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13
 14 **UNITED STATES DISTRICT COURT**
 15 **DISTRICT OF ARIZONA**

<p>16 TRANSWESTERN PIPELINE COMPANY, LLC, a Delaware limited liability company, 17 Plaintiff, 18 vs. 19 .76 acre, more or less, of permanent easement located in Yavapai County, <i>et al.</i>, 20 Defendants. 21</p>	<p>No. CV-07-8134-PCT-JWS Parcel No. YA-019.34 TRANSWESTERN PIPELINE'S JANUARY 25, 2008 STATUS REPORT (Assigned the Honorable John W. Sedwick)</p>
<p>22 TRANSWESTERN PIPELINE COMPANY, LLC, a Delaware limited liability company, 23 Plaintiff, 24 vs. 25 2.13 acres, more or less, of temporary construction easement located in Yavapai County, <i>et al.</i>, 26 Defendants. 27</p>	<p>No. CV-07-8135-PCT-JWS Parcel No. YA-019.42.010.WS</p>

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<p>TRANSWESTERN PIPELINE COMPANY, LLC, a Delaware limited liability company,</p> <p>Plaintiff,</p> <p>vs.</p> <p>.19 acre, more or less, of permanent easement located in Yavapai County, <i>et al.</i>,</p> <p>Defendants.</p>	<p>No. CV-07-8136-PCT-JWS</p> <p>Parcel No. YA-072</p>
<p>TRANSWESTERN PIPELINE COMPANY, LLC, a Delaware limited liability company,</p> <p>Plaintiff,</p> <p>vs.</p> <p>.41 acre, more or less, of permanent easement located in Yavapai County, <i>et al.</i>,</p> <p>Defendants.</p>	<p>No. CV-07-8137-PCT-JWS</p> <p>Parcel No. YA-093</p>
<p>TRANSWESTERN PIPELINE COMPANY, LLC, a Delaware limited liability company,</p> <p>Plaintiff,</p> <p>vs.</p> <p>.31 acre, more or less, of temporary construction easement located in Yavapai County, <i>et al.</i>,</p> <p>Defendants.</p>	<p>No. CV-07-8138-PCT-JWS</p> <p>Parcel No. YA-110.WS</p>
<p>TRANSWESTERN PIPELINE COMPANY, LLC, a Delaware limited liability company,</p> <p>Plaintiff,</p> <p>vs.</p> <p>1.58 acres, more or less, of permanent easement located in Yavapai County, <i>et al.</i>,</p> <p>Defendants.</p>	<p>No. CV-07-8139-PCT-JWS</p> <p>Parcel No. YA-111</p>

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<p>TRANSWESTERN PIPELINE COMPANY, LLC, a Delaware limited liability company,</p> <p>Plaintiff,</p> <p>vs.</p> <p>1.51 acres, more or less, of permanent easement located in Yavapai County, <i>et al.</i>,</p> <p>Defendants.</p>	<p>No. CV-07-8141-PCT-JWS</p> <p>Parcel No. YA-124</p>
<p>TRANSWESTERN PIPELINE COMPANY, LLC, a Delaware limited liability company,</p> <p>Plaintiff,</p> <p>vs.</p> <p>1.15 acres, more or less, of permanent easement located in Yavapai County, <i>et al.</i>,</p> <p>Defendants.</p>	<p>No. CV-07-8142-PCT-JWS</p> <p>Parcel No. YA-135.07</p>
<p>TRANSWESTERN PIPELINE COMPANY, LLC, a Delaware limited liability company,</p> <p>Plaintiff,</p> <p>vs.</p> <p>1.0 acre, more or less, of permanent easement located in Yavapai County, <i>et al.</i>,</p> <p>Defendants.</p>	<p>No. CV-07-8143-PCT-JWS</p> <p>Parcel No. YA-137</p>
<p>TRANSWESTERN PIPELINE COMPANY, LLC, a Delaware limited liability company,</p> <p>Plaintiff,</p> <p>vs.</p> <p>.07 acre, more or less, of permanent easement located in Yavapai County, <i>et al.</i>,</p> <p>Defendants.</p>	<p>No. CV-07-8144-PCT-JWS</p> <p>Parcel No. YA-138</p>

