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BEFORE THE ARIZONA CORPORATION COMMISSION
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2015 FEB -5 P 3: 32

Arizona Corporation Commission

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TOM FORESE

AZ CORP COMMISSION
DOCKET CONTROL

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FEB 05 2015

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IN THE MATTER OF THE APPLICATION) DOCKET NO. L-00000D-04-0127-00000
OF ARIZONA PUBLIC SERVICE) (Decision No. 67828)
COMPANY, PURSUANT TO ARIZONA)
REVISED STATUTE § 40-252, FOR AN) REQUEST PURSUANT TO A.R.S.
AMENDMENT TO ARIZONA) § 40-252 FOR COMMISSION
CORPORATION COMMISSION DECISION) ALTERATION OR AMENDMENT OF
NO. 67828) DECISION NO. 67828

I.

ORIGINAL

INTRODUCTION

By means of this filing, the Concerned Residents of Sarah Ann Ranch ("Concerned Residents")¹ hereby request that the Commission exercise its authority under A.R.S. § 40-252 to alter or amend Decision No. 67828 so as to authorize Arizona Public Service Company ("APS") to construct a portion of the electric transmission facilities which were the subject of Decision No. 67828 on a small portion of the south side of Cactus Road, rather than the north side of Cactus Road, in order to avoid adverse impacts that will otherwise be experienced by residents of the Sarah Ann Ranch residential community. In support of this request, the Concerned Residents submit the following information.

II.

DISCUSSION

The Commission has previously been informed as to some of the circumstances surrounding the Concerned Residents' concerns with respect to the location of a portion of the

¹ The Concerned Residents are an informal association of numerous residents of the Sarah Ann Ranch residential community who have collectively joined to formally file this request with the Commission.

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1 aforementioned electric transmission line facilities that APS intends to construct along Cactus
2 Road in the vicinity of the Sarah Ann Ranch residential community. Such background information
3 includes (i) the Commission's extended consideration of the subject during its January 22, 2015
4 Commission Staff Meeting at the Commission's offices in Phoenix, (ii) copies of documents and
5 photographs that were filed with the Commission's Docket Control on January 22, 2015 at the
6 request of Commissioner Bob Burns, and (iii) the voluminous correspondence which has been
7 filed with the Commission's Docket Control during January 2015 by and upon behalf of residents
8 and property owners in Sarah Ann Ranch.

9 Simply stated, the Concerned Residents are requesting that the Commission exercise its
10 discretion and authority under A.R.S. § 40-252 and alter or amend Decision No 67828 by
11 widening the currently approved electric transmission line corridor along Cactus Road an
12 additional 250' south from the centerline of Cactus Road for a distance of approximately one-
13 quarter (1/4) a mile, in order to (i) allow that portion of the aforesaid electric transmission facilities
14 which are the subject of this request to be constructed south of Cactus Road, and (ii) avoid the
15 adverse impacts upon the Sarah Ann Ranch residential community which will otherwise occur if
16 the transmission line facilities here in question are constructed on the north side of Cactus Road in
17 that vicinity, as currently planned by APS.²

18 The Concerned Residents recognize that the Commission will need to have some manner of
19 "record" before it in order to be in a position to issue an order or decision of the nature herein
20 requested altering or amending Decision No. 67828. However, from a process perspective, they
21 do not believe that the matter would need to be referred to the Arizona Power Plant and
22 Transmission Line Siting Committee ("Siting Committee") for the conduct of an evidentiary
23 hearing and the issuance of a recommended order for consideration by the Commission. Rather,

24 _____

25 ² In that regard, on February 4, 2015, undersigned counsel spoke by telephone with Court S. Rich, Attorney for
26 Suburban Land Reserve, the owner of the currently undeveloped land south of Cactus Road that would be implicated
27 by the Concerned Residents' request. Mr. Rich indicated at the Commission's January 22, 2015 Commission Staff
28 meeting that his client did not as yet have a position on the possibility of a portion of APS' contemplated facilities
 being moved to Mr. Rich's client's property; and, Mr. Rich indicated on February 4, 2015 that to his knowledge his
 client still had no position. Mr. Rich will receive a copy of this request; and, the Concerned Residents intend to
 interact proactively with Mr. Rich and his client.

1 the Concerned Residents believe that the taking of such evidence as the Commission might require
2 could be accomplished by means of the conduct of a hearing by one of the Commission's
3 Administrative Law Judges. In fact, that is precisely the procedure selected by the Commission for
4 processing a July 17, 2014 request by APS pursuant to A.R.S. § 40-252 to amend portions of
5 Decision No. 70850 (Docket No. L-00000D-08-0330-00138) to, *inter alia*, amend the previously
6 approved TS-5 to TS-9 electric transmission line corridor in two (2) different locations for
7 distances of approximately one (1) mile and four (4) miles, respectively.³

8 In connection with the foregoing, the Concerned Residents do not believe that an extended
9 evidentiary hearing or pre-hearing process would be necessary in order for the Commission to
10 acquire the information needed to determine whether or not the currently approved electric
11 transmission corridor should be widened to 250' south of the center line of Cactus Road for a
12 distance of approximately one-quarter (1/4) of a mile adjacent to the Sarah Ann Ranch residential
13 community. This would be particularly so if the requested widened area is included within the
14 geographic boundaries of the Study Area that was the subject of the environmental studies and
15 testimony presented by APS in Siting Case No. 127.

