



APPROVAL / PROTEST CALCULATION & COMMENTS

TP-ENT-1025-00021 TEP Substation – N Vine Ave

ZE ZE
1/29/26 2/12/26

Total	Approvals	3	3
	Protests	65	65

**Protests by Location	Outside 150'	3	3
	Within 150'	1	1

*Protests by Total Lots & Area	% Lots	4.2%	4.2%
	% Area	0.7%	0.7%

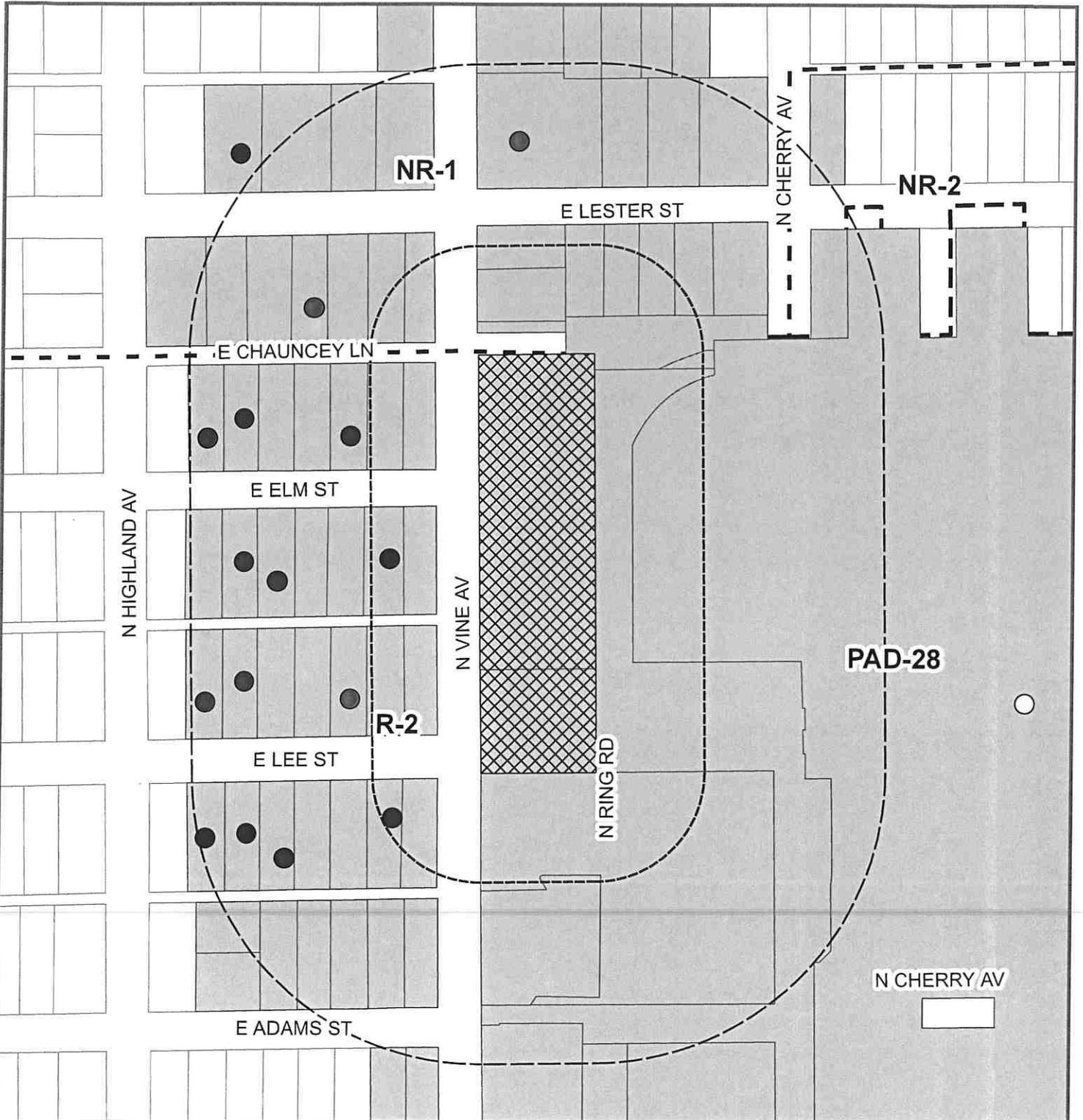
*Per Arizona State statute HB2116, effective August 9, 2017 governing legal protests for rezoning cases: If there are protests from 20% of the property owners within 150 feet of the entire perimeter of the rezoning site, including BOTH 20% of the property by area, and 20% of the number of lots within 150 feet, then an affirmative vote of ¾ of the Mayor & Council (5 of 7 members) will be required to approve the rezoning or M&C Special Exception. Public rights-of-way and the area/lot of the proposed rezoning are included in protest calculations.

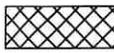
**Arizona Revised Statutes 9-462.04 requires that any rezoning protest filed, "...shall be signed by the property owners opposing the proposed amendment..."

COMMENTS:

1. Tucson-Pima County Historical Commission Protest Letter
2. Jefferson Park Neighborhood Association Protest Letter
3. Desert Mallow Neighborhood Association Protest Letter
4. Feldman's Neighborhood Association Protest Letter
5. West University Neighborhood Association Protest Letter
6. Sam Hughes Neighborhood Association Protest Letter
7. Underground Arizona Protest Letter
8. Undergrounding Coalition Protest Letter
9. The University of Arizona Planning & Facilities Support Letter

TP-ENT-1025-00021 - 1602 N VINE AV



-  Zone Boundaries
-  Area of Special Exception Request
-  Properties Notified
-  Notification Area (400 ft. Radius)
-  Protest Area (150 ft. Radius)

-  Owner approvals: 1
-  Owner approvals (same owner): 1
-  Owner protests: 3
-  Owner protests (same owner): 1

Calculation Date: 1/28/2026



1:2,311





PLANNING AND FACILITIES
Administrative Building, Rm 712
1401 E University Blvd
Tucson, AZ 85719

January 28, 2026

Tucson Electric Power
Attn: Vine Substation Special Exception
P.O. Box 711 Tucson, AZ 85701-0711

RE: Support for the Vine Substation Project

Dear Tucson Electric Power:

The University of Arizona recognizes and appreciates Tucson Electric Power's continued efforts to modernize and enhance the reliability of our region's electric infrastructure. As energy demands continue to grow across central Tucson—including the University's academic, research, and clinical enterprise-planned system upgrades are essential to ensuring safe, resilient, and future-ready service.

The University supports TEP's Midtown Reliability Project, which will create a more robust, "looped" system capable of delivering energy from multiple directions at a higher voltage. This design will significantly increase reliability for the University community, Banner–University Medical Center Tucson, nearby neighborhoods, and customers throughout the project area.

In addition, the University of Arizona supports TEP's proposal for the Vine 138 kV Substation, currently under review as a Special Exception Land Use request. The Vine Substation will interconnect with the Kino and DeMoss-Petrie substations and is a critical component of TEP's broader Midtown Reliability Project. Its construction will replace aging, lower-voltage infrastructure and provide the resiliency and capacity needed to support increasing electrical demands in the heart of Tucson's academic and medical district.

For these reasons, The University of Arizona expresses its support for the Vine Substation and welcomes the continued partnership with TEP to ensure resilient energy service for our campus, medical facilities, and surrounding community.

Please contact me if I can provide additional information or assistance.

Sincerely,

A handwritten signature in cursive script that reads 'Joshua Wright'.

Joshua H. Wright

Chief Facilities & Planning Officer



Vine Substation (TP-ENT-1025-00021)

From Wright, Joshua H - (joshuawright) <joshuawright@arizona.edu>

Date Thu 2/12/2026 3:12 PM

To TucsonRezoning <TucsonRezoning@tucsonaz.gov>; John Beall <John.Beall@tucsonaz.gov>; Jay Olivas <Jay.Olivas@tucsonaz.gov>

Cc Katsel, Julie - (jkatsel) <jkatsel@arizona.edu>

You don't often get email from joshuawright@arizona.edu. [Learn why this is important](#)

Case: TP-ENT-1025-00021

Vine Substation Zoning Examiner Hearing

Dear Sirs:

As an addendum to The University of Arizona's (UA) previous statement dated January 28, 2026, regarding Tucson Electric Power's proposed Midtown Reliability Project, UA Facilities & Planning has reviewed the proposed location of the Vine Substation in response to the City of Tucson Zoning Examiner's inquiry regarding its relationship to the University's planning area and applicable planning requirements.

The proposed Vine Substation site is located within UA's campus planning boundary. As such, the project is not identified nor contemplated within the University Area Plan or its land use designations, policy goals, or development objectives.

The proposed substation location does not conflict with UA's adopted campus planning framework, long-range development objectives, or identified future campus expansion areas. The site is not designated for academic, research, residential, or support uses within University planning documents, nor is it anticipated to be required for foreseeable University programmatic needs.

Accordingly, UA Facilities & Planning finds the proposed Vine Substation location compatible with the University's planning interests and in conformance with applicable University planning requirements, respectfully recognizing that final land use and zoning determinations rest with the City of Tucson.

Please do not hesitate to contact me should you have any questions.

Sincerely,
Josh



Joshua H. Wright

Chief Facilities and Planning Officer
THE UNIVERSITY OF ARIZONA

(520) 621-5977

joshuawright@arizona.edu

[Land Acknowledgment](#)

www.arizona.edu



TPCHC comment against (deny request for Special Exception) Case # TP-ENT-1025-00021, TEP Midtown Reliability Project Vine Substation

From Terry Majewski <tmajewski@sricrm.com>

Date Sun 1/25/2026 7:32 PM

To TucsonRezoning <TucsonRezoning@tucsonaz.gov>; Julian Hernandez <jhernandez1@pascuayaqui-nsn.gov>

Cc MayorRomero <Mayor.Romero@tucsonaz.gov>; Ward1 <Ward1@tucsonaz.gov>; Ward2 <Ward2@tucsonaz.gov>; ward3 <ward3@tucsonaz.gov>; ward4@tucsonaz.com <ward4@tucsonaz.com>; ward5@tucsonaz.com <ward5@tucsonaz.com>; Ward6 <Ward6@tucsonaz.gov>; CityManager <CityManager@tucsonaz.gov>; Roxanne Valenzuela <rvalenzuela@southtucson.org>; Koren Manning <Koren.Manning@tucsonaz.gov>; Desiree Aranda <Desiree.Aranda@tucsonaz.gov>; Daniel Bursuck <Daniel.Bursuck@tucsonaz.gov>; bflagg@southtucson.org <bflagg@southtucson.org>; caguirre@southtucson.org <caguirre@southtucson.org>; djimenez@southtucson.org <djimenez@southtucson.org>; mbrown-dominguez@southtucson.org <mbrown-dominguez@southtucson.org>; pdiaz@southtucson.org <pdiaz@southtucson.org>; probles@southtucson.org <probles@southtucson.org>; district1@pima.gov <district1@pima.gov>; district2@pima.gov <district2@pima.gov>

 1 attachment (183 KB)

TPCHC_comment_on_TEP_Midtown_Reliability_Project_20260125.pdf;

Dear Mr. Mazzocco,

Please see attached comment from the Tucson-Pima County Historical Commission (TPCHC) regarding Case # TP-ENT-1025-00021, TEP Midtown Reliability Project Vine Substation – position “against” (deny request for Special Exception).

Please let me know if you have any questions regarding the TPCHC comments.

Sincerely,

Teresita (Terry) Majewski
Chair, TPCHC
(520) 907-9677



Teresita Majewski, Ph.D., RPA, FSA
Executive Vice President
Statistical Research, Inc.
Tucson, AZ
Mobile: (520) 907-9677
www.sricrm.com



January 25, 2026

Mr. Jim Mazzocco
Zoning Examiner
City of Tucson Planning and Development Services Department
201 N. Stone Avenue
Tucson, AZ 85701

Via e-mail: tucsonrezoning@tucsonaz.gov

RE: Comment on Case # TP-ENT-1025-00021, TEP Midtown Reliability Project Vine Substation Position "against" (deny request for Special Exception)

Dear Mr. Mazzocco:

Thank you for the opportunity to observe and comment on the January 29 Zoning Examiner Hearing. Over the past two years, the Tucson-Pima County Historical Commission (TPCHC) has voted unanimously to issue at least six separate comments to Mayor and Council, the Arizona Corporation Commission, the Entitlements Section Manager, and Tucson Electric Power (TEP) recommending against TEP's proposed above-ground placement of 138kv transmission lines, now known as the Midtown Reliability Project (MRP).

Virtually any overhead installation route connecting to the Vine Substation through the boundaries of the University Area Plan, and/or the MRP Study Area (TEP public Interactive Map, January 2024 to present) including the "preferred route" (B4) will have unacceptable and practically irreversible negative visual effects on cherished historic/cultural resources. TPCHC agrees with TEP's Certificate of Environmental Compatibility Application "Exhibit E" evaluation by consultants Tierra Right of Way and The Architecture Company, finding that no route under consideration achieved a score of "1," meaning that no "route is not in proximity to any historic/archaeological site (least impact)." A list of resources within only four blocks of the proposed route would include:

Armory Park National Historic District
Arroyo Chico riparian ecosystem
Barrio San Antonio National Historic District
Don Martin Apartment House, 1929, City Historic Landmark
Coronado Hotel, 1928, City Historic Landmark
Downtown Archaeological Sensitivity Zone
Downtown Tucson National Historic District
Fourth Avenue National Historic District
Fourth Avenue Underpass, 1916, HABS/HAER, NRHP MPD "Vehicular Bridges in Arizona"
Hotel Congress, City Historic Landmark, 1919, and Heritage Landmark Sign, 1940
Iron Horse National Historic District
Julian Drew Building, 1917, City Historic Landmark

landscape facing northeast, including Babad Du'ag "Frog Mountain" or Mt. Lemmon
landscape facing east, including Ce:wi Du'ag "Long Mountain" or Rincon Mountains
landscape facing south, including To:wa Ku:swa "Turkey Neck Mountain" or Santa Rita Mountains
landscape facing southwest, including Cu:ksoñ "Black Base" or Sentinel Peak
landscape facing southwest, including Ce:mamagi "Horn Toad" or Tumamoc Hill
landscape facing northwest, including Bañ Bit Du'ag "Coyote Droppings" or Tucson Mountains
Miles Neighborhood, Miles School, 1921
Pie Allen National Historic District
Rialto Theater, 1919, City Historic Landmark
Rincon Heights National Historic District
Southern Pacific Railroad Locomotive No 1673, City Historic Landmark (at Transportation Museum)
Sunshine Mile National Historic District
Warehouse National Historic District
West University Historic Preservation Zone

It is important to note that the MRP will have negative visual effects on historic and cultural resources that have not yet been inventoried or are not yet old enough to meet the age that is generally considered historic. This must be considered, since TEP has claimed that the MRP pylons have a service lifespan of up to 100 years. The *future* damage of this project is impossible to calculate and is one reason why TPCHC has been hesitant from the outset to recommend particular routes and sites.

The TPCHC cannot comment on the legality of the MRP installations under consideration, but we do believe that the MRP certainly violates the spirit and intentions of long-standing plans and codes, such as the University Area Plan (Section 6, Guideline 6, on undergrounding), the 2025 voter approved Plan Tucson (A.25, on undergrounding and visual impacts), the UDC Gateway Corridor Zones (Section 4.9.11 A.13, on undergrounding), as well as the clearly stated 2021 decision of the City of Tucson Zoning Administrator. Similarly, we cannot comment specifically on whether certain infrastructure or routes visually impacting National Register Historic Districts and City Historic Preservation Zones, or other potentially historic/cultural resources meet the Secretary of the Interior Standards, or meet Federal criteria of an "adverse effect" as outlined in 36 CFR Section 800.5 (a) (2) (v). However, the TPCHC can, and must comment generally, when an eyesore of such magnitude is proposed to run through the heart of one of the most historically beautiful cities in the United States, especially when an obvious and proven alternative to overhead power lines exists. Our opinion is simple and is based upon the spirit of the National Historic Preservation Act (NHPA) of 1966, signed into law by President Lyndon B. Johnson. The NHPA not only encouraged historic preservation, it implicitly sought to allow the general public to enjoy a free and clear view of our nation's historic resources.

An obvious and proven alternative to overhead power lines exists. We strongly urge the Zoning Examiner to render a decision that will cause TEP to go back to exploring ways to underground the MRP. We urge all parties to acknowledge undergrounding strategies employed by other municipalities in the Phoenix area, as well as Anaheim, San Diego, and many others, some outlined in "Reclaiming Visual Stewardship in Tucson, Arizona: Is it Possible?" by Ellen Barth Alster, Senior Landscape Architect, [former] Pima County Department of Transportation, available from the United States Forest Service.

<https://www.fs.usda.gov/research/treesearch/57557>

In closing, we respectfully request that you deny TEP's request for a Special Exception. We believe that undergrounding is the best course of action and is the only way to avoid marring the visual integrity of Tucson's breathtaking natural viewsheds, including our distinctive, carefully preserved historic resources. It is our responsibility to protect Tucson's unique sense of place

that attracts tourists, new residents, filmmakers, commerce, industry, etc, to our picturesque city.

Please do not hesitate to reach out to me if you have any questions about this comment letter. My e-mail address is tmajewski@srircm.com, and my telephone is (520) 907-9677.

Sincerely,



Teresita Majewski, Ph.D., RPA, FSA
Chair, Tucson–Pima County Historical Commission

cc: Ms. Regina Romero, City of Tucson Mayor; City of Tucson Councilmembers; Mr. Tim Thomure, City of Tucson City Manager; Ms. Roxanna Valenzuela, City of South Tucson Mayor; City of South Tucson Councilmembers; Ms. Koren Manning, City of Tucson Director Planning and Development Services; Ms. Desiree Aranda, City of Tucson Historic Preservation Officer; Mr. Daniel Bursuck, City of Tucson Planning; Mr. Josué Licea, City of South Tucson Planning and Zoning Director; Pima County Board of Supervisors; Ms. Kris Gade, PhD, Director, Pima County Conservation Lands & Resources; Mr. Ian Milliken, Pima County Conservation Lands & Resources, Manager Cultural Resources & Heritage Preservation; Ms. Courtney Rose, Pima County Conservation Lands & Resources, Cultural Resources & Heritage Preservation; Mr. Verlon Jose, Tohono O'odham Nation Chairman; Mr. Austin G. Nunez, Tohono O'odham Nation Chairman, San Xavier District; Mr. Julian Hernandez, Chairman, Pascua Yaqui Tribe; TPCHC Commissioners (commissioners via blind cc)



JEFFERSON PARK
NEIGHBORHOOD ASSOCIATION
P.O. Box 41243, Tucson, AZ 85717

www.jeffersonpark.info

January 22, 2026

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Micheal Hailey (Area 4)
Fran Donnellan (Area 5)
Judy Janson (Area 6)*

Jim Mazzocco, Zoning Examiner
Planning and Development Services Department
PO Box 27210
Tucson, Arizona 85726-7210
Tucsonrezoning@tucsonaz.gov

RE: Case: Midtown Reliability Project Vine Substation, Case # TP-ENT-1025-00021

Dear Mr. Mazzocco:

The Jefferson Park neighborhood has numerous concerns about the TEP Midtown Reliability Project and the substation. Jefferson Park is situated directly north of the proposed Vine Substation, which will be located on the border of our neighborhood, a National Historic District. Our concerns follow.

Intrusiveness of the project: First and foremost, the project intends to erect 100 ft.+ poles through the very heart of the city, including residential areas, some historic, and adjacent to businesses and iconic institutions, such as the University of Arizona. The lines should be placed underground. The city's plan, Plan Tucson, calls for cabling to be installed underground wherever possible. The Plan calls for Provision 3.4.5.A of the Unified Development Code (UDC) of the City states that to grant any special exception, the Zoning Examiner must find that the exception: "Complies with the General Plan and any applicable sub-regional, area, or neighborhood plan." TEP's request fails to comply with the Plan. Additionally, The University Area Plan (UAP), Section 6, Guideline 6, states that, whenever possible, utilities within the UAP should be placed underground. The area from Broadway to Grant and from Country Club to Stone Avenue comprises the UAP boundaries.

An impassioned group of citizens, represented by the Tucson Undergrounding Coalition, and more recently, Underground Arizona, have been working on this issue for six years.

Underground Arizona has provided many examples to support the fact that lines can be undergrounded for literally pennies to the taxpayer; undergrounding of projects is occurring in Phoenix, Scottsdale, and other municipalities in Arizona. There is no feasible reason that prevents TEP from undergrounding the lines of this project, except they have chosen not to do so.

The proposed Vine substation is much larger than the current one and is better suited to be located in an industrial area. We have asked many times that the location be reconsidered and moved. However, our requests have been repeatedly rejected. We are informed that the current proposed location is the only option. We urge the Zoning Examiner to question this finding. Surely, another location in a more industrialized zone can be found. In addition to the intended location of the substation, our concerns with the proposed specifics are:

Walls: New walls should match the southwestern most walls, be the same height, and be sound proofed. They should have weepholes that direct run-off into appropriate catchment systems.

Traffic: The application notes that traffic will be reduced by relocation of the current U of A Facilities Management buildings, resulting in lower intensity use. However, this statement is inaccurate since the new facilities management site and building moved less than one block away. The same amount of traffic or more will move through the area on a daily basis. Mitigation and traffic calming on Vine should be required, such as, a landscaped traffic circle collecting stormwater at Vine Avenue and Lester Street.

View Corridors: The application notes that the structure is bordered by residential use to the west. However, if the poles remain above ground, they will march right through residential areas and directly through our historic neighborhood. The massive above ground pylons are also slated to be erected on wholly residential streets, such as east Adams, that currently have no electrical poles at all.

The Gantry crane with the canopy will be 25' in height, exceeding the height of the surrounding 13.5' masonry wall by an additional 11.5'. This will certainly impact the view of residents west looking to the east and will affect the sight line of the residents looking from north to south.

TEP is asking for an exception to the 20' buffer on the north side due to the existence of U of A buildings. Currently, the UofA Recycling Center is housed there. However, if these buildings are removed, and it is very likely that they will be in the near future, a 20' landscaped buffer should be required in order to better shield the neighborhood view of the substation.

Lighting: The application states: "Lighting will be installed as part of the Project strictly for emergency and maintenance situations." Any lighting should include shields facing to any residential side, so as to protect residences from intrusive light sources.

Hydrology and Drainage: On page 10 of the application package, "Note: Every effort will be made to include water harvesting techniques similar to the C2E project that exists in the Jefferson Park Neighborhood north of the site. Water harvesting may not impede pedestrian needs or the function of the substation the application states."

In the Design Review Board (DRB) report, Procedural 9. 2, "Rainwater harvesting system be sloped toward the west to serve the landscaping that will be provided;" Any water coming from the substation should be directed with the use of weepholes into stormwater basins. The existing run-off conditions are very poor, and this is an opportunity to provide some relief. Although directing the water west alleviates the flooding in the Cherry Avenue area, Vine still becomes a river during heavy rainstorms. If the water is to drain west from the substation, there needs to be a substantial catchment system.

Safety: The proposed use of SF6 Gas remains an area of great concern for Jefferson Park. The UA operates a 46kV GIS substation south of this Property at the southeast corner of N. Vine Avenue and E. Lee Street. This substation also uses SF6, and past reports have stated that there have been no leaks or other safety issues associated with the substation. We are grateful that there have been no leaks at either location. However, this larger station that will utilize far more SF6 Gas is a serious gamble. For the record, "SF6 gas is the most potent greenhouse gas in existence-in fact, 23,900 times more potent than carbon dioxide." (New York Times, June 14, 2013, Section A). TEP continues to say that there is no other option, though our studies indicate there is research to show there are other countries who have banned the gas. TEP continues to state that there is no problem, and they will be able to address any leaks. Before making any decision, we

request that you ask TEP to provide a thorough and comprehensive report citing multiple, updated sources on the pros and cons of the use of SF6 Gas, and most importantly, its use and safety in densely populated urban settings.

We appreciate the opportunity to once again share our concerns with the Zoning Examiner. The choice of this specific site in the midst of an urban area and heavily populated neighborhoods, Banner Hospital to the east, and U of A properties nearby, seems a poor and risky choice. As we stated in our prior communications, the selection of the site was conducted without public input, and information shared only after its purchase by TEP, and with plans well underway.

The entire Midtown Reliability Project will cut through the very heart of the city and will impact countless residential areas, some historic, and businesses as well. It is an extremely controversial project; there are thousands of pages of shared public concerns, reports, and other information accumulated during the six years since the project was first presented to the neighborhoods and the public.

We urge the Zoning Examiner to deny the TEP application. Serious consideration should be given to the comments and requests in this letter regarding the substation to mitigate its unsettling presence, should it move forward. At the very least, all lines within the perimeter of the University Area Plan, should be undergrounded. Thank you.

Very Truly Yours,

The Jefferson Park Neighborhood Association

Cc: City of Tucson Mayor and Council
Tim Thomure, City Manager
Yolanda Lozano, Interim City Clerk
Desert Mallow Neighborhood



Mike Attwood

January 28, 2026

*President, Desert Mallow
Neighborhood Association
P.O. Box 40394
Tucson, AZ 85717
desertmallow.org*

PDSD, Zoning Examiner
201 N Stone Avenue,
Tucson, AZ 85726
Tucsonrezoning@tucsonaz.gov

To Zoning Examiner,

This letter is in regard to TP-ENT-1025-00021 TEP Vine Substation – Vine Avenue, R-2 (Ward 6) to be heard on January 29th, 2026. Our neighborhood position is “against” (deny request for Special Exception).

We are opposed to deliberating on an exception for the vine substation without considering the broader context of TEP’s Midtown project. The proposed overhead transmission lines in the Midtown project do not conform with requirements from the University Area Plan, nor Plan Tucson. Moreover, they would be detrimental to both the current state, and future growth, of the Desert Mallow Neighborhood.

If the special exception was resubmitted as part of the broader Midtown project along with provisions to underground the project’s transmission lines, we would have no further conflict with the substation project. However, we cannot accept the proposal in its current state.

Sincerely,

Desert Mallow Neighborhood

Mike Attwood, *President*
Aaron Paxton, *Vice President*
PMM Weber, *Treasurer/Secretary*

CC:

*Kevin Dahl, Ward III
Miranda Schubert, Ward VI*



TEP Midtown Reliability Project Vine Substation, Case # TP-ENT-1025-00021

From D.W. Lett <rostrha@gmail.com>
Date Wed 1/28/2026 8:06 AM
To TucsonRezoning <TucsonRezoning@tucsonaz.gov>

You don't often get email from rostrha@gmail.com. [Learn why this is important](#)

Italic font shows corrected text of items 1 and 4 Please use this version. Thank you.

Dear Jim:

There are several reasons to reject the proposed rezoning described in Case TP-ENT-1025-00021. They have a common theme: This project is not in the public interest.

- 1) The rezoning is intended to facilitate a version of *TEP's proposed Midtown Reliability Project that involves* above ground power lines, which are explicitly forbidden by the Major Streets and Routes Plan, the University Area Plan and the Neighborhood Plans of several neighborhoods along the proposed route.
- 2) The substation would be insulated with sulphur hexafluoride gas. Even TEP admits that this gas displaces oxygen when released. TEP also admits that, should arcing occur, a toxic byproduct would be produced. TEP claims that the toxic byproduct would be contained within a sealed interrupting chamber. That may be true when the substation is brand-new and operating as designed. It won't be true in perpetuity, as is indirectly conceded by the TEP plan for long-term monitoring and cleanup of toxic leaks. It is utterly inappropriate to expose the residents of the adjacent neighborhoods and the patients and staff of the adjacent Banner University Medical Center to such hazards. There is no excuse for endangering the public in this manner when TEP has other locations where a safer open-air substation could be built.
- 3) The unacceptable risk to human life is compounded by the location of a small, University-owned, gas-fired power plant immediately north of the proposed substation. A serious accident at the gas-fired plant would trigger an accident at the substation.
- 4) TEP has repeatedly misrepresented aspects of *undergrounding power lines for the Midtown Reliability Project*, including the likely cost (far out of line with comparable projects), the impossibility of collecting the revenue to pay for *undergrounding* (ignoring the normal procedure for amortizing costs over time and the recent rate increases granted by the ACC), and the status of project approvals (still under litigation). This chronic deception of the public should not be rewarded by any officer of the City of Tucson.
- 5) TEP has demonstrated contempt for the zoning ordinances of the City of Tucson. Apparently TEP believes that, if bullied enough, Mayor and Council will grant TEP blanket exemption from the

undergrounding requirements in our city's Unified Development Code. This behavior should not be rewarded by the Zoning Examiner.

Lastly, if it is your recommendation that this project be approved by M&C, I join the Tucson Neighborhood Undergrounding Coalition in requesting that undergrounding of all power lines within the University Area be a Condition of Rezoning.

On behalf of Feldman's Neighborhood Association,

Diana Lett
Vice President
Chair, Neighborhood Preservation Committee
Feldman's Neighborhood Association



Comment for TEP zoning hearing

From Betsy L <betsybesenick@gmail.com>
Date Wed 1/28/2026 10:59 AM
To TucsonRezoning <TucsonRezoning@tucsonaz.gov>

You don't often get email from betsybesenick@gmail.com. [Learn why this is important](#)

Re: TEP Midtown Reliability Project
TP-ENT-1025-00021

As president and representative of West University Neighborhood Association, I strongly encourage the zoning examiner to deny TEP's request for a zoning exemption in case # TP-ENT-1025-00021. As presented, TEP's Midtown Reliability Project & Vine Substation are noncompliant with city code, area plans, and our historic zoning overlay.

Provision 3.4.5.A of the Unified Development Code (UDC) of the City states that to grant any special exception, the Zoning Examiner must find that the exception: "Complies with the General Plan and any applicable sub-regional, area, or neighborhood plan." TEP's request clearly fails to do so.

The purpose of the Vine substation is to support transmission lines. Any new power lines entering and exiting the substation need to comply with area plans & zoning overlays. The three instances where TEP fails to comply by refusing to underground the lines...

- Plan Tucson 2025
- University Area Plan, Section 6, Guideline 6
- West University Historic Preservation Zone UDC 5.8.9.L.4

Over the last 6 years, TEP has continually failed to be transparent and honest with our neighborhood. From "working groups" that pitted neighborhoods against one another to mass disinformation campaigns. TEP has created confusion and distrust in the community. Please hold TEP accountable to our laws, and deny their zoning exemption request. Tucson Deserves Better!

Sincerely,
Betsy Larson
WUNA President

February 11, 2026

Jim Mazzocco
Zoning Examiner
City of Tucson
Planning & Development Services Department
201 North Stone Avenue
P.O. Box 27210
Tucson, AZ 85726

Re: TP-ENT-1025-00021

Mr. Mazzocco,

On behalf of the West University Neighborhood Association, I greatly appreciate your careful consideration of the facts and history of TEP's proposed Midtown Reliability Project (MTR.) Thank you for listening to our community and honoring a robust public process.

As part of my comments on the evening of 1/29/2026, I raised concerns about our neighborhood's protections & required public process as defined under our Historic Preservation Zone (HPZ.) You called out my concerns directly that evening and asked TEP if they could provide further details of pole location etc. TEP's response was nonsensical. They managed to dodge our specific questions and hid behind the findings of the Arizona Corporation Commission. Let's be clear; our neighborhood's HPZ is not under ACC jurisdiction.

TEP doubled down on hiding behind the ACC in their latest response to Mr. Mazzocco dated 2/10/2026, titled "Request 1." Once again, TEP fails to even acknowledge our HPZ. If TEP took the time to understand our city code they would know that zoning violations often predict the loss of a historic property. The consequences of zoning violations can take years or even decades to destroy a historic property's contributing status. Preservation is a complex tapestry that requires thoughtful analysis and specific zone planning. TEP

continues to oversimplify historic preservation and misrepresents the ACC's control over such matters.

Why does TEP continue to ignore the existence of our HPZ? Unlike a Historic District, our HPZ contains stringent restraints. Given the lack of information TEP has provided, it's impossible to know how TEP's MTR project will impact our HPZ without details on pole dimensions, placement, and line sway over properties. Further, TEP should be required to submit their project before the West University Historic Zoning Advisory Board (WUHZAB.) Euclid is a narrow and congested roadway. Sidewalk accessibility, large utility placement, and historic properties will all be competing for space. We should expect a public process to ensure TEP is compliant with our neighborhood's zoning overlay.

I focus on our HPZ not because I believe it's more important than the other under-grounding arguments, but because it demonstrates TEP's lack of genuine engagement. For the last 6 years TEP has continually failed to show up and listen to our community with intention and honesty. They might check off public outreach boxes or make colorful graphics to convince officials, but the proof is NOT in the pudding! Had they been listening for the past 6 years they would have addressed our HPZ & broader UA plan with respect. Mr. Mazzocco, I urge you to not reward TEP's disrespect of our community. For far too long they have been granted an unchecked rubber stamp. Now is the time to uphold our laws! Tucson Deserves Better!

Sincerely,
Betsy Larson
President, West University Neighborhood Association

Henry Werchan
715 E. University Blvd Unit 1
Tucson, Arizona 85719

January 27, 2026

Mayor, City Council, and Zoning Examiner
City of Tucson
255 W. Alameda St.
Tucson, Arizona 85701

To the Mayor, City Council, and Zoning Examiner of Tucson, Arizona:

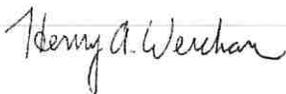
My name is Henry Werchan, and I have been a Tucson resident for nearly 30 years, living in the historic West University neighborhood. I am writing to recommend **against** approval of Special Exception or Rezoning request TP-ENT-1025-00021-TEP Substation, - Vine Avenue (Ward 6), which is being heard on 29 January 2026.

Tucson Electric Power (TEP) has consistently fought our neighborhood and others as they seek to upgrade the electric infrastructure. They have not listened to any reason or accepted any neighborhood input regarding how to install the 138 kV infrastructure.

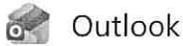
The neighborhoods have consistently stood together and demanded that TEP underground this new infrastructure but have been met with nothing but negativity and attempts to compromise the City of Tucson's historic integrity.

This Special Exception or Rezoning request should be denied and TEP should be forced to deal with the City of Tucson residents on this important issue.

Sincerely,

A handwritten signature in cursive script that reads "Henry A. Werchan".

Henry Werchan
Resident and Board Member, West University Neighborhood Association (WUNA)



RE: Vine Substation, Case # TP-ENT-1025-00021

From COLLEEN NICHOLS <cnichols17@cox.net>
Date Wed 1/21/2026 10:17 AM
To TucsonRezoning <TucsonRezoning@tucsonaz.gov>
Cc Schwarz John Erwin - (jes) <jes@arizona.edu>; Bill Craig <wjcmay@gmail.com>

1 attachment (175 KB)

Response to TEP ZE Appeal final(4).pdf;

Dear Mr. Mazzocco,

Attached, please find a document from the Steering Committee of the Tucson Neighborhood Undergrounding Coalition. We present a compelling case regarding the TEP Special Exception Land Use Permit application, Case # TP-ENT-1025-00021. We respectfully ask the Zoning Examiner, if the application from TEP for a zoning exception is approved, to do so only on condition that all proposed transmission lines connected to the substation that lie within the University Area Plan be placed underground..

We greatly appreciate your consideration.

Thank you,

John Schwarz, Colleen Nichols, and Bill Craig
Steering Committee, Tucson Neighborhood Undergrounding Coalition

**Argument to the Zoning Examiner Supporting the Denial of TEP's Application for a
Special Zoning Exception for its Midtown Reliability Project**
Vine Substation, Case # TP-ENT-1025-00021

Submitted by the Steering Committee of the Tucson
Neighborhood Undergrounding Coalition*

TEP has applied for an exception to build a sizeable substation, the Vine Substation, as an integral component of its Midtown Reliability Project. While TEP makes no mention of how electricity will be delivered to and from the substation, the project requires 138kV transmission lines to and from the substation that will be the means to provide the electricity. The exception TEP is requesting, therefore, is actually twofold --- constructing the proposed substation itself, including its impact on the surrounding neighborhoods, and equally important, how the lines to and from the substation will be constructed so as to comply with the University Area Plan (UAP) that applies to the project.

The UAP calls for the undergrounding of new utility lines. Were TEP's project to involve no lines, there would be no compelling need to upgrade the Vine substation and thus no compelling need for TEP to ask for this zoning exception. We respectfully request that if the zoning exception is granted, the Zoning Examiner, in accordance with Tucson's Unified Development Code, do so only with the specific condition that TEP comply with the University Area Plan (UAP) and underground all lines to and from the Vine substation that are within the territory governed by the Area Plan.

