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APR 25 2016



MICHAEL K. JEANES, CLERK
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7 SUPERIOR COURT OF ARIZONA
8 MARICOPA COUNTY

9 PETER T. ELSE,
10)
11) Plaintiff,

Case No. LC 2016-000183

12 vs.

13 ARIZONA CORPORATION
14 COMMISSION,

COMPLAINT

(Non-Classified Civil)

15 Defendant.
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24)

Plaintiff for his complaint against the Defendant states as follows:

1. This action is commenced pursuant to A.R.S. § 40-254 to vacate a decision of the defendant, Arizona Corporation Commission.

2. Plaintiff Peter T. Else has been an Arizona resident for the past 35 years. He resides on 32 acres of land, located four miles north of Mammoth, Arizona on the San Pedro River. Mr. Else has been a volunteer conservation activist in the lower San Pedro watershed since he retired as an administrator at the University of Arizona College of Agriculture and Life Science in 2005.

1 3. The Defendant is the Arizona Corporation Commission (“Commission”), an
2 agency of the State of Arizona that is established by Article 15 of the Arizona Constitution.

3 4. On September 3, 2015, SunZia Transmission, LLC (“SunZia”) filed an
4 application for a Certificate of Environmental Compatibility (“CEC”) under ACC Docket No. L-
5 00000YY-15-0318-00171.

6 5. On October 6, 2015, Plaintiff filed a Notice of Intent to Intervene regarding
7 SunZia’s application for a CEC.

8 6. On October 19, 2015, the Arizona Power Plant and Transmission Line Siting
9 Committee (“Committee”) approved a motion to allow Plaintiff to intervene in SunZia’s
10 application for a CEC.

11 7. On November 19, 2015, following 13 days of hearings, the Committee voted 8 to
12 0 in favor of granting SunZia a CEC for construction of their project.

13 8. On November 24, 2015, the Chairman of the Committee issued this CEC.

14 9. On December 8, 2015, Plaintiff filed a Request for Review by the Commission,
15 on the grounds set forth therein.

16 10. On February 3, 2016, following two days of review, the Commission voted 3 to 2
17 to approve the CEC prepared by the Committee, reflected in Commission Decision No. 75464
18 and Dissenting Opinion issued on February 22, 2016.

19 11. On March 11, 2016, Plaintiff filed an Application for Rehearing of Decision No.
20 75464 with the Commission on the grounds set forth therein.

21 12. Pursuant to A.R.S. § 40-253, the Plaintiff’s Application for Rehearing was denied
22 by operation of law on March 31, 2016.

23 13. Pursuant to A.R.S. § 40-254, any party in interest being dissatisfied with an order
24 or decision of the Commission may within thirty days after a rehearing is denied commence an

1 action in Superior Court against the Commission as defendant to vacate, set aside, affirm in part,
2 reverse in part, or remand with instructions to the Commission such order or decision on the
3 ground that the order or decision is unlawful or unreasonable.

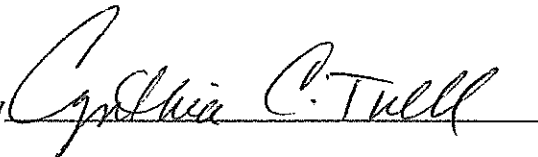
4 14. Commission Decision No. 75464 is unlawful or unreasonable for the reasons set
5 forth in the Plaintiff's Application for Rehearing, which are incorporated by this reference as if
6 fully set forth herein.

7 WHEREFORE, Plaintiff requests that the Court:

- 8 1. Vacate Commission Decision No.75464;
- 9 2. Award the Plaintiff his attorney's fees and costs; and
- 10 3. Order such further relief as the Court may deem just and appropriate.

11 DATED this 25th day of April, 2016.

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By 

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