEAR PECOS  
AND RECKER ROADS, IN THE TOWN OF  
GILBERT, MARICOPA COUNTY, ARIZONA,  
INCLUDING A NEW 230/69 kV SUBSTATION  
NEAR THE INTERSECTION OF COMBS AND  
MERIDIAN ROADS, IN OR ADJACENT TO  
THE TOWN OF QUEEN CREEK, ARIZONA.

DOCKET NO. L-00000B-09-0311-00148

Case No. 148

NOTICE OF FILING OF DIRECT  
TESTIMONY OF KYLE MIERAS, AICP  
ON BEHALF OF TOWN OF GILBERT

NOTICE IS HEREBY GIVEN that the Town of Gilbert ("Gilbert") is filing the Direct  
Testimony of Kyle Mieras, AICP attached hereto in support of Gilbert's intervention.

DATED this 4th day of August 2009.

CURTIS, GOODWIN, SULLIVAN,  
UDALL & SCHWAB, P.L.C.

By: 

Michael A. Curtis  
William P. Sullivan  
Larry K. Udall  
501 East Thomas Road  
Phoenix, Arizona 85012-3205  
Attorneys for the Town of Gilbert

1 The original and twenty-five (25) copies  
2 of the foregoing Notice and Direct Testimony  
were filed this 11<sup>th</sup> day of August, 2009 with:

3 Docket Control  
4 Arizona Corporation Commission  
1200 West Washington  
5 Phoenix, Arizona 85007

6 COPY of the foregoing emailed or mailed  
this 11<sup>th</sup> day of August, 2009 to:

7 Janice Alward, Chief Counsel  
8 Legal Division  
Arizona Corporation Commission  
9 1200 West Washington Street  
Phoenix, AZ 85007

10 Lyn Farmer  
11 Hearing Division  
Arizona Corporation Commission  
12 1200 West Washington Street  
Phoenix, AZ 85007

13 Ernest Johnson  
14 Utilities Division  
Arizona Corporation Commission  
15 1200 West Washington Street  
Phoenix, AZ 85007

16 Kenneth C. Sundlof, Jr.  
17 Jennings, Strouss & Salmon, PLC  
18 The Collier Center, 11th Floor  
19 201 East Washington Street  
Phoenix, AZ 85004-2385

20 Gary Birnbaum  
21 Jim Braselton  
Mariscal, Weeks, McIntyre & Friedlander, PA  
22 2901 North Central Avenue, Suite 200  
Phoenix, AZ 85012

23 Craig Marks  
24 Craig A. Marks, PLC  
10645 North Tatum Blvd, Suite 200-676  
25 Phoenix, AZ 85028

1 Kyle Mieras  
90 East Civic Center Drive  
2 Gilbert, AZ 85296

3 Lawrence V. Robertson, Jr.  
4 P.O. Box 1448  
2247 East Frontage Road, Suite 1  
5 Tubac, AZ 85646

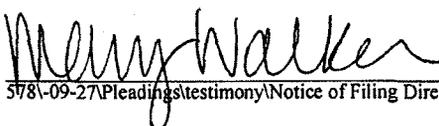
6 Christopher Schmaltz  
Gust Rosenfeld, PLC  
7 201 East Washington Street, Suite 800  
Phoenix, AZ 85004

8 Francis Slavin  
9 Francis J. Slavin, PC  
2198 East Camelback Road, Suite 285  
10 Phoenix, AZ 85016

11 Scott Wakefield  
12 Ridenour, Hinton, Kelhoffer & Lewis, PLLC  
201 North Central Avenue, Suite 3300  
13 Phoenix, AZ 85004-1052

14 Rebecca Porter  
Gregory Miles  
15 Davis Miles, PLLC  
P.O. Box 15070  
16 Mesa, AZ 85211-3070

17 Robert Taylor  
18 Regulatory Affairs & Contracts, PAB 221  
Post Office Box 52025  
19 Phoenix, Arizona 85072-2025

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21 578\09-27\Pleadings\testimony\Notice of Filing Direct Testimony (Mieras)

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**From:** "Maser, Michele R." <MMaser@jsslaw.com>  
**To:** "Bill Taebel" <Bill.Taebel@mesaaz.gov>, "Christopher A. Schmaltz" <cschm...>  
**Date:** 8/4/2009 4:02 PM  
**Attachments:** SRP's Notice of Filing Exhibit No. 139.pdf; SRP's Notice of Filing Additional Public Comments 08-04-09.pdf

**CC:** "Sundlof Jr., Kenneth C." <sundlof@jsslaw.com>, "Taylor Robert R (Rob)" ...  
All,

Attached is a notice of filing additional public comments that SRP has received since the filing of its CEC application. Also attached is an additional exhibit, Exhibit SRP-139 which is a summary of the public involvement outreach for the various jurisdictional entities. These are being filed with Docket Control today.

If you have any questions, please do not hesitate to contact Ken Sundlof or Rob Taylor. Thank you.

Michele

Michele Irons Maser  
Legal Assistant  
Jennings, Strouss & Salmon P.L.C.  
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Phoenix, AZ 85004-2385  
T: 602.262.5983  
F: 602.495.2693

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mmaser@jsslaw.com <mailto:mmaser@jsslaw.com>  
www.jsslaw.com <http://www.jsslaw.com/>

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

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IN THE MATTER OF THE APPLICATION OF  
SALT RIVER PROJECT AGRICULTURAL  
IMPROVEMENT AND POWER DISTRICT, IN  
CONFORMANCE WITH THE REQUIREMENTS  
OF ARIZONA REVISED STATUTES, SECTIONS  
40-360, et seq., FOR A CERTIFICATE OF  
ENVIRONMENTAL COMPATIBILITY  
AUTHORIZING CONSTRUCTION OF A 230 kV  
DOUBLE-CIRCUIT TRANSMISSION LINE  
ORIGINATING AT THE PLANNED AND  
PERMITTED ABEL SUBSTATION, NEAR JUDD  
AND ATTAWAY ROADS IN PINAL COUNTY, TO  
THE PLANNED AND PERMITTED RS-17  
SUBSTATION, ADJACENT TO THE EXISTING  
MOODY SUBSTATION, LOCATED NEAR  
PECOS AND RECKER ROADS, IN THE TOWN  
OF GILBERT, MARICOPA COUNTY, ARIZONA,  
AND INCLUDING A NEW 230/69 kV  
SUBSTATION NEAR THE INTERSECTION OF  
COMBS AND MERIDIAN ROADS, IN OR  
ADJACENT TO THE TOWN OF QUEEN CREEK,  
ARIZONA.