According to Tucson's Unified Development Code (UDC), to be granted a special exception, an application for such an exception must meet each of the provisions in UDC 3.4.5.A. The UDC states, at 3.4.5.A, that to grant any special exception, the Zoning Examiner must find that the exception: "*Complies with the General Plan and any applicable sub-regional, area, or neighborhood plan.*" (our italics) TEP's request fails to do so.

Guideline 28.1.2 of Plan Tucson, a general plan which covers special exceptions encompassing the whole city, calls for cabling to be installed underground wherever possible. As already mentioned, TEP's request also conflicts with the UAP. That plan covers the entire area from Broadway to Grant and Stone to Country Club. Section 6, Guideline 6 of the UAP states to the effect that, whenever possible, utilities within the University Area Plan should be placed underground.

It is important to add that every advantage of the Midtown Reliability Project as regards the needed upgrading and modernizing in the delivery of electrical service for Tucson and its citizens will be met whether the connection to the substation and transmission lines coming to and from it are constructed above ground or underground in the areas required by the city's area plans.

Given the direct conflict with the UAP as well as with the Tucson Plan broadly defined, and therefore with UDC 3.4.5A, the Zoning Examiner must deny the zoning exception unless the

*The Tucson Neighborhood Undergrounding Coalition Steering Committee consisting of fourteen neighborhoods and organizations representing nearly 25,000 Tucsonans. The neighborhoods and organizations are: Catalina Vista, Feldman's, Iron Horse, Jefferson Park, Mountain/1st, Pie Allen, Rincon Heights, Rillito Bend, Sam Hughes, Samos, and West University plus the Historic Fourth Avenue Coalition, the Grant Road Coalition, and the Tucson Historic Preservation Foundation. The Coalition's Steering Committee is comprised of John E. Schwarz, Colleen Nichols, and William Craig.

lines to and from it are constructed underground, at least within the area covered by the UAP. Or, unless TEP can show that there were special reasons that would still warrant an exception.

TEP gives two such reasons. First, TEP argues that undergrounding of the project is not feasible. Second, it argues that its project, even though above ground, complies with the spirit, goal, and intent of the undergrounding requirements.

1. As regards the first line of argument, feasibility, TEP acknowledges the technological feasibility of installing the project underground, but argues that it is not financially feasible to do so. TEP makes this claim without offering effective evidence.

Regarding financial infeasibility, TEP defends its position by referring to the decision of the Siting Committee of the Arizona Corporation Commission (ACC), which determined that the project constructed underground is financially unfeasible. But courts have rejected this ACC determination, ruling that the ACC does not have jurisdiction on the matter. As important, the essence of the ACC decision is that any cost to TEP, however small or large, is infeasible by definition, but such a definition cannot be the meaning of “feasible” within the UAP guideline. If it were, the definition would render it illegal for the City ever to require TEP to underground utility lines at any expense to TEP at all.

TEP has testified that undergrounding the required sections of its project will add \$60 million to the cost of the project, or about \$30 million per mile. Disregard for the moment that every other project that has undergrounded transmission lines within urban areas in the state of Arizona during the past few years has cost half as much, or less, per mile. Beyond this, even TEP’s exaggerated \$60 million for two miles, when amortized over the lifetime of the project and divided among all TEP customers, would cost less than one dime per \$100 in customer payments to TEP, which clearly is not an unfeasible cost.

TEP says it believes that charging all TEP customers when only some customers will benefit from the undergrounding is unfair. We contest that only some customers benefit, and TEP apparently agrees that most customers in fact will benefit. They themselves proposed that the undergrounding of the project be paid for by taxing all TEP customers within the City of Tucson, an option they vigorously supported as the alternative to raising TEP’s rates or to defraying the cost themselves.

Undergrounding the MRP where required is, in fact, clearly both technologically and financially feasible. The Zoning Examiner has made this same determination in the past. We ask the Zoning Examiner to reaffirm that determination.

2. TEP’s second line of argument is that the project installed throughout the UAP and connected to the Vine substation above ground complies with the spirit, goal, and intent of undergrounding requirements. TEP argues that overheading the transmission lines will look no worse than the area presently looks.

TEP’s main support for this argument is that when built above ground, the project will remove a number of lower poles presently within the area.

With respect to MRP’s effect on the Broadway and Euclid intersection, the Zoning Examiner determined that removing some poles while simultaneously erecting fewer poles that are substantially taller—up to 40 feet taller—does not meet the intent, goal, or spirit of Plan Tucson or the UAP. That same determination with respect to Plan Tucson and the UAP would apply to

the Vine substation because there will be a twenty-to-thirty times greater number of new massive poles constructed along Euclid Avenue, Park Avenue, and elsewhere within the University area if an exception for the Vine substation does not require that the transmission lines to and from the Vine substation within the UAP be placed underground. That reason ought to be enough by itself to require that the lines within the UAP be placed underground.

On top of this, there is no way to know in any case how many lower poles will actually be removed because TEP does not control what new distribution lines other companies will construct that don't require rezonings in order to construct them. The University area could easily end up with a huge clutter of poles up and down both its main and residential streets, including both normal poles and the huge ones, with no means of protection against them, in total conflict with the UAP.

Still another consideration, too, adds in. Within the context of the City's ruling that the Broadway and Euclid intersection must be constructed underground, if TEP is allowed overhead the project within the UAP area, TEP will have to construct two risers alongside that intersection, both at the north end and the south end, instead of just one at the south end. TEP, itself, has described a riser as massive and ugly.

We close by respectfully asking the Zoning Examiner, if the application from TEP for a zoning exception is approved, to do so only on condition that all proposed transmission lines connected to the substation and lie within the UAP be placed underground.

SAM HUGHES
NEIGHBORHOOD
ASSOCIATION
National•Historic•District



www.samhughes.org

24 January 2026

Jim Mazzocco, Zoning Examiner
City of Tucson
Re: TP-ENT-1025-00021 (Vine Substation)
E-mail: Cityclerk@tucsonaz.gov

Mr. Mazzocco,

We understand that, once again, as part of their "Midtown Reliability Project," Tucson Electric Power is applying for a Special Exception Land Use Permit (SELUP) for the Vine Substation. As you know, their application for a SELUP was already denied in May 2021 for several reasons. Those same reasons apply today and their application should again be denied.

Their application does not comply with various City plans and ordinances. For example, it does not comply with Plan Tucson 2025 or the University Area Plan, which require that new transmission lines are to be installed underground. Also, undergrounding has proven to be safer and more reliable.

It is hard to understand why TEP continues to work so hard to avoid undergrounding. The cost is, overall, insignificant. They have already spent more money fighting the undergrounding than it would cost them to do it. Also, several cities in Arizona – Phoenix, Chandler, Tempe and Scottsdale – have several miles of underground lines. To comply with local plans and ordinances, TEP would only be putting about two miles of lines underground.

In a letter that we sent to the Tucson Mayor and Council on 3 August 2025, we stated the following: "Protecting the quality of life and character of established neighborhoods is important." We still believe that is true and we urge you to deny TEP's request for a Special Exception Land Use Permit.

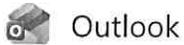
Sincerely,

Gayle Hartmann

Gayle Hartmann, president
(on behalf of the SHNA Board)

Sam Hughes Neighborhood Association
a 501(c3) organization
P.O. Box 42931, Tucson, AZ 85733-2931
Board of Directors

Gayle Hartmann, President - Bill Craig, Vice President - John Blackwell, Treasurer - Madelyn Cook, Secretary
Michay Brown - Carolyn Classen - Nan DeFeo - Leo Katz - Scott Mobley - Len Nicholson - Vytas Sakalas



Outlook

Re: TP-ENT-1025-00021 - DRB Comment

From Daniel Dempsey <daniel@undergroundarizona.org>

Date Mon 1/12/2026 11:12 AM

To Maria Gayosso <Maria.Gayosso@tucsonaz.gov>

Cc COLLEEN NICHOLS <cnichols17@cox.net>; John Schwarz <jes@email.arizona.edu>; Mike Attwood <mikeeattwood@gmail.com>; Aaron Paxton <aaronjpaxton@gmail.com>; John Beall <John.Beall@tucsonaz.gov>; Jay Olivas <Jay.Olivas@tucsonaz.gov>; Koren Manning <Koren.Manning@tucsonaz.gov>; Betsy L <betsybesenick@gmail.com>; gaylehartmann4@gmail.com <gaylehartmann4@gmail.com>

1 attachment (285 KB)

20250123 Underground Arizona Zoning Examiner Comment.pdf;

You don't often get email from daniel@undergroundarizona.org. [Learn why this is important](#)

Good Morning, Maria, John, Koren, and Jay,

I want to be sure PDSO Staff understands that there are 2,000 pages of testimony under oath by TEP at the ACC about this project. A lot of the things TEP continues to state are directly contradicted by that record (e.g. cost, pole reductions, ACC overrides city, impact on ratepayers, disruptions, improvements, etc.). TEP relies on PDSO not reviewing that record.

Our attached comment from the intersections SE samples some of it. We will formally comment on Vine soon.

You have to also look at this in context. APS and SRP, the electric utilities in Phoenix, have undergrounded dozens of miles of transmission lines, even where it was not required by plans or ordinances. It happened simply because a city asked. The city didn't pay for it--though in some cases there was window dressing. There weren't new taxes or fees. TEP treats Tucson like a second class city and the only way to get TEP to stop doing that is to enforce the letter and spirit of the law. APS undergrounded 8 miles adjacent to ASU. Adjacent to UA requires only 2 miles. There is zero impact to ratepayers. TEP had a chance to demonstrate ratepayer impact at the ACC and declined to do so. Meanwhile, we presented analysis that showed a worst case scenario of pennies, which went undisputed by TEP.

The Zoning Examiners have consistently held that they look at the totality of the project. If they only looked at the substation (or any other piece) in isolation, the 2021 ZE decision would have been for TEP (how the lines come into the substation would be irrelevant). Same with the 2024 decisions. Nothing in city code requires ACC approval for anything--ACC and city processes are parallel, as the city attorney outlined repeatedly. The city can--and must--regulate how something is built because it's not the utilities job to care

Replacing 30ft poles with 90ft poles is not an improvement. And TEP cannot even guarantee the joint-use attachers will go underground. We may end up with double or triple the poles when all we have to do is enforce the law and stop bending over backwards for TEP's fabricated nonsense.

PDSB has to see through TEP's endless fabrications for why it cannot comply with the letter and spirit of our plans and ordinances. TEP cannot be above the law.

Thanks,
Dan

On Tue, Nov 25, 2025 at 10:26 AM Daniel Dempsey <daniel@undergroundarizona.org> wrote:

Thank you! And, in reviewing the 2021 minutes, despite what TEP claims, the ACC has zero jurisdiction on whether a project is to be above or below ground. The ACC only has the power to determine a routing corridor. The design within that corridor is determined by municipal law--e.g. plans and ordinances.

Thanks,
Dan

On Tue, Nov 25, 2025 at 10:24 AM Maria Gayosso <Maria.Gayosso@tucsonaz.gov> wrote:

Thanks for the feedback, Mr. Dempsey. I'm sharing your comments with the Entitlements team, who is processing the Special Exception application for the Vine Substation. -- María

From: Daniel Dempsey <daniel@undergroundarizona.org>

Sent: Tuesday, November 25, 2025 10:15:56 AM

To: Maria Gayosso <Maria.Gayosso@tucsonaz.gov>

Cc: COLLEEN NICHOLS <cnichols17@cox.net>; John Schwarz <jes@email.arizona.edu>; Mike Attwood <mikeeattwood@gmail.com>; Aaron Paxton <aaronjpaxton@gmail.com>

Subject: TP-ENT-1025-00021 - DRB Comment

You don't often get email from daniel@undergroundarizona.org. [Learn why this is important](#)

Good Morning, Maria,

We were unaware of the DRB meeting on TP-ENT-1025-00021 for 11/21. We would like to provide the following comment:

The design as proposed by TEP shows new above ground poles and wires. The University Area Plan (UAP), as plainly written and interpreted by two Zoning Examiners, requires--and Plan Tucson 2025 Guideline A24, among others, prefers--new lines to be placed underground wherever possible. TEP has admitted under oath before the ACC that undergrounding is possible.

We're not sure what standards the DRB reviews against but want to be sure this is pointed out early in the process. As presented to the DRB, the design would not be compliant with at least the UAP.

Thanks,
Dan



TP-ENT-1025-00021 - Vine Substation Comment

From Daniel Dempsey <daniel@undergroundarizona.org>

Date Sun 1/18/2026 8:44 AM

To TucsonRezoning <TucsonRezoning@tucsonaz.gov>; John Beall <John.Beall@tucsonaz.gov>

Cc Roi Lusk <Roi.Lusk@tucsonaz.gov>; Koren Manning <Koren.Manning@tucsonaz.gov>; Miranda Schubert <Miranda.Schubert@tucsonaz.gov>; Kevin Dahl <Kevin.Dahl@tucsonaz.gov>; Ward6 <Ward6@tucsonaz.gov>; ward3 <ward3@tucsonaz.gov>; Kylie Walzak <Kylie.Walzak@tucsonaz.gov>

1 attachment (251 KB)

20260119 UAZ Vine Zoning Examiner Comment.pdf;

Good Morning, Mr. Beall, Mr. Mazzocco, and TucsonRezoning,

Attached is our formal comment on TP-ENT-1025-00021. We would also like to be added as an Interested Party or Intervenor if that's allowed.

There is no reasonable way to find for TEP when exposed to the entire ACC record and the preceding findings of ZE Iurino and ZE Cassidy. The project does not comply with plans and there is no realistic way to mitigate adjacent impacts absent undergrounding.

See you on January 29th.

Thanks,

Dan

--

Daniel Dempsey

Underground Arizona

Underground Arizona
<https://undergroundarizona.org>
Daniel Dempsey, Executive Director
daniel@undergroundarizona.org

January 19, 2026

Planning and Development Services
Attn: John Beall, Entitlements Section
PO Box 27210
Tucson, AZ 85726-7210

REF: Comment on SELUP Application TP-ENT-1025-00021

I. INTRODUCTION

Tucson Electric Power Company's (TEP) application TP-ENT-1025-00021 for a Special Exception Land Use Permit (SELUP) for the Vine Avenue Substation must be denied because the required findings under UDC 3.4.5.A.2 and 3.4.5.A.5 cannot be made. The proposed substation and associated above-ground transmission facilities would negatively impact adjacent land uses in ways that cannot be substantially mitigated, contrary to UDC 3.4.5.A.2. In addition, the project's above-ground design is incompatible with the City's adopted plans, in violation of UDC 3.4.5.A.5.

Underground Arizona is not opposed to building new transmission facilities. We are opposed to building them in ways that needlessly harm Tucson's residents, businesses, competitiveness, and economic development—based on obstacles fabricated by TEP. Underground lines are not only possible, but they are also superior to above-ground lines in nearly every way.

PDSD's analysis is fatally flawed. It again recommends approval by stating the development is consistent with plans when it plainly is not. This is now the fifth time PDSD has recommended approval for this project. In the prior four decisions, the Zoning Examiners denied the applications. The primary reason: undergrounding is both possible and preferred or required by plans. As Zoning Examiner Cassidy wrote in his decision: "*...nothing in the TEP Application suggests that the benefits of the new 138 kV system will be lost by having this segment underground.*"

Underground lines are safer and more reliable—protected from wind and lightning—cheaper to operate and maintain—the total lifetime cost can be less than above-ground lines—and serve the express goals of protecting views, aesthetics, and encouraging new development found in City plans compared to above-ground lines. That is why APS undergrounded 14 miles of new transmission lines in Central Phoenix in the 1960s. It is why APS undergrounded 8 miles of transmission lines adjacent to Arizona State University. It is why the City of Mesa's municipal electric utility has three times better reliability than TEP. Tucson should not allow itself to be treated as a second-class city simply because of TEP's misplaced intransigence.

The Vine substation cannot be analyzed in isolation from the rest of the project. TEP's simulations show new above-ground infrastructure throughout the area. How lines and very tall poles impact adjacent areas matters—not just in our opinion but according to the four prior Zoning Examiner decisions. Nothing has materially changed in this new application compared to the May 2021 Zoning Examiner denial. The new design is not more compatible than the prior design. If anything, the new Plan Tucson 2025 is more strongly in favor of undergrounding and infill development than the prior Plan Tucson.

The Arizona Corporation Commission (ACC) approving routes is not and never was determinative. The ACC has zero jurisdiction on substations, undergrounding, or the enforceability of a municipality's plans and ordinances. Its powers are limited to transmission line routing. See *A.R.S. 40-360 et seq.* How something is built within a route is up to local law. See *APS v. Town of Paradise Valley, Arizona Supreme Court (1980)*. The City attorney's office has been clear that the ACC and City processes are parallel and not serial, meaning the outcome of one does not determine the outcome of the other. Thus, the ACC's approval is not evidence of compatibility.

The bottom line is: undergrounding a mere 2 miles in the economic heart of Tucson, adjacent to the the University of Arizona, the highest-density infill development in the city, residential neighborhoods, and long-time historic districts, to comply with City plans is not only doable but required. TEP's claims that undergrounding is disallowed by law, disallowed by the ACC, too expensive, or must be paid for by the City, are fabricated excuses that are belied by basic due diligence.

The following pages provide background that support our position and end with analysis and a conclusion. TEP provided over 2,000 pages of testimony on this project under oath before the ACC in a line siting hearing from July 8th to the 19th, 2024. It is available on ACC Docket L-00000C-24-0118-00232.

Underground Arizona is supported by current and former Tucsonans, University of Arizona students, staff, and alumni, neighborhoods, businesses, business associations, and investors, including most if not all neighborhood associations surrounding the University of Arizona.

II. ACC TESTIMONY

1. TEP testified that it is possible to underground its transmission lines (p. 26):

Meghan Grabel (TEP): We do not contest that the line can be constructed below ground. It is physically possible to do so.

2. And again here (pg. 1813):

Roi Lusk (City of Tucson): So, and I don't think anybody has testified that you can't [underground] physically or technologically. Is that correct?

Clark Bryner (TEP): Correct.

3. TEP testified that it avoided certain routes because high-density infill development had already occurred (p. 760):

Daniel Dempsey (Underground Arizona): Would you say this is the most rapidly densifying area in your service area?

Clark Bryner (TEP): I think the only thing I could say is it's a dense area and yes, it's getting more dense.

Daniel Dempsey (Underground Arizona): Okay. So in the Route C simulation, Larry, you said, "They have to avoid the east Speedway area because of tall buildings on both sides of the street." So I guess my question for either of you is how does a transmission line affect high-density infill development?

Larry Robinson (TEP): Again, according to National Electric Safety Code requirements, we have to maintain certain separations between structures, buildings, signs, lights, traffic signals and things like that; right?

So if the area is already occupied by some of those facilities that we can't maintain separation from, we do have options; right? We could buy the building and tear down the building or do something like that.

4. TEP testified that new buildings would have to be set back at least 16 feet from its transmission lines when blown out—meaning 25+ feet—due to code requirements (p. 764):

Clark Bryner (TEP): So the blowout is the sag in the conductor.

Daniel Dempsey (Underground Arizona): Right.

Larry Robinson (TEP): So in [UMC Banner's] counter she asked what that distance was and what we were looking for was 15 to 16 feet on the private easement. That's to account for that blowout and the NESC code requirements.

Daniel Dempsey (Underground Arizona): So 15 to 16 feet is a fair assumption?

Larry Robinson (TEP): That's correct. From property line, and also from the conductor blown out.

5. UMC Banner testified that transmission lines interfere with new investment (p. 1254):

Michele De Blasi (UMC Banner): And so if you're in the building, as opposed to a homeowner who this line would be above their home and not in eyesight, would this line be directly at eye level for someone standing in the building?

Mark Barkenbush (UMC Banner): It would be eye level for the majority of our floors in our patient tower.

Michele De Blasi (UMC Banner): And would this interfere with the whole purpose of the amount of investment in your patient areas and your towers?

Mark Barkenbush (UMC Banner): Yes. It would.

6. UMC Banner testified that it expects the City to enforce ordinances and plans that protect views. (p. 1321):

Daniel Dempsey (Underground Arizona): Generally speaking, do you expect the City to enforce its ordinances and plans that protect views?

Mark Barkenbush (UMC Banner): Yes, I would.

7. TEP testified that it has no control over what joint-use attachers will do (p. 748):

Daniel Dempsey (Underground Arizona): You seem to be very optimistic that communication wires will be undergrounded instead of using new poles or something like that. Do you have any way to guarantee that it will be undergrounded or visually improved?

Larry Robinson (TEP): So the joint-use attachers, we don't have right to tell them exactly how they're going to mitigate the use of that pole. So it would be inappropriate for me to answer that question.

Daniel Dempsey (Underground Arizona): So you don't have control over what they do, though, is what you're saying? Yes?

Larry Robinson (TEP): That's correct.

8. TEP testified that joint-use attachers may install their own poles (p. 755):

Daniel Dempsey (Underground Arizona): So you're removing these poles, the distribution poles. Can the communication companies say, "Hey, no, just cut the tops off, we're going to keep using them"?

Larry Robinson (TEP): They cannot. We own those poles, as Clark said, and we no longer have to maintain that joint-use agreement once we've taken our facilities off.

Daniel Dempsey (Underground Arizona): So they would have to, if they wanted to continue to use poles and not, you know, trench or whatever underground, they would have to install their own new poles?

Larry Robinson (TEP): That's correct.

9. TEP testified that some of the distribution poles have six joint-use attachers that would have to be relocated or moved underground (p. 493):

Clark Bryner (TEP): So you've got existing distribution facilities and 46kV facilities on the east side of Euclid Avenue in this location, with quite a number of communication attachers here. It looks like about five.

Larry Robinson (TEP): Six.

Clark Bryner (TEP): Six communication attachers, so all of that equipment would be relocated or moved underground.

10. TEP testified that each joint-use attacher would need at least one conduit in its trench. (p. 842):

Daniel Dempsey (Underground Arizona): As far as the communications go, they each get their own conduit. How does that work?

Larry Robinson (TEP): Yeah, my understanding is that each service provider, joint-use attacher, would put their own conduit in the ground.

11. TEP testified that, unless individual customers pay for underground service drops, poles will be required for each service drop (p. 463):

Member Hill (ACC): And so if you're undergrounding along my street a distribution line—like my house currently connects connects to a pole. Will I have a cost for bringing the line into my home if it's underground?

Larry Robinson (TEP): The way our current rates and rules are applied, that cost to put up a new underground service panel and to run from the underground service panel to our connection point would be borne by the customer. That's correct.

Member Hill (ACC): So in the road, or along the corridors where you are now taking aboveground distribution and putting it underground, each homeowner will have to incur a cost to connect to that underground trenched line?

Larry Robinson (TEP): No. Each owner can decide to stay with their overhead service, and in that situation we would run the underground cable over to the overhead service pole and come up the pole, and there they would be served the same way they are currently being served with an overhead service.

12. TEP testified that the minimum trench width to underground its distribution lines with the minimum two 6" conduits would be at least 2ft wide and at least 42 inches deep to the top of the conduit and become wider and deeper as more conduit is added (p. 889):

Daniel Dempsey (Underground Arizona): So you mentioned that to underground the distribution you need two six-inch conduits, right? And then potentially more if the communications providers want to add their stuff. What's the depth and the width of that trench?

Larry Robinson (TEP): So in clarification, I said one six inch with a spare is what we normally put in.

So it's two. But that would be for feeder. The trench width is usually dug about two feet wide because that's kind of the minimum width of the trench because you have to get down and place the conduit and do any trench work on the bottom of the trench to prepare for backfilling.

In addition to that, the minimum depth is 42 inches in depth. That's our minimum burial depth.

Daniel Dempsey (Underground Arizona): What are the maximums?

Larry Robinson (TEP): There are some settings depending on topographical features and things like that that can get well over 10 to 12 feet deep depending on what other underground conflicts or other topographical features you're trying to go around.

Daniel Dempsey (Underground Arizona): And how about maximum width?

Larry Robinson (TEP): For distribution, this is average. I wouldn't be able to tell you the maximum we have on our system, but maximum normally would be like a three foot-wide trench so we could put four conduits in a duct bank. That's generally speaking the maximum width.

13. TEP testified that undergrounding a transmission line occurs at about 100 feet per day (p. 988):

Meghan Grabel (TEP): And how long does it take to construct an underground transmission facility?

Jason Jocham (TEP): So an underground transmission facility kind of as identified here, typical installation is about 100 feet a day.

14. TEP testified that undergrounding a distribution line also occurs at about 100 feet per day and would require the closing of up to two lanes of traffic (p. 1163):

Daniel Dempsey (Underground Arizona): And you might have communication conduits as well, and my understanding is that you have to go to the same minimum

depth. So would you potentially run into the exact same conflicts [as transmission] that you'd have to go around or under or whatever?

Larry Robinson (TEP): Yes. The nature of undergrounding anything is that there are linear obstructions that you need to avoid during construction. You try to identify those during design and anticipate what those would look like by either relocating the obstruction or by going underneath it. But that has to happen whether it's a distribution voltage or whether it's a transmission voltage.

Daniel Dempsey (Underground Arizona): And is undergrounding distribution voltage, given it might be not as wide, but it has to be the same depth. Is it going to close the same amount of traffic lanes?

Larry Robinson (TEP): No, the equipment needed to dig that trench is a much smaller piece of equipment. The trench is 18 inches to two feet in width. So you can have a smaller equipment with a dump truck. We would probably close one to two lanes of that traffic.

Daniel Dempsey (Underground Arizona): Then it's the same hundred feet a day?

Larry Robinson (TEP): Roughly give or take, yes.

15. TEP testified that transmission lines interfere with communications signals (p. 584):

Clark Bryner (TEP): So communications interference, that's one of the factors that is in the statute required to be looked at and factored into the decision of the Committee.

So some communication lines—and I'm not a communications expert, so I'm going to translate it to my understanding. But some communications are point-to-point, and especially microwave communications have a very specific, small path where that communication signal travels through, and anything that breaks that path can make that obsolete.

And so it's a real thing that we need to watch out for if we break that specific path. And then, as we all know, if you drive under a high voltage line, if you've got the radio going, a lot of times you'll get nothing but static for a minute, so there are other communication factors as well.

16. TEP testified that there are no existing transmission lines near the University of Arizona (p. 747):

Daniel Dempsey (Underground Arizona): But generally speaking around the University of Arizona there are no transmission lines?

Clark Bryner (TEP): No transmission lines; correct.

17. The City pointed out that TEP has a history of leaving topped poles in place for joint use attachers (p. 2192):

Roi Lusk (City of Tucson): Well, Mr. Chair, I was actually going to ask for some clarification on that because, as we saw during the tour, there are multiple poles in the right-of-way that are what are called topped poles where TEP had poles in the right-of-way. They had attachers. And then through their agreements with their attachers they removed their infrastructure from the poles but then left the poles. So that's what I think might be the concern for the community.

III. PLANS AND ORDINANCES

The City of Tucson has many plans and ordinances that encourage or require: 1) high-density development in specific locations; 2) neighborhood compatible development that improves or protects aesthetics, streetscapes, and views; and/or 3) the undergrounding of utility infrastructure. The following is a non-comprehensive sample of plans and ordinances that apply to this project generally or at specific locations:

A. PLAN TUCSON 2025 (GENERAL PLAN)

1. Plan Tucson 2025 is the City's General Plan. Chapter 4 of Plan Tucson 2025 states: "*These Guidelines will provide primary guidance for those seeking to rezone the land and staff who review the proposed development.*" Relevant guidelines include:
 - a. A.25: "*Improve the appearance of above-ground utilities and structures by requiring facilities to be located, installed, and maintained to minimize visual impact and preserve access to views. Utilities should be installed underground where possible, and the visual impact of above-ground utility infrastructure should be a prime consideration in the City's acceptance and approval.*" [Emphasis added]
 - b. A.2: "*Support land use, transportation, and urban design improvements that will link the Downtown activity center, Fourth Avenue, the Warehouse District, and the University of Arizona and enhance the historic and cultural quality within the greater Downtown. Continue to work with the University of Arizona, private developers, and neighborhood groups to enhance these linkages and Downtown design character.*"
 - c. A.22: "*Support developments that are informed by engagement from surrounding communities.*"
 - d. N.2 and MUAC.1: "*High-density residential (R3 and similar zones) development is generally appropriate where primary vehicular access is provided to an arterial or collector street and is directed away from the interior of low-density residential*

areas.”

- e. N.7: “*Support environmentally sensitive design that protects the integrity of existing neighborhoods, complements adjacent land uses, and enhances the overall function and visual quality of the street, adjacent properties, and the community.*”
- f. MUAC.4: “*Support environmentally sensitive design, mixed-use infill, and appropriate nonresidential uses that are consistent with or enhance the vitality of the existing neighborhoods, complement adjacent land uses, and enhance the overall function and visual quality of the street, adjacent properties, and the community.*”

B. THE UNIVERSITY AREA PLAN (SPECIFIC PLAN)

1. According to UDC 11.4.20, a “Specific Plan” is defined as: “*A detailed policy plan or regulation that implements the General Plan or any of the elements of that Plan. Specific Plans include subregional, area, and neighborhood plans; the Major Street & Routes (MS&R) Plan; the Unified Development Code (UDC); and any other similar plan.*”
2. Between Broadway Blvd and Grant Rd, and between Stone Ave and Country Club Rd, TEP’s project is within the duly-adopted University Area Plan (“UAP”)—a Specific Plan.¹ The UAP, by definition, is an implementation of Plan Tucson. Here are some relevant policies:
 - a. Section 6, Policy 6 requires undergrounding wherever possible: “***Wherever possible, place utility and service equipment underground or in other visually screened locations.***” [Emphasis added]
 - b. Section 3.A, Policy 3 encourages development on the perimeter of neighborhoods: “*Support new development on the perimeter of residential areas which serves to protect and enhance the quality of life for neighborhood residents.*”
 - c. Section 3.B, Policy 2.3.2 encourages high density infill development along arterial and collector streets: “*high density (15 or more units per acre) residential development is appropriate in conformance with the following criteria: Vehicular access is provided to an arterial or collector street, and vehicular traffic is directed away from the interior of low-density residential areas...*”

¹ https://beta.tucsonaz.gov/files/sharedassets/public/city-services/planning-development-services/documents/university_area_plan.pdf

C. OTHER PLANS AND ORDINANCES

There are many more plans and ordinances that may also conflict with the project, such as overlay zones (e.g. Main Gate Square, Sunshine Mile, Grant Road Investment District, etc.), Historic Preservation Zones (e.g. West University), Neighborhood Preservation Zones (e.g. Jefferson Park, Pie Allen, and Feldman's), neighborhood plans, and base zoning ordinances. Due to the limited availability of sufficient public right-of-way, in many of these areas, TEP will have to acquire private property for its poles and easements for its lines. It is not clear that high voltage transmission poles are compatible with most base zoning on private property or in the right of way.

The Unified Development Code ("UDC")—also legally defined as a Specific Plan—must be interpreted and enforced in a way that is consistent with the City's general and specific plans. Specifically, UDC 1.4.1.D reads: "*All provisions of the UDC shall be consistent with, and conform to, the General Plan and other related plans and policies adopted by the Mayor and Council.*" Additionally, UDC 1.4.2.G reads: "*The Zoning Administrator may allow, within the right of way, only those uses or structures that are permitted on the property immediately abutting the right of way.*"

IV. PRIOR ZONING EXAMINER FINDINGS

1. From decision SE-20-16 by Zoning Examiner Iurino on May 13, 2021:

- a. On compatibility with plans (p. 8): "*PT provides policy direction to protect established residential neighborhoods by supporting compatible development and environmentally sensitive design that protects the integrity of existing neighborhoods, complements adjacent land uses, and enhances the overall function and visual quality of the street, adjacent properties, and the community. **The UAP specifically directs that utility lines be placed underground where possible to mitigate impacts on adjacent uses.***"

Based on the testimony at the Zoning Examiner hearing and the record, the Applicant does not intend to place the transmission lines underground. While this proceeding is separate from the line-siting process, as a practical matter the two are interrelated. Given the uncertainty regarding the route(s) to be selected for the Kino DMP Transmission Line Project, and the uncertainty of the location of the power lines which will connect with the proposed Vine substation, compliance with PT and UAP cannot be determined on the current record. [Emphasis Added]

2. From decision TP-ENT-1024-00023 by Zoning Examiner Cassidy on February 21, 2025:

- a. On UDC 3.4.5.A.2 (p. 12): "*The Acting Zoning Examiner also finds that other adverse impacts of overhead lines, including their constrictions on surrounding private and public development and their safety hazards, are significantly reduced*"

or even eliminated by being underground. These adverse effects cannot be substantially mitigated through the use of conditions if the lines are permitted to be installed overhead. Consequently, the Zoning Examiner cannot make the finding required by UDC Section 3.4.5.A.2. In the Zoning Examiner's opinion, the proposed overhead transmission lines are not "contextually sensitive" to adjacent and surrounding zoning and land uses. [Emphasis Added]

- b. On UDC 3.4.5.A.5 (p. 12): *"Plan Tucson seeks to maintain and improve the appearance of the City of Tucson. Policy LT1 seeks to achieve more esthetically pleasing public spaces. Although specifically addressed to telecommunications facilities and not electric transmission facilities, Guideline LT28.1.2 requires cabling to be installed underground where possible. Guideline LT28.2.12 supports "environmentally sensitive design that ... enhances the overall function and visual quality of the street, adjacent properties, and the community." The University Area Plan's "Public Services" policies expressly provide that utility and service equipment should be placed underground whenever possible. As a result, the Zoning Examiner cannot make the finding required by UDC Section 3.4.5.A.5 because this request conflicts with specific language in Plan Tucson and the University Area Plan."*
- c. On impact to adjacent land uses (p. 13): *"The Zoning Examiner disagrees with Applicant, and instead finds that transmission poles that may reach as high as 95 feet will have a significant impact on the immediately adjacent residential areas."* [Emphasis Added]
- d. On undergrounding (p. 13): *"...nothing in the TEP Application suggests that the benefits of the new 138 kV system will be lost by having this segment underground."*

V. ANALYSIS

1. TEP's application does not meet the requirements of UDC section 3.4.5.A.2.

UDC 3.4.5.A.2 says: *"To grant a special exception the PDSO Director and the Zoning Examiner must find that the requested special exception: Does not adversely affect adjacent land uses or the surrounding neighborhood or that such adverse effects can be substantially mitigated through the use of additional conditions as provided in Section 3.4.6;"*

As established in the TEP and UMC Banner testimony before the ACC, and Zoning Examiner Cassidy's findings, new high voltage transmission lines and poles in high-density urban areas adversely impact adjacent land uses and the surrounding neighborhood.

TEP has offered the removal of 30ft poles as mitigation. Unfortunately, as Zoning Examiner Cassidy found, replacing 30ft poles with 90ft poles—and placing new poles where there currently are none—does not mitigate the adverse effects on adjacent land uses or the surrounding neighborhood. Furthermore, TEP is on the record under oath stating that it would still need new distribution poles for underground-to-above-ground service drops and that it could not prevent joint use attachers from installing new poles.² It even asked the ACC to include a reduction in pole counts as a finding of fact in its decision and the ACC refused.³ The most likely result is a significant increase in pole count and pole height, which does not mitigate the adverse impacts on adjacent land uses and the surrounding neighborhood.

According to the Tucson-Pima County Historical Commission (TPCHC), high voltage transmission lines are incompatible with historic neighborhoods and streetscapes, which is contrary to most if not all City plans, HPZs, and NPZs.⁴ TEP even testified that above-ground transmission lines interfere with communications signals, which is a problem next to a hospital, major University, and downtown urban center.⁵

Therefore, the Zoning Examiner cannot reasonably make a finding that TEP’s project does not adversely affect adjacent land uses or the surrounding neighborhood or that such adverse effects can be substantially mitigated by additional conditions as required by UDC 3.4.5.A.2.

