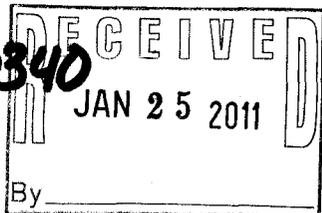




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ORIGINAL

COUNTY ADMINISTRATOR'S OFFICE

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Arizona Corporation Commission

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C.H. HUCKELBERRY
County Administrator

January 24, 2011

The Honorable Commission Chairman Gary Pierce and
The Honorable Commissioners Sandra Kennedy, Paul Newman,
Brenda Burns and Bob Stump
Arizona Corporation Commission
Commissioners Wing
1200 W. Washington, Second Floor
Phoenix, Arizona 85007

Re: **Proposed FRV Solar Farm: ACC Decision No. 71640 and Pima County Conditional Use Permit Application P21-10-017**

Dear Chairman Pierce and Commission Members:

Thank you for your letter of January 14, 2011 describing the proceedings leading up to the Commission's approval of Tucson Electric Power Company's (TEP) purchase agreement with FRV Tucson Solar, LLC and the subsequent reopening of the matter after neighbors reported that project impacts had not been mitigated.

I appreciate the courtesy you have extended to Pima County in providing the project update. The purpose of this letter is to reciprocate by providing you with the same and to suggest a plan for more closely integrating our respective review processes in the future.

As you are aware, the Pima County Board of Supervisors was set to hold a public hearing on FRV's conditional use permit application on January 18, 2011. However, the Board instead voted to continue the hearing for 90 days after input from residents made it clear the petitioners had made little effort to mitigate the impacts of the planned solar farm on the surrounding neighborhood.

Since neighbors were first notified of the project, they have expressed concerns about visual impacts, perimeter fencing, traffic congestion during construction, fugitive dust, water use, landscaping and more. The petitioners have had at least nine months to collaborate with neighbors on a project design and mitigation measures that would address these concerns. It is unfortunate that significant issues are still unresolved nearly a year after the Commission approved the TEP-FRV power purchase agreement on April 1, 2010.

Chairman Pierce and Commission Members

Re: **Proposed FRV Solar Farm: ACC Decision No. 71640 and Pima County Conditional Use Permit Application P21-10-017**

January 24, 2011

Page 2

I believe this circumstance presents both our agencies with an opportunity to develop a better model for ensuring the siting and design of renewable energy facilities maximizes community and environmental benefits, while eliminating and/or mitigating unintended effects on local residents.

Pima County is a strong advocate of expanding renewable energy opportunities at the state and local levels, but the County also agrees with Chairman Pierce's observation that we must ask the renewable energy efforts we so strongly support to be good neighbors.

For your consideration, we suggest the Commission and Pima County work together to develop a residential consultation guideline for those solar farm projects *planned in, or in close proximity to, residential neighborhoods*. We recommend requiring that utilities and their contractors hold formal consultations with nearby residents to identify potential site-specific impacts as early as possible in the planning and contracting process. For every potential impact identified, the utilities and contractors would present to neighbors alternative design concepts and mitigation measures. This inclusive, collaborative consultation process ideally would lead to community consensus around a preferred project design.

A summary of the consultation process and the resulting residential "good neighbor" mitigation plan could then be provided to both the Commission and Pima County as part of our respective application requirements. By requiring a formal consultation with neighbors, and a written "good neighbor" mitigation plan that comprehensively and reasonably addresses neighborhood concerns, it is our belief that all are likely to benefit. The utilities and contractors will likely experience greater certainty in the project development process and streamlined approval proceedings when appropriate. Residents are likely to benefit by being recognized as key stakeholders and partners in the project design process and by knowing that a timely, fair and transparent procedure will be followed to address the issues that are important to them.

I look forward to your ideas and recommendations regarding the above. If you have any questions, please contact me at 520.740.8751.

Thank you for your consideration.

Sincerely,



C.H. Huckelberry
County Administrator

c: The Honorable Chairman and Members, Pima County Board of Supervisors
Carmine DeBonis, Jr., Director, Development Services Department
Philip Dion, Vice President, Tucson Electric Power Company
Tim Lasocki, Senior Vice President, Fotowatio Renewable Ventures, Inc.
Christopher Avery, Chief Water Counsel, City of Tucson
Mr. Rick Westfall