Docket No. L-00000B-09-0311-00148

Case No. 148

**NOTICE OF FILING ADDITIONAL  
PUBLIC COMMENTS**

Salt River Project Agricultural Improvement and Power District ("SRP") is filing the attached public comment which has been received by SRP since the filing of the CEC Application. These public comments should be inserted in Volume II of the CEC Application under Exhibit J-12 (Public Responses).

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DATED this 4<sup>th</sup> day of August, 2009.

JENNINGS, STROUSS & SALMON, P.L.C.

By   
Kenneth C. Sundlof, Jr.  
The Collier Center, 11th Floor  
201 East Washington Street  
Phoenix, Arizona 85004-2385

AND

Robert Taylor  
Salt River Project Agricultural  
Improvement and Power District  
Regulatory Affairs & Contracts, PAB 221  
P.O. Box 52025  
Phoenix, AZ 85072-2025

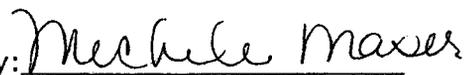
Attorneys for Salt River Project  
Agricultural Improvement & Power District

ORIGINAL and 32 copies filed this 4<sup>th</sup>  
day of August, 2009, with:

Docket Control  
ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, Arizona 85007

COPY emailed this 4<sup>th</sup> day of  
August, 2009, to:

All parties of record

By: 

**Winn Stephanie A**

---

**From:** Webmaster  
**Sent:** Tuesday, June 23, 2009 9:25 AM  
**To:** Winn Stephanie A; Novy Thomas A (Tom)  
**Subject:** AZ Power comment: Abel-Moody 230kV

**Name:** James Pruter  
**Email:** [REDACTED]  
**Project:** Abel-Moody 230kV

**Comment:** The SRP preferred alignment for this project seems to be the most logical. Placing the new lines along the railroad as proposed will do less harm to surrounding property values than if they were to be placed in an alternative route.

**Mailing address:** 4883 E austin Ln  
**City:** Queen Creek  
**State:** az  
**Zip code:** 85240

**Winn Stephanie A**

---

**From:** Webmaster  
**Sent:** Tuesday, June 23, 2009 5:32 PM  
**To:** Winn Stephanie A; Novy Thomas A (Tom)  
**Subject:** AZ Power comment: Abel-Moody 230kV

**Name:** Ramona Moretta  
**Email:** [REDACTED]  
**Project:** Abel-Moody 230kV

**Comment:** In the paper today there is an article that indicates the upcoming hearing on Aug 5-7 is not the final step in the process. What is the purpose of it then? Just to hear public opinion? Will we have to wait until November or later to find out the final route that will be utilized? Or will the decision for the route be made in August & just have to do the paperwork aspect by November? It seems like something new pops up everytime we think it's almost over... I still support the Ryan Rd route, or the Germann Rd route... Thanks.

**Mailing address:** 20834 E North Loop  
**City:** Queen Creek  
**State:** AZ  
**Zip code:** 85142

## **Winn Stephanie A**

---

**From:** Brad Bilski [REDACTED]  
**Sent:** Sunday, June 28, 2009 6:28 AM  
**To:** Winn Stephanie A  
**Subject:** Abel-Moody 230 KV transmission project

Dear Ms. Winn,

My name is Brad Bilski, my wife and 3 children live in Queen Creek, AZ. Our cross roads are Queen Creek and Crismon roads. I wanted to send you a note and ask you to please consider one of the 2 following items when it comes to the high tension power lines.

Please put the wires underground. I am sure this would be many time more expense for SRP, but frankly, that doesn't bother me. As an SRP customer I am going to pay for this project one way or another and I vote to keep the unsightly wires out of our line of site. These types of wires are unattractive and this area is already developed in Queen Creek. In addition there are great safety concerns about these types of wires near homes.

If you refuse to put them underground, please consider heading farther north than Ryan road for your east to west transition. Our neighborhood is located just 1/2 mile south of that location. We bought here for 2 reasons, the view of the mountains and the opportunity for the land to increase in value. By placing high tension power lines 1/2 mile from our home would eliminate both of those reasons.

Thank you for your time and consideration. I pray that SRP will make the right decision and put them underground, the only short term loser in this is SRP, but as your customer I believe that it will pay off in the future with the good will you would be showing your neighbors and customers.

Sincerely,  
Brad Bilski  
21445 E Lords Way  
Queen Creek, AZ 85242  
480-242-7816

**Winn Stephanie A**

---

**Subject: Questions Regarding Abel Moody Transmission Line**

**From:** Linda Cheney [mailto:lcheney@eldoradoholdings.net]  
**Sent:** Thursday, July 09, 2009 1:37 PM  
**To:** Novy Thomas A (Tom)  
**Subject:** Questions Regarding Abel Moody Transmission Line

Tom,

We own the Circle Cross Ranch project between Gantzel and the UP Railroad and just south of the Maracay Homes project called The Parks. This property, Unit 3 of Circle Cross Ranch, is entitled for residential homes. It has an approved Preliminary Plat and the final plat and improvement plans have been prepared, reviewed and approved by the Pinal County. I have reviewed the information on the Abel-Moody 230kv Transmission Project web site. In trying to determine if we should attend the Aug. 5<sup>th</sup> public comment session to either support or oppose the proposed preferred southern route (along RR between Combs and Skyline), I was hoping you could answer several questions:

1. Can you please verify that the width of the easement required for the Transmission Line is 100 feet?
2. Is there anyway the width could be reduced to something less than 100 feet?
3. Are there locations along this route (southern route) where the width gets wider than the 100 feet?
4. Is the Transmission Line proposed in the 'preferred southern route' to run along the north side of the railroad?
5. If so, is there anyway a portion of the 100 foot easement could overlap onto the existing SRP gas pipeline easement?
6. Can you also please explain the process, steps and timing once the ACC approves the route?

Thank you for your assistance.