2. TEP’s application does not meet the requirements of UDC section 3.4.5.A.5.

UDC 3.4.5.A.5 says: *“To grant a special exception the PDS Director and the Zoning Examiner must find that the requested special exception: Complies with the General Plan and any applicable sub-regional, area, or neighborhood plan.”*

As outlined above, Plan Tucson 2025 and the UAP emphasize pedestrian-friendly infill development along arterial and collector streets on the outer edges of urban neighborhoods. Central Tucson—especially in the high-density, historic University area—has no transmission lines and does not have significant setbacks between the road, sidewalks, and private property. Therefore, the negative effects of a new above-ground transmission line are maximized. Furthermore, UMC Banner testified that looking out a window at a transmission line “interferes with the whole purpose” of new high-density development, even when it is hundreds of feet away.⁶ That is undoubtedly an expectation shared by all who live and invest under the City’s plans. TEP’s application does not comply with the development goals or guidelines of Plan Tucson 2025 or the UAP.

All simulations in TEP’s application show new poles and above-ground lines. The UAP requires utilities to underground new lines “wherever possible.” Similar language can be found in Plan

² ACC Testimony 7, 8, 9, 10.

³ See July 19, 2024 ACC Transcript and TEP CEC draft exhibits.

⁴ <https://docket.images.azcc.gov/E000036440.pdf>

⁵ ACC Testimony 15.

⁶ ACC Testimony 3, 4, and 5.

Tucson 2025. By TEP's own admission under oath, it is possible to underground these new transmission lines.⁷

Therefore, the Zoning Examiner cannot make a finding that TEP's project is compliant with plans as required by UDC 3.4.5.A.5.

3. Disruption will occur either way.

Another argument TEP has made is that undergrounding transmission lines is so disruptive to neighborhoods and traffic that it defeats the very policy of undergrounding. Setting aside the ridiculousness of that argument, TEP is already required by the ACC to underground distribution lines parallel to these transmission lines.⁸ TEP testified that undergrounding distribution lines requires the same minimum depth and similar width of a trench as transmission lines, and that it takes the same amount of time.^{9,10} Therefore, even were TEP's argument not ridiculous, it is moot because significant disruption will occur either way.

VI. CONCLUSION

For the aforementioned reasons, the Zoning Examiner cannot reasonably find that TEP's application meets the special exception requirements of UDC 3.4.5.A.2 or UDC 3.4.5.A.5. As such, the application must be denied.

The only realistic way for the project to be approved is for TEP to underground the new transmission lines where required by City plans. The many excuses and roadblocks fabricated by TEP over the years have failed to withstand basic due diligence. Other Arizona electric utilities have performed similar undergrounding for decades without issue—even when it was not required by plans and ordinances. TEP reasonably knows or should know how its application is going to be examined given the May 2021 Zoning Examiner's decision. Yet here we are five years later with a substantively identical application.

Please follow the decisions of prior Zoning Examiners, the will of the people as expressed in our duly adopted plans and ordinances, and deny this application.

RESPECTFULLY SUBMITTED this 19th day of January, 2026.

/s/ Daniel Dempsey

By Daniel Dempsey
Executive Director
Underground Arizona

⁷ ACC Testimony 1 and 2.

⁸ CEC Condition 16.

⁹ ACC Testimony 12.

¹⁰ ACC Testimony 13 and 14.

Underground Arizona
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Daniel Dempsey, Executive Director
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February 3, 2026

Planning and Development Services
Attn: John Beall, Entitlements Section
PO Box 27210
Tucson, AZ 85726-7210

REF: First Supplemental Comment on Costs on SELUP Application TP-ENT-1025-00021

I. INTRODUCTION

As stated in our prior written comment, Tucson Electric Power Company’s (TEP) application TP-ENT-1025-00021 for a Special Exception Land Use Permit (SELUP) for the Vine Avenue Substation must be denied because the required findings under UDC 3.4.5.A.2 and UDC 3.4.5.A.5 cannot reasonably be made. The Zoning Examiner has requested additional comment on cost.

At a high level, the up-front cost of undergrounding has never been less than the up-front cost of above-ground lines. Thus, the argument that higher up-front undergrounding costs defeat the City of Tucson’s undergrounding requirements defies logic. If cost alone could serve as an “escape hatch” from undergrounding requirements, then undergrounding requirements would rarely—if ever—be enforceable. It would also create an incentive for inflated or overstated estimates in contested cases; here, TEP’s undergrounding estimates have ballooned over time.

Importantly, the City’s undergrounding requirements necessarily reflect a policy judgment: elected Mayor and Councils reasonably understood that undergrounding typically costs more up front than overhead construction, and they adopted these requirements anyway because the long-term public benefits—reliability, safety, streetscape, historic preservation, infill development, and economic competitiveness—outweigh the higher initial cost.

This comment will explain why cost cannot create an exception to any City undergrounding requirements. We address: (1) the Franchise Agreement; (2) the 2024 Superior Court decision; (3) TEP’s ballooning cost estimates; (4) comparable projects in Arizona; and (5) how costs flow through to ratepayers.

II. THE FRANCHISE AGREEMENT

On July 10, 2000, TEP voluntarily entered into a Franchise Agreement with the City of Tucson. It was approved by voters on November 7, 2000, and remains in effect today. The Franchise Agreement is attached as Exhibit 1.

TEP agreed to the following (Exhibit 1, p. 21):

“SECTION 21. UNDERGROUNDING

(a) In General. Subject to Subsection (c), in any area where the Company is not already required, pursuant to federal, State, or local law or agreement, to place its transmission or distribution lines underground, in any new construction or relocation of aerial transmission or distribution lines, the City may require the Company to place such lines underground if the City pays the difference between the cost of placing such lines underground and the cost of placing them aerially. ...

(c) Exception to Undergrounding. The Company shall be required to place new aerial transmission or distribution lines underground only when such placement is feasible for technical or system reasons. Such reasons cannot include the monetary cost of the proposed undergrounding project.”

[Emphasis Added]

In the Arizona Corporation Commission (ACC) hearing on this project, TEP’s counsel Megan Hill stated on the record regarding Subsection (c) (Tr. p. 1639):¹

“We believe that subsection (c) applies when we are required under local law to [underground].”

In short: TEP voluntarily agreed to underground where required by local land-use law, and it further agreed that monetary cost cannot create an exception to undergrounding requirements. TEP’s own attorneys acknowledged this interpretation on the record before the ACC.

TEP’s only stated objection to undergrounding is cost. As outlined in our prior written comment, TEP has stated under oath before the ACC that undergrounding is technically feasible. That is sufficient to resolve the “cost” question: under the Franchise Agreement, cost cannot create an exception.

¹ ACC Hearing Transcript VOLUME VII 07/17/2024

III. SUPERIOR COURT

In 2024, TEP argued in Superior Court that state laws enacted since 1980 preempt a city's right to require undergrounding. The Superior Court rejected TEP's position. TEP did not appeal. The decision is attached as Exhibit 2.

The Superior Court stated the following regarding undergrounding (Exhibit 2, p. 8):

*"The State has also preempted the City's ability to determine where, **but not how**, transmission lines are constructed. The State clearly intended the Arizona Corporation Commission (ACC) to have exclusive authority over line siting for high-capacity transmission lines. A.R.S. § 40-360, et seq. See also 1971 Session Laws Ch 67, § 1. The purpose of this is to simplify the process of expanding Arizona's electrical grid, which is necessarily a matter of statewide importance. **However, the Court has been unable to locate any law which restricts the City's authority to regulate how transmission lines are constructed. TEP is correct that there is no law which explicitly grants the City the authority to require undergrounding, but neither is there a specific law which purports to exempt utilities from all zoning regulations.***

Therefore, the Court finds that, as a matter of law, the City has the authority to require undergrounding of transmission lines."

[Emphasis Added]

The ACC determines a route; the City determines how a line is built within that route. The City's plans and ordinances identify where new lines should or must be undergrounded. Examples include the University Area Plan (adopted in 1989), Plan Tucson 2025, and the West University Historic Preservation Zone, among others.

IV. COST

Although cost is legally irrelevant under the Franchise Agreement (and consistent with the Superior Court's recognition of City authority over "how" lines are constructed), we address cost to explain why TEP's estimates are not credible and why the impact would be insignificant even if cost were considered.

A. TEP'S BALLOONING COST ESTIMATES

Compliance with the City's laws would require undergrounding approximately two miles of transmission lines in the economic heart of the city, at a minimum.²

In 2020, TEP estimated the total cost of undergrounding in the University Area Plan to be \$16.4 million. (Exhibit 3.) Using TEP's own above-ground estimate of approximately \$2 million per mile (or \$4 million total for two miles), the incremental undergrounding cost implied by those estimates is approximately \$12.4 million total, or \$6.2 million per mile.

² For simplification of math, we assume 2 miles.

From Exhibit 3, p. 16:

“Based on the underground estimate developed in this analysis, an underground transmission line would cost approximately \$16.4 million.”

See also from TEP’s 2021 ACC application (p. 26):³

“New estimates prepared for the various routes presented in the application range from \$2 to \$2.8 million per mile for [above-ground] routes within the Gateway Corridor.”

In 2024, in its updated ACC application and testimony, TEP stated that the incremental cost of undergrounding those same two miles was now \$67 million (or \$33.5 million per mile).

From TEP’s 2024 ACC application (p. 29):⁴

“The shortest overhead line route is estimated to cost \$17 million, while the same line with portions undergrounded within the Gateway Corridor Zone is estimated to cost \$87 million. This extra \$67 million [sic] in cost is significant and would result in higher rates for all TEP customers if included in rate base.”

Thus, between 2020 and 2024, TEP’s incremental cost estimate increased by more than fivefold—from \$6.2 million per mile to \$33.5 million per mile. TEP attributed this to inflation, but TEP’s engineer stated inflation was approximately 20%.⁵ This disparity raises serious credibility concerns.

B. COMPARABLE COST ANALYSIS

To evaluate the credibility of TEP’s cost estimates, we reviewed nearby comparable projects that are a matter of public record.

In late 2021, in ACC Line Siting Case 195, Salt River Project (SRP) presented to the ACC that it would underground three miles of new transmission lines in Chandler at a total incremental cost of \$17 million (about \$5.7 million per mile). SRP’s Chandler project was a mile longer, higher voltage (230kV instead of 138kV), included two duct banks instead of one, and ran through narrower rights-of-way (a neighborhood), among other factors that should place it at the higher end of cost estimates.

Thus, TEP’s estimate—roughly six times higher than SRP’s incremental cost for a larger, higher-voltage project—further undermines its credibility.

We also maintain other recent actual costs from projects in Arizona on our website, all pulled from public legal filings.⁶ None of these incremental costs approach \$33.5 million per mile; we have not seen incremental costs even one-third that high. See Figure 1.

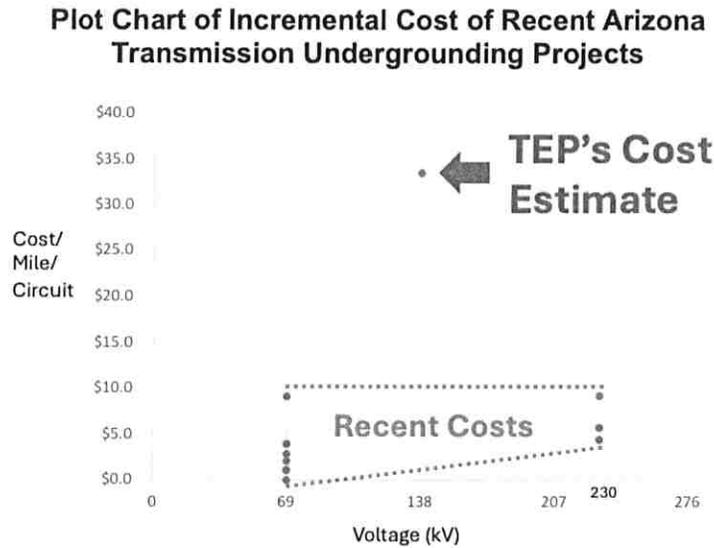
³ https://docs.tep.com/doc/projects/demoss/Kino-to-DMP-138kV-CEC-Application_Exhibits-A-thru-I-Reduced.pdf

⁴ <https://docs.tep.com/doc/projects/mrp/MRP-CEC-Application.pdf>

⁵ “The labor cost has increased. And I made a reference to the Bureau of Labor Statistics, there has been a 21 percent inflation rate which is labor and materials all together.” p. 1187. ACC Hearing Transcript VOLUME VI 07/15/2024.

⁶ <https://undergroundarizona.org/what-does-undergrounding-cost#block-c0590d7421944e739f370ac5738c323d>

Figure 1. Recent Arizona Undergrounding Projects



Source: FERC Form 1 and ACC Project Filings; UAZ Exhibits 3-8 and 36-41.

In our view, there is no reasonable basis to claim that the incremental cost of undergrounding two miles of 138kV in Tucson would be substantially higher than the \$17 million incremental cost of undergrounding three miles of 230kV in Chandler. A reasonable estimate of incremental cost is approximately \$15 million total, or \$7.5 million per mile.

C. RATEPAYERS

In its 2024 annual filing with the Securities and Exchange Commission (SEC), TEP stated it expects to spend \$3.446 billion over five years on infrastructure. If TEP spends \$15 million more (i.e. \$3.461 billion instead of \$3.446 billion), the impact on ratepayers is negligible.

By way of simplified illustration: infrastructure costs are recovered from ratepayers over the useful life of the asset through depreciation. Current Federal Energy Regulatory Commission-approved (FERC) depreciation rates for underground assets are about 1.5% per year.⁷ If the incremental undergrounding cost is \$15 million, then depreciation would be about \$225,000 per year (1.5% × \$15 million), over roughly 67 years.

TEP currently collects approximately \$1.3 billion per year in revenue and would collect well over \$100 billion over 67 years. If TEP recovered the full \$225,000 per year in depreciation expense from ratepayers, the bill impact would be on the order of 0.017% ($\$225,000 \div \$1,300,000,000$). That is insignificant by any reasonable definition.

Moreover, that percentage reflects only a conservative, worst-case illustration. Studies and utility experience also indicate underground lines are less costly to operate and maintain because they are protected from lightning, wind, accidents, and other damage, and they are more reliable.⁸ Over

⁷ <https://undergroundarizona.org/what-does-undergrounding-cost>

⁸ <https://undergroundarizona.org/what-does-undergrounding-cost#block-57eaf0fcad824d359596d6824b20693b>

multi-decade lifespans—especially in dense urban areas—those savings and reliability benefits can more than offset higher up-front costs.

V. CONCLUSION

To recap: in its Franchise Agreement, TEP voluntarily agreed to underground where required by local law, and it further agreed that monetary cost cannot create an exception to City undergrounding requirements. In addition, TEP challenged the City’s authority to require undergrounding in Superior Court and lost; it did not appeal. From a legal and technical standpoint, cost is not a valid basis for an exception.

Even if cost were considered, we have shown that (1) TEP’s undergrounding estimates have ballooned in a manner inconsistent with the inflation figures it cited, and (2) comparable Arizona projects indicate TEP’s current estimate is an extreme outlier. However, no matter what estimate one uses for incremental cost, the rate impact would be negligible, and long-run operational and reliability benefits may more than offset higher up-front costs.

For these reasons, and as outlined in our prior comment, one cannot reasonably find that TEP’s application meets the special exception requirements of UDC 3.4.5.A.2 or UDC 3.4.5.A.5. It is not reasonable for cost to create an exception to undergrounding requirements—otherwise there would always be an exception.

Mayor and Council did not adopt undergrounding requirements under the illusion that undergrounding would be cheaper up front. They reasonably understood the opposite and adopted these standards because they determined the long-term benefits justify the higher initial cost. A cost-based “escape hatch” would undo that legislative choice.

Moreover, TEP’s latest estimate is difficult to reconcile with its own prior estimates, the inflation figures it cited, and comparable Arizona projects. To illustrate the magnitude of the discrepancy: it is akin to a homeowner building a house for \$500,000 and then receiving a \$3,000,000 bid for another substantially similar house next door. A reasonable person would not accept that bid at face value; they would seek competing bids and examine the underlying assumptions. The same scrutiny is warranted here.

Accordingly, the Zoning Examiner should follow the decisions of prior Zoning Examiners and the will of the people as expressed in duly adopted plans and ordinances, and deny this application—or approve it only with conditions requiring undergrounding within at least the University Area Plan.

RESPECTFULLY SUBMITTED this 3rd day of February 2026.

/s/ Daniel Dempsey
By Daniel Dempsey
Executive Director
Underground Arizona



TP-ENT-1025-00021 - Vine Substation Comment

From Dempsey, Daniel S <dempsey36@gmail.com>

Date Tue 2/10/2026 11:37 AM

To TucsonRezoning <TucsonRezoning@tucsonaz.gov>; John Beall <John.Beall@tucsonaz.gov>

You don't often get email from dempsey36@gmail.com. [Learn why this is important](#)

Good Morning Mr. Beall, and TucsonRezoning,

I am making this comment to maintain a right of appeal as an individual, separate and apart from Underground Arizona.

I am opposed to the Vine Substation being approved without conditions requiring undergrounding in the University Area Plan, West University HPZ, and others.

Per the Franchise Agreement--which TEP voluntarily entered into--cost cannot create a claim of infeasibility by TEP.

TEP can and must comply with City plans and ordinances. UDC 1.4.1.D is unequivocal that the UDC must be interpreted in a way that is consistent with and conforms to plans. The Zoning Examiner and City should not allow TEP to treat Tucson and the UA as a second class city or university simply because TEP prefers not to follow the law and can coerce support from others through contracts (e.g. UA, Banner, SPNA, etc.) and control of local boards and non-profits (e.g. Chamber).

This fight is a microcosm of what ails the country: corporate greed and entitlement have been allowed to overwhelm the public interest. It takes skilled individuals and backbone to cut through the half-truths and deceptions and fight for the future of our city and university. I hope you can see through TEP's nonsense and support the plain language and obvious intent of our plans and ordinances.

Sincerely,
Dan



TP-ENT-1025-00021 - UAZ Reply to TEP Response

From Daniel Dempsey <daniel@undergroundarizona.org>

Date Wed 2/11/2026 9:13 AM

To John Beall <John.Beall@tucsonaz.gov>; TucsonRezoning <TucsonRezoning@tucsonaz.gov>

Cc Roi Lusk <Roi.Lusk@tucsonaz.gov>; Koren Manning <Koren.Manning@tucsonaz.gov>; Miranda Schubert <Miranda.Schubert@tucsonaz.gov>; Kevin Dahl <Kevin.Dahl@tucsonaz.gov>; Ward6 <Ward6@tucsonaz.gov>; ward3 <ward3@tucsonaz.gov>; Kylie Walzak <Kylie.Walzak@tucsonaz.gov>; Paul Cunningham <Paul.Cunningham@tucsonaz.gov>; Ward2 <Ward2@tucsonaz.gov>; Ward5 <Ward5@tucsonaz.gov>; Ward1 <Ward1@tucsonaz.gov>; Ward4 <Ward4@tucsonaz.gov>; Nikki Lee <Nikki.Lee@tucsonaz.gov>; Regina Romero <Regina.Romero@tucsonaz.gov>; Lane SantaCruz <Lane.SantaCruz@tucsonaz.gov>; Selina Barajas <Selina.Barajas@tucsonaz.gov>

3 attachments (2 MB)

20260211 UAZ Reply to TEP Response.pdf; UAZ-Exhibit 5 Letter of Decision on Corp Comm A.R.S. 41-1033(E) and (G) Appeal_Petition.pdf; UAZ-Exhibit 4 E000039010.pdf;

Good Morning, Mr. Beall, Mr. Mazzocco, and TucsonRezoning,

Attached is our reply to TEP's response on cost.

TEP does not really respond to the request. It dismisses the City process entirely upfront. The ACC process is not a substitute for City process. And, frankly, we're surprised by the unmasked contempt TEP's response shows toward the Zoning Examiner and City public due process.

Now, maybe you all better understand what we've been dealing with for 6 years: it's TEP's-way-or-the-highway.

Best,

Dan

--

Daniel Dempsey

[Underground Arizona](#)



Re: TP-ENT-1025-00021 - Addition to Record

From Daniel Dempsey <daniel@undergroundarizona.org>
Date Mon 2/16/2026 8:11 AM
To John Beall <John.Beall@tucsonaz.gov>; TucsonRezoning <TucsonRezoning@tucsonaz.gov>

*undiscussed, not unmentioned.

On Sun, Feb 15, 2026 at 12:09 PM Daniel Dempsey <daniel@undergroundarizona.org> wrote:

Good Morning, Mr. Beall, Mr. Mazzocco, and TucsonRezoning,

Attached is additional information that we would request added to the record in the interest of completeness given TEP's hearing comments.

To summarize: transmission lines were considered part of every substation SELUP we have seen on the ZE website. Vine is the only instance where lines go unmentioned and are talked about as separate.

Thanks,

Dan

--

Daniel Dempsey
Underground Arizona

Underground Arizona
<https://undergroundarizona.org>
Daniel Dempsey, Executive Director
daniel@undergroundarizona.org

February 15, 2026

Planning and Development Services
Attn: John Beall, Entitlements Section
PO Box 27210
Tucson, AZ 85726-7210

REF: Supplemental Record; SELUP Application TP-ENT-1025-00021

Dear Mr. Mazzocco,

At the prior hearing, Tucson Electric Power Company (TEP) noted that it has been through the Zoning Examiner SELUP process for substations multiple times. To ensure a complete record, Underground Arizona submits the following citations to PDSO memoranda from those projects, as posted on the City's Zoning Examiner webpage:

- **Vail Substation, Design Considerations (p. 4):**¹ *"In addition, 85-foot-high transmission poles will be installed to support the transmission lines entering and exiting the substation."*
- **Cottonwood Substation, Description (p. 4):**² *"Tucson Electric Power is requesting approval for a new 138 kilovolt (kV) distribution substation and transmission and distribution power lines as a Special Exception Land Use in R-1 and R-2 residential zones."*
- **Patriot Substation, Design Considerations (p. 4):**³ *"Transmission poles will be installed to support the transmission lines entering and exiting the substation. The height of the transmission structures will be 85 feet."*

In addition to the 2021 Vine Substation denial previously referenced in our comments, these memoranda reflect a consistent practice by TEP, PDSO, and Zoning Examiners of describing and considering transmission lines as part of the SELUP record for substations. By contrast, the current Vine Substation application materials contain no comparable discussion of the connecting transmission lines, other than stating they are not part of the proposal. As the record reflects, the connecting transmission lines are integral to the substation's function and would not exist in these locations but for the substation.

Respectfully,
Daniel Dempsey

¹ TP-ENT-0323-00018, April 17, 2023:

<https://tucsonaz.onbaseonline.com/1801AppNet2/docpop/docpop.aspx?clienttype=html&docid=5351128>

² SE-22-35, October 5, 2022: https://www.tucsonaz.gov/files/sharedassets/public/v/1/pdsd/documents/boards-committees-commissions/ze/102022/se-22-35_for_web_posting.pdf

³ SE-21-06, May 26, 2021: https://www.tucsonaz.gov/files/sharedassets/public/v/1/pdsd/documents/boards-committees-commissions/ze/062421/se-21-06_for_web_and_posting.pdf

Approval – Protest Form



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Protests from 20% of the property owners within 150' of the whole perimeter of the property being rezoned, including BOTH 20% of the property by area and 20% of the number of lots with 150', require an affirmative vote of $\frac{3}{4}$ of the Mayor and Council (5 of 7 council members) to approve the Original City Zoning translation. Public rights-of-way and the area/lot of the proposed rezoning are included in the protest calculations. Calculations will be provided to the Mayor and Council.

Case: TP-ENT-1025-00021-TEP Substation, - Vine Avenue (Ward 6)

Bryan Kustner
Property Owner(s) (PLEASE PRINT)

- APPROVE the proposed rezoning/special exception
 PROTEST the proposed rezoning/special exception

Reason:

It's great TEP is willing to upgrade expanded power
needs for the Heart of Tucson – U of A

OWNER(S) SIGNATURES	PLEASE PRINT PROPERTY ADDRESS	PLEASE PRINT YOUR MAILING ADDRESS
	1410 E. Lee	9027 Mistwood dr Potomac MD 20854

Date 1/18/20

Approval – Protest Form



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Case: TP-ENT-1025-00021-TEP Substation, - Vine Avenue (Ward 6)

Bryan Kustner
Property Owner(s) (PLEASE PRINT)

APPROVE the proposed rezoning/special exception
 PROTEST the proposed rezoning/special exception

Reason:

I support community improvement and local investment
This is fabulous for U of A and Tucson

OWNER(S) SIGNATURES	PLEASE PRINT PROPERTY ADDRESS	PLEASE PRINT YOUR MAILING ADDRESS
	1440 Elm	9627 Mistwood Dr Potomac MD 20854

Date 1/18/24

Approval – Protest Form



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Case: TP-ENT-1025-00021-TEP Substation, - Vine Avenue (Ward 6)

Banner Health
Property Owner(s) (PLEASE PRINT)

- APPROVE the proposed rezoning/special exception
 PROTEST the proposed rezoning/special exception

Reason:

This proposed substation is a vital asset for central/mid-town Tucson.
TEP has been very open and transparent with neighbors during the
planning for this project

OWNER(S) SIGNATURES	PLEASE PRINT PROPERTY ADDRESS	PLEASE PRINT YOUR MAILING ADDRESS
	1625 N. Campbell Ave	2901 N. Central Suite 160
Mark Barkenbush	Tucson, AZ 85719	Phoenix, AZ 85012

VP Facilities Services

Date 1-19-2026

Approval – Protest Form



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Case: TP-ENT-1025-00021-TEP Substation, - Vine Avenue (Ward 6)

Bryan Kustner
Property Owner(s) (PLEASE PRINT)

APPROVE the proposed rezoning/special exception
 PROTEST the proposed rezoning/special exception

Reason:

It will only be more expensive the longer we wait
DofA isn't using less energy.

OWNER(S) SIGNATURES	PLEASE PRINT PROPERTY ADDRESS	PLEASE PRINT YOUR MAILING ADDRESS
	1416 Lee	9027 Mistwood Dr Potomac MD 20854

Date 1/18/20

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Case: TP-ENT-1025-00021-TEP Substation, - Vine Avenue (Ward 6)

Bryan Kustner
Property Owner(s) (PLEASE PRINT)

APPROVE the proposed rezoning/special exception
 PROTEST the proposed rezoning/special exception

Reason:

Great to upgrade old infrastructure

OWNER(S) SIGNATURES	PLEASE PRINT PROPERTY ADDRESS	PLEASE PRINT YOUR MAILING ADDRESS
	1415 Elm	9027 Mistwood dr Potomac MD 20854

Date 1/18/20

Approval – Protest Form



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Case: TP-ENT-1025-00021-TEP Substation, - Vine Avenue (Ward 6)

Bryan Kustner

Property Owner(s) (PLEASE PRINT)

- APPROVE the proposed rezoning/special exception
 PROTEST the proposed rezoning/special exception

Reason:

It's wonderful Tucson has an electric company
willing to upgrade and invest in the community

OWNER(S) SIGNATURES	PLEASE PRINT PROPERTY ADDRESS	PLEASE PRINT YOUR MAILING ADDRESS
	1415 lester	9027 Mistwood Dr. Potomac
		MD 20854

Date 1/18/26

EXHIBIT A

<u>Property</u>	<u>Property Owner</u>
1409 E. Lee St., Unit 1 1409 E. Lee St., Unit 2	1409 Lee Street LLC
1415 E. Lee St., Unit 1 1415 E. Lee St., Unit 2	1415 Lee Street LLC
1422 E. Lee St., Unit 1 1422 E. Lee St., Unit 2	1422 Lee Street LLC
1440 E. Lee St., Unit 1 1440 E. Lee St., Unit 2	1440 Lee Street LLC
1409 E. Elm St., Unit 1 1409 E. Elm St., Unit 2	1409 Elm Street LLC
1416 E. Elm St., Unit 1 1416 E. Elm St., Unit 2	1416 Elm Street LLC
1422 E. Elm St., Unit 1 1422 E. Elm St., Unit 2	1422 Elm Street LLC
1433 E. Elm St., Unit 1 1433 E. Elm St., Unit 2	Blue University Homes LLC

MICHAEL P. TEUFEL

January 21, 2026

To:

Mayor Regina Romero - Mayor.Romero@tucsonaz.gov
Ward 1 Council Member Lane Santa Cruz - ward1@tucsonaz.gov
Ward 2 Council Member Paul Cunningham - ward2@tucsonaz.gov
Ward 3 Council Member Kevin Dahl - ward3@tucsonaz.gov
Ward 4 Councilwoman Nikki Lee - ward4@tucsonaz.gov
Ward 5 Council Member Richard Fimbres - Richard.Fimbres@tucsonaz.gov
Ward 6 Council Member Karin Uhlich - ward6@tucsonaz.gov
City of Tucson
255 W. Alameda St.
Tucson, Arizona 85701

Tucson Electric Power Company- VineSubstation@TEP.com
88 E Broadway Blvd
Tucson, AZ 85701

Mr. Jim Mazzocco
City of Tucson Zoning Examiner
255 W. Alameda St.
Tucson, Arizona 85701
Tucsonrezoning@tucsonaz.gov

RE:Case: TP-ENT-1025-00021-TEP Substation, - Vine Avenue (Ward 6)

Dear Mayor and Council, TEP and Mr. Mazzocco:

I write to you as a concerned citizen, and as the owner of at least 16 homes within 150 feet of the Tucson Electric Power ("TEP") Rezoning/Exception Vine Avenue Substation of the above-referenced rezoning station including:

1409 E. Lee, Unit 1
1415 E. Lee, Unit 1
1422 E. Lee, Unit 1
1440 E. Lee, Unit 1
1409 E. Elm, Unit 1
1416 E. Elm, Unit 1
1422 E. Elm, Unit 1
1433 E. Elm, Unit 1

1409 E. Lee, Unit 2
1415 E. Lee, Unit 2
1422 E. Lee, Unit 2
1440 E. Lee, Unit 2
1409 E. Elm, Unit 2
1416 E. Elm, Unit 2
1422 E. Elm, Unit 2
1433 E. Elm, Unit 2

I hereby protest any attempt to rezone the property or to provide any type of exemption.

The first and most critical question is:

If I wanted an exemption to build or expand a substation on any of my 16 properties and build a 13 foot wall, would the Zoning Examiner or City Counsel allow me to do so? The answer would be a resounding "No!" Why should TEP be allowed to do so?

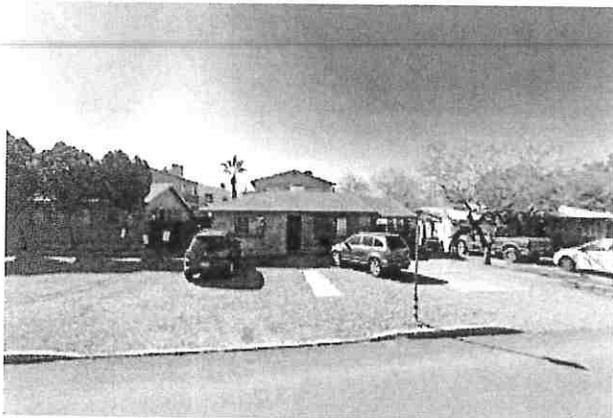
A second critical question is:

Is the proposed expansion of the substation and the building of a 13 foot wall, remotely consistent with R2 Zoning? Again, the answer would be a resounding "No!" Why should TEP be allowed to do so?

Allowing so will fully corrupt any concept that R2 Zoning has any meaning in the City of Tucson, and that it allows large corporations to have their way with the City of Tucson.

As you will see from the below, the area is R2, and should remain R2.

1312 Adams, Unit 2



1320 Adams



Furthermore, the entire purpose of the substation exemption is to allow TEP to put high powered lines through the middle of my historic neighborhood.

The City of Tucson should not allow a privately owned utility to place high powered above ground electrical lines of more than 100 feet in height directly above residential houses located on Adam Street.

I am aware of no place in the world that has allowed a private utility to place high powered lines directly over residential houses on a two lane undivided residential street at more than 100 feet in height.

The City of Tucson should not be the first one.

I strongly object.

I further note that the issue of whether electrical fields from high powered lines are safe, is hardly settled. As the National Cancer Institute has stated:

Exposure from power lines. Although a study in 1979 pointed to a possible association between living near electric power lines and childhood leukemia (16), more recent studies have had mixed findings (17-25). Most of these studies did not find an association or found one only for those children who lived in homes with very high levels of magnetic fields, which are present in few residences.

Several studies have analyzed the combined data from multiple studies of power line exposure and childhood leukemia:

- A pooled analysis of nine studies reported a **twofold increase in risk of childhood leukemia** among children with exposures of 0.4 μ T or higher. Less than 1% of the children in the studies experienced this level of exposure (26).
- A meta-analysis of 15 studies **observed a 1.7-fold increase in childhood leukemia** among children with exposures of 0.3 μ T or higher. A little more than 3% of children in the studies experienced this level of exposure (27).
- More recently, a pooled analysis of seven studies published after 2000 reported a **1.4-fold increase in childhood leukemia** among children with exposures of 0.3 μ T or higher. However, less than one half of 1% of the children in the studies experienced this level of exposure (28).

For the two pooled studies and the meta-analysis, the number of highly exposed children was too small to provide stable estimates of the dose-response relationship. This means that the findings could be interpreted to reflect linear increases in risk, a threshold effect at 0.3 or 0.4 μ T, or no significant increase.

The interpretation of the finding of increased childhood leukemia risk among children with the highest exposures (at least 0.3 μ T) is unclear.

See <https://www.cancer.gov/about-cancer/causes-prevention/risk/radiation/electromagnetic-fields-fact-sheet>.

The data does not show that there is no risk. Nor does it even show that there is no association. What the data shows is that at this point in time, there are not enough data points to come to hard overall conclusions. But where there are data points, there is an increase of between **1.4 fold and 2 fold in childhood leukemia**.

Indeed, as the EPA has recognized:

The World Health Organization, an agency of the United Nations, classifies extremely low frequency electromagnetic fields as possibly carcinogenic to humans based on limited evidence showing an association with childhood leukemia.

<https://www.epa.gov/radtown/electric-and-magnetic-fields-power-lines>

Further, a recent study determined as follows:

The Effect of Electrical Fields From High-voltage Transmission Line on Cognitive, Biological, and Anatomical Changes in Male Rhesus macaque Monkeys Using MRI: A Case Report Study

Hamed Aliyari¹, Hedayat Sahraei², Sahar Golabi³, Mohammad Bagher Menhaj⁴, Masoomeh Kazemi², Seyed Hossein Hosseinian^{4,*}

Abstract

Introduction:

Living near high-voltage power lines and exposure to high-frequency electromagnetic fields (EMFs) is a potentially serious hazard to animal and human health. The present study was conducted to evaluate the effect of high-frequency EMFs from simulated high-voltage electric towers on cognitive, anatomical, and biological changes in the male macaque.

Methods:

In this study, two Rhesus macaque were recruited, one experimental and one control. The experimental subject was exposed to EMFs from 3 kV/m simulated electric towers with a specific protocol and the control subject was tested without irradiation (4h per day, for 30 days). All required tests were performed before and after the intervention on experimental and control monkeys. The anatomical alteration of the prefrontal area (PFA) was measured by MRI images. All tests were performed on irradiated and control animals before and after the intervention and the results were compared between irradiated and control animals.

Results:

The results of the present study indicated increased white blood cell counts after high-frequency EMFs irradiation. Also, the red blood cell counts showed a decreasing trend after irradiation. The plasma adrenaline level increased after irradiation. Besides, the blood glucose levels increased after irradiation. The PFA was different before and after the irradiation. Moreover, some behavioral disorders, such as fatigue, drowsiness, anorexia, and insomnia were observed after irradiation.

Conclusion:

The results of biological tests and MRI showed an elevated risk of immunodeficiency disorders, weakness, and behavioral disorders. People who live or work near high-voltage electric towers with high-frequency EMFs are warned.

<https://pmc.ncbi.nlm.nih.gov/articles/PMC9759772/>

In yet another recent study, the harm was also shown, as follows:

“Residential exposure to magnetic fields from high-voltage power lines and risk of childhood leukemia”

Carlotta Malagoli ^a, Marcella Malavolti ^a, Lauren A. Wise ^b, Erica Balboni ^{a c}, Sara Fabbi ^d, Sergio Teggi ^d, Giovanni Palazzi ^e, Mon

ica Cellini ^e, Maurizio Poli ^f, Paolo Zanichelli ^f, Barbara Notari ^f, Andrea Cherubini ^g, Marco Vinceti ^{a b}, Tommaso Filippini ^{a h}

<https://doi.org/10.1016/j.envres.2023.116320>Get rights and content

Highlights

- The exact relation between magnetic fields and childhood leukemia risk is still to be elucidated.
- Residence very close to power lines was associated with greater childhood leukemia risk.
- The association between residential proximity to power lines and leukemia risk was non-linear.

