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Arizona Corporation Commission

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Attorneys for Mountain View Ranch Development Joint Venture, LLC

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

IN THE MATTER OF THE APPLICATION
OF SOUTHLINE TRANSMISSION LLC, IN
CONFORMANCE WITH THE
REQUIREMENTS OF ARIZONA REVISED
STATUTES 40-360, ET SEQ., FOR A
CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AUTHORIZING
CONSTRUCTION OF NON-WAPA-
OWNED ARIZONA PORTIONS OF THE
SOUTHLINE TRANSMISSION PROJECT,
INCLUDING A NEW APPROXIMATELY
66-MILE 345KV TRANSMISSION LINE IN
COCHISE COUNTY FROM THE
ARIZONA-NEW MEXICO BORDER TO
THE PROPOSED SOUTHLINE APACHE
SUBSTATION, THE ASSOCIATED
FACILITIES TO CONNECT THE
SOUTHLINE APACHE SUBSTATION TO
THE ADJACENT AEP CO APACHE
SUBSTATION, AND APPROXIMATELY 5
MILES OF NEW 138-KV AND 230-KV
TRANSMISSION LINES AND
ASSOCIATED FACILITIES TO CONNECT
THE EXISTING PANTANO, VAIL,
DEMOSS PETRIE, AND TORTOLITA
SUBSTATIONS TO THE UPGRADED
WAPA-OWNED 230-KV APACHE-
TUCSON AND TUCSON-SAGUARO
TRANSMISSION LINES IN PIMA AND
PINAL COUNTIES.

Docket No. L-00000AAA-16-0370-00173

Case No. 173

**SUPPLEMENTAL FILING BY
MOUNTAIN VIEW RANCH re:
CERTIFICATE CONDITIONS**

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1 Mountain View Ranch Development Joint Venture, LLC (“Mountain View
2 Ranch”), by and through its counsel, supplements Section II.D. of its previously filed
3 Statement of Interest and Position, as follows.

4 Based on the testimony and exhibits at the hearing, Mountain View Ranch
5 respectfully requests that, if a Certificate is granted,¹ such Certificate and Order include,
6 in addition to the conditions previously submitted by Mountain View Ranch, the
7 supplemental condition nos. 12-17 (which are numbered sequentially to the previously
8 requested conditions) set forth in Section I.

9 In addition, Mountain View Ranch’s requested modifications to the Chairman’s
10 requested supplemental conditions are set forth in Section II.

11
12 I. SUPPLEMENTAL CONDITIONS REQUESTED BY MOUNTAIN VIEW
13 RANCH

14 **Supplemental Condition Request #12:**

15 The siting, spans and heights within the Subdivision or its viewshed shall either (i)
16 be equivalent in height and location to the existing WAPA line infrastructure or
17 (ii) be determined through a pole siting and finish plan prepared in consultation
18 and agreement with Mountain View Ranch (subject to compliance with applicable
19 safety and engineering standards).

20 **Supplemental Condition Request #13:**

21 The new transmission line and its infrastructure, in areas within the Mountain
22 View Ranch Subdivision or its viewshed, shall replace the existing 115-kv
23 transmission line currently in place, and all pre-existing infrastructure shall be
24 expeditiously removed and remediated.

25 //
26 //
//

¹ As set forth in its Statement of Position, Mountain View Ranch opposes the Application of Southline Transmission, L.L.C. for a Certificate of Compatibility (the “Application”) and, in the alternative, requests that any approval of the Certificate be subject to the requested conditions.

1 **Supplemental Condition Request #14:**

2 Any expansion or alteration of the existing ROW shall be by (i) written agreement
3 with Mountain View Ranch or (ii) condemnation proceedings preceded by good
4 faith negotiations. In addition, and without limiting the foregoing, any expansion
5 of the width of ROW in the Mountain View Ranch Subdivision shall be on the
6 north side of the existing ROW to the extent feasible.

7 **Supplemental Condition Request #15:**

8 Southline will construct, operate and maintain all facilities, improvements and
9 structures in the entirety of the Project Route in conformity with all terms,
10 conditions and stipulations set forth in the BLM and WAPA RODs and the NEPA
11 POD, including all PCEMs.

11 **Supplemental Condition Request #16:**

12 The process by which Southline and its construction contractor will conduct
13 environmental monitoring, compliance, and reporting activities during
14 construction within the Mountain View Estates Subdivision or its viewshed will be
15 described in the Project compliance plan that will be prepared by the CIC after the
16 CIC has been selected and reviewed by BLM Mountain View Estates. After
17 issuance of the notice to proceed, a CIC, designated by BLM Mountain View
18 Estates and Southline Western, will provide environmental oversight and
19 compliance monitoring on BLM managed lands the Mountain View Estates
20 Subdivision during Project construction to ensure compliance with all design
21 features and mitigation measures. [source: PCEM standards, as modified]

19 **Supplemental Condition Request #17:**

20 The Conditions set forth in this Certificate shall be binding on affiliates,
21 successors, assigns, transferees, agents, contractors, and lessees of Applicant.
22 Applicant shall provide in any agreement(s) or leases pertaining to the Project that
23 the contracting parties and/or lessee(s) shall be responsible for compliance with
24 the Conditions set forth herein, and Applicant's responsibilities with respect to
25 compliance with the such Conditions shall not cease or be abated by reason of the
26 fact the Applicant is not in control of or responsible for operation and maintenance
of the Project facilities.

