

COVER SHEET



0000000685

ARIZONA CORPORATION COMMISSION
DOCKET CONTROL CENTER

RECEIVED
AZ CORP COMMISSION

CASE/COMPANY NAME:

DOCKET NO.

Panda Cola

JUN 29 10 12 PM '00 00 Q -00-0099

D/B/A or RESPONDENT:

DOCUMENT CONTROL

Arizona Corporation Commission

DOCKETED

JUN 29 2000

NATURE OF ACTION OR DESCRIPTION OF DOCUMENT

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

DOCKETED BY

Vh

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

(Telecommunication Act)

FULLY OR PARTIALLY ARBITRATED

INTERCONNECTION AGREEMENT

(Telecom. Act.)

VOLUNTARY INTERCONNECTION

AGREEMENT (Telecom. Act)

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

Specify

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

(Only notification of future action/no action necessary)

43 PETITION

46 NOTICE OF LIMITED APPEARANCE

39 OTHER

Specify

Request for Recon. etc.

6/30/00
Date

Ariz. Center for Law / Tim Hoggan
Print Name of Applicant/Company/Contact person/Respondent/Atty.

602 258 8850
Phone

Phone

PLEASE SEE NOTICE ON REVERSE SIDE

Arizona Corporation Commission

DOCKETED

JUN 29 2000

DOCKETED BY

JS

RECEIVED
AZ CORP COMMISSION

JUN 29 10 12 PM '00

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**
9 **ARIZONA CORPORATION COMMISSION**

10 In the matter of the Application of
11 PANDA GILA RIVER L.P. in conformance
12 with the requirements of Arizona
13 Revised Statutes § 40-360.01 *et seq.*,
14 for a Certificate of Environmental
15 Compatibility authorizing construction
16 of a natural gas-fired, combined-cycle
17 generating facility in the the town of
18 Gila Bend in Maricopa County, Arizona.

) CASE NO. 99
) Docket No.: L-00000Q-00-0099
)
)

**REQUEST FOR
RECONSIDERATION/
APPLICATION FOR
REHEARING**

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

23 1. A.R.S. § 40-360.07(B) requires the Commission, in arriving at its decision to
24 issue a certificate, to balance, in the broad public interest, the need for an adequate, economical
25 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 Panda Gila 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 Panda Gila
power plant. Without determining whether there is such a need, it is impossible for the

1 Commission to discharge its obligation to balance that need with the plant's effects on the
2 environment.

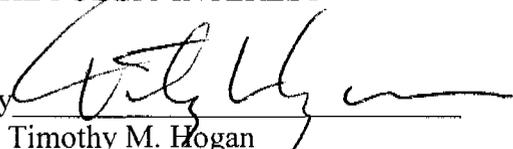
3 2. The Commission's decision fails to cite any evidence in the record to support the
4 need for the Panda Gila power plant. Moreover, there is no substantial evidence in the record to
5 support the need for the power plant.

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 30th day of June, 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
23
24
25

1 ORIGINAL and 25 COPIES of
2 the foregoing filed this 30th day
of June, 2000, with:

3 Docketing Supervisor
4 Docket Control
5 Arizona Corporation Commission
1200 W. Washington
Phoenix, AZ 85007

6 COPIES of the foregoing
7 mailed this 30th day of
June, 2000 to:

8 Paul A. Bullis, Chairman
9 Office of the Attorney General
1275 W. Washington Street
10 Phoenix, Arizona 85007-2997

11 Janice M. Alward
12 Arizona Corporation Commission
Legal Division
13 1200 W. Washington
Phoenix, Arizona 85007-2927

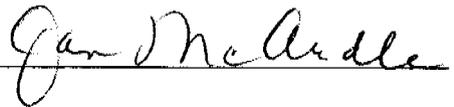
14 Roger K. Ferland
15 Kevin D. Quigley
16 Streich Lang, P.A.
Two North Central Avenue
17 Phoenix, Arizona 85004-2391

18 Alan A. Matheson, Jr.
19 Ryley Carlock & Applewhite
101 N. First Avenue, Suite 2700
Phoenix, Arizona 85003-1973

20 C. Webb Crockett
21 Karen E. Errant
Fennemore Craig, P.C.
22 3003 N. Central Avenue, Suite 2600
Phoenix, Arizona 85012-1973

23 Kathleen Ferris
24 Law Office of Kathleen Ferris
2425 E. Camelback Rd., Suite 950
25 Phoenix, Arizona 85016-4215

1 Raymond S. Heyman
2 J. Matthew Derstine
3 Roshka Heyman & DeWulf, P.L.C.
4 Two Arizona Center
5 400 North 5th Street, Suite 1000
6 Phoenix, Arizona 85004

7 
8

9 C:\Center\Harquahala\Panda Gila River L.P\Req. for Reconsideration.doc
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25