Abstract

Background

Several studies have suggested an excess risk of leukemia among children living close to high-voltage power lines and exposed to magnetic fields. However, not all studies have yielded consistent results, and many studies may have been susceptible to confounding and exposure misclassification.

Methods

We conducted a case-control study to investigate the risk of leukemia associated with magnetic field exposure from high-voltage power lines. Eligible participants were children aged 0–15 years residing in the Northern Italian provinces of Modena and Reggio Emilia. We included all 182 registry-identified childhood leukemia cases diagnosed in 1998–2019, and 726 age-, sex- and province-matched population controls. We assessed exposure by calculating distance from house to nearest power line and magnetic field intensity modelling at the subjects' residence. We used conditional logistic regression models to estimate odds ratios (ORs) and 95% confidence intervals (CIs), with adjustment for potential confounders (distance from nearest petrol station and fuel supply within the 1000 m-buffer, traffic-related particulate and benzene concentrations, presence of indoor transformers, percentage of urban area and arable crops).

Results

In multivariable analyses, the OR comparing children living <100 m from high-voltage power-lines with children living ≥ 400 m from power-lines was 2.0 (95% CI 0.8–5.0). Results did not differ substantially by age at disease diagnosis, disease subtype, or when exposure was based on modeled magnetic field intensity, though estimates were imprecise. Spline regression analysis showed an excess risk for both overall leukemia and acute lymphoblastic leukemia among children with

residential distances <100 m from power lines, with a monotonic inverse association below this cutpoint.

Conclusions

In this Italian population, close proximity to high-voltage power lines was associated with an excess risk of childhood leukemia.

<https://www.sciencedirect.com/science/article/pii/S0013935123011246>

Indeed, several European agencies have reiterated precautionary siting policies in 2024–2025, not because of new conclusive hazard data, but because the long-standing childhood leukemia signal has not been fully explained.

For example, the French agency ANSES and the Netherlands Health Council both emphasize that, given persistent indications of a causal relationship between long-term exposure to elevated ELF magnetic fields and increased risks of childhood leukemia and possibly brain tumors, new schools, hospitals, and other facilities for vulnerable populations should not be built immediately next to very-high-voltage lines, and new lines should avoid such facilities.

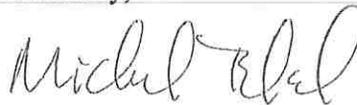
Some European governments have gone so far as to buy homes directly under or extremely close to high-voltage lines as a precautionary measure, even while acknowledging that the evidence does not reach the level of proof of harm.

So, the question is: With this developing body of knowledge that high power electric towers are dangerous, why would the Mayor and Council place this danger on its residents?

The concept that the Mayor and Council in this great City of Tucson Arizona, which I have called home for over 75 years, would allow this to happen is just wrong.

I thank you for your time and consideration of this matter, and for your public service.

Sincerely,



Michael P. Teufel

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Case: TP-ENT-1025-00021-TEP Substation, - Vine Avenue (Ward 6)

Rosemary Bolza
Property Owner(s) (PLEASE PRINT)
Larry Burl Dunn

- APPROVE the proposed rezoning/special exception
 PROTEST the proposed rezoning/special exception

Reason:

This substation is in a location
with many hazards. It would
increase the risk to our lives
and property.

OWNER(S) SIGNATURES	PLEASE PRINT PROPERTY ADDRESS	PLEASE PRINT YOUR MAILING ADDRESS
<u>Rosemary Bolza</u>	<u>1432 E Lester St</u>	<u>1432 E Lester St</u>
<u>Larry Burl Dunn</u>	<u>1432 E Lester St</u>	<u>1432 E Lester St</u>

Date January 26, 2026

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If you wish to submit a written protest or approval, this form is provided for your convenience. Print your comments below, sign your name, and mail to the City of Tucson Planning and Development Services Department, Entitlements Section, 201 N. Stone Avenue, P.O. Box 27210, Tucson, Arizona 85726-7210. The number of approvals and protests along with protest calculations will be reported at the Zoning Examiner's public hearing. This form is not the City of Tucson Public Hearing Notice.

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Case: TP-ENT-1025-00021-TEP Substation, - Vine Avenue (Ward 6)

VICTOR SILVER.
Property Owner(s) (PLEASE PRINT)

APPROVE the proposed rezoning/special exception
 PROTEST the proposed rezoning/special exception

Reason:

I HAVE NO IDEA WHAT YOU INTEND TO DO
OR BUILD. I HAVE NO IDEA WHAT THE
IMPACT WILL BE.

SPECIAL EXCEPTION R-2 ZONE. WHY DO WE NEED
A. SPECIAL EXCEPTION
UNTH I KNOW WHAT EXACTLY IT IS THAT YOU INTEND
TO BUILD AND A IMPACT REPORT PROVIDED IN
DETAIL. I FOR SURE 100% PROTEST.

OWNER(S) SIGNATURES	PLEASE PRINT PROPERTY ADDRESS	PLEASE PRINT YOUR MAILING ADDRESS
	1433 E LEE ST 433 85719	10546 E BAHIA DR SCOTTSDALE AZ 85255

Date 1/21/2026

Victor and Lisa Silver
10546 E Bahia Dr.
Scottsdale
AZ 85255

Jan 16, 2026

To: Jim Mazzeo
Zoning Manager - City of Tucson

From: Lori Hogan
Jefferson Park Homeowner

Re: TEP's desire to build
massive 100-ft. tall 138KV pylons/
overhead lines through the
heart of Tucson /
Upgraded Vine Substation

This is an urgent request
to deny TEP's Special Exception
Land Use Permit.

Please protect our beautiful,
historic, vibrant & healthy
city...

With gratitude,

Lori Hogan

Tucson Homeowner

Approval – Protest Form



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Case: TP-ENT-1025-00021-TEP Substation, - Vine Avenue (Ward 6)

Jeanne Calhoun & Ken Wiley
Property Owner(s) (PLEASE PRINT)

APPROVE the proposed rezoning/special exception
 PROTEST the proposed rezoning/special exception

R Our home is 220 feet north of the proposed expanded Vine Substation in the Jefferson Park Historic Neighborhood. Only the UA Recycling Center is between us and this industrial TEP substation, and this facility will likely be removed in future. The huge TEP structure will loom over our house, lighting from the facility will penetrate our home, and the sounds, sight, and potential gas emissions will directly affect us. TEP has not been able to get approval for this substation or for the immense overhead power lines that would go to and from it and is trying an end run around permitting requirements. Allowing this huge facility to be built in an historical residential area would impact the quality of life for all residents. TEP claims that increased power demand from Jefferson Park is adding to the need for this facility; however, it is the new Banner Hospital and new huge buildings on the University property that are causing the power need. TEP refuses to underground even a portion of the huge power lines that would go through the neighborhood, claiming that the neighborhood should pay for undergrounding- but we aren't the cause of this power need. Please deny this exemption request and recognize that it is only the elephant's trunk under the tent. Thank you.

OWNER(S) SIGNATURES	PLEASE PRINT PROPERTY ADDRESS	PLEASE PRINT YOUR MAILING ADDRESS
<u>Jeanne Calhoun</u>	<u>1844 N. Vine Ave</u>	<u>1844 N Vine Ave, Tucson, AZ 85719</u>
<u>Ken Wiley</u>	"	"

Date Jan. 21, 2026

Approval – Protest Form



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Case: TP-ENT-1025-00021-TEP Substation, - Vine Avenue (Ward 6)

VICTOR SILVER.
Property Owner(s) (PLEASE PRINT)

APPROVE the proposed rezoning/special exception
 PROTEST the proposed rezoning/special exception

Reason:

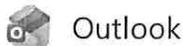
I HAVE NO IDEA WHAT YOU INTEND TO DO
OR BUILD. I HAVE NO IDEA WHAT THE
IMPACT WILL BE.

SPECIAL EXCEPTION R-2 ZONE. WHY DO WE NEED
A. SPECIAL EXCEPTION
UNTK I KNOW WHAT EXACTLY IT IS THAT YOU INTEND.
TO BUILD AND A IMPACT REPORT PROVIDED IN
DETAIL. I FOR SURE 100% PROTEST.

OWNER(S) SIGNATURES	PLEASE PRINT PROPERTY ADDRESS	PLEASE PRINT YOUR MAILING ADDRESS
	1433 E LEE ST TUCSON AZ 85719	10546 E BAHIA DR SCOTTSDALE AZ 85255

Date 1/21/2026

Victor and Lisa Silver
10546 E Bahia Dr.
Scottsdale
AZ 85255



TEP's Request for Exemption

From mary bennett <mary_lou@comcast.net>
Date Tue 1/27/2026 8:08 PM
To TucsonRezoning <TucsonRezoning@tucsonaz.gov>

You don't often get email from mary_lou@comcast.net. [Learn why this is important](#)

Dear Zoning Examiner;

As an owner of two properties Jefferson Park Historic Neighborhood, we would like to have an end to TEP's incessant request for a zoning exemption in case # TP-ENT-1025-00021. TEP's Midtown Reliability Project & Vine Substation are noncompliant with city code, area plans, and our historic zoning overlay. Please deny this motion.

Provision 3.4.5.A of the Unified Development Code (UDC) of the City states that to grant any special exception, the Zoning Examiner must find that the exception: "Complies with the General Plan and any applicable sub-regional, area, or neighborhood plan." TEP's request clearly fails to do so.

The purpose of the Vine substation is to support transmission lines. Thus, these power lines entering and exiting the substation need to comply with area plans & zoning overlays. The three instances where TEP fails to comply by refusing to underground the lines...

- *Plan Tucson 2025*
- *University Area Plan, Section 6, Guideline 6*
- *Jefferson Park Neighborhood Historic Preservation Zone*

Over the last 6 years, TEP has continually failed to be transparent and honest with our neighborhood. From "working groups" that pitted neighborhoods against one another to mass disinformation campaigns. TEP has created confusion and distrust in the community. Please hold TEP accountable and deny their zoning exemption request. Tucson Deserves Better! "

*Sincerely,
Dr Randall and Mary R Bennett*



TP-ENT-1025-00021

From Squinty McGee <ianboelts@gmail.com>**Date** Tue 1/27/2026 9:12 PM**To** TucsonRezoning <TucsonRezoning@tucsonaz.gov>

You don't often get email from ianboelts@gmail.com. [Learn why this is important](#)

Greetings Tucson Zoning Examiner,

My name is Ian Boelts. I own the home and reside at 345 E University Blvd.

As a resident of our Historic West University Neighborhood, I strongly encourage the zoning examiner to deny TEP's request for a zoning exemption in case # TP-ENT-1025-00021. As presented, TEP's Midtown Reliability Project & Vine Substation are noncompliant with city code, area plans, and our historic zoning overlay.

Provision 3.4.5.A of the Unified Development Code (UDC) of the City states that to grant any special exception, the Zoning Examiner must find that the exception: "Complies with the General Plan and any applicable sub-regional, area, or neighborhood plan." TEP's request clearly fails to do so.

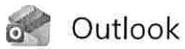
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- Plan Tucson 2025
- University Area Plan, Section 6, Guideline 6
- West University Historic Preservation Zone UDC 5.8.9.L.4

Over the last 6 years, TEP has continually failed to be transparent and honest with our neighborhood. From "working groups" that pitted neighborhoods against one another to mass disinformation campaigns. TEP has created confusion and distrust in the community. Please hold TEP accountable and deny their zoning exemption request. Tucson Deserves Better!

Thank you for your consideration,
Ian Boelts

Resident of the Historic West University Neighborhood and active member of the local community



TP-ENT-1025-00021-TEP Substation, - Vine Avenue (Ward 6)

From Michay Brown <ombrown08@gmail.com>
Date Fri 1/23/2026 9:11 PM
To TucsonRezoning <TucsonRezoning@tucsonaz.gov>

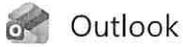
You don't often get email from ombrown08@gmail.com. [Learn why this is important](#)

Hello!

I am a current resident of Sam Hughes and I live on Olsen Avenue. While I remain a strong advocate first and foremost for undergrounding throughout Tucson, I am opposed to a line under Olsen as it will cause significant disruption to me and my neighbors, the vast majority of whom only have access to their homes via Olsen Avenue. If there comes a time when there are simply no other alternatives, we would expect to be fully compensated for the inconvenience. Again, Olsen is a central purely residential street in an Historic neighborhood. Can't we do anything with our alleys? Are there any slower commercial routes that can be considered?

Thx.

-Michay



Re: Reject above ground lineups in WUNA zona

From Ford Burkhart <burkhartf@gmail.com>

Date Mon 1/26/2026 10:41 AM

To TucsonRezoning <TucsonRezoning@tucsonaz.gov>; Ford Burkhart <burkhartf@gmail.com>

To City of Tucson. Can you let me know if a human being has seen this original email? Just curious.
Tnx. Ford

On Mon, Jan 26, 2026 at 8:37 AM Ford Burkhart <burkhartf@gmail.com> wrote:

case # **TP-ENT-1025-00021** is the case number to go with this letter. Thank you. Ford Burkhart

Please register our opposition to TEP's installation of above ground - high power transmission lines through our West University neighborhood. We have owned our house on First Street and Second Ave for decades; in family since 1946. Please help us preserve a traditional Tucson area with homes from 1900 and earlier. Tucson will never replace such a neighborhood.

--

Ford Burkhart, 604 East First Street, Tucson, Arizona 85705

--

Ford Burkhart, 604 East First Street, Tucson, Arizona 85705

--

Ford Burkhart, 604 East First Street, Tucson, Arizona 85705



TEP request for Special Exemption for Proposed Vine Substation

From Jeanne Calhoun <canyonraven7@gmail.com>

Date Wed 1/21/2026 8:06 AM

To TucsonRezoning <TucsonRezoning@tucsonaz.gov>

You don't often get email from canyonraven7@gmail.com. [Learn why this is important](#)

Dear Mr. Mazzocco,

Our home is 220 feet north of the proposed expanded Vine Substation in the Jefferson Park Historic Neighborhood. Only the UA Recycling Center is between us and this industrial TEP substation, and this facility will likely be removed in future. The huge TEP structure will loom over our house, lighting from the facility will penetrate our home, and the sounds, sight, and potential gas emissions will directly affect us. TEP has not been able to get approval for this substation or for the immense overhead power lines that would go to and from it and is trying an end run around permitting requirements. Allowing this huge facility to be built in an historical residential area would impact the quality of life for all residents. TEP claims that increased power demand from Jefferson Park is adding to the need for this facility; however, it is the new Banner Hospital and new huge buildings on the University property that are causing the power need. TEP refuses to underground even a portion of the huge power lines that would go through the neighborhood, claiming that the neighborhood should pay for undergrounding- but we aren't the cause of this power need. Please deny this exemption request and recognize that it is only the elephant's trunk under the tent. Thank you.

Sincerely,

Jeanne Calhoun

1844 N Vine Avenue, Tucson, AZ 85719

January 23, 2026

Tucson Electric Power
Midtown Reliability Project Comments:

My name is Ken Wiley and my wife, Jeanne Calhoun, and I live on the NE corner of Vine and Lester on the southern boundary of the Jefferson Park Historic Neighborhood. Our house at 1844 N. Vine is the house in Jefferson Park nearest to the proposed upgraded and much larger Vine Street substation. Our home is approximately 300' north of the existing substation and will be much closer to the proposed much larger substation. Both Vine Street and E. Lester Avenue are proposed routes for the new, much larger, transmission lines that will both enter and exit the proposed new substation. This puts our home at ground zero for this aspect of TEP's proposed Midtown Reliability Project.

We all realize as Tucson grows that enhancements to TEP's electric grid will occasionally be necessary. Legitimate concerns, however, do exist regarding *how* these occasional enhancements will be implemented.

TEP has long sold itself as being a proud member of the Tucson community and often touts its sincere efforts to be a good neighbor. Many residents, however, legitimately question why TEP, as an active and caring member of the Tucson community, seemingly ignored clear and long-existing guidelines, recommendations and regulations regarding scenic corridors, neighborhood development requirements and related issues while planning this project. These regulations and guidelines are clearly and unambiguously detailed in public documents designed to protect the quality of life and the scenic beauty and liveability of the central Tucson community. The Midtown Reliability Project seems to have simply ignored the related decisions of Tucson City government, the accepted and adopted input of neighborhood groups and other studies made previous to the planning for this large project. It is difficult to look at what appears to be a disregard for these community-wide directives and concerns and still think of TEP as a good neighbor and a caring member of the wider community.

Many of us realize that undergrounding the entire project may not be possible because of both the cost and related infrastructure conflicts along the proposed routes. TEP, however, has argued that undergrounding, essentially anywhere, is expensive and that it would not be fair to increase rates throughout the customer base to pay for selective undergrounding that, in TEP's words, "would benefit only a few". The guidelines regarding scenic corridors and the maintenance of older historic central Tucson neighborhoods were not chosen by Tucson city government "to benefit only a few" but because they were considered important in planning for the future of the entire central Tucson

community. The video on TEP's Midtown Reliability Project website states that this project will supply a "stronger, smarter grid in Central Tucson" for its "homes, businesses and other customers" and will "promote the city's growth". I think it is clear that Tucson City government put the referenced guidelines/regulations in place for similar reasons, i.e. in order to provide a stronger smarter future for Central Tucson as well as promote the city's growth.

As far as TEP's position that undergrounding in certain neighborhood areas would "benefit only a few" and, hence, is unfair to others, I suppose what many do not understand is this: TEP responsibly upgrades differing aspects of their wide-ranging grid on a continual basis. Many of these grid updates may selectively benefit only portions of the customer base. I would further venture that the cost of many of these upgrades are passed on, in incremental fashion, to the wider customer base, many of whom may not benefit directly from each specific local or regional upgrade. I would also venture that most of your customer base understands and generally accepts occasional rate increases related to upgraded infrastructure costs. *It should not be difficult to understand that both TEP's Midtown Reliability Project as well as the City's guidelines and regulations regarding scenic corridors and Central Tucson's neighborhoods are both important for the the city's future.*

The Midtown Reliability Project is a complex and expensive endeavor designed to provide the reliable delivery of electricity to central Tucson well into the future. Undergrounding small portions of this project, in order to at least partially comply with the stated wishes, concerns and regulatory guidelines of both city government and Tucson residents is *not* a deal-killing expense-side addition to such a large and complex project. It would not significantly change the total cost of the project, especially when amortized over the intended life of the project.

Over the last couple of years Jeanne and I have spent a substantial amount of money investing in solar panels and storage batteries sufficient to handle the electrical demands of our home. We are both retired and I just celebrated my 80th birthday. The point being that, for us, this is much more than an economic investment. We most likely will not be alive long enough to see this investment pay for itself. We did it simply as an investment in Tucson's future and because it was the right thing to do.

The enormous proposed powerlines that will enter and exit the substantially larger new Vine Street substation will have to somewhere cross relatively small areas of older Central Tucson historic neighborhoods. Whether those new lines are built on two sides of our home by routing down either or both Vine and Lester, or whether they are routed slightly to the south through the North University neighborhood, we would like to strongly encourage TEP to do as we have done, to be a good neighbor and to do the right

thing, even though the initial cost may be slightly higher, to comply with the guidelines and regulations of Tucson City government and, at the very least, underground the lines through the residential neighborhoods.

A more comprehensive evaluation of investment value ought to consider long-term community impacts, the city-wide reputation of TEP, and what it means to be a good neighbor.

Investments in the future require a longer view than immediate short-term economic return. Undergrounding power lines is increasingly being done all over the United States and throughout Europe and it clearly can be done, in small increments here in Tucson.

Sincerely,

Ken Wiley
Jeanne Calhoun
1844 N. Vine Avenue
Tucson



Outlook

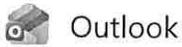
TEP Project

From Stephen Carlat <spcarlat@gmail.com>
Date Wed 1/21/2026 10:59 AM
To TucsonRezoning <TucsonRezoning@tucsonaz.gov>

You don't often get email from spcarlat@gmail.com. [Learn why this is important](#)

I oppose this effort by TEP to avoid doing the best thing for my neighborhood (as well as the whole affected area along this project) until TEP lays out a complete end-to-end proposal for undergrounding their utilities through our and our neighbor's neighborhoods.

Stephen Carlat
3rd Ave
West University Neighborhood



TEP and my neighborhood

From Stephen Carlat <spcarlat@gmail.com>

Date Sun 1/25/2026 2:00 PM

To TucsonRezoning <TucsonRezoning@tucsonaz.gov>

You don't often get email from spcarlat@gmail.com. [Learn why this is important](#)

As a resident of our Historic West University Neighborhood, I strongly encourage the zoning examiner to deny TEP's request for a zoning exemption in case # TP-ENT-1025-00021. As presented, TEP's Midtown Reliability Project & Vine Substation are noncompliant with city code, area plans, and our historic zoning overlay.

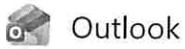
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The purpose of the Vine substation is to support transmission lines. Thus, these power lines entering and exiting the substation need to comply with area plans & zoning overlays. The three instances where TEP fails to comply by refusing to underground the lines...

- Plan Tucson 2025
- University Area Plan, Section 6, Guideline 6
- West University Historic Preservation Zone UDC 5.8.9.L.4

Over the last 6 years, TEP has continually failed to be transparent and honest with our neighborhood. From "working groups" that pitted neighborhoods against one another to mass disinformation campaigns. TEP has created confusion and distrust in the community. Please hold TEP accountable and deny their zoning exemption request. Tucson Deserves Better!

Stephen Carlat



TP-ENT-1025-00021 Comments

From Trish Castalia <trish@desert.com>

Date Wed 1/28/2026 10:29 AM

To TucsonRezoning <TucsonRezoning@tucsonaz.gov>

You don't often get email from trish@desert.com. [Learn why this is important](#)

I am a concerned resident of the West University Neighborhood. There should be no exception to the existing regulations regarding the placement of power lines through our (and other adjacent) historic neighborhoods. Please vote against TEP's request for an exemption to these regulations and their efforts to place above ground power lines through our neighborhoods.

Sincerely,

Patricia Castalia
712 N 7th Avenue
Tucson, AZ 85705



ENT-1025-00021 or the Vine Substation.

From azgps@mindspring.com <azgps@mindspring.com>

Date Fri 1/23/2026 7:20 AM

To TucsonRezoning <TucsonRezoning@tucsonaz.gov>

You don't often get email from azgps@mindspring.com. [Learn why this is important](#)

Dear Mr. Mazzocco,

TEP is not above Tucson's laws. Even in this current climate, here in Tucson, "no" means no. Please do not reward TEP's intransigence. To do so, is like yielding to an obstinate child and experienced parents understand the long term consequences of that!

Thank you for representing our community and enforcing our community standards.

Sincerely,

Sharyl Cates

Sent from EarthLink Mobile mail



TP-ENT-1025-00021

From Catherine Nichols <catherine.nichols@gmail.com>

Date Sun 1/25/2026 3:26 PM

To TucsonRezoning <TucsonRezoning@tucsonaz.gov>

You don't often get email from catherine.nichols@gmail.com. [Learn why this is important](#)

To whom it may concern:

As a resident of our Historic West University Neighborhood, I strongly encourage the zoning examiner **to deny TEP's request for a zoning exemption** in case # TP-ENT-1025-00021. As presented, TEP's Midtown Reliability Project & Vine Substation are noncompliant with city code, area plans, and our historic zoning overlay.

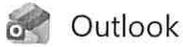
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The purpose of the Vine substation is to support transmission lines. Thus, these power lines entering and exiting the substation need to comply with area plans & zoning overlays. The three instances where TEP fails to comply by refusing to underground the lines include:

- Plan Tucson 2025
- University Area Plan, Section 6, Guideline 6
- West University Historic Preservation Zone UDC 5.8.9.L.4

TEP has continually failed to be transparent and honest with our neighborhood. Also I am deeply concerned about their integrity with regards to the ratepayers.

Catherine Nichols
1030 N. First Ave.
Tucson, AZ 85719



case # TP-ENT-1025-00021

From Steve Cowan <sjcowan@proton.me>
Date Wed 1/28/2026 11:58 AM
To TucsonRezoning <TucsonRezoning@tucsonaz.gov>

You don't often get email from sjcowan@proton.me. [Learn why this is important](#)

As a resident of our Historic West University Neighborhood, I strongly encourage the zoning examiner to deny TEP's request for a zoning exemption in case # TP-ENT-1025-00021. As presented, TEP's Midtown Reliability Project & Vine Substation are noncompliant with city code, area plans, and our historic zoning overlay.

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Over the last 6 years, TEP has continually failed to be transparent and honest with our neighborhood. From "working groups" that pitted neighborhoods against one another to mass disinformation campaigns, TEP has created confusion and distrust in the community. Please hold TEP accountable and deny their zoning exemption request. Tucson Deserves Better! "

Sent with [Proton Mail](#) secure email.



case # TP-ENT-1025-00021

From Amy Davis <amycamerondavis@gmail.com>
Date Mon 1/26/2026 8:52 AM
To TucsonRezoning <TucsonRezoning@tucsonaz.gov>

You don't often get email from amycamerondavis@gmail.com. [Learn why this is important](#)

To Whom It May Concern:

As a resident of our Historic West University Neighborhood, I strongly encourage the zoning examiner to deny TEP's request for a zoning exemption in case # TP-ENT-1025-00021. As presented, TEP's Midtown Reliability Project & Vine Substation are noncompliant with city code, area plans, and our historic zoning overlay.

Provision 3.4.5.A of the Unified Development Code (UDC) of the City states that to grant any special exception, the Zoning Examiner must find that the exception: "Complies with the General Plan and any applicable sub-regional, area, or neighborhood plan." TEP's request clearly fails to do so.

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- University Area Plan, Section 6, Guideline 6
- West University Historic Preservation Zone UDC 5.8.9.L.4

Over the last 6 years, TEP has continually failed to be transparent and honest with our neighborhood. From "working groups" that pitted neighborhoods against one another to mass disinformation campaigns. TEP has created confusion and distrust in the community. Please hold TEP accountable and deny their zoning exemption request. Tucson Deserves Better!

Sincerely,
Amy Davis



Outlook

Case # TP-ENT-1025-00021

From CHRIS GANS <cgans232@msn.com>
Date Wed 1/28/2026 9:46 AM
To TucsonRezoning <TucsonRezoning@tucsonaz.gov>

You don't often get email from cgans232@msn.com. [Learn why this is important](#)

Dear Mayor and Council Members,

We request that you deny TEP's request for a Zoning Exemption to the Vine substation using overhead lines with poles. Neighborhoods are opposed to the overhead lines and poles. Please follow the law and require that TEP underground the lines.

Chris Gans
Jill Bielawski
130 E University Blvd.
Tucson 85705



Re: TP-ENT-1025-00021-TEP case

From MARY GOOD <mccaslingood@cox.net>

Date Fri 1/23/2026 3:20 PM

To TucsonRezoning <TucsonRezoning@tucsonaz.gov>

Cc Tom Good <goodt@arizona.edu>; MARY GOOD <mccaslingood@cox.net>; Mary Mccaslin <mccaslin@arizona.edu>

You don't often get email from mccaslingood@cox.net. [Learn why this is important](#)

Attention: Jim Mazzocco

We continue to be amazed by TEP's reluctance to accept decisions that have been made after careful deliberation. TEP seems to think they have the power to do as they see fit irrespective of extant rules and regulations. We hope you will uphold common sense, safety, and extant regulations. A decision to build massive above-ground lines benefits no one but TEP. It is in the neighborhoods' and the city's best interests that TEP not be allowed to build these power lines above ground.

We hope we can depend upon you for a decision that prevents TEP from disrupting neighborhoods and creating needless and unsafe conditions.

Cordially,

Thomas L. Good, retired professor



TP-ENT-1025-00021

From Joan Hall <joanchall@yahoo.com>
Date Sun 1/25/2026 1:40 PM
To TucsonRezoning <TucsonRezoning@tucsonaz.gov>

You don't often get email from joanchall@yahoo.com. [Learn why this is important](#)

Dear Zoning Examiner,

As a resident of Tucson's 31st Historic Neighborhood, Jefferson Park Neighborhood, I strongly encourage you to deny TEP's request for a zoning exemption in case # TP-ENT-1025-00021. As presented, TEP's Midtown Reliability Project & Vine Substation are noncompliant with city code, area plans, and our historic zoning overlay.

Provision 3.4.5.A of the Unified Development Code (UDC) of the City states that to grant any special exception, the Zoning Examiner must find that the exception: "Complies with the General Plan and any applicable sub-regional, area, or neighborhood plan." TEP's request clearly fails to do so.

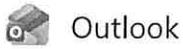
The purpose of the Vine substation is to support transmission lines. Thus, these power lines entering and exiting the substation need to comply with area plans & zoning overlays. The three instances where TEP fails to comply by refusing to underground the lines...

- Plan Tucson 2025
- University Area Plan, Section 6, Guideline 6
- Jefferson Park Neighborhood Historic Preservation Zone

Over the last 6 years, TEP has continually failed to be transparent and honest with our neighborhood. From "working groups" that pitted neighborhoods against one another to mass disinformation campaigns. TEP has created confusion and distrust in the community. Please hold TEP accountable and deny their zoning exemption request. Tucson Deserves Better! "

Thank you,

Joan Hall



case TP-ENT-1025-00021

From Hildebrand, John G - (jhildebr) <jhildebr@arizona.edu>

Date Wed 1/21/2026 11:04 AM

To TucsonRezoning <TucsonRezoning@tucsonaz.gov>

You don't often get email from jhildebr@arizona.edu. [Learn why this is important](#)

To: Zoning Examiner Jim Mazzocco

RE: case TP-ENT-1025-00021

Tucson's plans prefer or require undergrounding, according to four Zoning Examiner decisions to date.

TEP is not above Tucson's laws, and its intransigence must not be rewarded.

As a resident in midtown near the U of A, I fervently urge you to sustain our arguments and demand for undergrounding.

Thank you.

John G. Hildebrand, Ph.D.

Tucson 85719



Outlook

reTP-ENT-1025-00021-TEP Substation, - Vine Avenue (Ward 6)

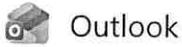
From J E DANIELS <jdchama@msn.com>**Date** Wed 1/14/2026 7:54 AM**To** TucsonRezoning <TucsonRezoning@tucsonaz.gov>

You don't often get email from jdchama@msn.com. [Learn why this is important](#)

Mr Mazzocco,

Please **do not allow TEP** to obtain the Vine substation. It was denied once and now they are back. It was against the UA Plan and the good of the nearby neighborhoods, it is still not OK. It is time to stand up to that monopoly and advocate for our community. One hundred+ poles thru an historic district is unnecessary. They can underground or select a less destructive route.

Joan Daniels, Jefferson Park



TP-ENT-1025-00021

From Anna Josephson <anna.leigh.josephson@gmail.com>

Date Mon 1/26/2026 10:01 AM

To TucsonRezoning <TucsonRezoning@tucsonaz.gov>

You don't often get email from anna.leigh.josephson@gmail.com. [Learn why this is important](#)

As a resident of our Historic West University Neighborhood, I strongly encourage the zoning examiner to deny TEP's request for a zoning exemption in case # TP-ENT-1025-00021. As presented, TEP's Midtown Reliability Project & Vine Substation are noncompliant with city code, area plans, and our historic zoning overlay. This plan should not move forward.

Provision 3.4.5.A of the Unified Development Code (UDC) of the City states that to grant any special exception, the Zoning Examiner must find that the exception: "Complies with the General Plan and any applicable sub-regional, area, or neighborhood plan." TEP's request clearly fails to do so and has not worked to rectify this violation despite ample opportunity.

The purpose of the Vine substation is to support transmission lines. Thus, these power lines entering and exiting the substation need to comply with area plans & zoning overlays. The three instances where TEP fails to comply by refusing to underground the lines...

- Plan Tucson 2025
- University Area Plan, Section 6, Guideline 6
- West University Historic Preservation Zone UDC 5.8.9.L.4

Over the last 6 years, TEP has continually failed to be transparent and honest with our neighborhood. From "working groups" that pitted neighborhoods against one another to mass disinformation campaigns. TEP has created confusion and distrust in the community. Please hold TEP accountable and deny their zoning exemption request.

Thank you for your attention,
-Anna Josephson
West University Resident



Case # TP-ENT-1025-00021 - Deny Zoning Exemption

From Laura Josephson <lejosephson@gmail.com>

Date Mon 1/26/2026 1:31 PM

To TucsonRezoning <TucsonRezoning@tucsonaz.gov>

You don't often get email from lejosephson@gmail.com. [Learn why this is important](#)

Dear Zoning Examiner,

I'm writing as a concerned citizen of Tucson to strongly encourage you to deny TEP's request for a zoning exemption in the Case #TP-ENT-1025-00021. TEP's exemption request fails to comply with the Unified Development Code, and they are non-compliant with area plans including Plan Tucson 2025, the University Area Plan, and the West University Historic Preservation Zone UDC. Over the last six years, TEP has repeatedly failed to be transparent and honest with Tucson - we deserve better. For the good of the city, citizens, and the impacted neighborhoods, I ask that you please hold TEP accountable and deny their exemption request.

Thank you so much,
Laura Josephson



TP-ENT-1025-00021

From Tucson Elder <tucson@gracelutheransaz.org>
Date Wed 1/28/2026 2:05 PM
To TucsonRezoning <TucsonRezoning@tucsonaz.gov>

You don't often get email from tucson@gracelutheransaz.org. [Learn why this is important](#)

As an entity within the West University Neighborhood Association I feel that I must encourage the zoning examiner to reject TEP's request for this variance.

Provision 3.4.5.A of the Unified Development Code (UDC) of the City states that to grant any special exception, the Zoning Examiner must find that the exception: "Complies with the General Plan and any applicable sub-regional, area, or neighborhood plan." TEP's request clearly fails to do so.

The purpose of the Vine substation is to support transmission lines. Thus, these power lines entering and exiting the substation need to comply with area plans & zoning overlays. The three instances where TEP fails to comply by refusing to underground the lines...

- Plan Tucson 2025
- University Area Plan, Section 6, Guideline 6
- West University Historic Preservation Zone UDC 5.8.9.L.4

With these failures to comply I feel it should be an easy decision to deny TEP's request.

Paul Kassulke
Tucson Site Elder
Grace Lutheran Church



TP-ENT-1025-00021

From Hank Knaack <hank.knaack@gmail.com>**Date** Wed 1/21/2026 12:42 PM**To** TucsonRezoning <TucsonRezoning@tucsonaz.gov>

You don't often get email from hank.knaack@gmail.com. [Learn why this is important](#)

I want to express my opposition to the City making special exceptions for TEP:

1. **New Overhead Lines Conflict with Tucson's Laws and Vision**

TEP's project ignores long-standing local plans and ordinances that call for burying lines wherever possible. These laws were enacted to protect Tucson's character and quality of life, promote tourism and business, and promote investment in high-density development.

2. **Improved Reliability and Safety**

Underground lines avoid many hazards— from storms and fires to accidents and vandalism. Fewer power outages and emergency repairs mean fewer costs and disruptions in the long run. The City of Mesa Electric has far higher reliability than TEP because of its underground electric lines.

3. **Transmission Lines Are Buried All Over Arizona**

Central Phoenix has 14 miles of transmission lines underground, Tempe 8 miles, Chandler 7 miles, and Scottsdale 10 miles—Tucson has **zero** and TEP needs to bury **only 2 miles** to comply with Tucson's plans and ordinances. If other Arizona utilities can manage longer underground projects in other Arizona cities, TEP can certainly manage one in Tucson.

4. **Cost Is a Non-Factor**

Even TEP's own figures show the cost to bury lines is an insignificant fraction of its overall capital budget and ratepayer collections. The total cost of ownership for underground lines can be comparable to or even a savings for ratepayers from overhead lines. TEP also voluntarily agreed in its franchise that cost could not be an issue when complying with local laws.

By fighting this for so long, TEP has needlessly harmed itself and ratepayers. TEP has likely already spent more money fighting Tucson's laws than following them would have reasonably cost—without accomplishing any of its goals. And, TEP has pushed many more people to join the fight for public power.

5. Underground Lines Are An Investment In The Future

These new lines can serve the region for a century or more. Burying them now, in the densest part of the city, rather than retrofitting later, is more cost-effective and preserves or improves Tucson's reliability, aesthetics, and develop-ability for the long run. Central Phoenix successfully made a similar calculation in the 1960s. Tucson should not be undermining its future 60 years later.

Best,
Hank Knaack
Long time Tucson resident and home owner



TEP Midtown Reliability Project Vine Substation, Case # TP-ENT-1025-00021.

