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April 20, 2010

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Jane Rodda, Administrative Law Judge
Hearing Division, ACC
400 W. Congress St.
Tucson, AZ 85701-1347
Rodda-Web@azcc.gov

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Re: Docket No. E-01575A-08-0328 and E-01575A-09-0453; Petition Under A.R.S §40-252 FOR IMMEDIATE CONSTRUCTION OF A 69kV LINE

Dear Ms. Mayes and Ms. Rodda,

We are writing as partners in the Babacomari Ranch Company, an Arizona limited liability limited company (the "Babacomari Ranch") which owns approximately 29,000 acres of real property in Cochise and Santa Cruz Counties, with respect to the proposed construction of a 69kv power line (the "Proposed Line") along the 26 mile boundary of the Babacomari Ranch by Sulphur Springs Valley Electric Cooperative ("SSVEC"). I believe it is important to set forth the position of a number of the Babacomari Ranch's partners with respect to the Proposed Line and to provide some history with respect to circumstances under which SSVEC obtained the easement underlying this Proposed Line.

As you may or may not be aware, the Babacomari Ranch was involved in a lengthy lawsuit brought by SSVEC to enforce the alleged SSVEC easement over the Babacomari Ranch, which litigation was commenced by SSVEC in August 2006 in Cochise County Superior Court (and is a matter of public record). Over approximately the next two years, the Babacomari Ranch defended itself against this lawsuit and sought to invalidate the alleged easement claimed by SSVEC over the Ranch's property. In the process, Babacomari Ranch spent tens of thousands of dollars in attorney and other fees. Unfortunately, however, the Babacomari Ranch, which runs a modest cattle operation and a small sand and gravel operation, was unable to sustain the time, attention and legal fees required to continue to pursue the matter and ultimately entered into a settlement agreement with SSVEC in June 2008, pursuant to which the Babacomari Ranch acknowledged the SSVEC easement. This was not a decision that was easy for the Babacomari Ranch, as the majority of the partners in the Ranch were strongly opposed to the Proposed Line and also believed that the circumstances under which SSVEC originally obtained the alleged easement were highly irregular.

While I do not wish to revisit that conflict at this juncture, we do want to make clear our position with respect to the Proposed Line: we strongly object to it! The Brophy family is only the third owner of the Babacomari Ranch since this Spanish Land Grant was handed down by the King of

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Spain. During our tenure as stewards of this land (the Ranch has been in our family since 1935), we have placed a special emphasis on preserving its natural beauty and have worked on a significant grassland restoration initiative as well as with local governmental agencies with respect to endangered species and local wildlife. Information on the Ranch, as well a photos of the Ranch and surrounding environs can be found on our website: www.babacomariranch.com.

The scenic values, open space qualities and wildlife habitat of this unique area of Arizona has been recognized by the federal government and the Nature Conservancy as worth preserving and, as a result, the Ranch has now placed over 2,000 acres under conservation easement in conjunction with the Bureau of Land Management so that it will never be developed. It is our hope and desire that a significant additional portion of the Babacomari Ranch will also be placed under conservation easement and we continue to work with the Nature Conservancy, the Bureau of Land Management and the Department of Defense to realize this shared goal.

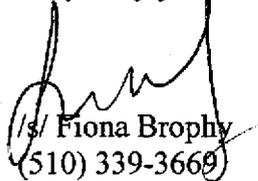
For these reasons, we are adamantly opposed to the construction of the Proposed Line across the Babacomari Ranch property, which also borders on other areas of significant scenic value and wildlife habitat that have been preserved in perpetuity, including the Audobon's Appleton-Whittel Research Ranch.

We also believe that SSVEC has not adequately explored alternatives to the Proposed Line – including, without limitation, the prospects of utilizing solar and other clean energies in the Sonoita-Patagonia region – that would have a much diminished impact on the viewsheds and scenic values.

Finally, we have heard (although can't confirm) that one of the justifications for constructing the line is to service a proposed development project by the Babacomari Ranch. To the extent that this justification has been posited, we can say unequivocally that it is false as the Babacomari currently has no plans for any sort of commercial development in the Sonoita area.

We thank you for your time and consideration in reviewing this letter and hope that it has shed light on our position. Should you have any questions with regard to this correspondence, please do not hesitate to contact the undersigned (contact information provided below).

Very truly yours,


/s/ Fiona Brophy
(510) 339-3669


/s/ Annie McChesney
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/s/ Sallie Brophy Najafi
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