APSC FILED Time: 5/2/2013 10:09:39 AM: Recvd 5/2/2013 10:08:28 AM: Docket 13-041-U-Doc. 53

BEFORE THE ARKANSAS PUBLIC SERVICE COMMISSION

IN THE MATTER OF THE APPLICATION OF SOUTHWESTERN ELECTRIC POWER COMPANY FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED FOR THE CONSTRUCTION OWNERSHIP, OPERATION AND MAINTENANCE OF THE PROPOSED 345 KV TRANSMISSION LINE BETWEEN THE SHIPE ROAD STATION AND THE PROPOSED KINGS RIVER STATION AND ASSOCIATED FACILITIES TO BE LOCATED IN BENTON, CARROLL AND/OR MADISON AND WASHINGTON COUNTIES, ARKANSAS	)	**DOCKET NO: 13-041-U**

PETITION TO INTERVENE IN SWEPCO'S APPLICATION FOR CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED

COMES NOW, the City of Springdale, Arkansas, a municipal corporation, and for its petition to intervene in this proceeding pursuant to Ark. Code Ann. § 23-18-517 and Rule 3.04 of the Arkansas Public Service Commission's ("Commission") *Rules of Practice and Procedure*, state as follows:

1. On April 3, 2013, Southwestern Electric Power Company ("SWEPCO") filed its application with the Commission seeking the granting of a Certificate of Environmental Compatibility and Public Need ("CEPCN") pursuant to the provisions of Ark. Code Ann. §23-18-501, et seq. and in compliance with Rule 7.08 of the Commission's *Rules of Practice and Procedure.*

2. Among the application routes proposed by SWEPCO is a route known as "Route 108".

3. Petitioner is a municipal corporation situated in the counties of Washington and Benton, Arkansas.

4. Property in the City of Springdale will or may be adversely impacted by the construction and generation of the proposed power lines if Route 108 is selected. Construction of the proposed Route 108 will have several negative consequences on Petitioner's property and the nearby properties the line would also cross over. Not only will the line interfere with the petitioners' use and enjoyment of their property, diminish the economic and aesthetic value of their land, and cause significant health and safety concerns, but the proposed line will also interfere with the ecologically pristine and environmentally sensitive area where the petitioners' property sits. Attached hereto as Exhibit "A" and incorporated herein by reference is a more detailed explanation and map of the areas impacted in the City of Springdale by proposed Route 108.

5. Petitioner has not identified and evaluated all the impacts of the proposed facility and power lines in Route 108, and reserves the right to address additional issues, but the economic and ecological impacts upon this environmentally sensitive and ecologically unique area must be fully evaluated and addressed, including but not limited to the impact of clear cutting, construction, and erection of power lines will have upon the ecological balance and quality of the lake and surrounding areas.

6. Petitioner has a direct and substantial interest in this proceeding relative to their unique property. Petitioner's interests are not, and cannot be, addressed adequately or represented by any other party. Petitioner wishes to participate fully in this proceeding on any and all issues.

7. Pursuant to Rule 2.03 of the Commission's *Rules of Practice and Procedures*, the following person should be included on the official service list in this proceeding and all communications concerning this matter should be addressed to the following:

Ernest B. Cate
City Attorney
201 Spring Street
Springdale, AR 72764
Telephone: (479) 750-8584
Facsimile: (479) 750-4732
Email: ecate@springdalear.gov

WHEREFORE, Petitioner requests that it be permitted to intervene as a party in this proceeding, with all rights attendant thereto.

Respectfully Submitted,

City of Springdale, a Municipal Corporation

Ernest B. Cate A.B.A. #94059
City Attorney
201 Spring Street
Springdale, AR 72764
Telephone: (479) 750-8584
Facsimile: (479) 750-4732
Email: ecate@springdalear.gov

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CERTIFICATE OF SERVICE

I, Ernest B. Cate, City Attorney for the City of Springdale, Arkansas, hereby state that a true and correct copy of the foregoing pleading was served on the parties listed on the Commission's official service list via electronic mail or U.S. Mail on this 2nd day of May, 2013.

Ernest B. Cate

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Projects adversely affected by Route 108 -- Shipe to Kings River Transmission Project in the city limits of Springdale

1. Springdale Bike Park & Trail System

The City of Springdale has been working with Progressive Trail Design to develop a "Design/Build Plan" for a trail system along the Spring Creek Corridor. The proposed trail is a 17-19 mile multi-use soft surface trail system with an emphasis on mountain biking and the entire project will be adversely effected by the proposed Route 108 of the Shipe to Kings River Transmission Project.

This trail project is made up of 3 components: 1. The "East Side Trails" – the 50 acre tract adjoining the Wastewater Treatment Plant; 2. The "West Side Trails" – the 200 acre parcel located approximately 2 miles west of the Wagon Wheel Exit on I540 off 56th Street; and 3. "Spring Creek Connector" – a connection between the two parcels via the Spring Creek corridor.