From Laurel-Heather Milden <trdswmn@cox.net>
Date Sun 1/18/2026 4:56 PM
To TucsonRezoning <TucsonRezoning@tucsonaz.gov>

You don't often get email from trdswmn@cox.net. [Learn why this is important](#)

Dear Jim Mazzocco:

I have lived in Jefferson Park Neighborhood since 2003. What drew mw to this neighborhood was its history. Please do not allow TEP to degrade our wonderful neighborhood with a bigger substation and then to put in above ground wiring. Tucson is growing by leaps and bounds and there are so few precious historic neighbor hoods left. This substation and the new poles will decrease the visual appeal of this neighborhood. Please Say No to TEP.

Thanks in advance for your consideration,
Laurel-Heather Milden
Long Time Resident of Jefferson Park

Laurel-Heather
520-343-0073



JPNA: # TP-ENT-1025-00021

From Yvonne Lorch <yslorch@gmail.com>
Date Tue 1/27/2026 5:56 PM
To TucsonRezoning <TucsonRezoning@tucsonaz.gov>

You don't often get email from yslorch@gmail.com. [Learn why this is important](#)

Dear Zoning Examiner,

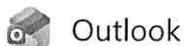
As a resident of Tucson's 31st Historic Neighborhood, Jefferson Park Neighborhood, I urge you to deny TEP's request for a zoning exemption in case # TP-ENT-1025-00021. Simply put, TEP's Midtown Reliability Project & Vine Substation are not compliant with city code, area plans, and our historic zoning overlay including:

- Plan Tucson 2025
- University Area Plan, Section 6, Guideline 6
- Jefferson Park Neighborhood Historic Preservation Zone

Provision 3.4.5.A of the Unified Development Code (UDC) of the City states that to grant any special exception, the Zoning Examiner must find that the exception: "Complies with the General Plan and any applicable sub-regional, area, or neighborhood plan." The power lines entering and exiting the substation must comply with the area plans and zoning overlays. Overhead lines do not comply.

Thank you,

Yvonne Lorch



JPNA: # TP-ENT-1025-00021

From slinc07@aol.com <slinc07@aol.com>
Date Tue 1/27/2026 6:56 PM
To TucsonRezoning <TucsonRezoning@tucsonaz.gov>

You don't often get email from slinc07@aol.com. [Learn why this is important](#)

Dear Zoning Examiner,

As a resident of Jefferrson Park, Tucson's 31st Historic Neighborhood, I urge you to deny TEP's request for a zoning exemption in case # TP-ENT-1025-00021. Simply put, TEP's Midtown Reliability Project & Vine Substation are not compliant with city code, area plans, and our historic zoning overlay including:

- Plan Tucson 2025
- University Area Plan, Section 6, Guideline 6
- Jefferson Park Neighborhood Historic Preservation Zone

Provision 3.4.5.A of the Unified Development Code (UDC) of the City states that to grant any special exception, the Zoning Examiner must find that the exception: "Complies with the General Plan and any applicable sub-regional, area, or neighborhood plan." The power lines entering and exiting the substation must comply with the area plans and zoning overlays. Overhead lines do not comply.

Thank you,

Stuart Lorch



TEP Midtown Reliability Project Vine Substation, Case # TP-ENT-1025-00021

From McCormick, Misty T - (sandberm) <sandberm@arizona.edu>
Date Wed 1/14/2026 10:57 AM
To TucsonRezoning <TucsonRezoning@tucsonaz.gov>
Cc Misty McCormick (sandberm@u.arizona.edu) <sandberm@u.arizona.edu>; COLLEEN NICHOLS <cnichols17@cox.net>

You don't often get email from sandberm@arizona.edu. [Learn why this is important](#)

Attn: Zoning Examiner
Ref: TEP Midtown Reliability Project Vine Substation, Case # TP-ENT-1025-00021.

A public hearing regarding TEP's plan to build the Vine substation as part of the Midtown Reliability Project has been scheduled. TEP has applied for a Special Exception Land Use Permit and the Zoning Examiner will decide whether to grant the exception or not.

As you already know, the project intends to erect massive 100-foot tall 138kV pylons and overhead lines to run straight through the heart of the city, including our neighborhood and many residential and historic areas.

To upgrade and build the new substation, however, TEP would need to gain approval of the City for a zoning variation.

Provision 3.4.5.A of the Unified Development Code (UDC) of the City states that to grant any special exception, the Zoning Examiner must find that the exception: "Complies with the General Plan and any applicable sub-regional, area, or neighborhood plan." **TEP's request clearly fails to do so.**

Here's why. In the city's General Plan, Plan Tucson, Guideline LT28.1.2 calls for cabling to be installed underground wherever possible. In addition, there is also an applicable Area Plan, called the University Area Plan (UAP). Its territory covers Broadway Boulevard on the south, Country Club Road on the east, Grant Road on the north, Stone Avenue on the west. Section 6, Guideline 6 of the UAP states that, whenever possible, utilities within the UAP should be placed underground.

The proposed Vine substation is located within the UAP. The main and only compelling purpose of the substation is to connect transmission lines to and from it, whose cables both Plan Tucson and the UAP affirm should be placed underground. Therefore, **the Zoning Examiner should deny the exception unless the new transmission lines connected to it are constructed underground**, at least within the territory of the UAP.

Thank you in advance for upholding the City's general area plan & UAP as intended,

Misty McCormick
Jefferson Park Neighborhood Resident



DENY TEP Zoning exemption

From Benjamin D McDonald <mcdonaldbenjamind@gmail.com>

Date Sun 1/25/2026 6:03 PM

To TucsonRezoning <TucsonRezoning@tucsonaz.gov>

You don't often get email from mcdonaldbenjamind@gmail.com. [Learn why this is important](#)

Dear Zoning Examiner,

As a resident of the Historic West University Neighborhood, I strongly encourage you to deny TEP's request for a zoning exemption in case # TP-ENT-1025-00021.

As presented, TEP's Midtown Reliability Project and Vine Substation are noncompliant with city code, area plans, and our historic zoning overlay. Specifically, Provision 3.4.5.A of the Unified Development Code (UDC) requires that any special exception must comply with the General Plan and any applicable neighborhood plans. TEP's request fails to comply with the following:

- Plan Tucson 2025
- University Area Plan, Section 6, Guideline 6
- West University Historic Preservation Zone UDC 5.8.9.L.4

TEP has failed to be transparent with our community and continues to refuse to underground the lines as required. Please hold TEP accountable and deny their zoning exemption request.

Best regards,
Benjamin McDonald
West University Resident



TP-ENT-1025-00021

From Jeffrey Michler <jdmichler@gmail.com>
Date Mon 1/26/2026 10:30 AM
To TucsonRezoning <TucsonRezoning@tucsonaz.gov>

You don't often get email from jdmichler@gmail.com. [Learn why this is important](#)

To Zoning Examiner,

As a resident of our Historic West University Neighborhood, I strongly encourage the zoning examiner to deny TEP's request for a zoning exemption in case # TP-ENT-1025-00021. As presented, TEP's Midtown Reliability Project & Vine Substation are noncompliant with city code, area plans, and our historic zoning overlay.

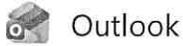
Provision 3.4.5.A of the Unified Development Code (UDC) of the City states that to grant any special exception, the Zoning Examiner must find that the exception: "Complies with the General Plan and any applicable sub-regional, area, or neighborhood plan." TEP's request clearly fails to do so.

The purpose of the Vine substation is to support transmission lines. Thus, these power lines entering and exiting the substation need to comply with area plans & zoning overlays. The three instances where TEP fails to comply by refusing to underground the lines...

- Plan Tucson 2025
- University Area Plan, Section 6, Guideline 6
- West University Historic Preservation Zone UDC 5.8.9.L.4

Over the last 6 years, TEP has continually failed to be transparent and honest with our neighborhood. From "working groups" that pitted neighborhoods against one another to mass disinformation campaigns. TEP has created confusion and distrust in the community. Please hold TEP accountable and deny their zoning exemption request. Tucson Deserves Better!

Dr. Jeffrey D. Michler
West University



Case # TP-ENT-1025-00021.

From Miguel Remo de Zubeldia <miguel.dezubeldia@gmail.com>

Date Wed 1/28/2026 9:51 AM

To TucsonRezoning <TucsonRezoning@tucsonaz.gov>

You don't often get email from miguel.dezubeldia@gmail.com. [Learn why this is important](#)

Hello,

As a homeowner in the Historic West University Neighborhood, I urge the zoning examiner to reject TEP's application for a zoning exemption in case # TP-ENT-1025-00021. TEP's Midtown Reliability Project and Vine Substation, as currently proposed, violate city code, area plans, and our historic zoning overlay.

Section 3.4.5.A of the City's Unified Development Code (UDC) requires that for any special exception to be granted, the Zoning Examiner must determine that it: "Complies with the General Plan and any applicable sub-regional, area, or neighborhood plan." TEP's application clearly does not meet this requirement.

Since the Vine substation's function is to support transmission lines, the power lines connecting to the substation must comply with area plans and zoning overlays. TEP fails to meet these requirements by declining to underground the lines, violating three key provisions:

- Plan Tucson 2025
- University Area Plan, Section 6, Guideline 6
- West University Historic Preservation Zone UDC 5.8.9.L.4

These sorts of projects may seem like small decisions/exceptions along the way but, they do erode the unique character and charm of our neighborhoods over time and I hope you choose to leverage existing laws in place to prevent such things, instead of providing this exception.

Thanks,
Miguel



Case # TP-ENT 1025 00021

From Leonard Nicholson <lnicholson47@yahoo.com>
Date Fri 1/23/2026 10:09 PM
To TucsonRezoning <TucsonRezoning@tucsonaz.gov>

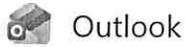
[You don't often get email from lnicholson47@yahoo.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Dear Mr. Mazzocco,

We strongly oppose additional or new above ground power/electric transmission lines in Tucson. There is nothing to recommend above ground power transmission. Although it may be less costly in the short run it pays for itself in the future. Numerous cities in Arizona have already banned above ground power lines and we should not be left behind. Please do not recommend the TEP exception (Midtown Reliability Project Vine Substation) be approved. Undergrounding is the way of the future.

Thank you for your consideration,

Leonard Nicholson
Charli Nicholson



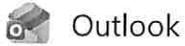
case # TP-ENT-1025-00021

From Carolyn Niethammer <cniethammer@yahoo.com>
Date Mon 1/26/2026 10:32 AM
To TucsonRezoning <TucsonRezoning@tucsonaz.gov>

You don't often get email from cniethammer@yahoo.com. [Learn why this is important](#)

Please register my opposition to TEP's installation of above ground - high power transmission lines through our West University neighborhood. Our house on First Street and Second Ave has been in my husband's family since 1946. As founders of the West University Neighborhood Assn., we have worked for decades to preserve the historic character of the area. Huge transmission lines will lower the value of the homes it will impact directly and devalue the historic character of the neighborhood. TEP can easily afford to underground the lines.

Carolyn Niethammer
www.cniethammer.com



Hold fast for TEP undergrounding please

From Rici <underthetucsonsun6@gmail.com>

Date Fri 1/23/2026 12:59 PM

To TucsonRezoning <TucsonRezoning@tucsonaz.gov>

You don't often get email from underthetucsonsun6@gmail.com. [Learn why this is important](#)

Dear Mr Mazzocco,

Just a note to ask that you continue to stand up for Tucsonans in the endless struggle with TEP ignoring our laws and treating our community like a poor stepchild. Specifically I'm referring to the Vine Station project (TP-ENT-1025-00021).

TEP is in no way above the law, regardless of their shameless bullying.

Thank you for your service, sir.

Rici Peterson
Tucson resident



TP-ENT-1025-00021 Deny TEP Zoning Exemption

From Andy Pongratz <pongratzproperties@gmail.com>
Date Tue 1/27/2026 12:06 PM
To TucsonRezoning <TucsonRezoning@tucsonaz.gov>

You don't often get email from pongratzproperties@gmail.com. [Learn why this is important](#)

Tucson Zoning,

" As a resident of our Historic West University Neighborhood, I strongly encourage the zoning examiner to deny TEP's request for a zoning exemption in case # TP-ENT-1025-00021. As presented, TEP's Midtown Reliability Project & Vine Substation are noncompliant with city code, area plans, and our historic zoning overlay.

Provision 3.4.5.A of the Unified Development Code (UDC) of the City states that to grant any special exception, the Zoning Examiner must find that the exception: "Complies with the General Plan and any applicable sub-regional, area, or neighborhood plan." TEP's request clearly fails to do so.

The purpose of the Vine substation is to support transmission lines. Thus, these power lines entering and exiting the substation need to comply with area plans & zoning overlays. The three instances where TEP fails to comply by refusing to underground the lines...

- Plan Tucson 2025
- University Area Plan, Section 6, Guideline 6
- West University Historic Preservation Zone UDC 5.8.9.L.4

Over the last 6 years, TEP has continually failed to be transparent and honest with our neighborhood. From "working groups" that pitted neighborhoods against one another to mass disinformation campaigns. TEP has created confusion and distrust in the community. Please hold TEP accountable and deny their zoning exemption request. Tucson Deserves Better! "

Andrew C. Pongratz
Property Owner-Manager
Pongratz Properties Realty Management, LLC

✉ pongratzproperties@gmail.com

📞 +1 (520) 245-9949

☎ +1 (520) 624-4628

📍 102 W Roger Rd, Tucson, AZ 85705

pongratzproperties.com



TP - ENT-1025-00021

From Nancy Martin <nskreko@gmail.com>
Date Mon 1/26/2026 8:56 AM
To TucsonRezoning <TucsonRezoning@tucsonaz.gov>

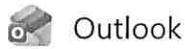
You don't often get email from nskreko@gmail.com. [Learn why this is important](#)

Dear Zoning Examiner:

As a resident of Jefferson Park I urge you to deny TEP the variance it needs to ram huge high tension power poles thru our historic residential neighborhood. These poles are unaesthetic, unhealthy and unsafe. Poles have been undergrounded in Phoenix and other communities and there is no reason why they could not be here. We regularly have fly-overs from Banner helicopters and military flites from DM. I can remember when a fighter pilot had to eject and ditched his plane killing 2 young women in our neighborhood. if a flite comes down on one of these proposed poles it would be a disaster. These proposed lines are too close to an elementary school, Banner hospital and the UA to be safe. At least one study (commissioned by a utility company) showed higher rates of brain tumors in residents living near such lines.

The proposed lines will devalue adjacent properties. My family's home represents over half of our family wealth. We and many other families will be suing the city, and TEP if these poles are not undergrounded. The cost will more than wipe out any savings TEP could realize by not undergrounding.

Thank you for considering a resident's plea,
Nancy Martin 902 E. Hampton



TEP travesty

From Vytas Sakalas <sakalasart@gmail.com>
Date Wed 1/21/2026 10:01 PM
To TucsonRezoning <TucsonRezoning@tucsonaz.gov>

You don't often get email from sakalasart@gmail.com. [Learn why this is important](#)

Greetings Mr. Mazzocco,

It is my fervent hope that you will deny TEP their absurd request to get your approval for them to break the law by erecting enormous, unsightly power poles within scenic corridors in the City of Tucson.

Tucson deserves the same consideration as Phoenix, Scottsdale, and other Arizona cities have received in having their power lines placed underground. If TEP's request were to be granted, it would be an ugly travesty that will last for generations to come.

Sincerely,

Vytas Sakalas
2505 E 1st St
Tucson, AZ 85716
520-881-5921 (home phone, does not text)



case # TP-ENT-1025-00021

From Megan Schrag-Toso <mschrag1@gmail.com>
Date Sun 1/25/2026 5:55 PM
To TucsonRezoning <TucsonRezoning@tucsonaz.gov>

You don't often get email from mschrag1@gmail.com. [Learn why this is important](#)

As a resident of our Historic West University Neighborhood, I strongly encourage the zoning examiner to deny TEP's request for a zoning exemption in case # TP-ENT-1025-00021. As presented, TEP's Midtown Reliability Project & Vine Substation **are noncompliant** with city code, area plans, and our historic zoning overlay.

Over the last 6 years, TEP has continually failed to be transparent and honest with our neighborhood. From "working groups" that pitted neighborhoods against one another to mass disinformation campaigns. TEP has created confusion and distrust in the community. Please hold TEP accountable and deny their zoning exemption request.

Thank you very much for considering the voices of Tucson residents.
Margaret Schtag-Toso
112 E. 1st Street
Tucson, AZ 95705



TP-ENT-1025-00021-TEP Substation

From Fiona Stout <fionaastout@gmail.com>
Date Wed 1/21/2026 10:07 AM
To TucsonRezoning <TucsonRezoning@tucsonaz.gov>

You don't often get email from fionaastout@gmail.com. [Learn why this is important](#)

Good afternoon,

My name is Fiona Stout and I am emailing regarding TP-ENT-1025-00021-TEP Substation, hearing date Thursday, January 29 at 6:00 PM.

I strongly oppose TEP's plan to erect powerlines if they plane to erect them over the West University neighborhood. I am a renter in West University who loves where I live. My neighborhood is dedicated to preserving the historical value of the community.

Thank you,
Fiona Stout
Fiona Stout
J.D. Candidate 2026
James E. Rogers College of Law
Telephone: 918-919-2102
fionaastout@gmail.com | [LinkedIn](#)



Please stop TEP above ground lines

From Benjamin Vernon <ben.vernon80@gmail.com>
Date Wed 1/28/2026 7:41 AM
To TucsonRezoning <TucsonRezoning@tucsonaz.gov>

You don't often get email from ben.vernon80@gmail.com. [Learn why this is important](#)

Tucson Zoning Team,

As a resident of our Historic West University Neighborhood, I strongly encourage the zoning examiner to deny TEP's request for a zoning exemption in case # TP-ENT-1025-00021. As presented, TEP's Midtown Reliability Project & Vine Substation are noncompliant with city code, area plans, and our historic zoning overlay.

Provision 3.4.5.A of the Unified Development Code (UDC) of the City states that to grant any special exception, the Zoning Examiner must find that the exception: "Complies with the General Plan and any applicable sub-regional, area, or neighborhood plan." TEP's request clearly fails to do so.

The purpose of the Vine substation is to support transmission lines. Thus, these power lines entering and exiting the substation need to comply with area plans & zoning overlays. The three instances where TEP fails to comply by refusing to underground the lines...

- Plan Tucson 2025
- University Area Plan, Section 6, Guideline 6
- West University Historic Preservation Zone UDC 5.8.9.L.4

Over the last 6 years, TEP has continually failed to be transparent and honest with our neighborhood. From "working groups" that pitted neighborhoods against one another to mass disinformation campaigns. TEP has created confusion and distrust in the community. Please hold TEP accountable and deny their zoning exemption request. Tucson Deserves Better!

Thank you,

Benjamin Vernon
Co-Owner/Operator & Head Brewer



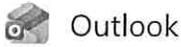
Tucson is the City, **Beer** is the Focus, **Love** is the Way

C: 520-403-2721

O: 520-444-5305

228 East 6th Street

Tucson, AZ 85705



Denial of Case TP-ENT-1025-00021

From Matthew Williams <stcksandstns@yahoo.com>
Date Tue 1/27/2026 10:17 PM
To TucsonRezoning <TucsonRezoning@tucsonaz.gov>

You don't often get email from stcksandstns@yahoo.com. [Learn why this is important](#)

To Whom It May Concern,

Re: TEP Rezoning Effort TP-ENT-1025-00021

It is not the purview of the zoning examiner to pin a favorable decision for an exception based on the cost of the alternative to the entity requesting the exception. TEP would have the zoning examiner disregard the law and the will of the people impacted by this project based solely on the increase in cost to their company. This is not a negotiable transaction. The visibility of this decision and its moral and legal implications are being recorded.

As presented, TEP's Midtown Reliability Project & Vine Substation are noncompliant with city code, area plans, and our historic zoning overlay.

Provision 3.4.5.A of the Unified Development Code (UDC) of the City states that to grant any special exception, the Zoning Examiner must find that the exception: "Complies with the General Plan and any applicable sub-regional, area, or neighborhood plan." TEP's request clearly fails to do so.

The purpose of the Vine substation is to support transmission lines. Thus, these power lines entering and exiting the substation need to comply with area plans & zoning overlays. The three instances where TEP fails to comply by refusing to underground the lines...

- Plan Tucson 2025
- University Area Plan, Section 6, Guideline 6
- West University Historic Preservation Zone UDC 5.8.9.L.4

Over the last 6 years, TEP has continually failed to be transparent and honest with the downtown neighborhoods affected by these proposed transmission lines. From "working groups" that pitted neighborhoods against one another to mass disinformation campaigns. TEP has created confusion and distrust in the community. It is the duty of your office to hold TEP accountable and deny their zoning exemption request. Tucson Deserves Better!

Matt Williams
Resident of West University



TP-ENT-1025-00021

From Jeanne <davenport.jeanne@gmail.com>

Date Thu 1/29/2026 12:17 PM

To TucsonRezoning <TucsonRezoning@tucsonaz.gov>

You don't often get email from davenport.jeanne@gmail.com. [Learn why this is important](#)

re:**TP-ENT-1025-00021**

As a resident of our Historic West University Neighborhood, I strongly encourage the zoning examiner to deny TEP's request for a zoning exemption in case # TP-ENT-1025-00021. As presented, TEP's Midtown Reliability Project & Vine Substation are noncompliant with city code, area plans, and our historic zoning overlay.

Provision 3.4.5.A of the Unified Development Code (UDC) of the City states that to grant any special exception, the Zoning Examiner must find that the exception: "Complies with the General Plan and any applicable sub-regional, area, or neighborhood plan." TEP's request clearly fails to do so.

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- University Area Plan, Section 6, Guideline 6
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Over the last 6 years, **TEP has continually failed to be transparent and honest** with our neighborhood. From "working groups" that pitted neighborhoods against one another to mass disinformation campaigns. TEP has created confusion and distrust in the community. Please hold TEP accountable and deny their zoning exemption request. Tucson Deserves Better!

--

Jeanne E Davenport

TucsonWest University Neighborhood resident for 32 years

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NMLS 175149**



January 27, 2026

RE: TEP Midtown Reliability Project Vine Substation Case #TP-ENT-1025-00021



Jim Mazzocco, Zoning Examiner
Planning and Development Services
P.O. Box 27210
Tucson, AZ 85726-7210

Dear Mr. Mazzocco,

My name is Randy Hotchkiss, Tucson Native, UofA alum and Tucson Business owner. I live at 1945 E. Mabel St. which is in the Southwest quadrant of the Blenman-Elm neighborhood near the intersection of Campbell and Speedway. I have a degree in Finance with a minor in area Development (city planning).

I am writing to encourage the Mayor and Council to turn down TEP's request for an exception to build a sizeable Vine substation which if allowed would be directly North of the new Banner Hospital tower. According to the University Area Plan (UAP), every new transmission line is required to be placed underground.

According to Tucson's Unified Development Code (UDC), approval of a special exception application requires that all UDC requirements be met. The UDC states that that to grant any special exception, the Zoning Examiner must find that the exception complies with the general plan and any applicable sub-regional, area, or neighborhood plan. TEP's request fails to meet those requirements.

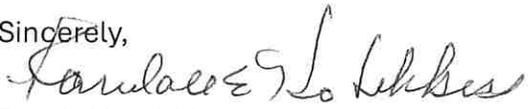
Many cities—such as San Antonio, Palo Alto, San Diego, and Chandler—have prioritized their communities by requiring that newly built transmission lines be placed underground.

Federal, state, and private funds are available to help defray the cost to underground but TEP has not bothered to put such partnerships together.

TEP has demonstrated that they and their Canadian parent company do not care about preserving the character of historic neighborhoods and the beauty of Tucson and its Street Scapes.

Tucson residents should not have to pay the price for TEP's lack of civic responsibility.

Please deny TEP's request for this exception.

Sincerely,

Randy Hotchkiss, President
Hotchkiss Financial, Inc.



TP-ENT-1025-00021

From Jeanne <davenport.jeanne@gmail.com>

Date Thu 1/29/2026 12:17 PM

To TucsonRezoning <TucsonRezoning@tucsonaz.gov>

You don't often get email from davenport.jeanne@gmail.com. [Learn why this is important](#)

re:**TP-ENT-1025-00021**

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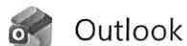
- Plan Tucson 2025
- University Area Plan, Section 6, Guideline 6
- West University Historic Preservation Zone UDC 5.8.9.L.4

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--

Jeanne E Davenport

TucsonWest University Neighborhood resident for 32 years



TEP

From pvolleaz@gmail.com <pvolleaz@gmail.com>
Date Fri 1/30/2026 10:06 AM
To TucsonRezoning <TucsonRezoning@tucsonaz.gov>

[You don't often get email from pvolleaz@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

This is to urge you to require Tucson Electric Power Company to comply with existing city regulations regarding underground power lines. Running enormous electric power lines through residential neighborhoods or through gateway corridors destroys our communities, damages our property values and endangers children and families. Please tell TEP to act as good neighbors and bury their lines!!

Patrick Volle
2016 e 8th street
Tucson 85719

Sent from my iPhone



TP-ENT-1025-00021

From Zach MacDonald <azacamaca@gmail.com>

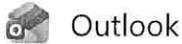
Date Fri 1/30/2026 12:05 PM

To TucsonRezoning <TucsonRezoning@tucsonaz.gov>

[You don't often get email from azacamaca@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

I am in favor of the substation rezoning but would like for the City to include provisions requiring undergrounding of these high voltage power lines through residential neighborhoods, including Jefferson Park, and anywhere where major transmission lines do not follow primary arterials like Grant, Speedway, Euclid, or Campbell.

Thanks,
Zach MacDonald
1047 E. Lester St.
Tucson, AZ 85719
520-428-0062



Re: Desert Mallow Neighborhood recommendation against approval of Special Exception TP-ENT-1025-00021 TEP Vine Substation - Vine Avenue, R-2 (Ward 6)

From Ward6 <Ward6@tucsonaz.gov>

Date Wed 1/28/2026 3:32 PM

To Mike Attwood <mikeeattwood@gmail.com>; TucsonRezoning <TucsonRezoning@tucsonaz.gov>

Cc ward3 <ward3@tucsonaz.gov>

Hi Mike,

Thanks for contacting the Ward 6 Office about the Vine Substation. The Ward 6 Office/Council Member Schubert also submitted a statement of opposition to the Zoning Examiner about this project.

In solidarity,
Elaina Richards, Council Aide

From: Mike Attwood <mikeeattwood@gmail.com>

Sent: Wednesday, January 28, 2026 2:40 PM

To: TucsonRezoning <TucsonRezoning@tucsonaz.gov>

Cc: Ward6 <Ward6@tucsonaz.gov>; ward3 <ward3@tucsonaz.gov>

Subject: Desert Mallow Neighborhood recommendation against approval of Special Exception TP-ENT-1025-00021 TEP Vine Substation - Vine Avenue, R-2 (Ward 6)

Hello,

Please see the attached letter regarding our neighborhood's stance on rejecting this special exception.

Thanks,
Mike Attwood
Desert Mallow Neighborhood



Mike Attwood

January 28, 2026

*President, Desert Mallow
Neighborhood Association
P.O. Box 40394
Tucson, AZ 85717
desertmallow.org*

PDSD, Zoning Examiner
201 N Stone Avenue,
Tucson, AZ 85726
Tucsonrezoning@tucsonaz.gov

To Zoning Examiner,

This letter is in regard to TP-ENT-1025-00021 TEP Vine Substation – Vine Avenue, R-2 (Ward 6) to be heard on January 29th, 2026. Our neighborhood position is “against” (deny request for Special Exception).

We are opposed to deliberating on an exception for the vine substation without considering the broader context of TEP's Midtown project. The proposed overhead transmission lines in the Midtown project do not conform with requirements from the University Area Plan, nor Plan Tucson. Moreover, they would be detrimental to both the current state, and future growth, of the Desert Mallow Neighborhood.

If the special exception was resubmitted as part of the broader Midtown project along with provisions to underground the project's transmission lines, we would have no further conflict with the substation project. However, we cannot accept the proposal in its current state.

Sincerely,

Desert Mallow Neighborhood
Mike Attwood, *President*
Aaron Paxton, *Vice President*
PMM Weber, *Treasurer/Secretary*

CC:

*Kevin Dahl, Ward III
Miranda Schubert, Ward VI*



Re: Desert Mallow Neighborhood recommendation against approval of Special Exception TP-ENT-1025-00021 TEP Vine Substation - Vine Avenue, R-2 (Ward 6)

From Ward6 <Ward6@tucsonaz.gov>

Date Wed 1/28/2026 3:32 PM

To Mike Attwood <mikeeattwood@gmail.com>; TucsonRezoning <TucsonRezoning@tucsonaz.gov>

Cc ward3 <ward3@tucsonaz.gov>

Hi Mike,

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In solidarity,
Elaina Richards, Council Aide

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Sent: Wednesday, January 28, 2026 2:40 PM

To: TucsonRezoning <TucsonRezoning@tucsonaz.gov>

Cc: Ward6 <Ward6@tucsonaz.gov>; ward3 <ward3@tucsonaz.gov>

Subject: Desert Mallow Neighborhood recommendation against approval of Special Exception TP-ENT-1025-00021 TEP Vine Substation - Vine Avenue, R-2 (Ward 6)

Hello,

Please see the attached letter regarding our neighborhood's stance on rejecting this special exception.

Thanks,

Mike Attwood

Desert Mallow Neighborhood



TP-ENT-1025-00021, 1602 N Vine Av, Special Exception Land Use Permit, for a 138 kV Substation on 1.6 acres on N Vine Avenue near its intersection with E Elm Street and adjacent to N Ring Road, which is a private roadway serving the Banner Campus.

From Kylie Walzak <Kylie.Walzak@tucsonaz.gov>

Date Tue 12/16/2025 7:31 PM

To TucsonRezoning <TucsonRezoning@tucsonaz.gov>

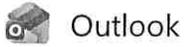
The following is submitted on behalf of Council Member Miranda Schubert, Ward 6:

Ward 6 opposes the Vine substation special exception unless it follows Section 6, Policy 6 the University Area Plan (UAP). Pursuant to UDC 3.4.5.A.5, special exceptions are required to comply with area plans.

UAP Policy 6 says: "Wherever possible, place utility and service equipment underground or in other visually screened locations." TEP said under oath that undergrounding was possible. As of now, the plan shows above ground lines entering the new substation in violation of the UAP. Until and unless the Vine substation and greater project complies with area plans, Ward 6 opposes it.

Kylie Walzak
Chief of Staff
Council Member Miranda Schubert
Ward 6
3202 E 1st Street
Tucson, AZ 85716
520.791.4601

I may send emails outside typical hours. Please respond when it aligns with your schedule.



TP-ENT-1025-00021 Vine Substation

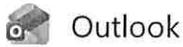
From Pierre Landau <pierre.landau@gmail.com>
Date Wed 1/28/2026 10:09 PM
To TucsonRezoning <TucsonRezoning@tucsonaz.gov>
Cc Katya Peterson <katya@polymap.net>

You don't often get email from pierre.landau@gmail.com. [Learn why this is important](#)

Dear Mr. Mazzocco,

Thank you for reviewing this TEP case. My wife and I, as long time Tucsonans, would like to strongly urge you to require TEP to comply with existing undergrounding regulations. This should not be about pitting one neighborhood against another, simply about complying with requirements voted on by the community. TEPs arguments about cost are clearly ridiculous as evidenced by the fact that the majority of Phoenix is undergrounded.

Thank you for your attention to this matter,
Katya Peterson & Pierre Landau



Recommendation against approval of Special Exception or Rezoning request TP-ENT-1025-00021-TEP Substation, - Vine Avenue (Ward 6)

From Erika Mitnik <erikamitnik@gmail.com>

Date Wed 1/28/2026 5:57 PM

To TucsonRezoning <TucsonRezoning@tucsonaz.gov>

Cc Ward6 <Ward6@tucsonaz.gov>; Miranda Schubert <Miranda.Schubert@tucsonaz.gov>

You don't often get email from erikamitnik@gmail.com. [Learn why this is important](#)

My name is Erika Mitnik, and I have been a Tucson resident for over 30 years, living in the historic Iron Horse neighborhood. I am writing to recommend against approval of Special Exception or Rezoning request TP-ENT-1025-00021-TEP Substation, - Vine Avenue (Ward 6), which is being heard on 29 January 2026.

Tucson Electric Power (TEP) has consistently fought our neighborhood and others as they seek to upgrade the electric infrastructure. They have not listened to any reason or accepted any neighborhood input regarding how to install the 138 kV infrastructure. Additionally, they have acted in a duplicitous manner by coming directly to our neighborhood and asking neighbors to weigh in on what color we would like TEP to paint unapproved poles for the new infrastructure.

The neighborhoods have consistently stood together and demanded that TEP underground this new infrastructure but have been met with nothing but negativity and attempts to compromise the City of Tucson's historic integrity.

This Special Exception or Rezoning request should be denied and TEP should be forced to deal with the City of Tucson residents on this important issue.

Sincerely,
Erika Mitnik
121 N. Euclid Avenue
Tucson, AZ 85719



Outlook

TP-ENT-1025-00021-TEP Substation - Vine Avenue

From MARK S HOMAN <mbhoman@msn.com>**Date** Wed 1/28/2026 5:48 PM**To** TucsonRezoning <TucsonRezoning@tucsonaz.gov>

Good afternoon, Jim. This is Mark S. Homan, 1619 East 8th Street. I'm writing to let you know that I strongly oppose any effort by TEP to bypass City ordinances with respect to corridor visual protection, with a particular request that TEP place lines underground. TEP's attempts to skirt their responsibilities is abhorrent. Their unwillingness to do so relies on arguments that are specious at best. While I don't oppose improvements to accessibility, I do oppose **how** TEP is planning to do the work. Let's protect our community's beauty and not subsidize a corporation by supporting its unwillingness to make their own investments in doing the right thing, instead choosing to thumb their nose at us.

With appreciation,
Mark S. Homan
520-404-0001



TEP Rezoning

From Rosalind Tao <roztao@gmail.com>
Date Wed 1/28/2026 10:25 PM
To TucsonRezoning <TucsonRezoning@tucsonaz.gov>
Cc JS Tao <jstao313@gmail.com>

You don't often get email from roztao@gmail.com. [Learn why this is important](#)

Hello Zoning Examiner,
Public Hearing Date: 1/29/26
Case: TP-ENT-1025-00021-TEP Substation - Vine Avenue (Ward 6)
Name: Jing-Shen Tao

We've been residents of the Jefferson Park Neighborhood for over 30 years, and **STRONGLY OBJECT** to this project, specifically at Vine and Elm Street. It does not make any sense to build a 138 KV Substation in a residential neighborhood. If TEP plans to build a new one, please move to an area away from residents.

Thank you,
Jing-Shen Tao
Resident on Adams St.



TPENT-1025-00021 Vine Substation

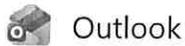
From Robin Hiller <rhiller2010@gmail.com>
Date Wed 1/28/2026 11:10 PM
To TucsonRezoning <TucsonRezoning@tucsonaz.gov>

You don't often get email from rhiller2010@gmail.com. [Learn why this is important](#)

Dear Mr. Mazzocco,

Thank you for reviewing the TEP-TPENT-1025-00021 Vine Substation case. I have lived in mid-town Tucson for over 40 years and I would like to strongly urge you to require TEP to comply with the existing undergrounding regulations. The majority of Phoenix is undergrounded, why not Tucson? Moving the location to another neighborhood is not a solution. Doing what's best for our community is.

Thank you,
Robin Hiller



TP-ENT-1025-00021

From Hally Sablosky <halsablosky@gmail.com>
Date Wed 1/28/2026 3:17 PM
To TucsonRezoning <TucsonRezoning@tucsonaz.gov>

You don't often get email from halsablosky@gmail.com. [Learn why this is important](#)

Dear Tucson Rezoning,

As a resident of our Historic West University Neighborhood, I strongly encourage the zoning examiner to **deny** TEP's request for a zoning exemption in case # TP-ENT-1025-00021. As presented, TEP's Midtown Reliability Project & Vine Substation are noncompliant with city code, area plans, and our historic zoning overlay.

Provision 3.4.5.A of the Unified Development Code (UDC) of the City states that to grant any special exception, the Zoning Examiner must find that the exception: "Complies with the General Plan and any applicable sub-regional, area, or neighborhood plan." TEP's request clearly fails to do so.