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<p>TRANSWESTERN PIPELINE COMPANY, LLC, a Delaware limited liability company,</p> <p>Plaintiff,</p> <p>vs.</p> <p>.82 acre, more or less, of permanent easement located in Yavapai County, <i>et al.</i>,</p> <p>Defendants.</p>	<p>No. CV-07-8145-PCT-JWS</p> <p>Parcel No. YA-138.01</p>
<p>TRANSWESTERN PIPELINE COMPANY, LLC, a Delaware limited liability company,</p> <p>Plaintiff,</p> <p>vs.</p> <p>.08 acre, more or less, of permanent easement located in Yavapai County, <i>et al.</i>,</p> <p>Defendants.</p>	<p>No. CV-07-8147-PCT-JWS</p> <p>Parcel No. YA-143.01</p>
<p>TRANSWESTERN PIPELINE COMPANY, LLC, a Delaware limited liability company,</p> <p>Plaintiff,</p> <p>vs.</p> <p>.39 acre, more or less, of permanent easement located in Yavapai County, <i>et al.</i>,</p> <p>Defendants.</p>	<p>No. CV-07-8148-PCT-JWS</p> <p>Parcel No. YA-144.05</p>
<p>TRANSWESTERN PIPELINE COMPANY, LLC, a Delaware limited liability company,</p> <p>Plaintiff,</p> <p>vs.</p> <p>.14 acre, more or less, of permanent easement located in Yavapai County, <i>et al.</i>,</p> <p>Defendants.</p>	<p>No. CV-07-8149-PCT-JWS</p> <p>Parcel Nos. YA-207, YA-207.01</p>

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<p>TRANSWESTERN PIPELINE COMPANY, LLC, a Delaware limited liability company,</p> <p>Plaintiff,</p> <p>vs.</p> <p>.07 acre, more or less, of permanent easement located in Yavapai County, <i>et al.</i>,</p> <p>Defendants.</p>	<p>No. CV-07-8150-PCT-JWS</p> <p>Parcel No. YA-208</p>
<p>TRANSWESTERN PIPELINE COMPANY, LLC, a Delaware limited liability company,</p> <p>Plaintiff,</p> <p>vs.</p> <p>1.40 acres, more or less, of temporary construction easement located in Yavapai County, <i>et al.</i>,</p> <p>Defendants.</p>	<p>No. CV-07-8151-PCT-JWS</p> <p>Parcel No. YA-004.WS</p>
<p>TRANSWESTERN PIPELINE COMPANY, LLC, a Delaware limited liability company,</p> <p>Plaintiff,</p> <p>vs.</p> <p>1.40 acres, more or less, of permanent easement located in Yavapai County, <i>et al.</i>,</p> <p>Defendants.</p>	<p>No. CV-07-8152-PCT-JWS</p> <p>Parcel No. YA-225</p>
<p>TRANSWESTERN PIPELINE COMPANY, LLC, a Delaware limited liability company,</p> <p>Plaintiff,</p> <p>vs.</p> <p>.39 acre, more or less, of permanent easement located in Yavapai County, <i>et al.</i>,</p> <p>Defendants.</p>	<p>No. CV-07-8155-PCT-JWS</p> <p>Parcel No. YA-063</p>

1 As stated in the January 18, 2008 Status Report, on January 16, 2008, FERC
2 issued an Authorization to Proceed on certain aspects of the Phoenix Expansion Project,
3 authorizing the use of pipe storage yards and contractor yards. In addition, on the San
4 Juan Loops, FERC authorized construction of the Bloomfield Compressor Station,
5 including the use of a water well and hydrostatic pond. On January 18, 2008, FERC
6 also authorized the construction of the San Juan Lateral Loop A.

7 Since Transwestern's January 18, 2008 Status Report, FERC still has not issued a
8 stay notwithstanding the ongoing administrative review.

9 **II. ACCESS TO STATE LANDS**

10 As reported in the January 11, 2008 Status Report, Transwestern received the
11 permit to access state lands. No further action is required for access to the state lands.

12 **III. ACCESS TO FEDERAL LANDS**

13 As stated in the January 11, 2008 Status Report, the Bureau of Land Management
14 ("BLM") has issued its Record of Decision, Right-of-Way Grant, and Temporary use
15 Permit. Transwestern received the Temporary Use Permit on Monday, January 14, 2008.
16 Transwestern signed the permit and sent it back to the BLM. No further action is
17 required to access federal lands.