16 In that regard, attached hereto as Appendix "1" and incorporated herein by this reference is
17 a copy of Exhibit "A" to the March 21, 2005 Certificate of Environmental Compatibility ("CEC")
18 granted by the Siting Committee in Siting Case No. 127. This "System Option Approved by Siting
19 Committee" map appears to indicate that the area south of Cactus Road which is the subject of the
20 Concerned Residents' request herein was clearly within APS' Study Area Boundary.
21 Subsequently, at page 1, lines 21-24 of Decision No. 67828 the Commission affirmed the CEC
22 previously granted by the Siting Committee in Siting Case No. 127, including the aforementioned
23 transmission system option. Thus, presumably APS could simply update its previous
24 environmental analyses for the small area south of Cactus Road that would be implicated by this

25 _____
26 ³ A 1 ½ day evidentiary hearing before Administrative Law Judge Scott M. Hesla was conducted on January 20-21,
27 2015 in Docket No. L-00000D-08-0330-00138. Initial Briefs are due on February 20, 2015; and, a Reply Brief
28 (optional) may be filed on February 27, 2015. In that regard, the hearing had originally been scheduled in December of
2014, but was rescheduled due to a conflict with an extra Open Meeting day which was added to the Commission's
calendar.

1 request, just as APS did for the transmission corridor modifications which are the subject of its
2 currently pending A.R.S. § 40-252 request in Siting Case No. 138.

3 In addition, from the perspective of timing, there appears to be a conflict in information
4 submitted by APS as to when it must begin construction on that portion of the electric transmission
5 line facilities here in question which are implicated by the Concerned Residents' request. More
6 specifically, during the Commission's aforementioned January 22, 2015 Commission Staff
7 meeting, APS spokesperson Daniel Froetscher appeared to suggest that APS needed to start
8 construction on that part of the facilities here in question by June or July 2015, for reliability and
9 redundancy purposes, since the existing facilities were nearing capacity. Yet, in a Request for
10 Extension of CEC Term Re CEC 127 filed by APS with the Commission on November 3, 2014,
11 APS stated as follows in connection with its request to extend the CEC term for five (5) years for
12 the first circuit of the 230 kV facilities and ten (10) years for the second circuit of those facilities:

13 "APS's existing electric system is sufficient to meet current customer
14 load; however, he electrical facilities approved in CEC 127 will be
15 necessary to accommodate load growth in the West Valley, as well
16 as to enhance the reliability of the existing electrical system in the
17 future. Although the development and associated electrical load
18 growth in the area have not progressed as expected due to the
19 economic decline experienced in recent years, APS anticipates that it
20 will need the first circuit of this Project within a few years. It will
21 need the second circuit and the related facilities as the economy
22 improves and growth resumes in the area. (See Affidavit of D. Brad
23 Larsen, attached as Exhibit B.)

24 APS respectfully requests that the time period to construct
25 the facilities authorized by CEC 127 be extended for an additional
26 five years to May 5, 2020 for the first circuit of the 230kV
27 transmission line, and for an additional five years to May 5, 2030 for
28 the second circuit" [See November 3, 2014 Request at page 2, line
16.5 – page 3, line 1] [emphasis added]

29 Needless to say, there is a substantial difference between a suggested need 5-6 months from
30 now and one "in the future . . . within a few years." Moreover, even if it is assumed for discussion
31 purposes that APS needs to commence construction on the first circuit of the 230 kV facilities by
32 June or July of this year, there has been no demonstration that construction must begin at or near
33 that point in time in that small portion on the contemplated 230 kV system which is the subject of

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1 the Concerned Residents' request herein.

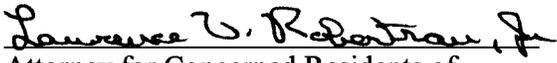
2 III.

3 CONCLUSION

4 For the reasons discussed above, the Concerned Residents believe that they have
5 proverbially "made the case" for why the Commission should exercise its discretion and authority
6 under A.R.S. § 40-252 and consider and decide whether or not Decision No. 67828 should be
7 altered or amended as hereinabove described and requested. In that regard, inasmuch as APS'
8 spokesperson at the aforementioned January 22, 2015 Staff meeting appeared to indicate that APS
9 might resume right-of-way clearing and pre-construction activities on February 13, 2015 or shortly
10 thereafter, the Concerned Residents respectfully ask the Commission to act on this A.R.S. § 40-
11 252 request expeditiously.

12
13 Dated this 5th day of February 2015.

14 Lawrence V. Robertson Jr.

15 
16 Attorney for Concerned Residents of
17 Sarah Ann Ranch

18
19 ORIGINAL and thirteen (13) copies
20 of the foregoing will be filed the 5th
21 day of February 2015 with

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

26 A copy of the same will also be emailed
27 or mailed that same date to:
28

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Appendix 1

February 5, 2015
Concerned Residents' Request
Docket No.
L-00000D-04-0127-00000