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Hally Sablosky
732-546-6884
29 E University Blvd



Request to speak at the TEP public hearing on January 29th

From Jeanne Calhoun <canyonraven7@gmail.com>

Date Thu 1/22/2026 8:36 AM

To TucsonRezoning <TucsonRezoning@tucsonaz.gov>

You don't often get email from canyonraven7@gmail.com. [Learn why this is important](#)

To Jim Mazzocco, Zoning Examiner

I hereby request to speak regarding TEP's request for a Special Exception permit on January 29th at the Mayor and Council meeting.

Thank you,
Jeanne Calhoun
Jefferson Park Neighborhood Association Board member



request to speak January 29 at 6 PM

From Rosemary Bolza <rbolza@me.com>

Date Mon 1/26/2026 8:42 AM

To TucsonRezoning <TucsonRezoning@tucsonaz.gov>

[You don't often get email from rbolza@me.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

I am a property owner located within 400 feet of the parcel being considered for Special Exception Request. I wish to speak at the hearing January 29 which is being held at the Mayor and Council Chambers at 6 PM.

rosemary Bolza
rbolza@me.com
505-205-2707

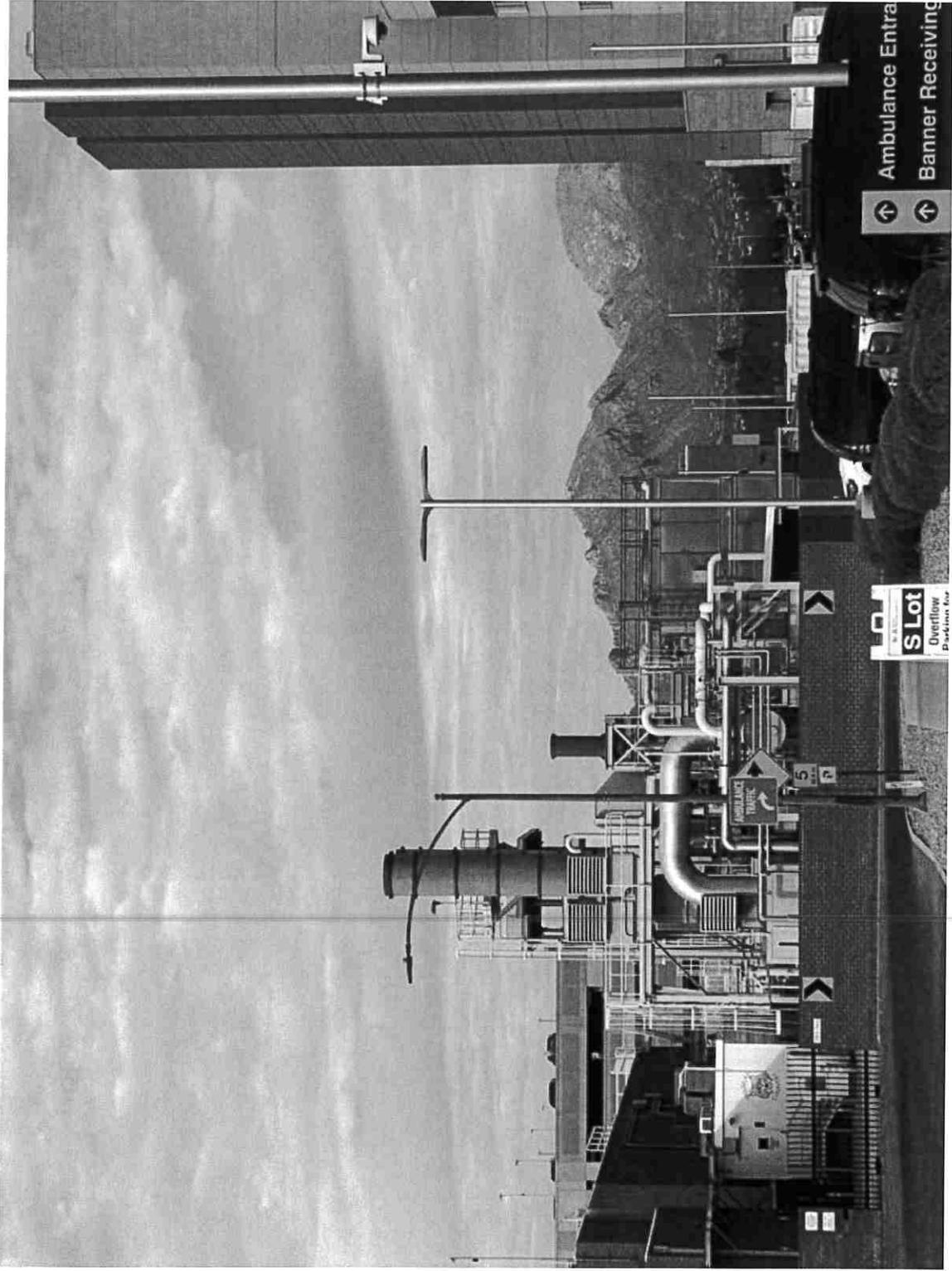
Planning and development hearing 1.29.2026

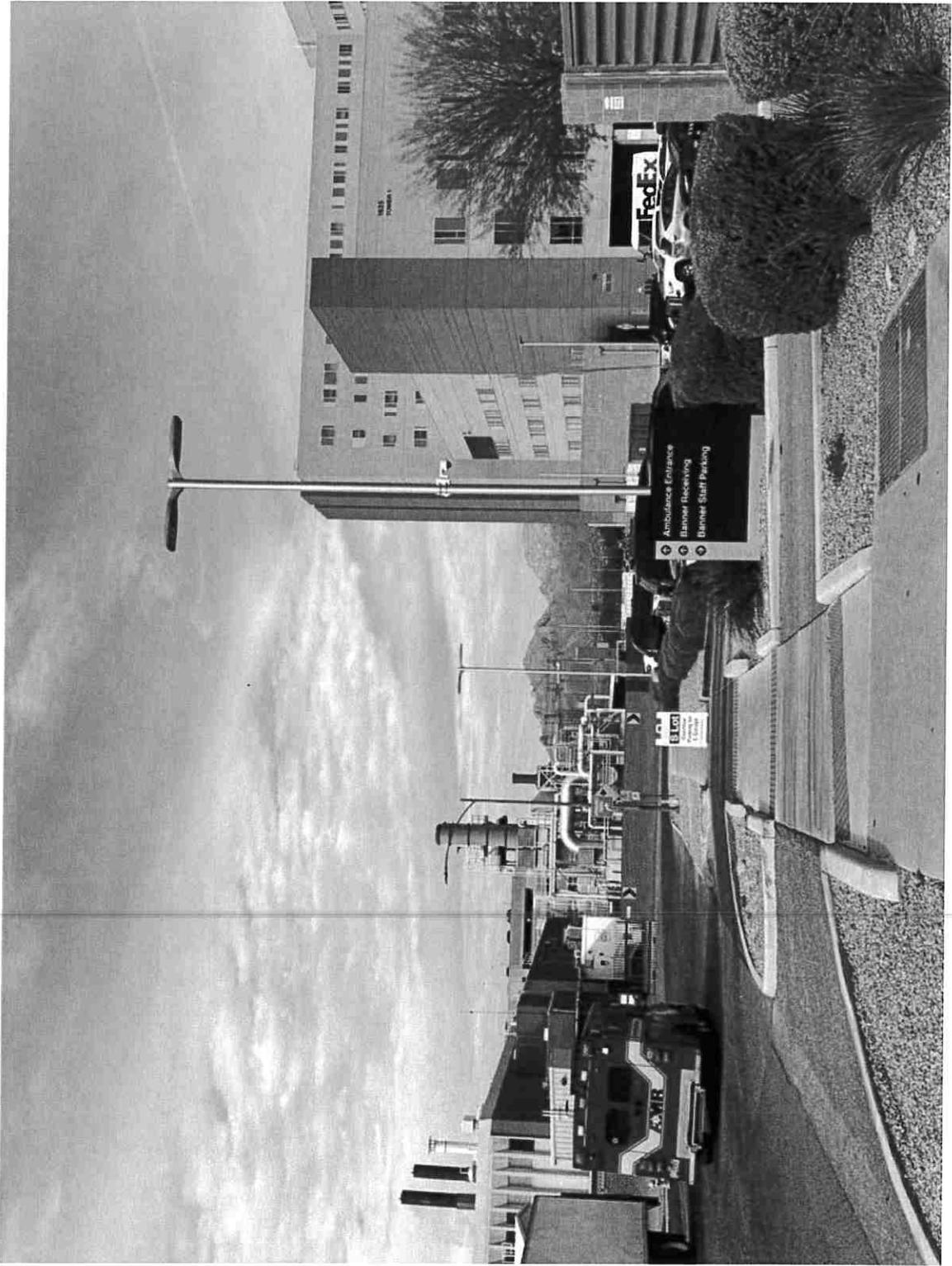
Rosemary Bolza













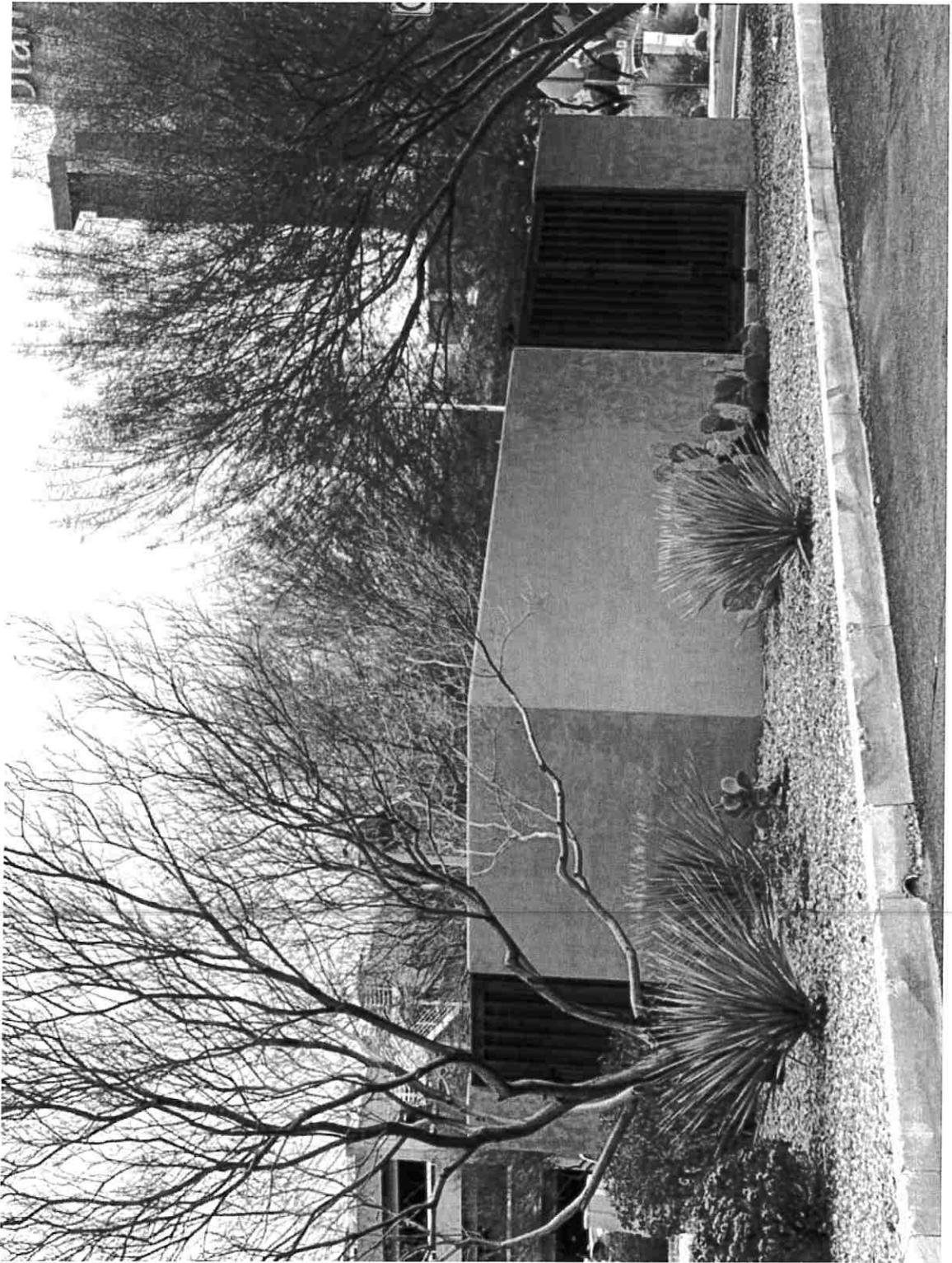


EXHIBIT 1 – 2000 FRANCHISE AGREEMENT

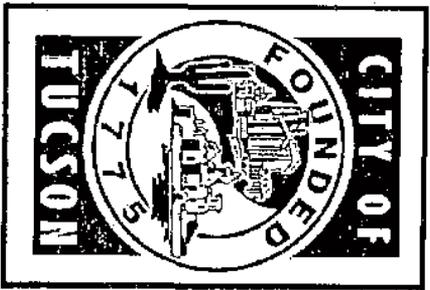
Ordinances

9429



Ordinance No. 9429
Adopted 07/10/2000
Folder 2

City Clerk- Legislative Management
City of Tucson Archive
-001-002-0004 0011



C
T
A

TEP Fran Wise

ADOPTED BY THE
MAYOR AND COUNCIL

JUL 10 2000

ORDINANCE NO. 9429

RELATING TO FRANCHISES; GRANTING A CONDITIONAL NON-EXCLUSIVE FRANCHISE TO TUCSON ELECTRIC POWER COMPANY FOR ELECTRIC TRANSMISSION AND DISTRIBUTION SERVICES, AND PURSUANT TO CHAPTER XVII OF THE TUCSON CHARTER, CALLING A FRANCHISE ELECTION ON NOVEMBER 7, 2000, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED ELECTORS OF THE CITY OF TUCSON A QUESTION REGARDING THE ISSUANCE OF SAID FRANCHISE.

WHEREAS the City of Tucson and Tucson Electric Power Company have reached agreement on a non-exclusive franchise for electric distribution and transmission, and;

WHEREAS the provisions of the non-exclusive franchise agreement are specifically conditioned to become effective only upon approval by the voters of the City of Tucson, as required by Chapter XVII of the Tucson Charter; and

WHEREAS pursuant to the provisions of Chapter XVII of the Tucson Charter the prospective franchisee has deposited an amount sufficient to cover the estimated costs of the election, the final charge to the prospective franchisee to be adjusted upward or downward based on the actual costs to conduct the election.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TUCSON, ARIZONA, AS FOLLOWS:

SECTION 1. The granting of a conditional non-exclusive franchise to Tucson Electric Power Company for electric transmission and distribution services, attached to this ordinance as Exhibit 1, is authorized and approved.

SECTION 2. That an election be, and the same hereby is, called to be held in the City of Tucson, Arizona, on November 7, 2000, at which the non-exclusive franchise for electric transmission and distribution services granted to Tucson Electric Power Company, shall be submitted to the qualified electors of the City of Tucson for their approval or disapproval:

BALLOT FORMAT:

PROPOSITION NO. ____

PROPOSED ELECTRIC TRANSMISSION AND DISTRIBUTION FRANCHISE

OFFICIAL TITLE

A FRANCHISE GRANTING TO TUCSON ELECTRIC POWER COMPANY, ITS SUCCESSORS AND ASSIGNS, THE RIGHT, PRIVILEGE, AND FRANCHISE TO CONSTRUCT, MAINTAIN, AND OPERATE IN, OVER, UNDER, AND ACROSS THOSE PORTIONS OF PUBLIC RIGHTS-OF-WAY IN THE CITY OF TUCSON, ARIZONA, ELECTRIC TRANSMISSION AND DISTRIBUTION FACILITIES FOR THE PURPOSE OF PROVIDING ELECTRIC TRANSMISSION AND DISTRIBUTION SERVICES WITHIN THE CITY OF TUCSON AND FUTURE ADDITIONS THERETO.

DESCRIPTIVE TITLE

GRANTING A FRANCHISE TO TUCSON ELECTRIC POWER COMPANY FOR THE PURPOSE OF PROVIDING ELECTRIC TRANSMISSION AND DISTRIBUTION SERVICES WITHIN THE CITY OF TUCSON FOR WHICH THE CITY OF TUCSON WILL RECEIVE A FRANCHISE FEE.

A "YES" vote shall have the effect of granting a franchise for electric transmission and distribution services to Tucson Electric Power Company.

A "NO" vote shall have the effect of denying a franchise for electric transmission and distribution services to Tucson Electric Power Company.

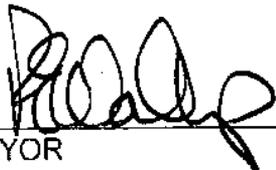
END OF BALLOT FORMAT

SECTION 3. The substantive terms of the non-exclusive franchise are incorporated herein by reference and attached hereto as Exhibit 1.

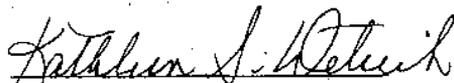
SECTION 4. The various City officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this ordinance.

SECTION 5. WHEREAS, it is necessary for the preservation of the peace, health and safety of the City of Tucson that this ordinance become immediately effective, an emergency is hereby declared to exist, and this ordinance shall be effective immediately upon its passage and adoption.

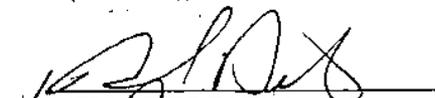
PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Tucson, Arizona, July 10, 2000.


MAYOR

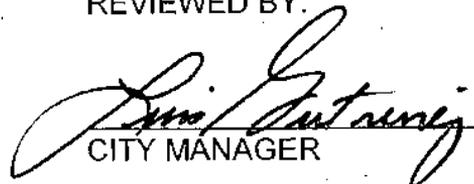
ATTEST:


CITY CLERK

APPROVED AS TO FORM:


CITY ATTORNEY

REVIEWED BY:


CITY MANAGER

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7/6/00

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F. ANN RODRIGUEZ, RECORDER
RECORDED BY: VLW
DEPUTY RECORDER
7995 ROOA



DOCKET: 11565
PAGE: 2160
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SEQUENCE: 20011100766
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CCCLK
TUCSON CITY CLERK
255 W ALAMEDA
TUCSON AZ 85701

PICKUP

AMOUNT PAID \$ 20.50

DOCUMENT TITLE:

FRANCHISE AGREEMENT
ELECTRIC DISTRIBUTION AND TRANSMISSION FRANCHISE

*Example of
Cover Sheet*

F. ANN RODRIGUEZ, RECORDER
RECORDED BY: MSA
DEPUTY RECORDER
5132 ROOC



DOCKET: 11433
PAGE: 957
NO. OF PAGES: 31
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11/28/2000
AG 11:54
PICKUP
AMOUNT PAID \$ 20.00

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CITY CLERK FILE NOTE
This document is being re-recorded
Due to correction of scrivener's error
(5/22/01.dd)

FRANCHISE AGREEMENT

ELECTRIC DISTRIBUTION AND TRANSMISSION FRANCHISE

A FRANCHISE TO TUCSON ELECTRIC POWER COMPANY, AN ARIZONA CORPORATION, ITS SUCCESSORS AND ASSIGNS, GRANTING THE RIGHT, PRIVILEGE, AND FRANCHISE TO CONSTRUCT, MAINTAIN, AND OPERATE UPON, OVER, ALONG, ACROSS, AND UNDER SPECIFICALLY ENUMERATED STREETS, AVENUES, ALLEYS, HIGHWAYS, BRIDGES, AND OTHER RIGHTS-OF-WAY IN THE CITY OF TUCSON, ARIZONA, ELECTRIC LINES, TRANSMISSION, AND DISTRIBUTION SYSTEM AND NECESSARY APPURTENANCES FOR THE PURPOSE OF SUPPLYING ELECTRICITY, TO THE CITY AND ITS SUCCESSORS, THE INHABITANTS THEREOF, AND PERSONS AND CORPORATIONS WITHIN THE LIMITS THEREOF; AND PRESCRIBING CERTAIN RIGHTS, DUTIES, TERMS, AND CONDITIONS.

SECTION 1. DEFINITIONS.

For the purposes of this Agreement, the following terms, phrases, words, and their derivatives shall have the meanings given in this Section. When consistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is mandatory and "may" is permissive. Words not defined in this Section or in A.R.S. §§ 40-201, et seq., shall be given their generally accepted meaning in the electric utility industry.

1. "Agreement" means this Franchise Agreement;
2. "Board" means the Dispute Resolution Board;
3. "City" means the City of Tucson;
4. "Committee" means the Utility Planning and Coordinating

Committee;

5. "Company" means Tucson Electric Power Company, a corporation organized and existing under and by virtue of the laws of the State of Arizona, its successors, and assigns;

EXHIBIT 1 TO ORDINANCE NO. 9429

6. "Council" means the Mayor and Council of the City of Tucson;
7. "Electric Service Provider" (ESP) means a company supplying, marketing, or brokering at retail any competitive services pursuant to a certificate of convenience and necessity;
8. "Facility" means and includes, but is not limited to, electric works, systems, improvements, and equipment of the Company such as electric substations, boxes, conduits, transformers, wires, cables (including but not limited to fiber optic cable), poles, meters, and all necessary appurtenances thereto located within the geographical area as defined in Section 2;
9. "Member" means a member of the Committee;
10. "Right-of-way" means the surface, the air space above the surface and the area below the surface of any public streets, roadways, highways, avenues, lanes, alleys, courts, places, curbs, sidewalks, public utility easements, or other public ways in the City which have been or may hereafter be dedicated to or otherwise acquired by the City; and
11. "Wire" is inclusive of, but not limited to, fiber optic cable, radio frequency (RF) cable, and electrical wire or telephone/data cable.

SECTION 2. GRANT OF FRANCHISE.

There is granted to the Company the right, privilege, and franchise to construct, maintain, and operate upon, over, along, across, and under the present and future Right-of-way of the City an electric transmission and distribution system together with all necessary appurtenances for the purpose of supplying electricity to the City, its successors, its inhabitants, and all persons and corporations either within or beyond the

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limits thereof. This grant shall extend to all Right-of-way as is now designated or may be designated in the future within the corporate limits of the City and any part thereof or as now located or as they may be hereafter altered or extended with the present or future limits of the City commonly or officially designated in part as those set forth upon the City of Tucson Zoning Maps described in Section 1.3.1 of the City Land Use Code as now in effect or hereafter amended. Nothing contained in this Agreement shall be construed to authorize the Company to engage in activities other than electric sales and transportation for service as established through the franchise to the City.

SECTION 3. NON-EXCLUSIVITY.

The right to use and occupy the Right-of-way for the purposes set forth in this Agreement is not and shall not be deemed an exclusive franchise. The City reserves the right to itself to make or grant a similar use in the Right-of-way to any person, firm, or corporation.

SECTION 4. EFFECTIVE DATE AND DURATION.

This Agreement shall become effective on April 15, 2001, after approval by a majority of the qualified electors residing within the corporate limits of the City and voting at a municipal election called pursuant to Article 13, § 4 of the Arizona Constitution, A.R.S. § 9-501, et seq., and Chapter XVII of the City Charter to be held in the City on November 7, 2000, for that purpose and shall continue until April 15, 2026. The Company shall file with the City, on or before the approval of this Agreement by the Council, its written acceptance of all terms, provisions, and conditions of this Agreement.

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COUNCIL

SECTION 5. RENEGOTIATION OF TERMS.

(a) Renegotiation. Five (5) years after the date upon which this Agreement becomes effective, or upon assignment of this Agreement pursuant to Section 25, the City or Company may request the renegotiation of the terms of the following sections: 9 (Office), 16 (Utility Planning), 17 (Construction, Maintenance, and Repair of Right-of-way), 20 (Permits and Licenses), and 21 (Undergrounding). If the Company refuses to enter into negotiations, the City may terminate this Agreement by giving written notice of termination to the Company. If the City terminates this Agreement pursuant to this Section, the Agreement ends on the anniversary date immediately subsequent to the notice of termination. The renegotiated provisions shall become effective immediately upon acceptance by the Company and approval by the Council.

(b) Impasse. In the event the parties to this Agreement reach an impasse after entering into negotiations, the issue may be referred to the Board for resolution. The recommendation of the Board is not binding on either party. If either party rejects the recommendation of the Board, the City may terminate this Agreement in accordance with Subsection (a).

SECTION 6. GEOGRAPHICAL SCOPE.

This Agreement shall extend to and include all those specific and particular streets, avenues, alleys, highways, bridges, and other Rights-of-way within the limits of the City; and any part thereof, either as now located and as they may be hereafter located, annexed, altered, or extended within the present or future limits of the City.

SECTION 7. THIRD PARTY ACCESS TO COMPANY'S SYSTEM.

(a) Access Requirements. Except as provided by Subsection (b), entities other than the City and Company may occupy or use the Company's Facilities only if:

1. the entity obtains the permission of the City and Company and pays all appropriate fees to the City;
 2. such use or occupation of the Facilities by the entity does not interfere with the Company or City's use of the Facilities or the use of such Facilities by entities holding a valid franchise from the City;
 3. such use or occupation does not endanger public health or safety;
- and
4. the entity indemnifies and holds the City and Company harmless for any such use or occupation and the Company incurs no additional expense in connection therewith.

(b) Access Allowed for Electric Service Providers. Subsection (a) does not apply to Electric Service Providers holding a valid certificate of convenience and necessity from the Arizona Corporation Commission and who use the Company's distribution system to deliver electricity to customers in the City.

SECTION 8. COMPANY STOCK.

The Company, or any entity holding this Agreement or doing any business hereunder, shall not issue any of its corporate stock on account of this grant. Any violation of the terms of this Section shall, at the option of the City and upon the passage of appropriate ordinance by the Council, operate as a forfeiture of this grant.

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SECTION 9. OFFICE LOCATION AND SERVICE RESPONSE.

The Company shall maintain an office within the corporate limits of the City, provide a toll free telephone number, and shall provide prompt, reasonable responses to customers' service requests. The office must be sufficient in size and staffing to serve the needs of its customers throughout its service territory. The Company shall provide a 24-hour toll free telephone number for emergency use that is available seven (7) days a week.

SECTION 10. FRANCHISE FEE.

(a) Imposition of Fee. The Company agrees to pay the City a fee based upon the delivery of electricity to all customers within the present or any future corporate limits of the City and upon the delivery of electricity consumed by the City outside of its corporate limits. Subject to subsection (b), the structure of such fee is to be determined in accordance with Exhibit "A". The Company may credit against the ^{*gross revenues} fee the net write-off for uncollectible accounts and corrections of bills. Such payments are due and payable in quarterly installments to the City within thirty (30) days after the end of each quarterly period. The first payment made under this Subsection shall be due thirty (30) days after June 30, 2001.

(b) Revision of Fee. It is the intent of the parties that the fee imposed by Subsection (a) generates revenues in an amount no less than two and one quarter percent (2.25%) of the gross revenues (after adjustment for the net write-off of uncollectible accounts and correction of bills) of the sale and delivery of electricity from all sources within the corporate limits of the City and of the gross revenues of the sale and delivery of electricity from all sources consumed by the City outside of its corporate

*CORRECTION OF SCRIVENER'S ERROR: See memorandum from City Attorney dated February 5, 2001. (5/22/01:dd)

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limits (hereafter referred to as the "Intended Revenue Amount"). If, during any three (3) year time period in which this Agreement is in effect, the average amount of revenues generated by the fee imposed by Subsection (a) is less than ninety percent (90%) of what the Intended Revenue Amount would have been in the first year of the time period, then this Section and Exhibit "A" shall be renegotiated. This Section and Exhibit "A" shall be modified so that the revenues generated by such Exhibit are at least equal to the average of what the Intended Revenue Amount would have been during that time period.

(c) Public Benefits Fee.

(1) Imposition of Fee. Of the total revenues received by the City from the fee imposed by Subsection (a), one-ninth (1/9) of such revenues may be used in accordance with Paragraph (2).

(2) Use of Fee. The revenues described in Paragraph (1) may be appropriated by the Council to be used as follows:

(A) Low Income Assistance. To fund low-income energy assistance programs such as weatherization, residential lifeline service, senior discount, bill assistance, and rate discount programs.

(B) Undergrounding. To pay the City's share of electric transmission and distribution line undergrounding expenses incurred under Section 21.

(C) Renewable Energy Incentives. To fund programs designed to encourage the use of renewable energy.

(d) Lien. For the purpose of securing to the City the payments required to be made under this Section, the City shall have a lien and the same shall be charged upon all the property, estate, and effects of the Company in any form, real, personal, or mixed. The City may enforce this lien by civil action in a court of competent jurisdiction, but such lien shall be subordinate to any mortgages or deeds of trust securing any bona fide indebtedness.

SECTION 11. FRANCHISE AGREEMENT NOT IN LIEU OF OTHER FEES OR TAXES; TREATMENT OF PUBLIC UTILITY EASEMENTS.

(a) In General. The fee payments required by Section 10 and any other fees required to be paid under this Agreement shall not exempt the Company from the payment of any other license fee, permit fee, tax of any nature, or charge on the business, occupation, property, or income of the Company that may be imposed by the City except as may otherwise may be provided in the ordinance imposing such other license fee, tax, or other charge. This section shall be interpreted as requiring the Company to obtain a permit for construction only as required by the City Charter, Code, or ordinance.

(b) Public Utility Easements. The City may not impose any additional fees for the Company's use of public utility easements because of such easements being a part of the Right-of-way under this Agreement.

SECTION 12. INFORMATION REQUIREMENTS; AUDITS; BILLING.

(a) Existing and Future Infrastructure. The Company shall provide to the City, within one (1) year following the effective date of this Agreement, a map of all Company Facilities and all other significant features located within the Right-of-way. This map

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must be in an electronic format. Upon completion of new or relocation construction of any underground Facilities in the Right-of-way, the Company shall, within sixty (60) days after the date of completion, provide the City with installation records showing the location of the underground and above ground Facilities in an electronic format.

(b) Transaction Data. The Company shall provide to the City Director of Operations or the Director's designee, on a quarterly basis, a list of each customer class and rate code as categorized by the Company for customers taking service within the corporate limits of the City. The Company shall provide, on a quarterly basis, monthly and total sales for each customer class by rate code with each fee payment. Breakdown of data shall be by (1) monthly volumetric usage by customer class and rate code, (2) details of any exemptions, (3) supporting worksheets, and (4) a count of customers, by customer class, who have switched to direct access. If requested by the City, the Company shall provide the City with data broken down into (1) the number of customers by class and rate code, (2) gross Company revenue by customer class and rate code, and (3) monthly demand data by customer class and rate code. The City may not request such data more than once every twelve (12) months.

(c) Audit Requirements.

1. Record Requirements. The Company shall keep and maintain complete and accurate books and records of its business and operations for the purpose of insuring compliance with this Agreement.

2. Inspection of Records. For the purpose of verifying the data provided pursuant to Subsection (c)(1) above, all records of the Company used in compiling such data shall, at the close of each quarterly period, be open for

inspection of such officer, persons, or persons as may be appointed for that purpose by the City. The City may audit the Company accounts relating to delivery of electricity to its customers within the corporate limits of the City and to the City outside its corporate limits, gross revenues, and property subject to taxation by the City for the purpose of verifying the distribution of such property by taxing districts and confer with the Company regarding any alleged or reported discrepancies or irregularities in Company procedures or activities relating to data submitted pursuant to this Section. The Company shall provide responses to inquiries made by the City within a reasonable amount of time.

(d) Information Required by Other Regulatory Agencies. The City may request in writing, copies of any and all reports, data, and any other type of information which the Company is required to submit to any other governmental or quasi-governmental body, including, but not limited to, the United States of America, the Federal Energy Regulatory Commission, the State of Arizona, and the Arizona Corporation Commission. Reports, data, and any other types of information filed confidentially and not available to the public do not have to be submitted to the City.

(e) City Energy Usage. The Company shall provide to the City all information it maintains with respect to energy usage by the City at each location in which electricity is delivered to a City owned or maintained location. Such information may be requested only once every twelve (12) months and shall be provided at the cost set by the Company's billing tariff as approved by the Arizona Corporation Commission.

(f) Revisions of Standards. The City, due to regulatory and technological developments, may revise the standards set by this Section.

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SECTION 13. RELIABILITY OF UTILITY SERVICE.

(a) Service Outage Map. On an annual basis, the Company shall provide to the City a report of all service outages that last for longer than one (1) hour, technical upgrades made to its distribution system, and efforts made to improve the reliability of the distribution system.

(b) Reporting and Access. The Company shall report in advance to the City any plans to include technological advances relating to communications systems, such as fiber optics, which may utilize Facilities already in place for the transmission of communication signals, which Facilities may be installed by the Company for its use, the use of the City, or for use of others as the Company may license. The City may use said Facilities if it reaches a prior agreement with the Company regarding consideration for the use of said Facilities. In no event shall the City's use impair the Company's ability to use its own Facilities. Upon request of the City, the Company will provide a detailed report for the use of such communications systems subject to protecting confidential information. Nothing contained herein shall be construed to authorize the Company to engage in communications activities for sale or lease nor shall this Agreement be construed as a franchise or license for said telecommunications activities within the City.

SECTION 14. EMERGENCY PROCEDURES.

(a) Company Equipment and Staff Requirements. The Company shall maintain equipment and staff capable of providing timely emergency repairs and restoration of service in case of power outages and other events which may present a danger to public safety or health.

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(b) Joint Emergency Procedures. The Company shall cooperate with the City in developing joint standard operating procedures for emergencies requiring the response of City departments, such as Police and Fire, and the Company.

SECTION 15. INTERCONNECTIONS.

The Company shall provide information to its customers necessary for interconnection of distributed generation with its distribution system. The Company must allow such connections to its distribution system. The Company shall not impose any requirements, standards, or tests on any grid-interconnected system exceeding applicable regulatory standards.

SECTION 16. UTILITY PLANNING AND COORDINATION COMMITTEE.

(a) Establishment. There shall be established a Utility Planning and Coordination Committee composed of appropriate personnel of the Company to be designated by the Company, and the City Engineer, the City Planning Director, or their designee, and any other appropriately qualified personnel of the City which may be designated by the City. Membership on the Committee may also include representatives from any other utility or governmental agency providing utility service deemed by the City to be appropriate for fulfilling the Committee's duties and purposes. Such other utilities or governments providing utility service shall be participating Members in all respects except for participation in the official reports and recommendations of the Committee under this Agreement as described in Subsection (b).

(b) Reports. The Committee shall submit to the Council such official reports and recommendations as are specifically provided for in this Section and such other

reports and recommendations as the City and Company may from time to time mutually determine to be appropriate. Any such official report or recommendation shall be by mutual agreement of both the City's and Company's representatives on the Committee. In the absence of mutual agreement, the Committee may submit for the consideration of the Council a summary report setting forth the various views of the Members relative to the particular matter, but such summary report shall not have the weight of an official report or recommendation of the Committee as a whole.

(c) Purposes. The purposes of the Committee shall be to:

1. provide coordination between the Company and the City in the expansion, maintenance, or relocation of the utility system of any of the Members and other existing or permitted activities within or uses of the City's Right-of-way.
2. insure that long-range planning of the Members and the City on the extension of utility services maximizes the efficient and orderly expansion of the utility system and minimizes the impact upon the infrastructure of other users of the Right-of-way.
3. insure that the Members' and the City's utility systems are expanded and modified in the public interest, avoiding undue cost burdens upon customers and taxpayers, that such expansions and modifications are coordinated in a manner to avoid arbitrary or reasonably avoidable interference with the City's planned uses of its Right-of-way; or with utility systems of others, and that environmental consequences have been considered.

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the extension may be completed and submitted for review at the next regular meeting of the Committee.

(e) Growth Report. The Committee shall, at the request of the City, prepare and present to the Council an official report and analysis of the projected growth of the City relating to future utility requirements, taking into account such factors as present and proposed zoning, public building projects, annexation programs, public streets, highways and transportation plans, building codes, and economic development trends and objectives. This analysis shall be designed to project the general location and capacity requirements of the Members within the City for generation, transmission, and substation Facilities for electric power and such major municipal utility projects as may be required by the City or other utilities serving within the City. This analysis and projection shall address periods of five (5) years and ten (10) years, shall be reviewed and updated on a periodic basis by the Committee; and shall be submitted to the Council for review.

(f) Meetings. The Committee shall meet at least once a month or as often as necessary as determined by the Members.