*Linda Cheney*

Vice President  
El Dorado Holdings, Inc.  
426 N 44th Street, Suite 100  
Phoenix, AZ 85008  
602-955-2424 office  
602-663-0498 cell  
[lcheney@eldoradoholdings.net](mailto:lcheney@eldoradoholdings.net)

## Winn Stephanie A

---

**From:** Webmaster  
**Sent:** Thursday, July 16, 2009 12:10 PM  
**To:** Winn Stephanie A; Novy Thomas A (Tom)  
**Subject:** AZ Power comment: Abel-Moody 230kV

**Name:** Phyllis Ito

**Email:** [REDACTED]

**Project:** Abel-Moody 230kV

**Comment:** We have a beautiful view of the mountains from our Encanterra house and I am sick to think they might be marred by power lines. I also don't want to see them right outside the front gate. Can't they put the power lines underground in this soon to be very populated area or move them to a sparsely populated area.

**Mailing address:** 1317 E Sweet Citrus Dr.

**City:** Queen Creek

**State:** AZ

**Zip code:** 85140

**Winn Stephanie A**

---

**From:** Webmaster  
**Sent:** Wednesday, July 29, 2009 6:33 PM  
**To:** Winn Stephanie A; Novy Thomas A (Tom)  
**Subject:** AZ Power comment: Abel-Moody 230kV

**Name:** Rosie Harger

**Email:** [REDACTED]

**Project:** Abel-Moody 230kV

**Comment:** I do NOT want such an electrical source in my "back yard" I live in Trilogy. Power Rd, Higely, Queen Creek and Ocatillo all border my home. What can I do to change the location of this project? Thank you, Rosie Harger

**Mailing address:** 4495 E. Donato Dr

**City:** Gilbert

**State:** AZ

**Zip code:** 85298

**Winn Stephanie A**

---

**From:** Webmaster  
**Sent:** Friday, July 31, 2009 9:40 AM  
**To:** Winn Stephanie A; Novy Thomas A (Tom)  
**Subject:** AZ Power comment: Abel-Moody 230kV

**Name:** D. Jean Ralls  
**Email:** [REDACTED]  
**Project:** Abel-Moody 230kV

**Comment:** My husband and I are residents of Trilogy. We do not want the power lines near our development. We are especially concerned about those that are near Queen Creek, Recker, Power Road and Ocotillo. Trilogy has already submitted a petition with hundreds of signatures objecting to power lines that are in the vicinity of Trilogy. There are many reasons for our objection to the close proximity of the power lines. Sincerely, D. Jean Ralls

**Mailing address:** 4093 E Appleby Drive  
**City:** Gilbert  
**State:** AZ  
**Zip code:** 85298

**Winn Stephanie A**

---

**From:** Webmaster  
**Sent:** Monday, August 03, 2009 7:24 AM  
**To:** Winn Stephanie A; Novy Thomas A (Tom)  
**Subject:** AZ Power comment: Abel-Moody 230kV

**Name:** Frederick Meyers

**Email:** [REDACTED]

**Project:** Abel-Moody 230kV

**Comment:** Dear Sir or Madam: We are in favor of the originally proposed route fo the AM 230KV Power Line. Thank you. Fred and Irene Meyers Our home in the Trilogy Development faces Ocotillo Road to the South. We paid a \$34,000 premium for the view lot and the Ocotillo alternative route between Recker Rd and Power Rd. would devastate the view and lower the value of the homes on East Ficus Way.

**Mailing address:** 4261 East Ficus Way

**City:** Gilbert

**State:** Arizona

**Zip code:** 85298



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July 6, 2009

Direct: 480-346-2676

Mr. Thomas A. Novy  
Project Manager – Transmission Planning  
Salt River Project  
Mail Station SEP007  
PO Box 52025  
Phoenix, AZ 85072-2025

**RE: 230KVA Abel-Moody Transmission Line Corridor Selection and Sub-Station Location Options – Proximity to Maracay's 232 Acre Land Asset and 890 Platted and Engineered Lots for "The Parks" – SE of Combs Road and Rittenhouse Road, Pinal County**

Dear Tom,

The purpose of this letter is to follow up on the meeting Bob Stewart had with you on June 25, 2009, and to put our concerns and objections in writing. Tim Brislin from Harvard Investments attended the meeting as well. Sorry I was not able to attend the meeting, as I had planned to and wanted to. If I had attended, and as I'm sure Bob Stewart communicated to you, we are very concerned about the mapped information now showing on your website. Specifically, the map called "Work in Progress" Abel Moody dated 5/26/2009.

Please be advised of the following:

- We acknowledge and support SRP's mandate to supply power and meet the growth demands in the south east Phoenix metro area and that part of Pinal County. You are to be congratulated on your pro-active planning process;
- Note that Maracay is the property owner of its Parks land asset noted above. Our plan is to sell it. We had it escrow with one buyer and they terminated their interest. We have it in escrow with another buyer. But please be advised that we are the property owner, and until another party closes the deal and it is sold and until title to the property is transferred to them, please talk to us as we're the owner;
- We do not want the transmission line corridor, any of the poles, lines, right-of-way, easements or even the visual impacts to have an impact on our property. Note that 3 of the 6 final plats for the Parks (Parks Parcels A, B and D) are recorded final plats for detached single family residential development, and are graded with sewer and water to them with full entitlements. The other 3 final plats are pending final approval. These plats are on hold right now, simply in response to the market conditions;

- If the 230 corridor is to go down the Rittenhouse Road alignment – your preferred alignment, our preference and recommendation is that it go as far to the south of the south side of the Rittenhouse right-of-way, with no impact on our property, and that it not go along Combs road at all, and if so, that it go along the north side of Combs. To do otherwise will potentially have a big impact on our property;
- We object to the yellow swatch on our property shown on the map for the RS-24 Potential Substation Site. In fact the yellow swatch is exactly contrary to the phone conversations I personally had with SRP staff, and that Tim Goodrich formerly in our office had, and that we provided in writing saying we had no interest in, and objected to a substation, on all or part of our property. We are also concerned about a substation being located within a close distance to our property due to the visual impacts and potential perception concerns of future prospective home buyers;
- As mentioned above, we are working towards the sale of our property. SRP's plans and maps represent a real concern to us, and they represent a potential concern to the current buyer, and to other prospective buyers we have talked to. Some of the concern is the uncertainty while you go through your process, but the bigger concern is the potential impact on our property. Some of the options have the potential for significant economic and practical consequences for us.