The project will allow the City to continue its vision and the overall vision of the Razorback Greenway project to develop pockets of soft surface trail systems and other bike amenities along the greenway. This project is being designed to be much more than just a pocket park and will become a stand-alone destination spot for a variety of trail users, specifically mountain bikers. The project will be a great recreational and economical asset for the City of Springdale and Northwest Arkansas as a whole.

Funding for this project is estimated to be approximately $3 million and is being provided through a partnership with the Springdale Water and Sewer Commission, the City of Springdale and private donation funds.

2. Razorback Regional Greenway

The Razorback Regional Greenway, a 36 mile, primary off-road, shared use trail that extends from the Bella Vista Trail in north Bentonville, south through the City of Springdale along Spring Creek to the Frisco Trail in south Fayetteville and will be bisected by the proposed Route 108 of the Shipe to Kings River Transmission Project in the area of Lake Springdale.

The Razorback Regional Greenway links together dozens of popular community destinations including six downtown areas, three major hospitals; twenty-three schools; the University of Arkansas campus; corporate headquarters of Wal-Mart, JB Hunt and Tyson Foods; arts and entertainment venues; shopping area; historic sites; parks; playgrounds; and, residential communities.

A TIGER II (Transportation Investment and Generating Economic Recovery) Grant to fund design, acquisition of right-of-way, and construction for a designated portion of the Greenway was received for the project with the Walton Family Foundation providing the local match for the grant.

The completion of the Razorback Regional Greenway will improve the quality of life for residents of Springdale and the region, as well as promote active lifestyles, alternative transportation, economic opportunities and healthy living. The portion of the Greenway in conflict with the proposed Route 108 of the Shipe to Kings River Transmission Project is scheduled to begin construction in June with the full greenway estimated to be complete by late December 2013 or early spring 2014.

More information concerning the benefits of the Greenway to the region's economic, environmental and social health can be found at razorbackgreenway.com

3. Pump Station/Silent Grove Road Trailhead – Razorback Greenway

An additional amenity of the Razorback Greenway in this area is a proposed trailhead in the Lake Springdale Use Area, the southeast corner of the intersection of Pump Station Road and Silent Grove Road. The property was deeded to the City by the Springdale Water and Sewer Commission and a trailhead design has been completed with an estimated construction cost of $600,000.

4. Lake Springdale Use Area and Fishing Pier Project – Arkansas Game & Fish

The City of Springdale received a $50,000 grant from the Arkansas Game and Fish Commission (AGFC) for construction of a fishing pier at Lake Springdale to provide enhanced recreational opportunities for the citizens of Springdale. The AGFC grant required a minimum 50% match in funding from the City of Springdale. The City Council established a budget for the project of $159,508.65 to complete a pier that extends across the lake that exceeds the required minimum match.

5. Rabbit Foot Lodge Wildlife Observation Trail – Arkansas Game & Fish

The City of Springdale received a grant from Arkansas Game & Fish in the amount of $100,000 for the construction of a new trail system in the Lake Springdale Area known as the Rabbits Foot Lodge Wildlife Observation Trail. The trail system is to be routed through a wooded property recently donated to the City by local landowners and surrounded on three sides by either city owned green space or undeveloped wooded/pasture property with a small stream flowing through its center. There is an abundance of wildlife in the area, given the semi-urban setting, which includes deer, fowl, small mammals as well as small fish species and invertebrates in the creek itself.

The plan includes approximately 1400 feet of trail along with a wooden pedestrian bridge and wildlife observation shelter. The pedestrian bridge will also serve a secondary purpose as to allow children and adults to view the small fish species and invertebrates that live in the creek. An educational kiosk(s) is also planned to help with items such as fish/wildlife identification and water quality preservation. The trail is being constructed as a low impact trail and consist mostly of a geotextile fabric with gravel. The intent in using this type of trail is to keep the environmental impact to a minimum by using a more

natural material and helping to reduce the footprint of the trail. The type of gravel used is compacted to allow those with disabilities access to the trails as well. Some sections will be raised boardwalk in the areas that hold water on a more regular basis. The wildlife observation shelter will provide visual buffering from adjacent wildlife habitats while ensuring a safe environment for pedestrians.

The final portion of the project is the addition of a new ADA accessible route leading from the parking area to Springdale Lake. Currently, the slopes on the existing trail prohibit some with disabilities from accessing the lake. While the existing trail will remain in place, the accessible route will provide a means for those with disabilities to access the lake. Springdale Lake is currently a highly used fishing area. This project will further enhance the fishing in the area along with the newly constructed fishing pier that will also be ADA accessible. The addition of the trail and fishing pier will greatly enhance an already valuable resource for the citizens of Springdale.

