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AZ CORP CORP COMMISSION
DOCKETING DIVISION

1 S. David Childers, Esq. #004538
Christy C. Brown, Esq. # 0017968
2 Tasha N. Cycholl, Esq. #019727
LOW & CHILDERS, P.C.
3 2999 North 44th Street, Suite 250
Phoenix, AZ 85018
4 Telephone: (602) 266-1166
5 Attorneys for Arizona Competitive Power Alliance

6 **BEFORE THE ARIZONA CORPORATION COMMISSION**

7 COMMISSIONERS

Arizona Corporation Commission

DOCKETED

8 MARC SPITZER, Chairman
9 WILLIAM A. MUNDELL
JEFF HATCH-MILLER
10 MIKE GLEASON
11 KRISTEN K. MAYES

NOV 17 2003

DOCKETED BY

DOCKET NO E-01345A-03-0437

12 IN THE MATTER OF THE APPLICATION
OF ARIZONA PUBLIC SERVICE
13 COMPANY FOR A HEARING TO
DETERMINE THE FAIR VALUE OF THE
14 UTILITY PROPERTY OF THE COMPNAY
FOR RATEMAKING PURPOSES, TO FIX A
15 JUST AND REASONABLE RATE OF
RETURN THEREON, TO APPROVE RATE
16 SCHEDULES DESIGNED TO DEVELOP
17 SUCH RETURN, AND FOR APPROVAL OF
PURCHASED POWER CONTRCT

**MOTION AND CONSENT OF
LOCAL COUNSEL FOR PRO HAC
VICE ADMISSION OF GEORGE
M. GALLOWAY**

18
19 The above-named attorney, pursuant to Rule 33 (c) and (d) Rules of the Supreme
20 Court, moves the Arizona Corporation Commission to admit George M. Galloway as counsel
21 pro hac vice in this action representing Arizona Competitive Power Alliance (the "Alliance").
22 The Alliance filed an Application to Intervene in this matter on October 31, 2003. The
23 following exhibits are attached hereto:

- 24
25 1. The original Verified Application;
26 2. The original Certificate(s) of Good Standing; and
27 3. The State Bar of Arizona Notice of Receipt.
28

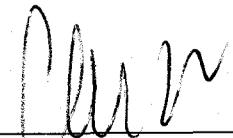
LOW & CHILDERS, P.C.
ATTORNEYS AT LAW

2999 North 44th Street, Suite 250 • Phoenix, Arizona 85018

1 The filing fee has been submitted to the State Bar of Arizona. S. David Childers, of the
2 Law Firm, Low & Childers hereby agrees to serve as designated local counsel for the subject
3 case. A proposed order admitting Katherine McDowell accompanies this motion.

4 DATED this 17 day of November, 2003.

5
6 **LOW & CHILDERS, P.C.**

7
8
9 By: 

S. David Childers
Christy C. Brown
Tasha N. Cycholl
2999 North 44th Street # 250
Phoenix, Arizona 85008

10
11 **Original and 13 copies** of the foregoing filed
12 this 17 day of November, 2003 with:

13
14 Docket Control
15 Arizona Corporation Commission
16 1200 W. Washington St.
Phoenix, AZ 85007

17 Copy of the foregoing hand-delivered this
18 17 day of November 2003 to:

19 **VIA HAND DELIVERY**

20 Lyn Farmer
21 Chief Administrative Law Judge
Hearing Division
22 Arizona Corporation Commission
23 1200 W. Washington St. **Room 104**
Phoenix, AZ 85007

24 Copies of the foregoing mailed this
25 17 day of November 2003 to:

26 Thomas L. Mumaw
27 Karilee S. Ramaley
PINNACLE WEST
CAPITAL CORPORATION
28 P.O. Box 53999, MS 8695
Phoenix, Arizona 85072-3999

LOW & CHILDERS, P.C.
ATTORNEYS AT LAW

2999 North 44th Street, Suite 250 • Phoenix, Arizona 85018

1 Jeffrey B. Guldner
2 Farag Sanei
SNELL & WILMER
3 One Arizona Center
400 E. Van Buren Street
4 Phoenix, Arizona 85004-2202
Attorneys for Arizona Public Service Company

5 C. Webb Crockett
6 FENNEMORE CRAIG
3003 N. Central Avenue, Suite 2600
7 Phoenix, Arizona 85012
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8 Major Allen G. Erickson
9 AFCES A/ULT
139 Barnes Drive, Suite 1
10 Tyndall AFB, Florida 32403-5319
Attorney for FEA

11 Michael L. Kurtz
12 BOEHM, KURTZ & LOWRY
36 E. Seventh Street, Suite 2110
13 Cincinnati, Ohio 45202
Attorneys for Kroger Company

14 Scott Wakefield
15 RUCO
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19 Nicholas J. Enoch
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349 N. Fourth Avenue
21 Phoenix, Arizona 85003
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22

23

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1 Bill Murphy
MURPHY CONSULTING
2 2422 E. Palo Verde Drive
Phoenix, Arizona 85016
3 Consultant for Arizona Cogeneration Assn.