Please keep us advised of any changes in your plans. We are currently considering options for how to best represent our interests at the upcoming hearings, including the retaining of legal counsel. In the interim, I want to go on record and in writing to voice our concerns. Thank you again for meeting with Bob and Tim in June.

Please contact me if you have any questions, comments, or matters you wish to discuss further.

Sincerely,



Thomas H. Lemon  
Vice President, Land Acquisitions and Development

c.c. file  
Bob Stewart  
Phil Orstrom  
Tim Brislin, Harvard Investments

**From:** "Rebecca Porter" <rporter@davismiles.com>  
**To:** "Shawn Nelson" <snelson@davismiles.com>, <TubaLawyer@aol.com>, <John.Fo...>  
**Date:** 8/4/2009 4:20 PM  
**Subject:** No. 148 Summary of Direct Testimony- Vlachos  
**Attachments:** Summary of Direct Testimony Vlachos.pdf

**CC:** <b.slavin@fjslegal.com>, <Tara.Williams@azag.gov>, <craig.marks@azbar.or...>  
Mr. Chairman,

Attached please find Vlachos' Summary of Direct Testimony.

Sincerely,

Rebecca Porter  
Attorney  
(480) 344-4587

davis|miles, PLLC  
with offices in Arizona and New Mexico  
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PO Box 15070  
Mesa, AZ 85211-3070

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<http://www.davismiles.com>

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**SUMMARY OF DIRECT TESTIMONY  
OF DEMETRIOS VLACHOS, OWNER OF V&P NURSERIES, INC.**

Demetrios Vlachos is the owner of V&P Nurseries, Inc., a wholesale nursery located on 240 acres of real property also owned by Mr. Vlachos. The nursery is bounded by Germann Road on the north, Crismon Road on the west, Ryan Road to the south and the eastern boundary is located approximately ¼ mile west of Signal Butte Road. Vlachos' business on the site employs over 180 people, as well as serving a number of local retail and construction businesses as a supplier of plant nursery products.

In Siting Case No. 148, Mr. Vlachos will present testimony that he maintains his position that the Rittenhouse corridor is the most direct, least disruptive and least costly route for the transmission line. He will also present testimony supporting SRP's preferred route along the south side of Ryan Rd. as an alternative route. He will also express opposition to location of the transmission line along Germann Rd., and opposition to a north side Ryan Rd. alignment, as both of these routes will cause substantial impact on his business and property.

Mr. Vlachos will explain that the disruptions arising from the Germann or north side Ryan Rd. alignments include a significant disruption to the operation of his business, its profitability and ultimately his stability as an employer. The current viability of his business and the location of various buildings on the nursery property will significantly increase the costs of any condemnation award which would be required by the choice of either of these routes. Further, Mr. Vlachos has incurred significant time and expense in securing not only a contiguous set of parcels on which to conduct his nursery, but also water rights specific to his property and type of business, which water rights are directly connected to the size and location of his real property. Any taking from his property could result in the loss of a portion of his water allotment, which water allotment he relies upon to create and maintain the inventory of his business. Such a loss could directly affect his ability to perform on supply obligations to current and future customers. Further, Mr. Vlachos has invested significant time and expense developing a large capacity irrigation well on his property just south of Germann Rd., which well could be affected by a transmission line along the Germann Rd. corridor.

Mr. Vlachos' testimony will also include his position that Germann Rd. is a main arterial route for access to numerous commercial businesses, including his own, and that an alignment along Germann Rd. will severely curtail access to and development of these businesses. Further, it is his position that all of the airport safety issues created by a Germann Rd. alignment, affect not only the airport's commercial viability, but also the safety of all properties in proximity to the airport and its flight radius. For these reasons, Mr. Vlachos will strongly oppose any Germann Rd. or north side Ryan Rd. alignment.

**From:** "Minora Tellez" <mtellez@davismiles.com>  
**To:** <TubacLawyer@aol.com>, <John.Foreman@azag.gov>  
**Date:** 8/5/2009 4:34 PM  
**Subject:** Summary of Direct Testimony  
**Attachments:** Summary of Direct Testimony.PDF

**CC:** <b.slavin@fjslegal.com>, <Tara.Williams@azag.gov>, <craig.marks@azbar.or...  
Mr. Chairman,

Attached please find Vlachos' Summary of Direct Testimony.

Minora Tellez  
Legal Assistant  
(480) 344-4048

davis|miles, PLLC  
with offices in Arizona and New Mexico  
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1 DAVIS MILES, PLLC  
2 Gregory L. Miles (No. 005263)  
3 Shawn E. Nelson (No. 019228)  
4 P.O. BOX 15070  
5 MESA, AZ 85211  
6 Telephone: (480) 733-6800  
7 Fax: (480) 733-3748

8 *Attorneys for Intervenors Vlachos Enterprises, LLC,  
9 V & P Nurseries, Inc., QC Niko 1, LLC and QC Niko W, LLC*

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

12 IN THE MATTER OF THE APPLICATION OF  
13 SALT RIVER PROJECT AGRICULTURAL  
14 IMPROVEMENT AND POWER DISTRICT, IN  
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AND INCLUDING A NEW 230/69 kV  
SUBSTATION NEAR THE INTERSECTION OF  
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ADJACENT TO THE TOWN OF QUEEN CREEK,  
ARIZONA.

**Docket No. L-00000B-09-0311-00148**

**Case No. 148**

**SUMMARY OF DIRECT TESTIMONY  
OF DEMETRIOS VLACHOS**

Demetrios Vlachos is the owner of V&P Nurseries, Inc., a wholesale nursery located on 240 acres of real property also owned by Mr. Vlachos. The nursery is bounded by Germann Road on the north, Crismon Road on the west, Ryan Road to the south and the eastern boundary is located approximately ¼ mile west of Signal Butte Road. Vlachos' business on the site employs over 180 people, as well as serving a number of local retail and construction businesses as a supplier of plant nursery products.