(g) Exception. Nothing contained in this Section shall be construed to prohibit the Company from going forward with any activity that is otherwise in conformance with the orders, rules, and regulations of the Arizona Corporation Commission and other applicable legal requirements.

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SECTION 17. CONSTRUCTION, MAINTENANCE, AND REPAIR OF THE RIGHT-OF-WAY.

(a) Interference with Public Uses. The electric transmission and distribution systems, and appurtenances herein provided for, to be constructed, installed, operated and maintained hereunder, shall be so located or relocated as to interfere as little as possible with traffic or other authorized uses, including that of other utilities, over, under, or through the Right-of-way. Those phases of construction relating to traffic control, back-filling, compaction, and paving, as well as the location or relocation of said electric systems and appurtenances herein provided for, shall be subject to regulation by the City.

(b) Repair of the Right-of-way. If, in the installation, use, or maintenance of its Facilities, the Company damages or disturbs the surface or subsurface of any public road or adjoining public property of the public improvement located thereon, therein, or thereunder, the Company shall promptly, at its own expense and in a manner acceptable to the City, restore the surface or subsurface of the public road or public property or repair or replace the public improvement thereon, therein, or thereunder in as good a condition as before such damage or disturbance. If such restoration, repair, or replacement of the surface, subsurface, or any structure located thereon, therein, or thereunder is not completed within a reasonable time, or such repair or replacement does not meet the City's duly adopted standards, the City shall have the right to perform the necessary restoration, repair, or replacement either through its own forces or through a hired contractor and the Company shall reimburse the City for its expenses in so doing within thirty (30) days after its receipt of the City's invoice.

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(c) Construction Delay Costs. The Company shall promptly repair and restore any property, street, alley, parkway, bridge, or public place in which the Company has performed any construction activity within a time period designated in the written notice to the Company. If, after the Company certifies to the City that its Facilities are no longer in conflict with a public project, the City discovers the Company's Facilities in the Right-of-way are still in conflict and so delays the project's construction causing the City to incur damages due to such delay, the Company shall reimburse the City for those damages attributable to the delay created by the conflict.

(d) City Notification of Delay. If the City becomes aware of a potential delay involving the Company's Facilities, the City shall promptly notify the Company of this potential delay.

SECTION 18. RELOCATION OF AND CONFLICTS WITH SERVICE.

(a) Relocation Requirement. Whenever the City shall, for a lawful purpose, require the relocation or reinstallation of any Facility of the Company or its successors in any of the Rights-of-way or public property of the City, the Company shall, upon notice of such requirement and within a reasonable amount of time, commence work to remove and relocate or reinstall such Facilities as may be reasonably necessary to meet the requirements of the City. The Company shall pay the costs of any such relocation or reinstallation unless it can demonstrate to the City that its Facilities were lawfully installed therein prior to the conveyance, dedication, or other transfer by any party of the Right-of-way to the public or to the City. For the purposes of this Section, the acquisition of Right-of-way by the City from another governmental entity shall not entitle the Company to reimbursement from the City for relocation or reinstallation

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unless the Company can demonstrate to the City that the Company's Facilities were lawfully installed therein prior to the conveyance, dedication, or other transfer by any party of the Right-of-way to the other governmental entity. Any money and all rights to reimbursement from the State of Arizona or the federal government to which the Company may be entitled for work done by the Company pursuant to this Section shall be the property of the Company. The City shall assign or otherwise transfer to the Company all rights it may have to recover costs for such work performed by the Company and shall reasonably cooperate with the Company's efforts to obtain reimbursement.

(b) **Discovery of Conflicts.** If, during the design or construction for public improvements, the City discovers a potential conflict with proposed construction, the Company shall locate and, if necessary, expose its Facilities in conflict. The City shall make every reasonable effort to design and construct projects to avoid relocation expense to the Company. The Company agrees to furnish the location information within a time frame determined by the Committee or, in the absence of such a determination, a reasonable amount of time from the date of the discovery of the potential conflict.

(c) **Company Obligations if Conflict Exists.** If, during the course of a project, the City determines that the Company's Facilities are in conflict the following shall apply:

1. **Prior to City's Notice to Proceed to its Contractor:** The Company shall, within a reasonable time after receiving written notice from the City, remove or relocate the conflicting Facility.

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2. After City's Notice to Proceed to its Contractor. The City and Company shall immediately begin the coordination necessary to remove or relocate the Facility. Actual construction of such removal or relocation shall begin within a reasonable amount of time after written notification from the City to the Company of the conflict.

(d) Prior Right of City. The City reserves the prior and superior right to lay, construct, erect, install, use, operate, repair, replace, remove, relocate, regrade, widen, realign, or maintain any street and public ways, aerial, surface, or subsurface improvement for all public purposes, including but not limited to water mains, traffic control conduits, cable and device, storm sewers, subways, tunnels, bridges, viaducts, or any other public construction within the Rights-of-way of the City. The Company shall move its Facilities, consistent with Subsection (a), that are located in the Right-of-way at its own cost to such a location as the City directs.

(e) Relocation of Non-Company Systems. Consistent with the limitations of Subsection (a), if a conflict exists between the Company's future or existing Facilities and future or existing City utility or communication systems, or non-City utility systems occupying the Right-of-way under authority of a City permit, franchise, or license, the City shall not bear the cost of relocating such City systems or non-City systems, regardless of the function served, where such systems must be relocated and the conflict between the Company's potential Facilities and existing Facilities can only be resolved by the movement of the existing City or permittee systems.

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(b) Permit Requirement in Emergency Situations. Notwithstanding Subsection (a), if the Company is required to make repairs in compliance with Federal and/or State codes that are of an emergency nature, the Company shall notify the City prior to such repairs, if practicable, and shall obtain the necessary permits in a reasonable time after notification.

SECTION 21. UNDERGROUNDING.

(a) In General. Subject to Subsection (c), in any area where the Company is not already required, pursuant to federal, State, or local law or agreement, to place its transmission or distribution lines underground, in any new construction or relocation of aerial transmission or distribution lines, the City may require the Company to place such lines underground if the City pays the difference between the cost of placing such lines underground and the cost of placing them aerially.

(b) City Projects. In the design and construction of any City project, the Company shall, at the City's option, relocate existing aerial lines underground. The Company shall provide to the City a design and an itemized cost estimate for such undergrounding. Subject to Subsection (c), the City shall pay all costs associated with the undergrounding required by this Subsection except for the Company's electrical engineering costs for design and cost estimate for such undergrounding.

(c) Exception to Undergrounding. The Company shall be required to place new aerial transmission or distribution lines underground only when such placement is feasible for technical or system reasons. Such reasons cannot include the monetary cost of the proposed undergrounding project.

SECTION 23. FAILURE TO RENEW AGREEMENT.

If this Agreement is not renewed prior to the expiration of its term and the City has not purchased or condemned the Facilities, the Company and the City agree to abide by the terms of this Agreement for one (1) year after such expiration or until a new agreement is reached, whichever occurs first.

SECTION 24. REMOVAL OF FACILITIES.

When the Company abandons any of its Facilities and records such abandonment pursuant to A.R.S. § 40-360.30(A), it shall notify the City of such abandonment. Abandoned Facilities shall be removed from the Right-of-way to the satisfaction of the City at Company's cost unless permitted by the City to be left in place in such manner as the City may prescribe. The Company shall, to the satisfaction of and without cost or expense to the City, promptly remove such Facilities. All City property affected by such removal shall be repaired and restored by the Company consistent with the provisions of this Agreement upon written notice from the City. Any such Facilities which are not removed within one hundred twenty (120) days of either the date of abandonment or of the date the City issues a permit authorizing removal, whichever is later, shall automatically incur charges to be determined by the City. For the purposes of this Section, "abandoned" has the same meaning as that term has in A.R.S. § 40-360.21(1).

SECTION 25. SUCCESSORS OR ASSIGNS.

(a) Assignment Requirements. The right, privilege, or franchise granted by this Agreement shall not be leased, assigned, or otherwise alienated without the express consent of the City evidenced by an ordinance or resolution passed by the

Council. The Company shall provide not less than ninety (90) days' notice to the City prior to any such assignment. No dealing with the lessee or its assigns on the part of the City to require the performance of any act or payment of any compensation by the lessee or his assigns shall be deemed to operate as such consent. Any assignment shall become effective upon the passage of an ordinance or resolution by the City and written acceptance of this Agreement and any renegotiated terms by the successor.

(b) City Consent Provided. The consent of the City is given to the Company to subject this grant and any property constructed or operated under it to any present or future mortgage or other charge incurred by the Company in the ordinary course of business solely for the purpose of securing bonds, notes, or other obligations of the Company. A mortgagee, creditor, or trustee may exercise its rights under any such mortgage or charge without further consent of the City and may purchase at judicial, trustee's, or other involuntary sale and may own and exercise this Agreement and the rights granted by it, but shall be equally subject, with the Company, to the duties and obligations imposed by this Agreement.

SECTION 26. REGULATION BY THE CITY.

As required by the City Charter, the City expressly reserves to itself, subject to the limitations of the Constitution and laws of Arizona, the right, whether in terms reserved or not, to make all regulations which shall be necessary to secure, in the most ample manner; the safety, welfare and accommodation of the public, including, among other things, the right to pass and enforce ordinances to require proper and adequate extensions of the service of such grant, to protect the public from danger or inconvenience in the operation of any work or business authorized by this Agreement,

UTAH STATE LIBRARY ARCHIVES

and to make and enforce all such regulations as shall be reasonably necessary to secure adequate, sufficient, and proper service, extensions, and accommodations for the people and ensure their comfort and convenience. The City, subject to the limitations of the Constitution and laws of Arizona, shall have full power to enforce, by forfeiture or otherwise, compliance by the Company with all of the terms and conditions of this Agreement for the effective security of efficient service or for the continued maintenance of the property of the Company in good condition and repair throughout the term of this Agreement.

SECTION 27. DISPUTE RESOLUTION.

(a) In General. If a dispute exists regarding an obligation of the City or Company under this Agreement and the matter cannot be resolved through the mutual agreement of the parties, such controversy may be submitted to arbitration. The arbitration procedures described in A.R.S. § 12-1501, et seq. (Uniform Arbitration Act), shall be followed to the extent they do not conflict with the provisions of this Section.

(b) Dispute Resolution Board. All disputes regarding an obligation of the Company or City under this Agreement may be submitted to a Dispute Resolution Board. The Board shall consist of one member selected by the City, one member selected by the Company, and a third person agreed upon by both parties. The person agreed upon by both parties shall be chairperson of the Board. The City and the Company shall share expenses for the Board equally.

(c) Decisions of the Board. The Board shall hear disputes promptly and render an opinion as soon as possible but in no event later than sixty (60) days after the

2025 JUN 10 10:00 AM

Board has concluded the arbitration proceedings. Decisions of the Board are not binding on the City or the Company.

SECTION 28. ENTIRE AGREEMENT.

This Agreement constitutes the entire agreement of the parties. There have been no representations made other than those contained in this Agreement or any exhibits.

SECTION 29. SEVERABILITY.

(a) In General. Except as provided in Subsection (b), if any provision of this Agreement is adjudged invalid or unconstitutional, the same shall not affect the validity of this Agreement as a whole or any part of the provisions hereof other than the part so adjudged to be invalid or unconstitutional.

(b) Exception. If any part of Section 10 is adjudged invalid or unconstitutional, this entire Agreement will be deemed to be invalid and without effect.

SECTION 30. INDEMNIFICATION AND INSURANCE.

(a) Indemnification. The Company shall indemnify, defend, and hold harmless the City from any and all claims, demands, suits, actions, proceedings, loss, cost, and damages of every kind and description, including any reasonable attorney's fees and/or litigation expenses, which may be brought or made against or by any person, caused by, arising out of, or contributed to, in part, by reasons of any act, omission, professional error, fault, mistake, or negligence of the Company, its employees, agents, representatives, or affiliates, their employees, agents, or representatives in connection with or incidental to the performance of this Agreement, or arising out of worker's compensation claims, unemployment compensation claims, or

2025 RELEASE UNDER E.O. 14176

**CITY OF TUCSON FRANCHISE FEE BY RATE CLASS
SCHEDULE OF CHARGES PER kWh**

<u>Rate Class</u>	<u>Rate</u>	<u>Franchise Fee \$ Per kWh</u>
<u>RESIDENTIAL</u>		
01	Rate 01	\$0.00210
02	Rate 02	\$0.00157
201	Rate 201	\$0.00183
21	Rate 21	\$0.00177
51	Rate 51	\$0.00662
70	Rate 70	\$0.00187
<hr/>		
<u>COMMERCIAL</u>		
10	Rate 10	\$0.00244
11	Rate 11	\$0.00194
31	Rate 31	\$0.00117
52	Rate 51	\$0.00769
76	Rate 76	\$0.00196
BS	Contract-Based Rate	\$0.00246
AP	Contract-Based Rate	\$0.00091
<hr/>		
<u>INDUSTRIAL</u>		
13	Rate 13	\$0.00186
85	Rate 85	\$0.00156
14	Contract-Based Rate	\$0.00145
14	Contract-Based Rate	\$0.00154
14	Contract-Based Rate	\$0.00146
14	Contract-Based Rate	\$0.00139
90	Contract-Based Rate	\$0.00102
90	Contract-Based Rate	\$0.00120
90	Contract-Based Rate	\$0.00133
90	Contract-Based Rate	\$0.00150
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<u>PUBLIC AUTHORITY</u>		
40	Rate 40	\$0.00184
41	Rate 41	\$0.00155
43	Rate 43	\$0.00185
44	Rate 44	\$0.00174
45	Rate 45	\$0.00116
46	Rate 46	\$0.00110
47	Rate 47	\$0.00155
50	Rate 50	\$0.00600
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MEMORANDUM

OFFICE OF THE CITY ATTORNEY
CIVIL DIVISION
(520) 791-4221

01 FEB -6 AM 11:14
OFFICE OF THE CITY CLERK
CITY OF TUCSON RECEIVED

DATE: February 5, 2001

TO: Kathy Detrick
City Clerk

FROM: David L. Deibel
Senior Assistant City Attorney

RE: SCRIVENER'S ERROR IN ELECTRIC UTILITY FRANCHISE AGREEMENT

A scrivener's error has been found in the electric utility franchise agreement with Tucson Electric Power Company (TEP). In section 10(a), the following sentence appears: "The Company may credit against the fee the net write-off for uncollectible accounts and corrections of bills." The word "fee" should have been "gross revenues" and should have read "The Company may credit against the gross revenues the net write-off for uncollectible accounts and corrections of bills." It was the intent of the parties that the revenue generated by the franchise fee remain essentially the same as the current revenue level, even though the new fee is based on electricity consumption and the current fee is based on gross revenues.

That this is an error in drafting is evidenced by section 10(b), the first sentence of which states "It is the intent of the parties that the fee imposed by Subsection (a) generates revenues in an amount no less than two and one quarter percent (2.25%) of the gross revenues (after adjustment for the net write-off of uncollectible accounts and correction of bills) of the sale and delivery of electricity from all sources within the corporate limits of the City... (hereafter referred to as the "Intended Revenue Amount")."

Since this is a scrivener's error, it may be corrected administratively without further action by the Mayor and Council. If you have any questions, please do not hesitate to contact me.

DD:hm

- cc: Steven J. Glaser – Senior Vice President - Tucson Electric Power Company
- Benny Young – Assistant City Manager
- Kay L. Gray – Director, Finance Department
- Michael D. House – City Attorney
- Brad Detrick – Deputy City Attorney

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02/06/01 83240

	DISTRIBUTION	LOG NO
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Council	Asst City Clk	
City Attorney	Admin Assiat	
City Manager	BCC Admin	
City Clerk	Council Rpt Sec	
Dept Head	Legis Act/Agenda	
Exec Act Sec	Liquor/Bingo Adm	
Planning	PF RSPRS Bnd	
Public File		
Reading File		
Suspense		
	Equalization Division	
	Asst City Clk	
	Admin Assiat	
	Payroll Clk	
	Purchasing Clk	
	Records Division	
	Asst City Clk	
	Admin Assiat	
	Archivist	
	Cust Serv/Rel	
	Info Retrieval	
	Records Center	

Key Information Copy
X-Action Copy

02/13/01

A "NO" vote shall have the effect of denying a franchise for electric transmission and distribution services to Tucson Electric Power Company.

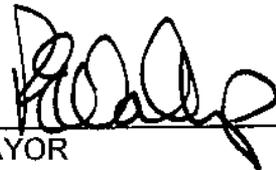
END OF BALLOT FORMAT

SECTION 3. The substantive terms of the non-exclusive franchise are incorporated herein by reference and attached hereto as Exhibit 1.

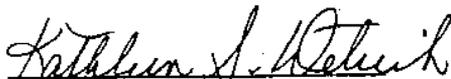
SECTION 4. The various City officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this ordinance.

SECTION 5. WHEREAS, it is necessary for the preservation of the peace, health and safety of the City of Tucson that this ordinance become immediately effective, an emergency is hereby declared to exist, and this ordinance shall be effective immediately upon its passage and adoption.

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Tucson, Arizona, July 10, 2000.


MAYOR

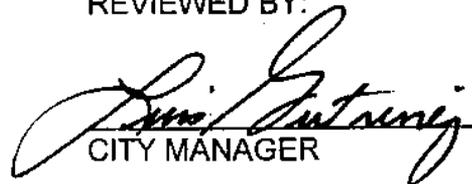
ATTEST:


CITY CLERK

APPROVED AS TO FORM:


CITY ATTORNEY

REVIEWED BY:


CITY MANAGER

DB/m
7/6/00

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Certificate of Clerk

• City of Tucson •

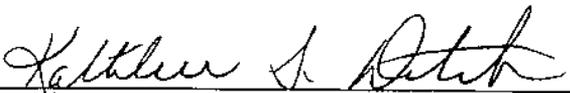
State of Arizona }
County of Pima } ss

I, Kathleen S. Detrick, the duly appointed and qualified City Clerk of the City of Tucson, Arizona, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 9429 which was passed and adopted by the Mayor and Council of the City of Tucson, Arizona, at a meeting held on July 10, 2000, at which a quorum was present, by the affirmative vote of not less than five-sixths of the Council, taken by ayes and noes.

In Witness Whereof, I have hereunto set my hand and affixed the seal of the City of Tucson, Arizona on November 8, 2000.

Total of 3 page(s) certified.

(Note: Exhibit 1 to the ordinance is filed separately)



City Clerk

07/10/00 03:04 PM

EXHIBIT 2 – 2024 SUPERIOR COURT DECISION

ARIZONA SUPERIOR COURT, PIMA COUNTY

HON. KYLE BRYSON

CASE NO. C20235484

DATE: July 03, 2024

TUCSON ELECTRIC POWER COMPANY
Plaintiff,

vs.

CITY OF TUCSON BOARD OF ADJUSTMENT and
CITY OF TUCSON
Defendants

UNDER ADVISEMENT RULING

IN CHAMBERS:

This case is before the Court on Tucson Electric Power's (TEP) special action appeal of the Zoning Administrator Determination (ZAD), and the City of Tucson's (City) motion for summary judgment on the issues of preemption and estoppel. The Court heard oral argument on both actions, has reviewed the record on appeal, and renders this ruling.

On July 19, 2021, TEP requested a ZAD from the City of Tucson Planning and Development Services Department (PDSD) regarding the construction of overhead transmission lines along an approximately 3.5-mile segment of Kino Parkway. Kino is designated as a Gateway Corridor according to the Major Streets and Routes Plan (MS&RP), and as such is subject to specific zoning restrictions outlined in the Unified Development Code (UDC). One such restriction is the requirement that new utilities¹ be constructed underground. UDC § 5.5.4(B)(1)(a). TEP characterized the Demoss-Petrie Project (DMP) as an upgrade of utilities, and not new construction, and argued that UDC § 5.5.4(B)(1)(c) should control instead. The Administrator ruled the DMP was new development², and not an upgrade, and that TEP was required to underground the transmission lines along Kino.

¹ Utilities: services such as gas, electric, water, telephone, and cable television. UDC § 11.4.22.

² Development: any human alteration to the state of land, including its vegetation, soil, geology, or hydrology, for any residential, commercial, industrial, utility, or other use.... UDC § 11.4.5.

John F. Kennedy
Law Clerk

TEP properly appealed the decision to the Board of Adjustment (Board) where they argued that the Administrator had misunderstood the nature of the project by not classifying it as an upgrade, that the State had preempted the City’s ability to restrict construction of utility poles, and that the City was estopped from requiring undergrounding because the City had previously approved overhead lines in a different Gateway. The Board upheld the ZAD after hearing argument from TEP and the City, as well as comments from the general public, but it declined to address the issues of estoppel and preemption.

The Special Action

When reviewing the decision of a municipal zoning board, the Court “must determine whether the Board acted arbitrarily, capriciously or in an abuse of its discretion.” *Pingitore v. Town of Cave Creek*, 194 Ariz. 261, 264 (Ct. App. 1998). The Court should not substitute its opinion of the facts for that of the Board and must affirm the decision if there is credible evidence to support it. *Id.* However, the Court is “free to draw [its] own conclusions on whether an agency misinterpreted the law and may substitute its judgment for the Board’s assessment of the legal effect of the underlying facts.” *Whiteco Outdoor Advert. v. City of Tucson*, 193 Ariz. 314, 317 (Ct. App. 1998). Questions of the interpretation of statutes or ordinances are reviewed *de novo*. *Id.*

The ZAD and the UDC

The Court will first address TEP’s argument that the Gateway Corridor regulations of the UDC do not apply to utilities. TEP asserts that UDC 1.4.2.G exempts rights-of-way from zoning regulations, and that in doing so it exempts all development within the right-of-way from those same zoning regulations. Section 1.4.2.G states, in its entirety:

Zoning is applicable on all property, except street³ rights-of-way⁴. Use of street rights-of-way for other than public street purposes requires approval by the Zoning Administrator and the Department of Transportation. The Zoning Administrator may allow, within the right-of-

³ Street: any permanent public or private right-of-way...set aside to accommodate vehicular travel lanes...[or] utility areas....

⁴ Right-of-way: an area reserved for a public or private use, such as...street...and utility easements.

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Law Clerk

UNDER ADVISEMENT RULING

way, only those uses or structures that are permitted on the property immediately abutting the right-of-way.

UDC 1.4.2.G.

Were this section read alone, it might support TEP’s conclusion. However, it must be read in conjunction with the rest of the UDC, and other related ordinances and development plans like the MS&RP. Because Kino is a Gateway Corridor under the MS&RP, UDC 5.5 applies to projects which take place within the GCZ. Section 5.5.4 states “[i]n addition to other applicable standards...the following development standards are required of projects in the GCZ.” Subsection B specifically applies to utilities within the GCZ and states, in pertinent part, “New utilities for development on private and on public right-of-way along Gateway Routes shall be underground unless relief is otherwise granted....” UDC § 5.5.4.B.1.a.

Arizona “construe[s] statutes [and ordinances] to give meaning to each word and phrase, leaving none a nullity.” *Sharpe v. Arizona Health Care Cost Containment Sys.*, 220 Ariz. 488, 492 (App. 2009). In order to give all parts of the ordinances here meaning, the Court must conclude that UDC 5.5.4 can apply to utilities development on public rights-of-way. Therefore, the Court finds that the Administrator was correct in applying the Gateway Corridor standards in the UDC to TEP.

TEP also argues that the Administrator applied the wrong section of the UDC to the DMP. TEP characterizes the project as an upgrade of existing infrastructure, rather than new development, and argues that UDC 5.5.4.B.1.c should apply. The UDC allows for “upgrades and reinforcements of existing overhead facilities to the extent that the total number of electrical circuits or communication cables is not increased.” UDC 5.5.4.b.1.c. In its ruling, the Administrator stated:

“In general, when determining if something is an upgrade of existing equipment or new project, we look at the relative size, scale, and location of the existing development in comparison to the size, scale, and location of the new development. In this case, the size and scale of the proposed development is significantly larger and more impactful than [sic] the existing equipment. Additionally, the location of the poles has changed, many times changing from one side of the road to the other. A simple upgrade of existing equipment would result in similarly sized poles and equipment in the same location, which is not the case with this project.”

ZA Determination, p.3.

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Although “upgrade” as it is used in the UDC is not defined, it is typically defined in the context of machinery or electronics as “to replace something with a more useful version or alternative.” *Upgrade*, Merriam-Webster.com, <https://www.merriam-webster.com/dictionary/upgrade>. TEP urged the Court to apply the definition of upgrade broadly, arguing that increasing the capacity of Tucson’s power grid should be considered an upgrade under the UDC, regardless of where the line is placed and how it is installed, and therefore the Administrator erred in determining the DMP was not an upgrade. The City countered that the specific language of 5.5.4.B.1.c indicates upgrade should be applied narrowly to allow upgrades of poles, lines, and other facilities which are already in place.

At oral argument before this Court, TEP admitted that there are no, or very few, existing transmission lines running along Kino at this time. There is no evidence in the record which indicates a broad definition of upgrade must be applied as opposed to a narrow one, and the lack of existing infrastructure and the scale of the development proposed by TEP indicate to the Court that the DMP goes beyond the scope of an upgrade under the UDC. The Zoning Administrator and board did not misinterpret the law.

THE COURT FINDS that the DMP is not an upgrade, but rather is new development under UDC 5.5.4.B.1.a.

The Motion for Summary Judgment

Summary judgment is appropriate when there are no genuine issues of material fact. *Orme School v. Reeves*, 166 Ariz. 301, 802 P.2d 1000 (1990). “A ‘genuine’ issue is one that a reasonable trier of fact could decide in favor of the party adverse to summary judgment on the available evidentiary record.” *Modular Mining Sys., Inc. v. Jigsaw Techs., Inc.*, 221 Ariz. 515, 518 (App. 2009). Even if facts aren’t in dispute, but a genuine dispute exists as to conflicting inferences from those facts, summary judgment should not be granted. *Executive Towers v. Leonard*, 7 Ariz. App. 331, 439 P.2d 303 (1968).

Summary judgment should be granted only if the facts produced in support of the claim or defense have so little probative value, given the quantum of evidence required, that reasonable people

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could not agree with the conclusion advanced by the proponent of the claim or defense. *Kim v. Wong*, 253 Ariz. 247, 512 P.3d 689 (App. 2022). Summary Judgment should not be a substitute for a trial of a case on the merits. *Sanchez v. City of Tucson*, 191 Ariz. 128, 953 P.2d 168 (1998).

Estoppel

TEP argues that the City has been estopped from requiring undergrounding in the DMP because, in a separate project, the PDSO allowed construction of overhead lines in a GCZ. Typically governmental entities are not subject to estoppel because “estoppel sounds in equity and will therefore not apply to the detriment of the public interest.” *Valencia Energy Co. v. Arizona Dep’t. of Revenue*, 191 Ariz. 565, 576 (1998). Therefore, the burden of proof on estoppel against a governmental entity is somewhat higher than against a non-governmental entity. “The first element [of estoppel] requires affirmative acts inconsistent with the position later relied on. Common sense tells us that the evidentiary burden in cases such as the present would require that the state's action bear some considerable degree of formalism under the circumstances. An off-the-cuff opinion, for example, will not suffice if the question presented requires a measure of research or deliberation.” *Id.* at 577. Additionally, “the action must be taken by or have the approval of a person authorized to act in the area under consideration.” *Id.* The claiming party must actually rely on the actions by the governmental entity. “Reliance should be considered reasonable if ‘a person sincerely desirous of obeying the law would have accepted the information as true, and would not have been put on notice to make further inquiries.’” *Id.* (quoting *Freightways, Inc. v. Arizona Corp. Commission*, 129 Ariz. 245, 247 (1981)). Finally, the asserting party must have suffered a substantial detriment due to the change in positions by the governmental entity. Such change in position must not have been compelled by law, however. “No detriment is incurred when the party's only injury is that it must pay taxes legitimately owed under the correct interpretation of the law.” *Id.*

In this case, TEP has “suffered a detriment” due to a perceived change in position by the PDSO. TEP purchased supplies for overhead lines which cannot be applied to undergrounding, and unlike what was suggested by *Valencia* or other tax cases, the detriment is not simply paying what is actually

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Law Clerk

UNDER ADVISEMENT RULING

owed. However, the record does not support TEP’s belief that statements made by the City about one project should apply to another, namely to the DMP.

TEP began formal line siting procedures in 2019 with the PDSO regarding two-line replacement projects, the DMP at issue here, and the Irvington-East Loop Project. TEP received approval to build overhead lines on the Irvington project, because Irvington was considered a relocation of utilities under UDC 5.5.4.B.3 according to the City’s planner on that project, John Beall. The reasons cited in the record for that determination were the project’s connection with Davis-Monthan, the small amount of infrastructure that would actually be installed along the gateway route, and MS&R Policy 5.A.4 which states “utilities in the right-of-way or visible from the street *should* be placed underground wherever possible.” UDC 5.5.4.B.3 indicates that the franchise controls when utilities “required by public improvement districts” are relocated along Gateway Routes. The vast majority of the Irvington project’s new and relocated line was not along Gateway Routes. In fact, the only section on a Gateway was a less than one-mile-long segment on Kolb between Littleton and Valencia. The rest of the line was set to be constructed either on DM itself, or along Pantano which is not a Gateway.

The DMP, however, while connected with both downtown Tucson and the University of Arizona, runs along a significantly longer section of a Gateway. Specifically, TEP states it would need to underground approximately 5.5 miles of line. Conversely, as noted above, the section of line installed on the Gateway in the Irvington project was less than 1 mile long. As discussed above, TEP admitted that there is little to no existing line running along the Kino section of the DMP which could be replaced with high-capacity transmission lines. It is clear from the record that all of Mr. Beall’s comments were directed solely at the Irvington project, were based on facts specific to that case, and were definitely not intended to apply generally. Because of the significant differences between the two projects, for zoning purposes, it is unreasonable to believe any statements made about the Irvington project, even from City officials, could be applied to the DMP.

Therefore, as the elements of equitable estoppel have not been met, the Court finds the City is not estopped from requiring the new lines to be undergrounded.

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UNDER ADVISEMENT RULING

Preemption

TEP asserts that the State legislature has preempted the City’s authority to require undergrounding of transmission lines. For the City’s authority to be preempted, there (1) must be a city law which conflicts with a state law, (2) the state law must be of statewide concern, and (3) the legislature must intend to appropriate the field through a clear preemption policy. *State v. Coles*, 234 Ariz. 573, 574 (Ct. App. 2014). Whether a city code or a state law controls “essentially hinges ‘on whether the subject matter is characterized as of statewide or purely local interest.’” *State ex rel. Brnovich v. City of Tucson*, 242 Ariz. 588, 599 (2017) (citation omitted). The regulation of electric utilities is undisputedly a matter of statewide concern. A.R.S. § 40-209. Therefore, the only question before the Court on this matter is whether UDC 5.5.4.B conflicts with any statutes?

TEP relies primarily upon A.R.S. §§ 9-599 and 9-810 to support its argument that the State has clearly and intentionally preempted the City’s authority to control how TEP constructs its transmission lines. A.R.S. § 9-599(2) states that Article 8 does not “confer on any authority...any zoning, land use, or planning...authority over utility poles...owned, controlled, or operated by an...investor-owned electric utility....” The wording here suggests not that the State intended to restrict the City’s authority over utility poles, but rather that the State did not intend to grant any additional authority the City did not already have. Indeed, 9-594(A) specifically states “the following activities that take place inside of a right-of-way are subject to this section and all of the authority’s codes and regulations, including zoning codes and other regulatory processes governing use of rights-of-way.... (1) Installation of new monopoles, utility poles, or wireless facilities....” If the State had intended to preempt the City’s authority over utility poles, there would be no reason for this section to have been enacted.

However, the State has specifically preempted the City’s authority to prevent individuals from accessing public utilities.

A. The regulation of a utility provider's authority to operate and serve customers is a matter of statewide concern. A person's or entity's ability to use the services of a utility provider that is capable and authorized to provide utility service is not subject to further regulation by a municipality pursuant to this section.

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Law Clerk

UNDER ADVISEMENT RULING

B. Any code, ordinance, land use regulation or general or specific plan provision or part of a code, ordinance, land use regulation or general or specific plan provision adopted by a municipality may not prohibit or have the effect of restricting a person's or entity's ability to use the services of a utility provider that is capable and authorized to provide utility service at a person's or entity's property.

C. A municipality may not impose a fine, penalty or other requirement that has the effect of restricting a utility provider's authority to operate or serve customers.

A.R.S. § 9-810.

This section very specifically and clearly restricts the City's authority to enact laws which would have the effect of preventing anyone from accessing utility services within the City's jurisdiction. It does not, however, prevent the City from regulating how the utility expands or modifies its own network, so long as such regulations do not have the effect of restricting access.

The State has also preempted the City's ability to determine where, but not how, transmission lines are constructed. The State clearly intended the Arizona Corporation Commission (ACC) to have exclusive authority over line siting for high-capacity transmission lines. A.R.S. § 40-360, *et seq.* See also 1971 Session Laws Ch 67, § 1. The purpose of this is to simplify the process of expanding Arizona's electrical grid, which is necessarily a matter of statewide importance. However, the Court has been unable to locate any law which restricts the City's authority to regulate how transmission lines are constructed. TEP is correct that there is no law which explicitly grants the City the authority to require undergrounding, but neither is there a specific law which purports to exempt utilities from all zoning regulations.

Therefore, the Court finds that, as a matter of law, the City has the authority to require undergrounding of transmission lines.

Ruling

Therefore, for the reasons stated above:

IT IS ORDERED the Special Action Appeal is DENIED and the ruling of the Zoning Administrator and the Board of Adjustment is AFFIRMED.

John F. Kennedy
Law Clerk

UNDER ADVISEMENT RULING

Page 9

Date: July 03, 2024

Case No.: C20235484

IT IS FURTHER ORDERED the Motion for Summary Judgment on the issues of Equitable Estoppel and State Preemption is GRANTED.

The parties shall pay their respective attorneys' fees and court costs incurred herein.

There being nothing further pending before the Court, judgment is hereby entered pursuant to Ariz. R. Civ. Proc., Rule 54 (c).


HON. KYLE BRYSON

(ID: b97ad7a4-1614-4e09-86a5-8afbafbf4a8a)

cc: Hon. Kyle Bryson
Jeffrey D. Gross, Esq.
Roi I. Lusk, Esq.
Clerk of Court - Civil Unit
Clerk of Court - Under Advisement Clerk

John F. Kennedy
Law Clerk

EXHIBIT 3 – ORIGINAL COST ESTIMATE



Tucson Electric Power

138 Kilovolt Transmission Line Underground Cost Analysis

Report SL-015392

Revision 0

Report

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S&L Nuclear QA Program Applicable:

Yes

No

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ISSUE SUMMARY AND APPROVAL PAGE

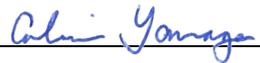
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ACRONYMS AND ABBREVIATIONS

Acronym/Abbreviation	Definition/Clarification
AC	Alternating Current
DC	Direct Current
DTS	Distributed Temperature Sensing
ft	Foot
GCC	Ground Continuity Conductor
HDD	Horizontal Directional Drill
HDPE	High Density Polyethylene
HVED	High Voltage Extruded Dielectric
HV	High Voltage
Kcmil	1000 circular mils
kV	Kilovolt
mil	Thousandth of an inch
PVC	Polyvinyl Chloride
ROW	Right of Way
XLPE	Cross-linked polyethylene

EXECUTIVE SUMMARY

SCOPE OF WORK

Tucson Electric Power (TEP) is proposing to install a new overhead single circuit 138 kilovolt (kV) alternating current (AC) transmission line from the Kino Substation (currently under construction) extending approximately 7 miles northwest to the existing DeMoss-Petrie Substation with a new proposed intermediate substation north of the University of Arizona. The line is being developed to help satisfy growing energy needs and strengthen reliability for TEP customers within the project area. During preliminary community meetings, TEP has received multiple questions regarding the cost of undergrounding the proposed transmission line. In response to those questions, TEP has enlisted Sargent and Lundy (S&L) to prepare estimated costs to place the proposed 138kV transmission line underground. The material and construction costs in this report represent a 1.5 mile stretch of underground 138-kV transmission circuit in urban, central Tucson. In Addition, this report provides an overview of a 138kV cross-linked polyethylene cable (XLPE) underground transmission line along with information on operation, maintenance and repairs.