4 Jay L. Shapiro
Patrick J. Black
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Attorneys for Panda Gila River, L.P.

7 Robert W. Geake
8 ARIZONA WATER COMPANY
P.O. Box 29006
9 Phoenix, Arizona 85038-9006

10 Andrew W. Bettwy
Bridget A. Branigan
11 SOUTHWEST GAS CORPORATION
5241 Spring Mountain Road
12 Las Vegas, Nevada 89150

13 Timothy M. Hogan
ARIZONA CENTER FOR LAW
14 IN THE PUBLIC INTEREST
202 E. McDowell Rd., Suite 153
15 Phoenix, Arizona 85004
Attorneys for Western Resource Advocates

16 Paul R. Michaud
17 MARTINEZ & CURTIS, P.C.
2712 N. 7th Street
18 Phoenix, Arizona 85006-1090
Attorneys for Constellation NewEnergy, Inc., Strategic Energy, L.L.C. and Dome Valley
19 Energy Partners, LLC

20 Raymond S. Heyman
Laura Schoeler
21 ROSHKA, HEYMAN & DeWULF
400 E. Van Buren, Suite 800
22 Phoenix, Arizona 85004
Attorneys for UniSource Energy Services

23 Deborah R. Scott
24 UNISOURCE ENERGY SERVICES
One South Church Street, Suite 200
25 Tucson, Arizona 85702

26 Michael L. Kurtz
27 36 E. 7th Street, Suite 2110
Cincinnati, Ohio 45202

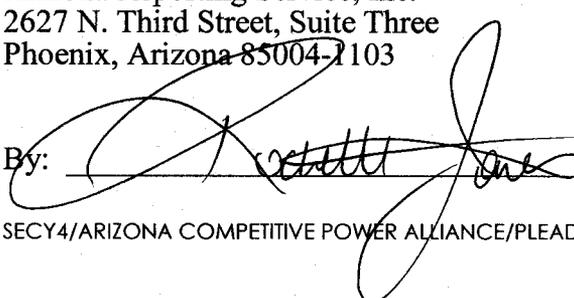
28

1 J. William Moore
2 Attorney at Law
3 1144 E. Jefferson
4 Phoenix, Arizona 85034

5 Christopher Kempsey, Chief Counsel
6 ARIZONA CORPORATION COMMISSION
7 1200 W. Washington Street
8 Phoenix, Arizona 85007

9 Ernest Johnson, Director of Utilities
10 ARIZONA CORPORATION COMMISSION
11 1200 W. Washington Street
12 Phoenix, Arizona 85007

13 Arizona Reporting Service, Inc.
14 2627 N. Third Street, Suite Three
15 Phoenix, Arizona 85004-1103

16 By: 

17 SECY4/ARIZONA COMPETITIVE POWER ALLIANCE/PLEADINGS/MOTION AND CONSENT OF PRO HAC VICE2

1



For Official Use Only
App# <u>1000713</u>
Pro Hac ID # <u>P149942</u>

**NONRESIDENT ATTORNEY
PRO HAC VICE APPLICATION**

Name: George M. Galloway
 Residence Address: 2176 SW Main Street, Portland, OR 97205
 Office Address: 900 SW Fifth Avenue, Suite 2600, Portland, OR 97204
 Telephone: 503-294-9306 Fax: 503-220-2480

Title of cause or case where applicant seeks to appear: See attached.
 Docket Number: E-01345A-03-0437
 Court, Board, or Administrative Agency: Arizona Corporation Commission
 Party on whose behalf applicant seeks to appear: Arizona Competitive Power Alliance

Courts to Which Applicant Has Been Admitted:	Date of Admission:	Bar Number:
<u>State Bar of Oregon</u>	<u>9/19/75</u>	<u>75130</u>
<u>District of Columbia Bar</u>	<u>4/9/84</u>	<u>378204</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

Applicant is a member in good standing in such courts.

Applicant is not currently disbarred or suspended in any court.

Applicant is / is not (select one) currently subject to any pending disciplinary proceeding or investigation by any court, agency or organization authorized to discipline attorneys at law.

Jurisdiction(s) Where Discipline Matter Pending:	Nature of Matter Under Investigation:	Name / Address of Disciplinary Authority:
_____	_____	_____
_____	_____	_____
_____	_____	_____

Applicant has / has not (select one) been disciplined by any court, agency or organization authorized to discipline attorneys at law.

In the preceding three (3) years, applicant has filed applications to appear as counsel under Rule 33, Arizona Rules of Supreme Court in the following:

Title of Matter:	Docket #:	Court or Agency:	Application Granted? (Y/N)
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Name of local counsel: S. David Childers

State Bar of Arizona Number: _____

Address: 2999 North 44th Street, Suite 250, Phoenix, AZ 85018

Telephone : 602-266-1166

Fax: 602-808-8835

Name(s) of each party in this cause and name and address of all counsel of record:

Party:	Counsel of Record:	Address:
<u>See attached service list</u>	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Applicant is including with this application a nonrefundable application fee, payable to the State Bar of Arizona, in the amount of \$348.50.