18 **IV. CONSTRUCTION SCHEDULE**

19 The modified construction schedule Transwestern set forth in its January 11
20 and 18, 2008 Status Reports remains in place and on track. The only remaining items for
21 which Transwestern is awaiting authorization before proceeding with the construction on
22 the Phoenix Lateral of the Phoenix Expansion Project are the 401 and 404 Permits. As
23 reported previously, Transwestern still expects to receive these permits by the last week
24 of January and no later than the first week in February.

25 As set forth in the January 11, 2008 Status Report, Transwestern has modified its
26 contract with Gregory & Cook, the contractor on the northern section of the Phoenix
27 Lateral, by allowing the contractor to mobilize equipment and personnel prior to
28 Transwestern issuing a notice to proceed to the contractor. The contractor continues to

1 mobilize personnel and equipment, and the contractor will conduct FERC-mandated
2 training during the week of February 8, 2008. This will allow Transwestern to issue its
3 notice to proceed on or about February 15, 2008, and the contractor will be able to begin
4 construction almost immediately. Transwestern is on schedule to need access to private
5 lands on the northern section of the pipeline on March 1, 2008 or within days thereafter.

6 As for the southern portion of the Phoenix Lateral, the contractor, Rockford
7 Corporation, continues mobilizing equipment and personnel. This contractor is on
8 schedule and needs access to private lands on March 1, 2008.

9 Because FERC issued its Authorization to Proceed with the use of contractor yards
10 for the Phoenix Expansion Project, Transwestern issued a notice to proceed to its third
11 contractor, Arizona Pipeline Company, on January 23, 2008. This contractor is building
12 the eleven meter stations and the customer laterals that will be included on the Phoenix
13 Lateral. Transwestern is having Arizona Pipeline fabricate the meter stations at its pipe
14 storage and contractor yard. By fabricating the facilities for the meter stations at the
15 contractor yards rather than on site at the meter stations, Transwestern estimates that it
16 will save two to three weeks of construction time during the course of the project.

17 On January 24, 2008, Transwestern released another contractor to begin hauling
18 42-inch pipe from the pipeyard in Camp Navajo near Flagstaff, Arizona, to pipeyards in
19 Chino Valley, Arizona, and Black Canyon City, Arizona.

20 In Transwestern's January 18, 2008 Status Report, Transwestern anticipated
21 having its contractor start on Loop A of the San Juan Loop in the next two weeks. On
22 January 21, 2008, three days after that Status Report was filed, Transwestern issued a
23 Notice to Proceed to Gregory & Cook to begin construction on portions of the San Juan
24 Loop. Gregory & Cook began construction on the San Juan Loop today, January 25,
25 2008. Also on January 21, 2008, Transwestern issued Notices To Proceed to the
26 contractor constructing the San Juan Loop compressor station, and to the directional
27 driller who will attempt, as required by the FERC Certificate, to drill under the San Juan
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1 River on Loop A (if directional drilling is unsuccessful, Transwestern will have to do an
2 open cut across the San Juan River).

3 **V. SERVICE UPDATE**

4 In CV-07-2306-PHX-JWS, Transwestern began service by publication on the
5 Estate of Donald E. Marlow – the sole landowner named in this action – on January 4,
6 2008 after a diligent search provided no information as to the personal representative of
7 that estate. Subsequently, counsel for Transwestern was informed by Jeffrey A.
8 Kopczynski, counsel for Debra Marlow Dennis, that she was the proper representative of
9 that the estate. Mr. Kopczynski, however, further informed counsel that litigation was
10 pending challenging Ms. Dennis’ capacity to continue as personal representative of the
11 same. Accordingly, service was made on Debra Marlow Dennis on January 6, 2007,
12 proof of which was filed with the Court January 15, 2007. However, Transwestern
13 continued publication in an abundance of caution in light of the pending lawsuit
14 apparently challenging Ms. Dennis’ position. A certificate of service on the Estate of
15 Donald Marlow by publication was therefore also filed with the Court on January 23,
16 2008.

17 DATED this 25th day of January, 2008.

18 **RYLEY CARLOCK & APPLEWHITE,**
19 A Professional Association

20 By /s/John C. Lemaster
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CERTIFICATE OF SERVICE

I hereby certify that on this date, I electronically transmitted the Status Report dated January 25, 2008 using the using the CM/ECF System for filing and transmittal of an electronic Notice of Electronic Filing to the CM/ECF System registrants, and via First Class Mail to the non-registered parties with known addresses who have appeared.

A courtesy copy of the attached has also been delivered to the Clerk of the Court for the Honorable John W. Sedwick

DATED this 25th day of January, 2008.

/s/Gina Zamora _____