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ARIZONA CORPORATION COMMISSION

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January 28, 2009

Mr. Don Brandt
President and CEO
Arizona Public Service
400 No. Fifth Street
M.S. 9042
Phoenix, AZ 85004

Re: APS Vegetation Management Policies; Destruction of Saguaro Cactus Vegetation in the Black Canyon City area.

Dear Mr. Brandt,

Yesterday, I learned that Arizona Public Service Company's ("APS") vegetation management activities have resulted in the destruction of Saguaro cacti along APS' 500 KV Extra High Voltage Navajo to Westwing power line.¹ It is my understanding that APS is conducting the clearing of most vegetation – including saguaros – in response to new North American Electric Reliability Corporation ("NERC") rules requiring utilities to keep important power lines free from trees and other vegetation that could cause the arcing of the lines resulting in power outages and grid disruptions. Nevertheless, the video footage of construction crews using what is apparently called a Shinn mower to obliterate some of Arizona's most majestic and valued vegetation is disturbing, and raises questions about whether these clearing efforts can and should be minimized. It would appear that some residents in the Black Canyon City area where the saguaro destruction has occurred have also expressed their displeasure regarding the activity.²

Therefore, before APS continues with its vegetation removal project beneath the power line, I would like the Company to assure the Commission that it is doing everything it can to limit the destruction of saguaros, and to relocate the cacti where possible. Please identify what APS' current policies are with respect to native plants and the reasoning grounding those policies. Please delineate the number of native plants or saguaros that have been destroyed as a result of these policies along the Navajo to Westwing power line, where these activities are currently occurring or are planned and the length of time these policies have been in place. Additionally, it is my understanding that APS has filed a vegetation removal plan with the Bureau of Land

¹ A video apparently capturing an APS construction crew destroying a Saguaro cactus has been posted on YouTube at <http://www.youtube.com/watch?v=rOwigQXpB68>.

² See "APS Forestry Program Clearing Right of Way," <http://bigbugnews.com/main.asp?Search=1&ArticleID=49117&SectionID=1&SubSectionID=1&S=1>

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Management. Please supply this plan to the Commission, and any maps in the possession of APS that outline where the saguaro removals have occurred or are slated to occur.

In a conversation with an APS official yesterday, I was told that APS believes that saguaros must be destroyed because they present a significant danger of acting as a conductor of electricity, due to their high water content, and could thus be the source of an arcing occurrence, in which electricity crossing Extra High Voltage power lines might conceivably pass from the line to the cactus below. Given this assertion, I would be interested in knowing whether APS has conducted, or is aware of, any studies demonstrating that saguaros have ever caused such an arcing incident, or have ever been the cause of a major power outage. If no such studies exist, please describe the Company's reasons for believing this threat exists.

Additionally, as you know, the Arizona Department of Agriculture has prescribed specific rules requiring an application and notice before a landowner can destroy native plants. While the Department of Agriculture has informed me that APS has consistently provided adequate notice as required by state law,³ in the future, I believe it would be beneficial for the Commission to be notified of such major vegetation clearing projects prior to their commencement.

Finally, it would appear that APS' clearing efforts on the Navajo power line are soon scheduled to reach into areas near major population centers – including an area north of Anthem and north of Vistancia in Phoenix, where this power line traverses on its way to the Westwing substation. Please tell the Commission whether the Company has conducted any public outreach to nearby communities explaining the Company's view that it must conduct this clearing and any efforts APS is undertaking to mitigate impacts on saguaros and other vegetation. Please also describe the ways in which the Company has communicated with the Black Canyon City community regarding these issues.

Thank you for your attention to my questions.

³ It would appear that state law only requires those who wish to remove or destroy saguaros on private land to provide 20 days notice to the Department of Agriculture, and that such notice may be accomplished verbally. See ARS §3-904. The Commission's own power plant and line siting statute, ARS 40-360.06 requires that the Line Siting Committee specifically consider plant life, scenic areas and the total environment of the area in their review of power plant and power line applications, and provides the Committee the power to condition a decision upon these factors. For instance, the following language was included in the Line 136 case, Decision No. 70325: "The Applicant shall comply with the notice and salvage requirements of the Arizona Native Plant Law and shall, to the extent feasible, minimize the destruction of native plants during Project construction. Before construction on this Project may commence, the Applicant must file a construction mitigation and restoration plan ("Plan") with ACC Docket Control. Where practicable, the Plan shall specify that the Applicant use existing roads for construction and access, minimize impacts to wildlife, minimize vegetation disturbance outside of the Project right-of-way, and revegetate native areas following construction disturbance." Unfortunately, this provision does not extend to the maintenance of the power lines, something this Commission may want to consider including in future line siting Orders.

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Sincerely,

A handwritten signature in black ink, appearing to read "Kris Mayes". The signature is fluid and cursive, with a long horizontal stroke at the end.

Kris Mayes
Chairman

Cc: Ernest Johnson
Janice Alward
Lyn Farmer
Mike Kearns
Rebecca Wilder