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ARIZONA CORP COMMISSION
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7 **BEFORE THE ARIZONA POWER PLANT AND**
 8 **TRANSMISSION LINE SITING COMMITTEE**

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

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

Case No. 148

Arizona Corporation Commission
DOCKETED

SEP 24 2009

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22 **TOWN OF QUEEN CREEK'S PRELIMINARY SUMMARY OF**
 23 **EXPECTED DIRECT TESTIMONY OF WITNESSES AND**
 24 **PRELIMINARY LIST OF EXHIBITS**

25 In accordance with Paragraph 9 of the Procedural Order filed on June 17, 2009, the Town
 26 of Queen Creek (the "Town") respectfully submits the following preliminary summaries of the
 anticipated direct examination testimony of the witnesses the Town may call at the hearing

1 scheduled to recommence on September 29, 2009. The Town reserves the right not to call any
2 identified witness and to timely add additional witnesses. This submittal is "preliminary" only,
3 as the town does not anticipate presenting its witnesses until the next scheduled session of the
4 hearing, beginning October 19, 2009. This summary will be timely supplemented prior to that
5 date.

6 In accordance with Paragraph 10 of the same Procedural Order, the Town further
7 provides its Preliminary List of Exhibits that may be used at the hearing. Copies of the listed
8 exhibits will be provided to all parties and to the Committee in accordance with the Procedural
9 Order. The Town reserves the right to delete any listed exhibit or to timely add additional
10 exhibits to its Preliminary List. For the reason stated in the preceding paragraph, this Exhibit
11 List is "preliminary" only, and subject to timely supplementation.
12

13 **WITNESSES**

14 **1. JOHN KROSS**

15 Currently, John Kross is the Town Manager of Queen Creek. Since 1991, he has served
16 in a number of positions with the Town, including Interim Town Manager, Assistant Town
17 Manager, Community Development Director and Planning Director.
18

19 The Town was incorporated in 1989 and has been engaged for 20 years in a
20 strategic/community planning process. The Town's planning documents include, without
21 limitation, the Queen Creek General Plan (2008 update), the Queen Creek Economic
22 Development Strategic Plan, the Corporate Strategic Plan and the Town Center Plan.
23 Recognizing that the Town was in the urban/metropolitan area, the Town has taken great care to
24 manage its growth responsibly.
25

26 Nevertheless, the Town has only one major, contiguous planned, future employment area.
Appropriate development of this area is critical to the Town. The Town has communicated to

1 SRP (formally and informally) its opposition to any transmission line route that bisects the
2 employment area or infringes upon the Town Center Plan (or related redevelopment area).

3 The Committee's consideration of the Town's plans is mandated by A.R.S. § 40-
4 360.06(A)(1).

5 The Town is a part owner of the Phoenix-Mesa Gateway Airport. The operation and
6 development of the Airport is of great importance to the Town. As SRP's consultant has
7 confirmed, neither location of the proposed transmission lines on a Germann Road alignment or
8 on a Ryan Road alignment would create a safety hazard or interfere with operations at the
9 Airport. The Town's aviation consultant agreed with this assessment and on August 25, the
10 Federal Aviation Agency (FAA) also confirmed the findings of both consultants with a
11 determination of a non-hazard as to Germann Road. The Town has expressed its strong
12 preference for a Germann Road alignment by formal Resolution of its Town Council. The
13 Airport Authority has expressed "no position" on either a Ryan or Germann alignment in its
14 formal submittal to the Committee.
15

16 The Town strongly opposes a Railroad (Rittenhouse) alignment for many reasons. Such
17 an alignment interferes with the Town Center Plan; it impacts many residential neighborhoods;
18 and an extraordinary number of petitioners (approximately 2,000, many from nearby
19 neighborhoods like Queensland Manor, the Villages at Queen Creek and Emperor
20 Estates/Remington Heights) have expressed opposition to this route. From a municipal
21 perspective, the Railroad alignment represents extremely bad planning.
22

23 The Ryan Road alternative route bisects the Town's future employment area, as well as
24 the approved plan for the Queen Creek Station project, one of the largest in the Town. It also
25 ignores the planned parkway, with adjacent planned high density residential uses, reflected in the
26 Queen Creek General Plan.

1 The Germann Road alignment, in contrast, is on the periphery of the Town's employment
2 area. Few residences are impacted. Interference with the Queen Creek Station Master zoning
3 plan is minimized.