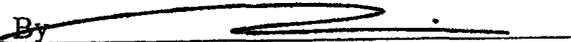
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8

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1 Mr. Vlachos' testimony will also include his position that Germann Rd. is a main arterial  
2 route for access to numerous commercial businesses, including his own, and that an alignment  
3 along Germann Rd. will severely curtail access to and development of these businesses. Further, it  
4 is his position that all of the airport safety issues created by a Germann Rd. alignment, affect not  
5 only the airport's commercial viability, but also the safety of all properties in proximity to the  
6 airport and its flight radius. For these reasons, Mr. Vlachos will strongly oppose any Germann Rd.  
7 or north side Ryan Rd. alignment.  
8

9 RESPECTFULLY SUBMITTED this 5<sup>th</sup> day of August, 2009.

10  
11 **DAVIS MILES, PLLC**

12 By 

13 Gregory L. Miles  
14 Shawn E. Nelson  
15 P.O. Box 15070  
16 Mesa, AZ 85211

17 *Attorneys for Intervenors Vlachos Enterprises,  
18 LLC, V & P Nurseries, Inc., QC Niko 1, LLC  
19 and QC Niko W, LLC*

20 Original and thirty-two (32) copies of the foregoing Notice  
21 will be filed this 5<sup>th</sup> day of August, 2009 to:

22 Docket Control  
23 Arizona Corporation Commission  
24 1200 West Washington Street  
25 Phoenix, Arizona 85007

26 A copy of the foregoing Notice will  
27 be emailed this same date to:

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

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Janice Alward, Chief Counsel  
Legal Division  
Arizona Corporation Commission  
1200 West Washington  
Phoenix, AZ 85007

Kenneth C. Sundlof, Jr.  
Jennings, Strauss & Salmon, PLC  
201 E. Washington Street, 11<sup>th</sup> Floor  
Phoenix, AZ 85004-2385

Manny T. Gonzalez  
Assistant County Manager  
Pinal County  
Administrative Services  
P.O. Box 827  
31 N. Pinal Street, Bldg. A, 2<sup>nd</sup>  
Florence, Arizona 85232

Craig Marks  
Craig A. Marks, PLC  
10645 N. Tatum Blvd., Suite 200-676  
Phoenix, AZ 85028

Kyle Mieras  
90 E. Civic Center Dr.  
Gilbert, AZ 85296

Lawrence V. Robertson, Jr.  
P.O. Box 1448  
2247 E. Frontage Rd.  
Tubac, AZ 85646

Christopher Schmaltz  
Gust Rosenfeld, PLC  
201 E. Washington St., Ste. 800  
Phoenix, AZ 85004

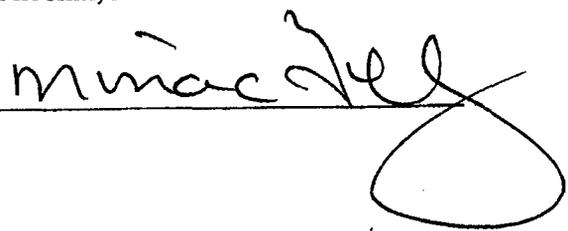
Francis Slavin  
Francis J. Slavin, PC  
2198 E. Camelback Rd., Ste. 285  
Phoenix, AZ 85016

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Scott Wakefield  
Ridenour, Hienton, Kelhoffer & Lewis, PLLC  
201 N. Central Ave., Ste. 3300  
Phoenix, AZ 85004

Marta T. Hetzer  
Arizona Reporter Services, Inc.  
2200 N. Central Ave.  
Phoenix, AZ 85004

Gary Birnbaum  
Jim Braselton  
Mariscal, Weeks, McIntyre & Friedlander, PA  
2901 N. Central Ave., Ste. 200  
Phoenix, AZ 85012

A handwritten signature in black ink, appearing to read "Marta T. Hetzer", is written across lines 11 and 12. The signature is cursive and extends below the line 12 boundary, with a large loop at the end.

**From:** "Avie Monroy" <Avie.Monroy@mesaaz.gov>  
**To:** "John.Foreman@azag.gov" <John.Foreman@azag.gov>  
**Date:** 8/6/2009 3:01 PM  
**Subject:** City of Mesa's Notice of Filing Exhibits  
**Attachments:** 0806132003.pdf

**CC:** "b.slavin@fjslegal.com" <b.slavin@fjslegal.com>, "Tara.Williams@azag....

Chairman Foreman:

Please see the attached copy of City of Mesa's Notice of Filing Exhibits.

Avie Monroy  
Legal Support Assistant  
Mesa City Attorney's Office  
Phone: 480-644-5524  
E-mail: avie.monroy@mesaaz.gov

**From:** "Walter Fix" <wfix@phxmesagateway.org>  
**To:** "Tara Williams" <Tara.Williams@azag.gov>  
**Date:** 8/13/2009 8:10 AM  
**Subject:** Re: #148 Continuation

**CC:** <craig.marks@azbar.org>, <cschmaltz@gustlaw.com>, "Casey Denny" <cdenny@...>  
Tara,

The September dates work for me, but I am out of town October 14-21.

Thanks,

Walter L. Fix, A.A.E.  
Planning Manager  
Phoenix-Mesa Gateway Airport  
5835 South Sossaman Road  
Mesa, Arizona 85212  
Office: (480) 988-7709  
FAX: (480) 988-2315  
Email: wfix@phxmesagateway.org

just plane easy.®

>>> "Tara Williams" <Tara.Williams@azag.gov> 8/13/2009 8:01 AM >>>  
Parties,

I have checked several dates with the Committee Members, and the best dates for a continuation for them would be September 29th and 30th as well as October 19th through the 21st. Please let us know if these dates work for you.

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

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**From:** "William Sullivan" <wsullivan@cgsuslaw.com>  
**To:** "Tara Williams" <Tara.Williams@azag.gov>, "Lawrence Robertson" <TubaLaw...>  
**Date:** 8/13/2009 8:38 AM  
**Subject:** RE: #148 Continuation

**CC:** "Michele Maser" <MMaser@jsslaw.com>  
Tara,

These dates will work for me.

