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BEFORE THE ARIZONA CORPORATION COMMISSION

JEFF HATCH-MILLER
Chairman
WILIAM A. MUNDELL
Commissioner
MARC SPITZER
Commissioner
MIKE GLEASON
Commissioner
KRISTIN K. MAYES
Commissioner

IN THE MATTER OF THE APPLICATION)
OFSALT RIVER PROJECT)
AGRICULTURAL IMPROVEMENT AND)
POWER DISTRICT ON BEHALF OF)
ITSELF AND ARIZONA PUBLIC)
SERVICE COMPANY, SANTA CRUZ)
WATER AND POWER DISTRICTS)
ASSOCIATION, SOUTHWEST)
TRANSMISSION COOPERATIVE, INC.)
AND TUCSON ELECTRIC POWER IN)
CONFORMANCE WITH THE)
REQUIREMENTS OF ARIZONA)
REVISED STATUTES SECTION 40-360,)
et. seq., FOR A CERTIFICATE OF)
ENVIRONMENTAL COMPATIBILITY)
AUTHORIZING CONSTRUCTION OF)
THE PINAL WEST TO SOUTHEAST)
VALLEY/BROWNING PROJECT)
INCLUDING THE CONSTRUCTION OF)
TRANSMISSION LINES FROM PINAL)
WEST TO THE BROWNING)
SUBSTATION AND OTHER)
INTERCONNECTION COMPONENTS IN)
PINAL AND MARICOPA COUNTIES,)
ARIZONA.)

Docket NO. L-00000B-04-0126

Case No. 126

**APPLICATION FOR REHEARING AND
REQUEST FOR RECONSIDERATION
BY INTERVENOR TOWN OF
FLORENCE**

Intervenor Town of Florence, by and through its counsel undersigned, hereby applies for a rehearing in this matter pursuant to A.R.S. 40-253(A) and requests reconsideration by the Commission of its decision and final order dated August 25, 2005, pursuant to A.R.S. 40-360.07(C).

1 The Town of Florence (the “Town”) respectfully submits that the Commission’s 3-2
2 decision approving an amendment to the route selected by the Power Plant and Transmission Line
3 Siting Committee (the “Line Siting Committee”) unreasonably applied the factors set forth in
4 A.R.S. 40-360.06(A). Particularly, the Commission’s decision reflects heightened concern for the
5 interests of existing homeowners - over and above the existing plans of local government such as
6 the Town of Florence for other development at or in the vicinity of the proposed site. A.R.S. 40-
7 360.06(A)(1). In this regard, the Town’s request for reconsideration and/or rehearing is limited to
8 Area “C”, and particularly, the line segments between Nodes 175 and 44.

9 In a nutshell, the Town of Florence presented the following position during the line siting
10 proceedings: It had made a conscious decision, based upon its informed judgment as to the health,
11 safety and welfare of its current and future residents, to support the “Preferred Alignment” as
12 described by the applicant Salt River Project. The Preferred Alignment would avoid the areas which
13 the Town had planned for the heaviest concentrations of development. The Town presented this
14 position as an intervening party *and* as an evidentiary matter in the Committee’s record. Among the
15 evidence presented was the testimony of Mayor Tom Rankin and the resolution of the Florence
16 Town Council supporting the Preferred Alignment. After the Committee had rendered its decision
17 and issued a certificate of environmental compatibility, the City of Coolidge issued a resolution in
18 support of the Committee’s decision.

19
20 Therefore, there was ample evidence and information in the record which supported the
21 decision of the Committee to site the transmission line in a manner which would take into account
22 the Town’s existing plans for residential and commercial development at or in the vicinity of the
23 proposed transmission line. Further, at the time this case was considered by the Commission, the
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1 record supported the fact the communities of Coolidge and Florence were in agreement with the
2 Certificate of Environmental Compatibility issued by the Committee.

3 By contrast, the concerns of existing residents were expressed at the Corporation
4 Commission level in the form of public comment and through reference to items not in the
5 Committee's record. As a governmental subdivision, the Town of Florence does not suggest that
6 short shrift be given to the statements and beliefs of any person. However, as a matter of procedure
7 and due process, it must be remembered that public comment is not under oath and is therefore not
8 subject to foundational requirements or the important process of cross-examination by the parties.
9 The Town is entitled to its share of due process just as is any other interested party.

10 The Town of Florence respectfully suggests that the proceedings before the Corporation
11 Commission placed undue weight upon the public's comment and insufficient weight upon the
12 evidence produced by the Town. In this sense the Town must argue that the decision of the
13 Commission was not supported by the evidence in the record and was arbitrary.

14 **CONCLUSION**

15
16 For the above stated reasons, the Town of Florence asks that the Commission grant the
17 Town's request for rehearing or reconsider its decision in this matter by approving the Certificate of
18 Environmental Compatibility as issued by the Line Siting Committee, in its entirety.

19 RESPECTFULLY SUBMITTED this 14th day of September, 2005.

20
21
22 _____
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1 Pursuant to A.A.C. R14-3-204,
2 The ORIGINAL and 40 copies were
3 filed this 14th day of September, 2005
4 with:

5 Docket Control
6 Arizona Corporation Commission
7 1200 W. Washington
8 Phoenix AZ 85007

9 COPY of the foregoing e-mailed this
10 14th day of September 2005, to:

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