

COVER SHEET

Arizona Corporation Commission

ARIZONA CORPORATION COMMISS.

DOCKET CONTROL CENTER



0000000620

CASE/COMPANY NAME:

AUG 14 2000

DOCKET NO.

Duke Energy [DOCKETED BY Jm]

A-00000 P-99-0098

D/B/A or RESPONDENT:

NATURE OF ACTION OR DESCRIPTION OF DOCUMENT

Please mark the item that describes the nature of the case/filing:

01 UTILITIES - NEW APPLICATIONS

- NEW CC&N
RATES
INTERIM RATES
CANCELLATION OF CC&N
DELETION OF CC&N (TERRITORY)
EXTENSION OF CC&N (TERRITORY)
TARIFF - NEW (NEXT OPEN MEETING)
REQUEST FOR ARBITRATION
FULLY OR PARTIALLY ARBITRATED
INTERCONNECTION AGREEMENT
VOLUNTARY INTERCONNECTION AGREEMENT

- MAIN EXTENSION
CONTRACT/AGREEMENTS
COMPLAINT (Formal)
RULE VARIANCE/WAIVER REQUEST
SITING COMMITTEE CASE
SMALL WATER COMPANY - SURCHARGE (Senate Bill 1252)
SALE OF ASSETS & TRANSFER OF OWNERSHIP
SALE OF ASSETS & CANCELLATION OF CC&N
FUEL ADJUSTER/PGA
MERGER
FINANCING
MISCELLANEOUS

RECEIVED AZ CORP COMMISSION AUG 14 4 12 PM '00

DOCUMENT

02 UTILITIES - REVISIONS/AMENDMENTS TO PENDING OR APPROVED MATTERS

APPLICATION COMPANY DOCKET NO.

TARIFF PROMOTIONAL DECISION NO. DOCKET NO. COMPLIANCE DECISION NO. DOCKET NO.

SECURITIES or MISCELLANEOUS FILINGS

- 04 AFFIDAVIT
12 EXCEPTIONS
18 REQUEST FOR INTERVENTION
48 REQUEST FOR HEARING
24 OPPOSITION
50 COMPLIANCE ITEM FOR APPROVAL
32 TESTIMONY
47 COMMENTS

- 29 STIPULATION
38 NOTICE OF INTENT
43 PETITION
46 NOTICE OF LIMITED APPEARANCE
39 OTHER

8/14/00 Date

Tom HOGAN, Ariz. Center for Law
602 258 8850 Phone

PLEASE SEE NOTICE ON REVERSE SIDE

REHEARING SEP 05 2000

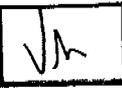
Arizona Corporation Commission

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DOCUMENT CONTROL

1 Timothy M. Hogan (004567)  
2 ARIZONA CENTER FOR LAW  
3 IN THE PUBLIC INTEREST  
4 202 E. McDowell Rd., Suite 153  
5 PHOENIX, ARIZONA 85004  
6 (602) 258-8850

7  
8 **BEFORE THE ARIZONA POWER PLANT**  
9 **AND TRANSMISSION LINE SITING COMMITTEE OF THE**  
10 **ARIZONA CORPORATION COMMISSION**

11 In the matter of the Application of )  
12 DUKE ENERGY MARICOPA, LLC in )  
13 conformance with the requirements of Arizona )  
14 Revised Statutes § 40-360.01 *et seq.*, for a )  
15 Certificate of Environmental Compatibility )  
16 authorizing the construction of a natural gas-fired, )  
17 combined cycle generating plant, switchyard and )  
18 related facilities and associated transmission line )  
19 near Maricopa County, Arizona. )

Docket No.: L-00000P-99-0098

**REQUEST FOR  
RECONSIDERATION/  
APPLICATION FOR  
REHEARING**

20 Pursuant to A.R.S. §§ 40-360.07 and 40-253, the Arizona Center for Law in the Public  
21 Interest ("Center") requests that the Arizona Corporation Commission reconsider its decision to  
22 grant a Certificate of Environmental Compatibility to the Applicant in the above-captioned  
23 matter. The request is based upon the following grounds:

24 1. A.R.S. § 40-360.07(B) requires the Commission, in arriving at its decision to  
25 issue a certificate, to balance, in the broad public interest, the need for an adequate, economical  
and reliable supply of electric power with the desire to minimize the effect thereof on the  
environment and ecology of the state. The Commission's decision fails to balance the need for  
the Duke Energy Maricopa, LLC power plant with the desire to minimize its effects on the  
environment. Indeed, the Commission's decision contains no discussion whatsoever about the  
need for the Duke Energy Maricopa power plant. Without determining whether there is such a

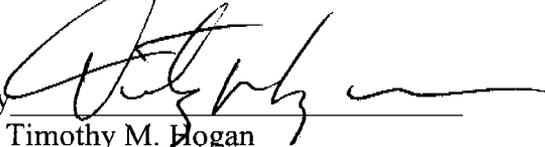
1 need, it is impossible for the Commission to discharge its obligation to balance that need with the  
2 plant's effects on the environment.

3 2. The Commission's decision fails to cite any evidence in the record to support the  
4 need for the Duke Energy Maricopa power plant. Moreover, there is no substantial evidence in  
5 the record to support the need for the power plant.

6 3. The Commission's decision is facially invalid to the extent that it fails to include  
7 any findings or conclusions with respect to the balancing required by A.R.S. § 40-360.07(B).  
8 Contrary to the views of one or more Commissioners, the fact that competition has been  
9 introduced into the provision of electric generation service does not relieve the Commission from  
10 complying with its obligations under the law and specifically A.R.S. § 40-360.07(B). If the  
11 Commission believes that the law should be changed, then it should ask the Legislature to make  
12 appropriate revisions.

13  
14 RESPECTFULLY SUBMITTED this 14<sup>th</sup> day of August, 2000.

15  
16 ARIZONA CENTER FOR LAW IN  
17 THE PUBLIC INTEREST

18 By   
19 Timothy M. Hogan  
20 202 E. McDowell Rd., Suite 153  
21 Phoenix, Arizona 85004

22 ORIGINAL and 25 COPIES of  
23 the foregoing filed this 14<sup>th</sup> day  
24 of August, 2000, with:

25 Docketing Supervisor  
Docket Control  
Arizona Corporation Commission  
1200 W. Washington  
Phoenix, AZ 85007



Duke Energy Maricopa, LLC  
P.O. Box 26  
Arlington, Arizona 85322  
623/327-1314 OFFICE  
623/327-1315 FAX

April 12, 2001

Ms. Kelly J. Barr  
Manager of Regulatory Affairs  
And Contracts  
SALT RIVER PROJECT  
P.O. Box 52025  
Mail Station PAB 221  
Phoenix, Arizona 85072

Re: Hassayampa Switchyard

Dear Ms. Barr:

Duke Energy owns property that is located on the south side of Elliot Road abutting the eastern boundary of the proposed Hassayampa Switchyard (the "Abutting Property"). The purpose of this letter is to confirm that Duke Energy has no intention of developing our Abutting Property with any residential use inasmuch as residential uses may be incompatible with the Hassayampa Switchyard. In fact, Duke Energy is willing to record Covenants, Conditions, and Restrictions ("CC&R's") against our Abutting Property whereby such CC&R's would expressly preclude residential uses on our Abutting Property. We will prepare the CC&R's so that they are enforceable by the owner of the Hassayampa Switchyard and recorded with the Maricopa County Recorder.

Please give me a call if you have questions or need additional information.

Sincerely,

A handwritten signature in cursive script that reads 'Rufus D. Kellam'.

Rufus Kellam