Bill

William P. Sullivan  
Curtis, Goodwin, Sullivan,  
Udall & Schwab, PLC  
501 East Thomas Road  
Phoenix, Arizona 85012  
Phone: (602) 393-1700  
Facsimile: (602) 393-1703  
E-mail: wsullivan@cgsuslaw.com

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

From: Tara Williams [mailto:Tara.Williams@azag.gov]  
Sent: Thursday, August 13, 2009 8:02 AM  
To: Lawrence Robertson; Craig Marks; Janice Alward; Larry Udall; William Sullivan; Kyle Mieras; Gregory Miles; Rebecca Porter; Shawn Nelson; Christopher Schmaltz; Kenneth Sundlof; Gary Birnbaum; Jim Braselton; Walter Fix; Robert Taylor  
Cc: Michele Maser  
Subject: #148 Continuation

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Thank you,  
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Assistant  
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THANK YOU FOR YOUR COOPERATION

**From:** "Craig Marks" <craig.marks@azbar.org>  
**To:** "Tara Williams" <Tara.Williams@azag.gov>, "Lawrence Robertson" <Tuba...>  
**Date:** 8/13/2009 8:44 AM  
**Subject:** RE: #148 Continuation  
**Attachments:** Craig A Marks.vcf

**CC:** "Michele Maser" <MMaser@jsslaw.com>  
Tara,

September 29th and 30th are fine. October 19th through 21st are OK for now, but the ACC's scheduled October open-meeting days are October 20th and 21st. I do have several ACC matters pending that could be on the agenda for October, but I won't know until the agenda comes out about one week before the scheduled open-meeting days.

FYI, the Commission's open-meeting schedule is available at: <http://www.cc.state.az.us/Divisions/Administration/Meetings/>. For those of us that also practice at the ACC the Utilities open meetings are always a potential problem. These are held every four weeks.

Craig

Craig A. Marks  
10645 N. Tatum Blvd.  
Suite 200-676  
Phoenix, AZ 85028  
Craig.Marks@azbar.org  
(480) 367-1956 Office  
(480) 367-1956 Fax  
(480) 518-6857 Cell

CraigAMarksPLC.com

LinkedIn Profile

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

**From:** Tara Williams [mailto:Tara.Williams@azag.gov]  
**Sent:** Thursday, August 13, 2009 8:02 AM  
**To:** Lawrence Robertson; Craig Marks; Janice Alward; Larry Udall; William Sullivan; Kyle Mieras; Gregory Miles; Rebecca Porter; Shawn Nelson; Christopher Schmaltz; Kenneth Sundlof; Gary Birnbaum; Jim Braselton; Walter Fix; Robert Taylor  
**Cc:** Michele Maser  
**Subject:** #148 Continuation

Parties,

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

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**From:** <TubacLawyer@aol.com>  
**To:** <Tara.Williams@azag.gov>  
**Date:** 8/13/2009 9:36 AM  
**Subject:** Re: #148 Continuation

**CC:** <craig.marks@azbar.org>, <JAlward@azcc.gov>, <LUdall@cgsuslaw.com>, <wsu...

Tara,

I am available on each of the days indicated in your email.

Larry Robertson

In a message dated 8/13/2009 8:02:14 AM US Mountain Standard Time, Tara.Williams@azag.gov writes:

Parties,

I have checked several dates with the Committee Members, and the best dates for a continuation for them would be September 29th and 30th as well as October 19th through the 21st. Please let us know if these dates work for you.

Thank you,  
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tara.williams@azag.gov

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**From:** "Christopher Schmaltz" <cschmaltz@gustlaw.com>  
**To:** "Tara Williams" <Tara.Williams@azag.gov>, "Lawrence Robertson" <TubacLaw...>  
**Date:** 8/13/2009 10:15 AM  
**Subject:** RE: #148 Continuation

**CC:** "Michele Maser" <MMaser@jsslaw.com>

The proposed dates work for me.

Chris

Christopher A. Schmaltz  
Gust Rosenfeld P.L.C.  
201 E. Washington, Suite 800  
Phoenix, AZ 85004-2327  
602.257.7480 (direct)  
602.254.4878 (fax)

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

**From:** Tara Williams [mailto:Tara.Williams@azag.gov]  
**Sent:** Thursday, August 13, 2009 8:02 AM  
**To:** Lawrence Robertson; Craig Marks; Janice Alward; Larry Udall; William Sullivan; Kyle Mieras; Gregory Miles; Rebecca Porter; Shawn Nelson; Christopher Schmaltz; Kenneth Sundlof; Gary Birnbaum; Jim Braselton; Walter Fix; Robert Taylor  
**Cc:** Michele Maser  
**Subject:** #148 Continuation

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Assistant  
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Office of the Attorney General  
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Fax: (602) 542-4377  
tara.williams@azag.gov

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**From:** "JIM BRASELTON" <Jim.Braselton@mwmf.com>  
**To:** "Craig Marks" <craig.marks@azbar.org>, "Tara Williams" <Tara.Williams@az...>  
**Date:** 8/13/2009 10:29 AM  
**Subject:** RE: #148 Continuation

**CC:** "Michele Maser" <MMaser@jsslaw.com>  
Mr. Birnbaum and I have an all day conflict on October 28th with regard to the annual Condemnation Summit.

Other than that, my calendar is clear both the last week in October and the first week in November.

Mr. Birnbaum has additional conflicts only: 10/26 - Morning  
11/2 - Morning

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

From: Craig Marks [mailto:craig.marks@azbar.org]  
Sent: Thu 8/13/2009 10:02 AM  
To: 'Tara Williams'; 'Lawrence Robertson'; 'Janice Alward'; 'Larry Udall'; 'William Sullivan'; 'Kyle Mieras'; 'Gregory Miles'; 'Rebecca Porter'; 'Shawn Nelson'; 'Christopher Schmaltz'; 'Kenneth Sundlof'; 'GARY BIRNBAUM'; 'JIM BRASELTON'; 'Walter Fix'; 'Robert Taylor'  
Cc: 'Michele Maser'  
Subject: RE: #148 Continuation

Tara,

The last week in October is wide open, as is the first week of November.

