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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
INTERVENOR MOUNTAIN VIEW
RANCH re: CEC CONDITION No. 34**

Arizona Corporation Commission

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[Signature]

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Intervenor Mountain View Ranch Development Joint Venture, LLC (“Intervenor” or “MVR”), by and through its counsel, and to avoid waiver, supplements its previous Statement of Interest and Position and other filings herein, as set forth below.

1 Based on: (i) recent communications to Intervenor’s counsel from WAPA and
2 Southline confirming Southline’s compliance with Condition No. 34 of CEC No. 173, as
3 amended by Decision No. 75978, and (ii) the stated scope of the Joint Application at
4 issue, Intervenor does not intend to attend, or offer or cross examine witnesses in, the
5 Committee’s hearing.

6 However, to avoid waiver should any subsequent proceedings become necessary,
7 Intervenor files this objection to any assertions or positions that have been or may be
8 offered in these proceedings to the effect that the ACC lacks jurisdiction to regulate all
9 portions of the Project, including the “Upgrade Section”, or to enter and enforce
10 Condition No. 34 of the current CEC.

11 Any such assertions are immaterial and unnecessary to secure the relief requested
12 by Applicants as stated in their October 23, 2020 Supplement (at p. 3). Such assertions
13 therefore need not and should not be considered, adopted, or included in any findings of
14 fact or conclusions of law entered by the Committee in connection with this hearing.
15 Moreover, such assertions are disputed by Intervenor, for the reasons set forth in
16 Intervenor’s previous submissions to this Committee and to the ACC in this matter,
17 which are incorporated herein by reference. Lastly, such assertions were rejected by the
18 ACC, after hearing, by Decision No. 75978, which was issued in 2017 and relied upon by
19 Intervenors thereafter.

20 In conclusion, based on the confirmation of Southline’s compliance with
21 Condition No. 34, Intervenor does not intend to further participate in the proceedings, but
22 respectfully requests that it continue to be included in the service list, and receive notice
23 of any proposed findings or conclusions to be entered in this matter.

24 RESPECTFULLY SUBMITTED this 1st day of December, 2020.
25
26

JACKSON & ODEN, P.L.L.C.

By: /s/Todd Jackson
Todd Jackson
Attorneys for Mountain View Ranch
Development Joint Venture, LLC

ORIGINAL and twenty-five (25) copies
of foregoing filed this 1st day of December, 2020 with:

The Arizona Corporation Commission
Hearing Division-Docket Control
1200 West Washington Street
Phoenix, Arizona 85007

COPY of the foregoing sent via e-mail and U.S. mail
this 1st day of December, 2020, to:

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