OVERVIEW OF PROJECT DESIGN

For the purposes of this study it is assumed one cable per phase is required to meet the required ampacity. The duct banks would be installed via open-cut trench and then backfilled with thermally corrective fill to improve cable operating performance. Several roadways are located within the study area. It has been assumed that arterial roadways would be crossed by means of a jack and bore method. The cost estimate utilized anticipated construction methods and expected geological and environmental conditions. Detailed assumptions are provided in Section 4 of this report.

SUMMARY

Underground transmission line installation, although possible, is significantly more expensive compared to overhead alternatives. Per estimates provided in this document, the cost of undergrounding would be approximately 11 times greater than a comparable overhead installation. In addition to the initial installation cost, there are operational, system loss, performance, maintenance, and reliability concerns when compared to overhead construction.

- Operational and Reliability Concerns – With the installation of the transmission line conductors in a concrete-encased duct bank, repairs to damaged conductors are lengthy and costly. Areas where the underground transmission are placed may also be disrupted due to repairs of the underground conductor.
- System Losses – No analysis was performed to determine the additional system losses associated with the underground cable system compared with an overhead line. Underground transmission lines have capacitance losses, due to the fact the cable has a thin layer of insulation to the ground versus overhead cables. Underground cables generally heat up more quickly, both by the fact that soil can thermally insulate the cables, and the sheath in the design of the underground cable which creates additional heat by induced current. Bonding methods can mitigate heating due to induced current in underground lines but, if not correctly managed, can result in damage to the cable jacket.

1. STUDY DESCRIPTION

1.1. OVERVIEW

The purpose of this document is to generate an indicative cost estimate to inform TEP and interested parties of the estimated construction costs for underground 138kV construction. It also provides information on operation, maintenance, and repair concerns for underground transmission lines. S&L developed the cost estimate for a segment of 138kV underground 1.5 miles long based on an urban environment in central Tucson and assumed the crossing of several large arterial roads via trenchless installations to limit disruptions to the community.

2. UNDERGROUND CABLE SYSTEMS

XLPE Cable is the most common type of cable used for underground transmission lines being installed at transmission level voltages. XLPE cable systems have become the preferred underground cable system for underground cable installations in the United States. Therefore, XLPE has been selected as the cable system for this study.

2.1. SYSTEM RATINGS

When designing underground transmission lines, the most important concept to consider is the ampacity, or the rating, of the conductor. The largest impact to the ampacity is the thermal performance of the underground system as whole. The calculation for determining the allowable ampacity of the underground conductor is complicated with many design factors that have effects on the thermal performance of the conductor. These factors include items such as soil thermal resistivity, cable size, cable depth, and cable separation.

2.1.1. Soil Thermal Resistivity

Soil thermal resistivity has a large impact on the allowable cable ampacity. The thermal resistivity is an important factor for design of underground electric cable systems. It is a measure of how a soil resists heat flow away from the cable. Due to this, thermal properties of the soils/backfill installed around the cable have a direct impact on cable ampacity. The entire area surrounding the cable can affect the ampacity, including changes in layers and materials around the cable. Concrete and asphalt placed on top of the cable would affect the rating of the cable, most likely in a negative way, dependent on their thermal resistivity. Therefore, to ensure proper cable design modeling of the system is required.

2.1.2. Cable Size

The conductor size of the cable has the most obvious impact to the ampacity of the cable. An increase in the conductor size has a direct correlation to an increase in ampacity. There is a limit to the allowable cable size. At present, 5000-6000 kcmil is the largest conductor size used for XLPE type cables.

2.1.3. Cable Depth

Depth of the cables has an impact on the ratings of the cable. The deeper the cable is in the soil, the harder it is for the surrounding soil to dissipate the heat. Typically, larger cables are required for deeper installations.

2.1.4. Cable Separation

Other cables in proximity can also generate heat and adversely affect the cable ampacity. This condition is called mutual heating. This can be reduced by increasing the separation of the cables. Optimal separation is determined by weighing the separation distance against the amount of excavation required. Increasing the separation too much would require larger excavation which in turn drives up project cost.

2.2. INSTALLATION METHODS

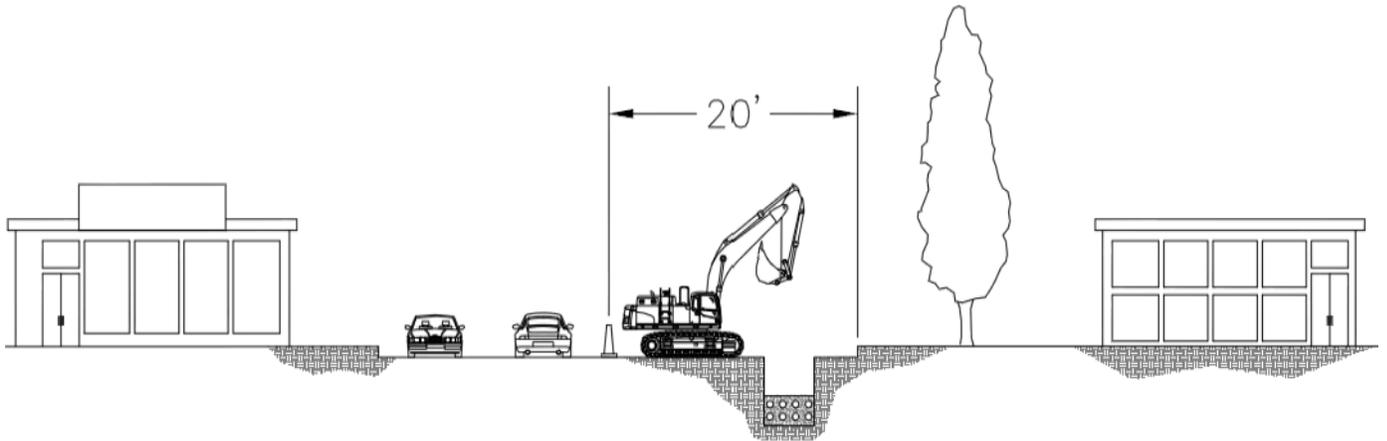
There are multiple types of installations for an underground transmission line. These include: 1) use of open trenches with installation of a duct bank, 2) direct embedment, 3) trenchless type such as Horizontal Directional Drill (HDD) or jack and bore. The most common method in the U.S. is duct bank-type installations. Duct banks are installed to provide mechanical protection for the cable. Short lengths of a couple hundred feet of trench are opened at a time. For this project, S&L would recommend the duct bank installations where open trench is feasible and jack and bore installations for the short distances under major arterial roadways to reduce impacts to the local community.

There are multiple steps for installation of an underground transmission line. First, all necessary information should be acquired such as geotechnical studies, existing underground utility locations and acquiring all permits required for the project. Secondly, the civil installation includes the excavation of the soil for the duct bank, installation of the duct bank described later, installation of the man vaults, backfilling the excavations with thermally corrective fill to the desired compaction and restoring the ground surface around the duct bank. Next contractors would mandrel the duct bank to ensure proper installation with no obstructions. Finally, the electrical construction includes the installation of all cables (electrical and communications), splicing, and grounding of the cables and other equipment. After the civil and electrical installations are complete, the system is tested before it is placed in operation.

2.2.1. Open Trench

Open trench construction would consist of cutting the asphalt road or concrete sidewalk and utilizing excavation equipment to remove any sub-grade material and soil to the desired depth of the proposed duct bank. The excavated material would be removed for disposal or stockpiled for use as backfill after completion of the duct bank (provided the properties of the soil meet the design criteria). Excavations usually happen in sections to limit the amount of open trench; this would be determined during detailed design. In urban environments, which is the basis for this cost estimate, shoring would be utilized to keep excavations open and limit the width of the excavation. The expected construction width in urban areas is 20 feet (Figure 2.1) for the trench, excavation and working space. The construction contractor would be required to provide traffic control devices to ensure safety for workers and the public.

Figure 2-1 — Typical Urban Open Trench Construction



Once a portion of the trench is excavated and clear to the proper depth, polyvinyl chloride (PVC) duct would be placed into the open trench. Individual PVC ducts would be used to house each cable and/or communication wires to be installed. The ducts would be held in place utilizing plastic duct spacers to ensure all the required separation per the design are met (see figure 2.2). In an urban environment, utilities that cannot be relocated prior to the construction of the duct bank would increase construction cost and time. Existing utilities that must remain in the Right of Way (ROW) would be required to be supported during the open excavation and avoided by re-routing the duct bank or changing duct configuration to accommodate the existing infrastructure. These types of details would be determined during detailed design. Duct bank spacers are placed three to five feet apart to keep the PVC ducts in the desired configurations. The area would then be framed and filled with high strength thermally corrective concrete (see figure 2.3), with the top portion having a red dye added to identify danger during future excavation. After the concrete has hardened the trench is backfilled and the surface returned to pre-construction conditions.

Figure 2-2 — Open Trench Spacers



Figure 2-3— Open Trench Concrete



2.2.2. Trenchless Installation

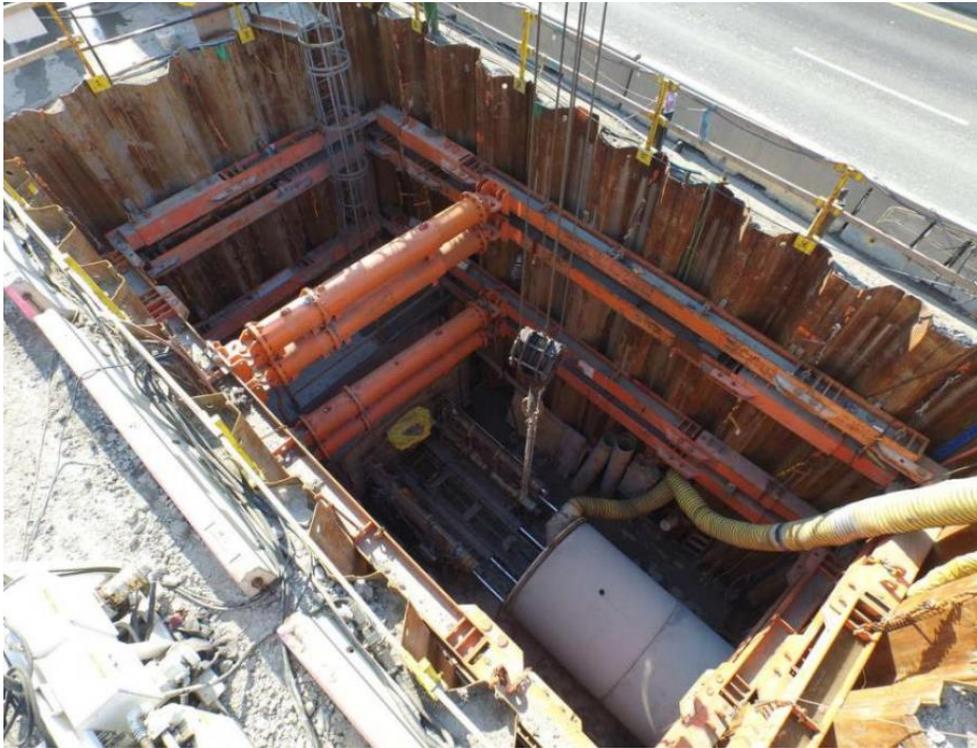
There are two types of trenchless methods that are commonly utilized when open trenching may not be allowed. Horizontal Directional Drill (HDD) and jack and bore. Trenchless type installations are used in areas where open trench is not allowed such as major road crossings, intersections, railroads, bodies of water, and other environmentally sensitive areas. For the urban environment in this estimate, jack and bore was used to cross under arterial roadways due to the short crossings, under 400 feet. Jack and bore installations consist of installing a non-metallic casing such as high-density polyethylene (HDPE), fiberglass or reinforced concrete pipe, and then installing the smaller ducts within the larger casing. Jack and bore can only be installed in a straight path.

Jack and bore must be installed via a send and receive pit excavated on either side of the crossing. Send pits are typically 30' long x 10' wide to the required depth of the bore approximately 16' deep. Depth may vary based upon existing utilities. This size is required for the boring equipment and for placing the casings which are approximately 20' sections but vary dependent on send pit sizes. Receive pits are commonly smaller in size averaging 10' long x 10' wide to the same depth as the send pit. Due to the depth of the excavation shoring would be required to maintain the safety of all workers in the pit based on the assumption there would not be enough room to bench the excavation. The excavated material must also be considered for storage during the jack and bore process. This can lead to an even larger area required for the jack and bore process. Casings can vary in size from 14 to 80+ inches in diameter, depending on project requirements.

Figure 2-4 — Jack and Bore – Send Pit



Figure 2-5 — Jack and Bore – Equipment



2.2.3. Vaults

Man-vaults would be required along the route for cable installation, splicing, inspection, maintenance requirements and access for future repairs. Man-vault spacing, and location are determined by maximum cable reel length, cable pulling tensions, and side wall pressures. Typical distance between vaults is expected to be 1,500 to 2,500 feet for the XLPE cable. The size of man-vaults is based on the type of cable system installed. Typical dimensions for man vaults are between 25-35 feet long by 7-10 feet wide by 10-12 feet tall dependent on voltage. Excavations are expected to 37 feet long by 12 feet wide by 12 - 16 feet deep dependent on existing infrastructure. Typically, man vaults are pre-cast and delivered to the site for installation. After installation, the over excavation is backfilled.

Figure 2-6 – Man Vault Placement



Figure 2-7 – Man Vault Backfill



2.2.4. Cable Installation and Testing

After the civil portion of the underground installation (no conductors placed in ducts at this time) is complete, the duct bank would be tested and cleaned by pulling a mandrel and swab through each of the ducts. This is done to ensure all ducts are concentric with correct clearance for cable, are clean of debris and are ready for cable pulling. Once each duct is cleared the cables can be installed. The typical cable pulling setup would be to set the reel of cable at one end of the pull and place a winch truck at the opposite end. Direction of pull between man vaults would be determined based on the direction that results in the lowest pulling or sidewall tensions. Once all the cables are pulled into a man-vault from each direction, splicing of the cable could commence. This process is repeated until all the cables have been pulled and spliced or terminated.

Figure 2-8 – XLPE Cable Reel



Figure 2-9 – XLPE Cable Installation



After completion of the installation, all splices and terminations of the cable must be tested before being placed in service. Testing includes a jacket integrity test using a specified DC voltage to ensure the jacket is continuous from end to end. Historically, an AC soak test would also be performed where the cable would be connected at rated voltage without load and left to “soak” for 24 hours. This enables the insulation to be stressed prior to current flow.

2.3. MAINTENANCE

Underground transmission lines require routine maintenance to ensure the cables continue to operate with uninterrupted service. Maintenance is primarily visual inspection of terminations, splices, man vaults, arrestors, grounds, riser structures, and cables. This type of maintenance is dependent on the utility but is recommended every 6 to 12 months for standard maintenance and a higher intensity maintenance performed in five-year intervals. To accommodate for visual inspections, the line would have to be de-energized and lane closures maybe necessary to allow inspectors access into the vaults.

2.3.1. Cable Failure and Repair

Underground transmission lines, in general, are reliable. However, should a cable failure occur, the time to restore service can be lengthy. Overhead lines, utilizing standard material, can usually be placed back into service in a matter of days. On the other hand, underground transmission lines may be out of service for months as new cable is ordered. Accurately locating the cable failure is extremely important. Overhead line faults are relatively easy to identify and correct as visual inspections provide a quick analysis and plan for repair. Locating a failure for underground lines is much more difficult as visual inspection is nearly impossible. Therefore, other methods are used to locate the failure(s). The most common method of locating a fault is to apply a capacitor discharge signal and detect return signal using an acoustical device.

Once the fault is located, a specialized contractor such as the cable manufacturer would need to make the repairs. Faults may be so great that the cable cannot be reused and depending on the level of failure, could fuse to the duct. In this case, if the duct has a spare, a new cable would need to be purchased, manufactured and pulled. If there is no spare position in the duct bank, then a replacement duct bank would need to be installed.

3. PRELIMINARY DESIGN

This assessment is based on a 1.5-mile route in an urban location of central Tucson, which would require installation of the duct bank in the road, road shoulder, or sidewalk area dependent on location. S&L has assumed that most of the line would be installed in road or road shoulder. It is also assumed that most of the existing storm drains would be avoided by this placement limiting the amount of existing infrastructure interactions. At this stage, no preliminary modeling, surveys or other design support activities have been performed. A full list of assumptions is provided in section 4.

3.1. DESIGN INPUTS

Table 3-1 – Preliminary Cable Data

CONDUCTOR SIZE	6000 KCMIL
CONDUCTOR MATERIAL	COPPER
CABLE DIAMETER	4.86 INCHES
CABLE WEIGHT	24.4 LB/FT
AMPACITY*	2180 A

* Ampacity based off standard documentation and conditions; project specific ampacity would be determined at detailed design.

Based on the cable size, it is expected that the duct bank would require 8” ducts to supply enough space for the specified conductor. S&L recommends a single spare cable be installed during the initial installation to increase reliability of the new underground transmission line by reducing outage times in the event of a fault. In addition, S&L would recommend a spare duct be installed in the event that if catastrophic damage occurs in a duct, TEP can install a new cable without developing an entirely new duct bank. It is assumed the permanent right of way width required for the duct bank would be 30 feet wide

For communication wires and Ground Continuity Conductor (GCC), TEP requested use of 3” conduits. A single 3” duct would be utilized for the installation of one 96 count single mode fiber optical cable for communication support for the transmission line. A second 3” duct would be utilized for the installation of a fiber optic cable that would be used for distributed temperature sensing fiber (DTS). The DTS would be used to monitor the temperature of the conductors in the duct bank to ensure the protection of the conductor. The third duct would house the GCC to support the cable grounding method which would be finalized during detailed design. Finally, S&L recommends a fourth 3” duct be installed as a spare in the event that there is damage to one of the 3” ducts.

S&L identified, using preliminary GIS data that up to 12 crossings of sewer lines could be expected in a 1.5-mile segment of underground line in central Tucson. During actual design of the 138kV underground transmission line, it is expected to encounter storm water, communications, and gas lines may, are expected to be encountered which may result in higher installation cost. It is expected that these interferences will be

encountered multiple time on the project due to the urban nature of the route.

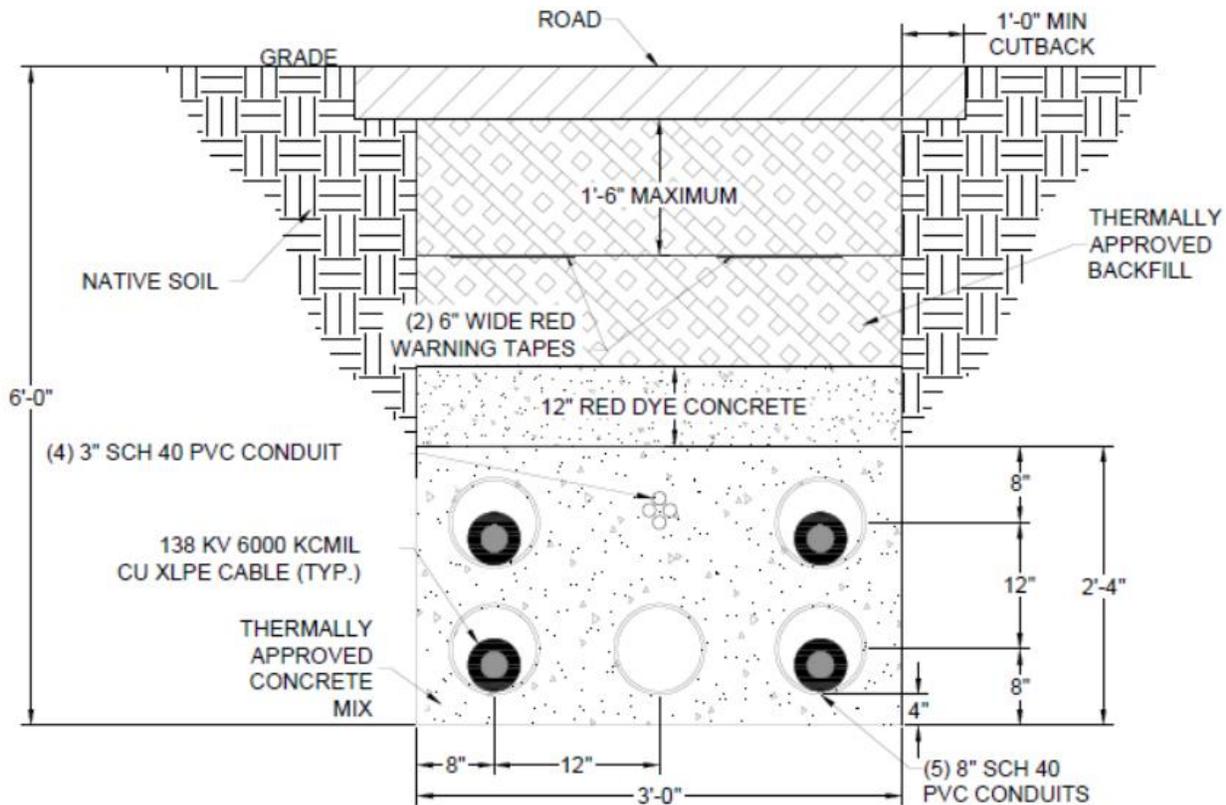
3.2. ELECTRICAL DESIGN

For the purposes of this estimate, a 6000 kcmil cable was chosen in order to provide a comparable ampacity rating to the standard 954 ACSS HS "Rail" conductor utilized on new TEP overhead 138kV line designs. No electrical calculations have been performed to determine preliminary cable ampacity and electrical characteristics. To perform this work, CYMCAP, a cable ampacity program developed by Eaton would be used to model the underground transmission layout. The modeling would include modeling of all material placed around the conductor, depth and configuration of duct banks/bores along the route. If determined during the detailed modeling of the system that the ampacity is not met, more conductor area would be required; this may potentially require a second cable per phase. This could have significant impacts to the design, increasing the duct bank size and requirement of additional materials. In addition, no EMF calculations have been performed at this stage.

3.3. OPEN CUT TRENCH PARAMETERS

Since data has not been gathered for underground infrastructure along the sample route, S&L assumes the average depth of the duct bank would be at minimum, 6 feet. Most existing underground infrastructure would be crossed by open trench except when in designated road jack and bore crossings. The duct bank would have five 8" PVC ducts for cables and four 3" PVC ducts. Below is a preliminary representation of the proposed duct bank design.

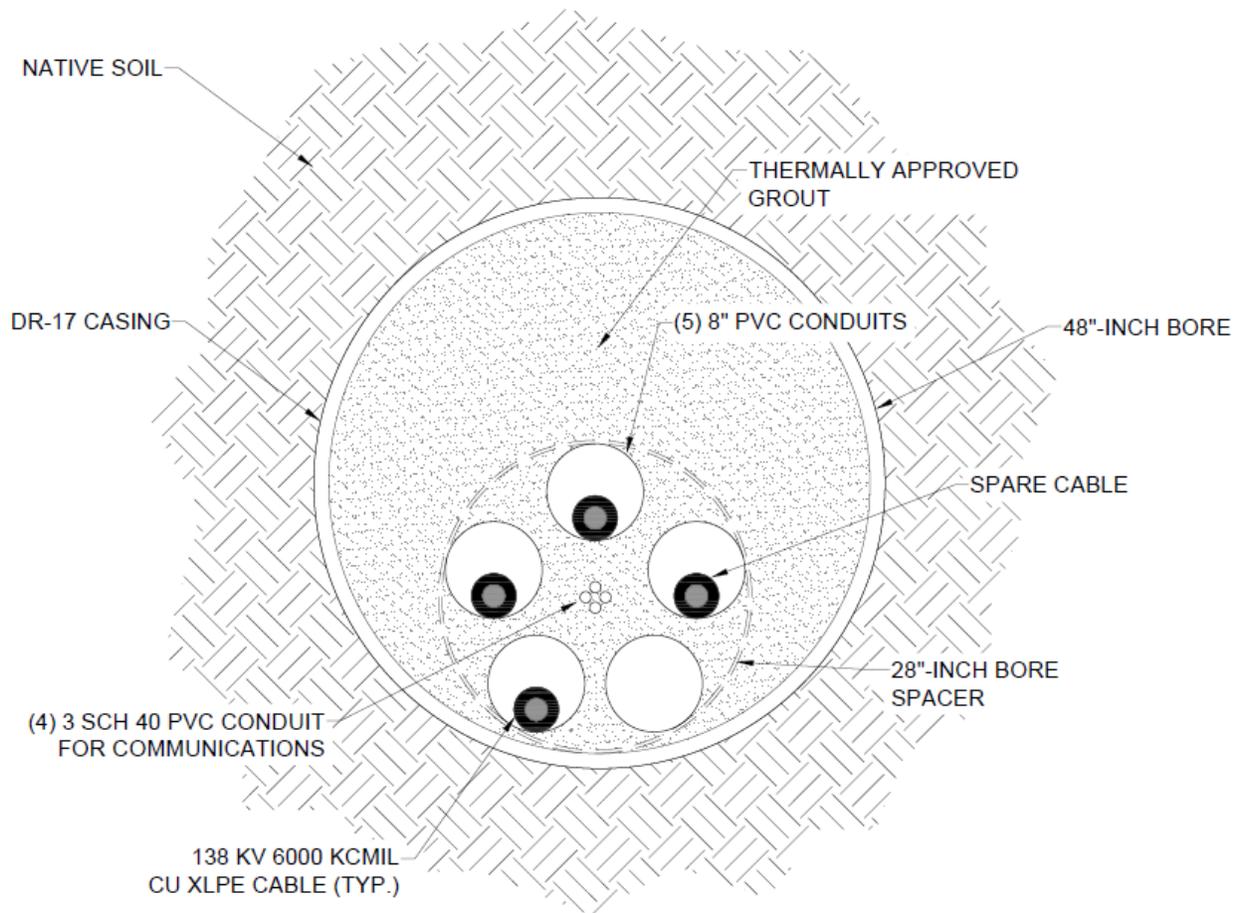
Figure 3-1 — Preliminary Duct Bank Layout



3.4. TRENCHLESS DESIGN PARAMETERS

It is expected that trenchless installations would be required under every major arterial roadway (greater than 4 lanes of traffic). For this study, it was assumed that there would be three crossings requiring a jack and bore, each approximately 200-ft in length. S&L has estimated the bore casing would be 48" in diameter to support the duct installation. It is expected the boring would be filled with thermal grout such as bentonite to aid in heat dissipation. Depth of the bore would be determined during detailed design once all existing infrastructure and other required inputs clarify the design.

Figure 3-2 — Preliminary Bore Layout



4. COST ESTIMATE

4.1. COST ESTIMATE ASSUMPTIONS

This cost estimate is based on standard pricing and/or pricing attained for a 1.5-mile-long underground line in urban, central Tucson. There are many factors that can affect the overall cost of the transmission line.

Below is a list of assumptions for this estimate:

1. Costs are based on 2020 costs. No escalation is included. Therefore, cost of materials can fluctuate and affect the overall estimate.
2. Subsurface Conditions - No underground infrastructure was considered for this study. Existing infrastructure can have major effects on construction and therefore would have significant impacts on cost. At this stage S&L has assumed a 6' deep trench and 16' deep trenchless installations would be acceptable.
3. Soil types, such as rock, have impacts on cost. At this stage S&L assumed no rock or caliche would be encountered within the study area.
4. The City may have special requirements that may impact the current restoration estimate assumptions. S&L has assumed the project would only require repair of the removed asphalt, curbs, and sidewalks. If more is required by the City, this would increase the cost.
5. Estimate does not include any environmental costs. This could increase costs based on level of environmental requirements for the project. This would be defined in the detailed design stage of the project.
6. Assumes single point bonding scheme.
7. Assumes 6,000kcmil conductor.
8. Estimate does not include any costs for right of way, easement acquisition, or temporary construction easements.
9. Duct installation cost includes excavation, shoring, duct placement, placement of concrete (including red dye), and compaction of soil above.
10. No spare material has been included, unless identified otherwise.
11. Only three arterial roads requiring jack and bores were assumed for the study.
12. No sales tax has been included on material.
13. A 20% contingency due to unknowns is included.
14. Materials used in the cost estimate meet all applicable industry standards.
15. Construction would be performed by qualified and experienced contractors.
16. S&L assumes 5 ducts for conductor and 4 ducts for communication and other cables.
17. Vaults are assumed to be installed approximately every 2,000 feet.
18. Asphalt repair assumes 7' wide repair.
19. Excavation assumes 30% swell of soils for hauling purposes.

4.2. COST ESTIMATE

ITEM	DESCRIPTION	QUANTITY	MATERIAL UNIT PRICE (\$/UNIT)	TOTAL MATERIAL COST (\$)	LABOR UNIT PRICE (\$ UNIT)	TOTAL LABOR COST (\$)	TOTAL OVERALL COST (\$)
EARTHWORK AND DUCT BANK INSTALLATION							
1	8-inch PVC Conduit, Per ft	39000	\$8.18	\$319,020.00	\$0.00	\$0.00	\$319,020.00
2	3-inch PVC Conduit, Per ft	31200	\$1.67	\$52,104.00	\$0.00	\$0.00	\$52,104.00
3	Conduit Duct Spacers, Each	2600	\$30.00	\$78,000.00	\$0.00	\$0.00	\$78,000.00
4	Man Vault, Each	5	\$45,000.00	\$225,000.00	\$25,000.00	\$125,000.00	\$350,000.00
5	Duct Installation, Per ft	7200	\$0.00	\$0.00	\$240.00	\$1,728,000.00	\$1,728,000.00
6	Haul Away, cubic ft	170900	\$2.00	\$341,800.00	\$0.00	\$0.00	\$341,800.00
6	Asphalt Replacement, sq. ft	41500	\$4.75	\$197,125.00	\$0.00	\$0.00	\$197,125.00
7	Sidewalk/Curb Replacement, ft	1700	\$140.00	\$238,000.00	\$0.00	\$0.00	\$238,000.00
8	Landscape Restoration, sq. ft	8120	\$4.00	\$32,480.00	\$0.00	\$0.00	\$32,480.00
9	Utility Relocation, lot	10	\$30,000.00	\$300,000.00	\$22,500.00	\$225,000.00	\$525,000.00
10	Steel plating, monthly rental	10	\$14,400.00	\$144,000.00	\$0.00	\$0.00	\$144,000.00
11	Traffic Control, days	410	\$1,000.00	\$410,000.00	\$0.00	\$0.00	\$410,000.00
TRENCHLESS INSTALLATION (JACK AND BORE)							
12	Jack and Bore, Per ft	620	\$675.00	\$418,500.00	\$675.00	\$418,500.00	\$837,000.00
13	Mobilization / Demobilization, lot	1	\$0.00	\$0.00	\$50,000.00	\$50,000.00	\$50,000.00
14	Bore Spacer, each	130	\$275.00	\$35,750.00	\$0.00	\$0.00	\$35,750.00
15	Bore Grout, cubic ft	12200	\$1.85	\$22,570.00	\$0.00	\$0.00	\$22,570.00
16	Haul Away, cubic ft	15900	\$2.00	\$31,800.00	\$0.00	\$0.00	\$31,800.00
17	Bore Pit Excavation, cubic ft	28100	\$0.00	\$0.00	\$14.50	\$407,450.00	\$407,450.00
18	Excavation Pit Soil Removal, Replacement and Compaction, cubic ft	27400	\$6.00	\$164,400.00	\$0.00	\$0.00	\$164,400.00
19	Asphalt Replacement, sq. ft	1800	\$4.75	\$8,550.00	\$0.00	\$0.00	\$8,550.00
20	Shoring, per ft	400	\$80.00	\$32,000.00	\$0.00	\$0.00	\$32,000.00
CABLE AND ACCESSORIES							
21	XLPE Cable, per ft	31200	\$120.00	\$3,744,000.00	\$0.00	\$0.00	\$3,744,000.00
22	Spare XLPE Cable on reel, per ft	2100	\$120.00	\$252,000.00	\$0.00	\$0.00	\$252,000.00
23	Terminators, each	6	\$7,200.00	\$43,200.00	\$9,000.00	\$54,000.00	\$97,200.00
24	Spare Terminators, each	2	\$7,200.00	\$14,400.00	\$0.00	\$0.00	\$14,400.00
25	Arresters, each	6	\$2,500.00	\$15,000.00	\$1,500.00	\$9,000.00	\$24,000.00
26	Spare Arrester, each	2	\$2,500.00	\$5,000.00	\$0.00	\$0.00	\$5,000.00
27	Splices, each	20	\$3,600.00	\$72,000.00	\$9,000.00	\$180,000.00	\$252,000.00
28	Spare Splices, each	4	\$3,600.00	\$14,400.00	\$0.00	\$0.00	\$14,400.00
29	Grounding System for Vault, each	5	\$4,000.00	\$20,000.00	\$3,000.00	\$15,000.00	\$35,000.00
30	Grounding System for Structure, each	2	\$3,500.00	\$7,000.00	\$1,500.00	\$3,000.00	\$10,000.00
31	Cable Clamps, each	218	\$100.00	\$21,800.00	\$0.00	\$0.00	\$21,800.00

ITEM	DESCRIPTION	QUANTITY	MATERIAL UNIT PRICE (\$/UNIT)	TOTAL MATERIAL COST (\$)	LABOR UNIT PRICE (\$ UNIT)	TOTAL LABOR COST (\$)	TOTAL OVERALL COST (\$)
32	Continuity Conductors, per ft	7800	\$3.50	\$27,300.00	\$0.00	\$0.00	\$27,300.00
33	Cable Installation, Splicing, grounding, days	60	\$0.00	\$0.00	\$9,000.00	\$540,000.00	\$540,000.00
34	Jacket integrity test, lot	1	\$0.00	\$0.00	\$300,000.00	\$300,000.00	\$300,000.00
35	Discharge/Withstand Test, lot	1	\$0.00	\$0.00	\$120,000.00	\$120,000.00	\$120,000.00
FIBER OPTIC INSTALLATION							
36	Fiber Optic Cable, per ft	8000	\$1.50	\$12,000.00	\$0.00	\$0.00	\$12,000.00
37	Hand Vaults for Fiber, each	2	\$700.00	\$1,400.00	\$0.00	\$0.00	\$1,400.00
38	Excavation for Hand Vaults & Haul away, cubic ft	70	\$2.00	\$140.00	\$14.50	\$1,015.00	\$1,155.00
39	Sidewalk/Curb Replacement, ft	20	\$140.00	\$2,800.00	\$0.00	\$0.00	\$2,800.00
40	Fiber Optic Cable splices, each	4	\$1,000.00	\$4,000.00	\$4,000.00	\$16,000.00	\$20,000.00
41	Temp. Sensing Fiber System, lot	1	\$215,000.00	\$215,000.00	\$0.00	\$0.00	\$215,000.00
TERMINATION (RISER STRUCTURES)							
42	Structure, each	2	\$90,000.00	\$180,000.00	\$50,000.00	\$100,000.00	\$280,000.00
43	Foundation Installation, each	2	\$35,000.00	\$70,000.00	\$0.00	\$0.00	\$70,000.00
ENGINEERING/ MANAGEMENT/ MISC.							
44	Engineering, lot	1	\$0.00	\$0.00	\$750,000.00	\$750,000.00	\$750,000.00
45	Geotechnical Including Thermal, lot	1	\$0.00	\$0.00	\$150,000.00	\$150,000.00	\$150,000.00
46	Underground Utility Survey	1	\$0.00	\$0.00	\$125,000.00	\$125,000.00	\$125,000.00
47	Construction Management, lot	1	\$0.00	\$0.00	\$350,000.00	\$350,000.00	\$350,000.00
48	Mobilization / Demobilization, lot	1	\$0.00	\$0.00	\$200,000.00	\$200,000.00	\$200,000.00
49	Permitting	1	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
50	Environmental Compliance & Monitoring	1	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
SUMMARY							
Summary of Cost				\$7,772,539.00		\$5,866,965.00	\$13,639,504.00
Summary of Cost with Contingency (20%)				\$9,327,046.80		\$7,040,358.00	\$16,367,404.80

5. PRELIMINARY SCHEDULE

5.1. PRELIMINARY SCHEDULE

Task Name	Duration (Months)
Engineering and Permitting Portion	12
Material Procurement	6
Civil Construction Portion	10
Electrical Construction	4

6. CONCLUSIONS

TEP's typical installation cost for a 138kV overhead transmission line is approximately \$1 million a mile for a design in an urban environment. Based on the underground estimate developed in this analysis, an underground transmission line would cost approximately \$16.4 million or about 11 times the cost of an overhead transmission line. It should also be recognized that there is a higher annual cost of maintenance for an underground transmission line due to additional maintenance and inspection costs associated with an underground line versus an overhead line.