Craig

Craig A. Marks  
10645 N. Tatum Blvd.  
Suite 200-676  
Phoenix, AZ 85028  
Craig.Marks@azbar.org  
(480) 367-1956 Office  
(480) 367-1956 Fax  
(480) 518-6857 Cell

CraigAMarksPLC.com

LinkedIn Profile

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

From: Tara Williams [mailto:Tara.Williams@azag.gov]  
Sent: Thursday, August 13, 2009 9:56 AM

To: Lawrence Robertson; Craig Marks; Janice Alward; Larry Udall; William Sullivan; Kyle Mieras; Gregory Miles; Rebecca Porter; Shawn Nelson; Christopher Schmaltz; Kenneth Sundlof; GARY BIRNBAUM; JIM BRASELTON; Walter Fix; Robert Taylor  
Cc: Michele Maser  
Subject: RE: #148 Continuation

Thank you for the responses. Since the October dates seem to have some conflicts, how does the last week of October work for everyone? I haven't checked those dates with the Committee, but I can ask them if those days would work better.

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

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>>> "JIM BRASELTON" <Jim.Braselton@mwmf.com> 8/13/2009 9:52 AM >>>  
Tara:

I am available all 5 days.

Mr. Birnbaum has conflicts on the morning of September 30th (an oral argument in the Arizona Supreme Court) and on the morning of October 19th (teaching at ASU Law School).

Jim

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

From: Tara Williams [mailto:Tara.Williams@azag.gov]  
Sent: Thu 8/13/2009 8:01 AM  
To: Lawrence Robertson; Craig Marks; Janice Alward; Larry Udall; William Sullivan; Kyle Mieras; Gregory Miles; Rebecca Porter; Shawn Nelson; Christopher Schmaltz; Kenneth Sundlof; GARY BIRNBAUM; JIM BRASELTON; Walter Fix; Robert Taylor  
Cc: Michele Maser  
Subject: #148 Continuation

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**From:** "Walter Fix" <wfix@phxmesagateway.org>  
**To:** "Lawrence Robertson" <TubacLawyer@aol.com>, "Tara Williams" <Tara.Willia...>  
**Date:** 8/13/2009 11:12 AM  
**Subject:** RE: #148 Continuation

**CC:** "Michele Maser" <MMaser@jsslaw.com>, "Gretchen Hawkins" <ghawkins@phxmes...>  
The last week in October is good for me.

Thanks,  
Walt Fix

Walter L. Fix, A.A.E.  
Planning Manager  
Phoenix-Mesa Gateway Airport  
5835 South Sossaman Road  
Mesa, Arizona 85212  
Office: (480) 988-7709  
FAX: (480) 988-2315  
Email: wfix@phxmesagateway.org

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>>> "Christopher Schmaltz" <cschmaltz@gustlaw.com> 8/13/2009 11:02 AM >>>

The last week of October is ok with me.

Chris

Christopher A. Schmaltz  
Gust Rosenfeld P.L.C.  
201 E. Washington, Suite 800  
Phoenix, AZ 85004-2327  
602.257.7480 (direct)  
602.254.4878 (fax)

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

From: Tara Williams [mailto:Tara.Williams@azag.gov]  
Sent: Thursday, August 13, 2009 9:56 AM  
To: Lawrence Robertson; Craig Marks; Janice Alward; Larry Udall; William Sullivan; Kyle Mieras; Gregory Miles; Rebecca Porter; Shawn Nelson; Christopher Schmaltz; Kenneth Sundlof; GARY BIRNBAUM; JIM BRASELTON; Walter Fix; Robert Taylor  
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>>> "JIM BRASELTON" <Jim.Braselton@mwmf.com> 8/13/2009 9:52 AM >>>  
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Cc: Michele Maser  
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**From:** <TubacLawyer@aol.com>  
**To:** <Tara.Williams@azag.gov>  
**Date:** 8/13/2009 11:26 AM  
**Subject:** Re: #148 Continuation

**CC:** <craig.marks@azbar.org>, <JAlward@azcc.gov>, <LUdall@cgsuslaw.com>, <wsu...

Ms. Williams,

I have checked Mr. Robertson's calendar and he is available during the last week in October.

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

In a message dated 8/13/2009 9:56:38 AM US Mountain Standard Time, Tara.Williams@azag.gov writes:

Thank you for the responses. Since the October dates seem to have some conflicts, how does the last week of October work for everyone? I haven't checked those dates with the Committee, but I can ask them if those days would work better.

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**From:** Tara Williams  
**To:** Christopher Schmaltz; Craig Marks; GARY BIRNBAUM; Gregory Miles; Jan...  
**Date:** 8/13/2009 1:11 PM  
**Subject:** RE: #148 Continuation

**CC:** Michele Maser  
Parties,

I have spoken with the Chairman, and he is hesitant to push the continuation back much further. So, we will be keeping the dates as **September 29th - 30th and October 19th - 21st**. By late September, the October dates may be changed, but we'll keep them as they are now.

Michele, the Chairman thinks it would be a good idea for the Applicant to book a venue for all five days.

Please let me know if you have any questions.

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

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>>> "William Sullivan" <[wsullivan@cgsuslaw.com](mailto:wsullivan@cgsuslaw.com)> 8/13/2009 12:12 PM >>>

I have two regularly scheduled meetings on Tuesday October 27 one from 1 to 3:30 and the other starting at 6 p.m. (but requiring about 1 1/2 hours of drive time). I can probably reschedule (or miss) the 1:00 meeting, but need to be able to leave before 5 to make the evening meeting.

Bill

William P. Sullivan  
Curtis, Goodwin, Sullivan,  
Udall & Schwab, PLC  
501 East Thomas Road  
Phoenix, Arizona 85012  
Phone: (602) 393-1700  
Facsimile: (602) 393-1703  
E-mail: [wsullivan@cgsuslaw.com](mailto:wsullivan@cgsuslaw.com)

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

From: Tara Williams [<mailto:Tara.Williams@azag.gov>]  
Sent: Thursday, August 13, 2009 9:56 AM  
To: Lawrence Robertson; Craig Marks; Janice Alward; Larry Udall; William Sullivan; Kyle Mieras; Gregory Miles; Rebecca Porter; Shawn Nelson; Christopher Schmaltz; Kenneth Sundlof; GARY BIRNBAUM; JIM BRASELTON; Walter Fix; Robert Taylor  
Cc: Michele Maser  
Subject: RE: #148 Continuation

Thank you for the responses. Since the October dates seem to have some conflicts, how does the last week of October work for everyone? I haven't checked those dates with the Committee, but I can ask them if those days would work better.