1 II. MOUNTAIN VIEW RANCH REQUESTED MODIFICATIONS TO
2 CHAIRMAN'S REQUESTED CONDITIONS

3 **SunZia #5 [also Applicant #6]:**

4 The ROD issued by BLM requiresd the Applicant to prepare a Plan of
5 Development ("POD") outlining and detailing the relevant construction,
6 mitigation, and restoration requirements for the Project prior to commencing
7 construction on any portion thereof. Applicant shall implement the POD
8 mitigation requirements to the entirety of Project, including areas outside of the
9 BLM ROW. Where practicable, as determined by the landowner, the POD shall
10 specify that the Applicant: (a) use existing roads for construction and access; (b)
11 expeditiously revegetate, unless revegetation is waived by the landowner, native
12 areas following construction disturbance; (c) specify the Applicant's plan for
13 construction access and methods to minimize impacts to wildlife and to minimize
14 vegetation disturbance outside of the Project right-of-way, particularly in drainage
15 channels and along stream banks; and (d) specify the manner in which the
16 Applicant makes use of existing roads. Where the Project is located within the
17 boundaries of private land ~~the NRCDS' boundaries but also on BLM administered~~
18 lands, all proposed POD provisions developed pursuant to this condition will be
19 prepared in consultation with and subject to the consent and approval of the
20 property ownerBLM. [from Sunzia #7]

21 **SunZia #8:**

22 The Applicant shall make every reasonable effort to ... are timely repaired or
23 replaced. Applicant shall employ as reasonably practical methods to mitigate
24 EMF, radio interference, and noise, including corona noise, within or near existing
25 or platted residential areas, resulting from the construction, operation, or
26 maintenance of the transmission line.

27 **SunZia #12:**

28 Before construction of the Project may commence, the Applicant shall file and
29 provide to all parties a copy of each of the following documents with the
30 Commission's Docket Control: (a) the WAPA Participation AgreementPA; (b)
31 HPTP; (c) PRMP; (d) POD(s) applicable outside of BLM lands; (e) WAPA
32 ROD(s); and (f) APP, or equivalent, including any amendments to any of such
33 documents subsequent to the granting of this Certificate. Further, in addition to
34 compliance with the conditions set forth in this Certificate, the Applicant shall
35 comply with the provisions of these documents as applicable to the Arizona
36 portion of the Project. Notification of such filing with Docket Control shall be
made to the counties of Greenlee, Graham, Cochise, Pima, and Pinal, City of

1 Coolidge, SHPO, AGFD, all parties to this Docket, and all parties that made a
2 limited appearance in this Docket

3 **SunZia #15:**

4 The Applicant will ~~implement~~ pursue reasonable ~~actions~~ ~~efforts to work~~, in
5 consultation with private landowners on whose property the Project right-of-way
6 will be located, to mitigate the impacts of the location, construction, and operation
7 of the Project on private land. A description of such actions ~~these reasonable~~
~~efforts~~ shall be included in the annual compliance-certification letter.

8 **SunZia #34:**

9 Prior to construction of any Project transmission facilities, Applicant shall provide
10 the Commission Staff with copies of any Agreement(s) it enters into with the
11 entity or entities it selects to own and operate the 500 kV transmission facilities.
12 Such Agreement(s) shall be filed with the Commission Staff within thirty (30)
13 days of execution of such Agreement(s), with the summary thereof filed at Docket
14 Control, and provided to the Parties.

14 **Chairman's Requested Additional Conditions:**

15 "Before construction on this Project may commence, the Applicant shall file a
16 construction mitigation and restoration plan ("Plan") with the Commission's
17 Docket Control, the Counties of Cochise, Pima and Pinal, the Cities of Tucson and
18 Wilcox, and ASLD, SHPO and AGFD, and provide a copy to all parties. Where
19 practicable, the Plan shall specify the Applicant use existing roads for construction
20 and access, minimize impacts to wildlife, minimize vegetation disturbance within
21 and outside of the Project ROW, and re-vegetate, unless re-vegetation is waived
22 by the landowner, native areas following construction disturbance."

23 "~~This CEC is conditioned on WAPA owning and operating all of what is described~~
24 ~~in the Application as the Upgrade Section with the exception of what is described~~
25 ~~in the Application as the CEC Upgrade Route.~~" **[IF NO JURISDICTION**
26 **ASSERTED OR CONDITIONS NOT BINDING ON ENTIRE PROJECT:**
"Applicant has applied for, and this Certificate is issued for and extends only to,
the portions of the Project described in the Application as the CEC New Build
Route and CEC Upgrade Route."

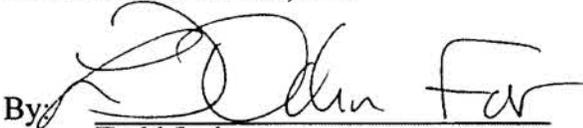
"Southline will provide a copy of this CEC to WAPA with the request that WAPA
comply with any requirements set forth in any conditions in the CEC and PCEMs
not already ~~otherwise~~ applicable ~~in the BLM ROW~~ to the Project pursuant to the
BLM ROD or POD."

1 "Southline will comply with all of its contractual obligations set forth in the
2 Memorandum of Agreement dated _____ between Southline and AGFD
3 and in the [INSERT DOCUMENTATION, REQUESTED BY
4 COMMITTEE, OF AGREEMENT TO IMPLEMENT PCEMS OVER ENTIRE
5 PROJECT]."

6 "Southline will construct, operate and maintain all facilities, improvements and
7 structures in what is described in the Application as the CEC New Build Route
8 and the CEC Upgrade Route the entirety of the Project Route in conformity with
9 all terms, conditions and stipulations set forth in the BLM and WAPA RODs and
10 the NEPA POD, including all PCEMs."

11 RESPECTFULLY SUBMITTED this 5th day of December, 2016.

12 JACKSON & ODEN, P.C.

13 By: 

14 Todd Jackson
15 Attorneys for Mountain View Ranch
16 Development Joint Venture, LLC

17 COPY of the foregoing delivered by
18 U.S. Mail this 5th day of December, 2016, to:

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