4 Both the Ryan and Germann alignments will impact the value, marketability,
5 financeability and developability of properties within the Town. The Town has requested
6 "mitigation" assistance from SRP in the form of construction of, or payment for, a linear park,
7 meandering sidewalk, aesthetic funds contributions or otherwise. This linear park would
8 intersect with a planned 130-acre community park currently master planned and slated for future
9 construction by the Town. SRP has declined to offer any significant mitigation funds or
10 assistance.
11

12 A corridor width of 250 feet (the minimum apparently requested by SRP) is unnecessary.
13 Further, a corridor designation (500' in width) that impacts both sides (north and south or east
14 and west) of a major roadway could be disastrous for the Town and the impacted areas.
15 Development could effectively be frozen for years before a formal easement area is designated or
16 acquired by SRP. A more precise corridor designation is required and a construction start date
17 (with diligent completion thereafter) should be imposed.
18

19 To the extent the "Vlajos" property is impacted by the selected alignment, there will be a
20 similar effect whether the transmission line is located along Ryan Road or Germann Road.
21 Further, nursery uses under or near the lines are permitted; the existing well site can be avoided;
22 and there is no fee taking (SRP requires only an easement) as apparently feared by the property
23 owner.
24

25 As to the north/south route, the Town prefers a Meridian Road (west wide) alignment.
26 Land in the area is primarily agricultural; it is a "straight shot" to the likely substation site; and
the existing 69KV line (here and on Germann Road) may be underbuilt on the new 230KV poles.

1 The Town favors the "northwest" substation site for the RS24 substation, and
2 specifically, use of the parcel that is already subject to SRP's purchase option. This location is
3 compatible with the Town's future transportation/intersection construction plans. If properly
4 screened and landscaped, it may also be compatible with present and future area developments.
5 The Town has conducted its own studies and will propose specific screening and landscape
6 requirements to mitigate the impacts of the planned 25-34 acre substation. The Town's
7 proposals are based on other existing screening treatments and will be supported by a
8 professional landscaper's cost estimate obtained by the Town. SRP has presented no screening or
9 landscape plan for consideration by the Town. The Committee should recommend a specific
10 screening/landscape plan and monetary commitment from SRP. SRP's suggestion of a \$750,000
11 aggregate budget is insufficient and its suggestion that "it will work with the Town" provides no
12 assurance of an acceptable resolution. To put this into perspective, the \$750,000 proposed by
13 SRP for a 15-20 acre substation site, is only marginally greater than its \$400,000 +/- screening
14 wall it constructs on a typical 2-acre neighborhood substation.
15

16 In sum, the interests and plans of the Town cannot be reconciled with a Railroad
17 alignment under any circumstances. As to the other alternatives, the Town supports a
18 Germann/Meridian (westside) alignment and a properly screened and landscaped substation site
19 (already under option) at the northwest quadrant the Combs/Meridian/Rittenhouse intersection.
20

21 **2. SHANE DILLE AND TOM CONDIT**

22 Mr. Dille is Queen Creek's Deputy Town Manager and Mr. Condit is the Town's
23 Community Development Director. If either is called to testify, their testimony is expected to be
24 consistent with -- but perhaps expand upon -- the outlined testimony of Mr. Kross and will cover
25 some or all of the subject matter outlined above.
26

1 **3. DONALD C. DUNCAN, ASA**

2 Mr. Duncan is a real estate appraiser and a principal of First Appraisal Services in
3 Phoenix, Arizona. If Mr. Duncan is called to testify, he will testify consistent with his recent
4 testimony in Case No. 138. In short, Mr. Duncan will testify that once a transmission line
5 corridor is established, the value, marketability, financeability and developability of property
6 within the corridor is substantially impacted and the area is effectively "frozen." These impacts
7 may last many years, until a final location/easement for the transmission line is identified and
8 acquired, and the initially designated corridor abandoned. Accordingly, corridor designations
9 should be as narrow as possible and located only on one side of a roadway) and a firm schedule
10 for final easement identification and acquisition should be established so as to minimize the
11 detrimental effect on impacted landowners. In Arizona, landowners within designated
12 transmission line corridors receive no compensation for the impact on their properties resulting
13 from inclusion within such a corridor.
14

15 **4. MAYOR ART SANDERS**

16 Mr. Sanders is the Mayor of Queen Creek. He also serves as the current Chairman of the
17 Phoenix-Mesa Gateway Airport Authority Board. If Mayor Sanders is called to testify, it is
18 anticipated that he will testify that the Airport Authority has "no position" (i.e., it is not
19 advocating for or against) with respect to either a Ryan Road alignment or a Germann Road
20 alignment.
21

22 **5. KEN SCARBOROUGH**

23 Mr. Scarborough is an aviation consultant with Planning Technology, Inc. and is based in
24 Cranston, Rhode Island. It is anticipated that Mr. Scarborough will testify that he agrees
25 generally with the conclusions of Williams Aviation, SRP's aviation consultant that, at
26 appropriate heights, transmission line poles for the SRP project could be located on either
Germann Road or Ryan Road without creating a hazard and without interfering with any

1 Phoenix-Mesa Gateway Airport operations. He will also testify that the previous hazard
2 determination of the FAA with respect to a Germann Road alignment was erroneous and based
3 upon an out-of-date standard. In addition, that determination has been reevaluated by the FAA
4 under the appropriate standard pursuant to the separate requests of SRP and the Town. The FAA
5 now agrees that a Germann Road alignment properly designed, will result in "no hazard" to
6 aviation.