Thank you,  
Tara Williams  
Assistant  
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Tel: (602) 542-7759  
Fax: (602) 542-4377  
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>>> "JIM BRASELTON" <[Jim.Braselton@mwmf.com](mailto:Jim.Braselton@mwmf.com)> 8/13/2009 9:52 AM >>>  
Tara:

I am available all 5 days.

Mr. Birnbaum has conflicts on the morning of September 30th (an oral argument in the Arizona Supreme Court) and on the morning of October 19th (teaching at ASU Law School).

Jim

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

From: Tara Williams [<mailto:Tara.Williams@azag.gov>]  
Sent: Thu 8/13/2009 8:01 AM  
To: Lawrence Robertson; Craig Marks; Janice Alward; Larry Udall; William Sullivan; Kyle Mieras; Gregory Miles; Rebecca Porter; Shawn Nelson; Christopher Schmaltz; Kenneth Sundlof; GARY BIRNBAUM; JIM BRASELTON; Walter Fix; Robert Taylor  
Cc: Michele Maser  
Subject: #148 Continuation

Parties,

I have checked several dates with the Committee Members, and the best dates for a continuation for them would be September 29th and 30th as well as October 19th through the 21st. Please let us know if these dates work for you.

Thank you,  
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Assistant  
Consumer Protection & Advocacy Section  
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THANK YOU FOR YOUR COOPERATION

**From:** "Sundlof Jr., Kenneth C." <sundlof@jsslaw.com>  
**To:** "Tara Williams" <Tara.Williams@azag.gov>, "Lawrence Robertson" <TubacLaw...>  
**Date:** 8/14/2009 12:54 PM  
**Subject:** RE: #148 Continuation

**CC:** "Maser, Michele R." <MMaser@jsslaw.com>  
SRP is fine with all of these dates.

Kenneth C. Sundlof, Jr.  
Attorney at Law  
Jennings, Strouss & Salmon, PLC  
201 E. Washington Street, 11th Floor  
Phoenix, AZ 85004-2385  
T: 602.262.5946  
F: 602.495.2659  
C: 602.618.1907  
sundlof@jsslaw.com  
www.jsslaw.com

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

From: Tara Williams [mailto:Tara.Williams@azag.gov]  
Sent: Thursday, August 13, 2009 8:02 AM  
To: Lawrence Robertson; Craig Marks; Janice Alward; Larry Udall; William Sullivan; Kyle Mieras; Gregory Miles; Rebecca Porter; Shawn Nelson; Christopher Schmalz; Sundlof Jr., Kenneth C.; Gary Birnbaum; Jim Braselton; Walter Fix; Robert Taylor  
Cc: Maser, Michele R.  
Subject: #148 Continuation

Parties,

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Thank you,  
Tara Williams  
Assistant  
Consumer Protection & Advocacy Section

Office of the Attorney General

Tel: (602) 542-7759

Fax: (602) 542-4377

tara.williams@azag.gov

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**From:** "Sundlof Jr., Kenneth C." <sundlof@jsslaw.com>  
**To:** "Tara Williams" <Tara.Williams@azag.gov>, "Lawrence Robertson" <TubaLaw...>  
**Date:** 8/14/2009 12:54 PM  
**Subject:** RE: #148 Continuation

**CC:** "Maser, Michele R." <MMaser@jsslaw.com>  
Any of those dates work for SRP.

Kenneth C. Sundlof, Jr.  
Attorney at Law  
Jennings, Strouss & Salmon, PLC  
201 E. Washington Street, 11th Floor  
Phoenix, AZ 85004-2385  
T: 602.262.5946  
F: 602.495.2659  
C: 602.618.1907  
sundlof@jsslaw.com  
www.jsslaw.com

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**Cc:** Maser, Michele R.  
**Subject:** RE: #148 Continuation

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>>> "JIM BRASELTON" <Jim.Braselton@mwmf.com> 8/13/2009 9:52 AM >>>  
Tara:

I am available all 5 days.

Mr. Birnbaum has conflicts on the morning of September 30th (an oral argument in the Arizona Supreme Court) and on the morning of October 19th (teaching at ASU Law School).

Jim

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Cc: Michele Maser  
Subject: #148 Continuation

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Thank you,  
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recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

**From:** Tara Williams  
**To:** Michele R. Maser  
**Date:** 8/14/2009 1:21 PM  
**Subject:** RE: #148 Continuation

Thank you, Michele.

Tara

>>> "Maser, Michele R." <[MMaser@jsslw.com](mailto:MMaser@jsslw.com)> 8/14/2009 1:15 PM >>>  
Hi Tara,

Yesterday I requested that SRP book the venues for September 29 and 30 as well as October 19 through 21. In the event that the October dates get changed, we should have plenty of time to cancel and re-schedule for subsequent dates.

Michele

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

From: Tara Williams [<mailto:Tara.Williams@azag.gov>]  
Sent: Friday, August 14, 2009 12:58 PM  
To: Maser, Michele R.  
Subject: RE: #148 Continuation

Hi Michele,

I sent the e-mail telling them all of the dates, and I have not received any further responses. I told them Sept. 29th and 30th are definite and a location should be booked for Oct. 19 - 21st as well, but the dates might change after the Sept. hearing. The Chairman thinks it is probably a good idea to book the October days at the venue anyway.

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

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>>> "Maser, Michele R." <[MMaser@jsslw.com](mailto:MMaser@jsslw.com)> 8/12/2009 1:48 PM >>>  
Hi Tara,

Please confirm that I do not need to check with the intervenors regarding their availability on September 29 and 30 and October 19 through 21.

I will talk with Mr. Sundlof regarding the venue for these dates. Thank you

Michele

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

From: Tara Williams [<mailto:Tara.Williams@azag.gov>]

Sent: Wednesday, August 12, 2009 1:34 PM

To: Maser, Michele R.

Subject: #148 Continuation

Michele,

I was told by the Chairman to check a few dates in late September and October for the continuation. He wanted 5 days total. I have run several dates by the Committee and they are available September 29th and 30th and October 19 through the 21st.

Please let me know the venue that will be used once the Applicant makes the arrangements, and I will forward the information to the Committee.

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

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