6. National Historic Register of Historic Places -- Rabbit Foot Lodge

On September 11, 1986, the Rabbits Foot Lodge was included on the National Register of the Historic Properties by the United States Department of Interior. Rabbits Foot Lodge was built in 1908 and gained notoriety throughout the state of Arkansas for its unusual design and for the far-reaching impact one of its owners would have on both state and national policies. J. William Fulbright, President of the University of Arkansas and later United States Congressman and Senator, owned Rabbits Foot Lodge from 1934 to 1946. The Lodge is one of few examples of the vernacular Adirondack Style in Arkansas with the characteristic elements: native log structures with enormous stone fireplaces, limbs and branches used in decorative porch railings and supports and exposed beams. In addition Rabbits Foot Lodge has other features that mark its justifiably uniqueness most noticeable is the pyramidal roofs with flared eaves which have seen said to have the appearance of a "Chinese structure." The installation of the proposed 345KV Transmission Line (Route 108 of the Shipe to Kings River Transmission Project) would have an adverse effect on this National Register property.

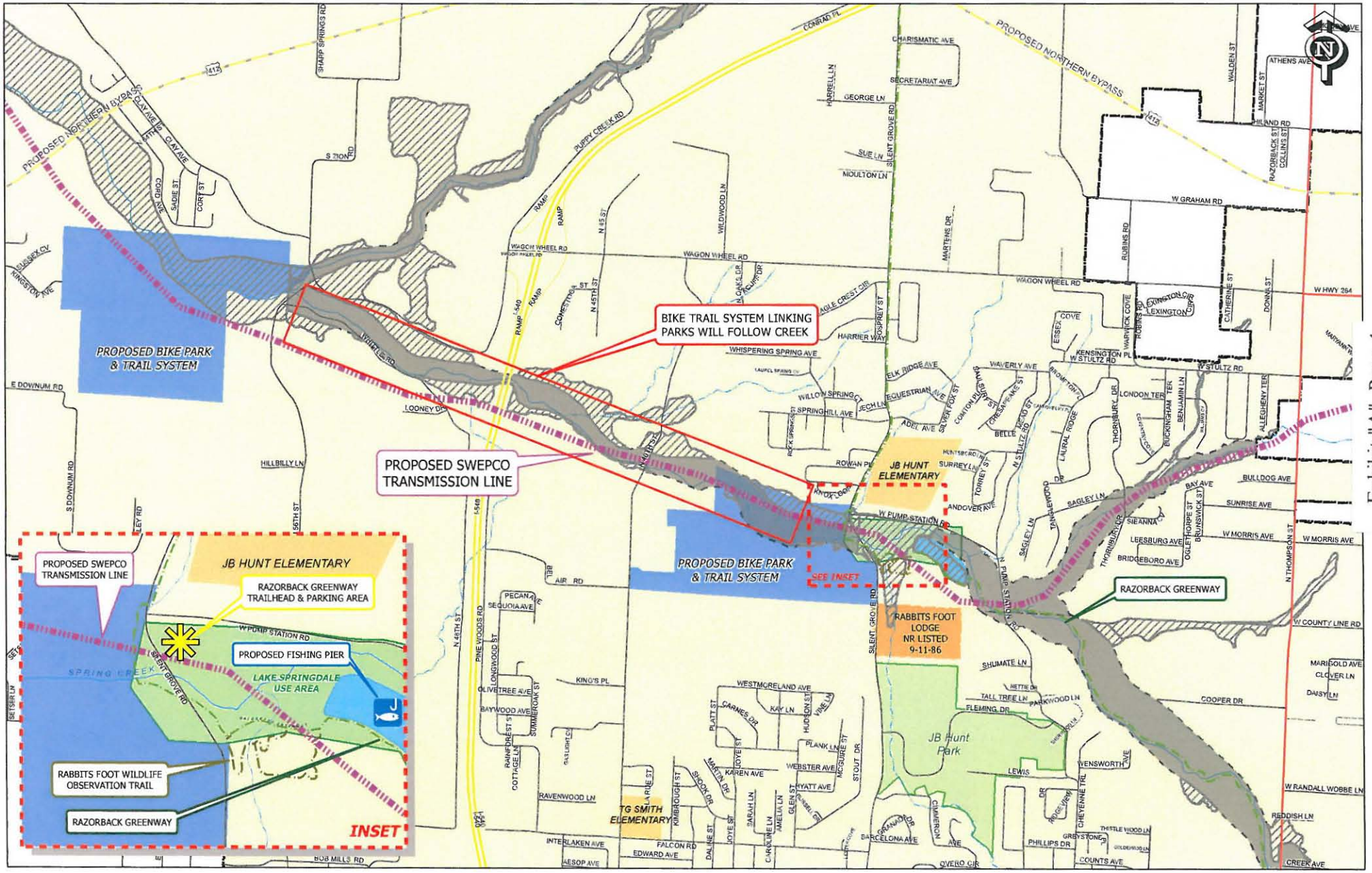

Exhibit "A", Page 4