7 Without limiting the foregoing, it is anticipated that Mr. Scarborough will testify that the
8 SRP transmission line can be constructed along a Germann Road alignment without violating
9 any one engine inoperative (OEI) surface or any existing or anticipated obstacle limitation
10 surface and without resulting in a hazard to air navigation.

11
12 **6. TRUDY POWELL OR JOHN UPSHUR (OR OTHER PETITION**
13 **CIRCULATOR)**

14 The Town may call Ms. Powell, Mr. Upshur or another one or more of the petition
15 circulators who personally obtained the signatures of more than 2000 Town or area residents
16 opposed to the so-called Railroad alignment. The witness(es) will explain how the petition
17 process was organized; they will describe the information presented verbally and in writing to
18 the residents; they will explain that the terms "Railroad" alignment and "Rittenhouse" alignment
19 are used interchangeably; they will explain how they individually conferred with each resident;
20 and they will describe generally the intensity of feeling and concerns expressed by those signing
21 the petitions submitted to the Committee. The witness(es) will also describe the areas (and
22 specific subdivisions) in which the petitions were circulated.

23
24 **7. REPRESENTATIVES OF THE OWNER/DEVELOPER OF THE QUEEN**
25 **CREEK STATION PROJECT**

26 If called to testify, a representative of the Queen Creek Station project may testify about
the planning process for the Queen Creek Station master planned community, including the
Major General Plan Amendment process and the Town's approval of a zoning Master Plan for

1 the project, and the associated time and expense. Anticipated land uses may be described,
 2 including a new "parkway" planned for the area and depicted on the Queen Creek General Plan.
 3 The detrimental impact of a Ryan Road alignment may also be a subject of the anticipated
 4 testimony.

5 **PRELIMINARY LIST OF ANTICIPATED EXHIBITS**

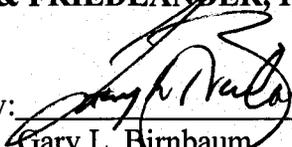
<u>EXHIBIT NO.</u>	<u>DESCRIPTION</u>
QC-1	Queen Creek General Plan Update (9/2/08)
QC-2	Queen Creek Economic Development Strategic Plan
QC-3	Queen Creek Corporate Strategic Plan
QC-4	Queen Creek Town Center Plan
QC-5	Town Center Map Showing Railroad Alignment
QC-6	Redevelopment Area Map
QC-7	Town Center Map Showing Existing/Planned Improvements
QC-8	Maps Depicting Area Subdivisions
QC-9	Queen Creek Station Plan (Queen Creek General Plan Land Use Amendment)
QC-10	Petitions (2000+/-)
QC-11	Petition Circulator Materials
QC-12	Chart Showing Petitioners by Area/Subdivision
QC-13	Map Showing Petitioners by Area/Subdivision
QC-14	Map Showing Total Signature/Total Residences by Subdivision
QC-15	Chart of Residences Within ½ Mile of Each Alignment
QC-16	Map Depicting Number of Residences Within ½ Mile of Each Alignment
QC-17	A.R.S. § 40-360.06
QC-18	Town Council Resolution No. 748-08
QC-19	Town Council Resolution No. 760-08
QC-20	Phoenix-Mesa Gateway Airport Authority Route Preference Chart
QC-21	Map Depicting Ultimate Residential Buildout Along Ryan Road
QC-22	Substation Screening Wall and Landscape Illustration
QC-23	Substation Screening Wall Illustration Photographs
QC-24	Substation Screening Wall Cost Estimate
QC-25	Substation Landscape Plan Cost Estimate
QC-26	Meridian Road (west side) Transmission Line Alignment/Illustration
QC-27	FAA Correspondence Regarding Germann Road

No Hazard Determinations
Diagram/Illustrations prepared to Illustrate
Ken Scarborough's Analysis and Conclusions

1 QC-28

2
3 Dated the 23rd of September, 2009

4 **MARISCAL, WEEKS, MCINTYRE**
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16 Pursuant to A.A.C. R14-3-204, the original
17 and twenty-five (25) copies of the foregoing
18 Notice are hand-delivered for filing this 23rd day
19 of September, 2009 to:

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

24 A copy of the foregoing Notice are
25 being mailed this same date to:

26 John Foreman
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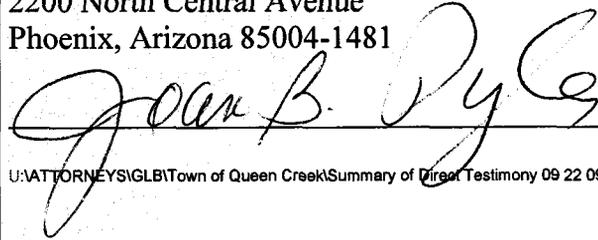
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9 _____

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