This case or cause is / is not (select one) a related or consolidated matter for which applicant has previously applied to appear pro hac vice in Arizona. If this matter is a related or consolidated with any previous application, applicant certifies the following:

Applicant certifies the following:

1. Applicant shall be subject to the jurisdiction of the courts and agencies of the State of Arizona and to the State Bar of Arizona with respect to the law of this state governing the conduct of attorneys to the same extent as an active member of the State Bar of Arizona, as provided in Rule 46(b) Rules of the Supreme Court.
2. Applicant will review and comply with appropriate rules of procedure as required in the underlying cause.
3. Applicant understands and shall comply with the standards of conduct required of members of the State Bar of Arizona.

Verification

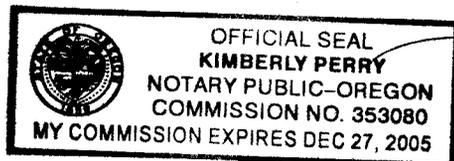
STATE OF OREGON
County of Multnomah) ss.

I, the Applicant, swear that all statements in the application are true, correct and complete to the best of my knowledge and belief.

Dated: 11/10/03

Applicant's signature _____
(Handwritten signature)

SUBSCRIBED AND SWORN TO before me this 10th day of NOV, 2003, by
GEORGE M. CIALLOWAY.
Name of Applicant



(Handwritten signature)
Notary Public

NOTE – As the application requires original signatures of the applicant and notary, this application cannot be filed electronically. Please submit all documents and fees by mail to:

State Bar of Arizona
Pro Hac Vice
111 West Monroe, Suite 1800
Phoenix, AZ 85003

For further information, please contact our Membership Records Department at (602) 340-7239



District of Columbia Court of Appeals
Committee on Admissions
500 Indiana Avenue, N.W. — Room 4200
Washington, D. C. 20001
202 / 879-2710

I, GARLAND PINKSTON, JR., Clerk of the District of Columbia Court of Appeals, do hereby certify that

GEORGE M. GALLOWAY

was on the 9TH day of APRIL, 1984

duly qualified and admitted as an attorney and counselor. This attorney is, on the date indicated below, voluntarily registered as an inactive member in good standing of the District of Columbia Bar and, therefore, is not currently eligible to practice law in the District of Columbia.

In Testimony Whereof, I have hereunto subscribed my name and affixed the seal of this Court at the City of Washington, D.C., on October 29, 2003.

GARLAND PINKSTON, JR., CLERK

By: *G. Jackson*
Deputy Clerk

Oregon State Bar

CERTIFICATE

State of Oregon)
County of Clackamas) ss.

I, Amber Bevacqua-Lynott, do hereby certify that I am an Assistant Disciplinary Counsel of the Oregon State Bar, and have access to the official files and records of the Oregon State Bar.

The official files and records of the Oregon State Bar indicate:

GEORGE M. GALLOWAY

was admitted to practice law in the State of Oregon by examination and became an active member of the Oregon State Bar on September 19, 1975.

There are no complaints, grievances or disciplinary proceedings presently pending against this member.

No disciplinary action has been taken against this member in the past by the Oregon Supreme Court or the Oregon Disciplinary Board.

Mr. Galloway is an active member of the Oregon State Bar in good standing, licensed and entitled to practice law in all the courts of the State of Oregon.

DATED this 17th day of October, 2003.



Amber Bevacqua-Lynott
Amber Bevacqua-Lynott
Assistant Disciplinary Counsel
Oregon State Bar

3

1 **Arizona Corporation Commission**

2
3 IN THE MATTER OF ARIZONA PUBLIC)
4 SERVICES COMPANY TO DETERMINE)
5 FAIR VALUE)
6)
7 _____)

DOCKET # E-01345A-03-0437

SBA App # 1000713

**NOTICE OF RECEIPT OF
COMPLETE APPLICATION**

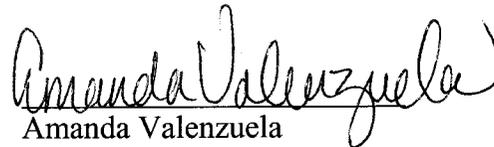
8 NOTICE IS HEREBY given by THE STATE BAR OF ARIZONA that it has
9 received the verified application and fee from George M. Galloway.

10 In addition to this application, applicant has made the following applications to appear
11 pro hac vice, pursuant to Rule33 (d), within the previous three (3) years:

Title of Matter	Court/Agency	Date	Granted?	
_____	_____	_____	<input type="checkbox"/> yes	<input type="checkbox"/> no
_____	_____	_____	<input type="checkbox"/> yes	<input type="checkbox"/> no
_____	_____	_____	<input type="checkbox"/> yes	<input type="checkbox"/> no
_____	_____	_____	<input type="checkbox"/> yes	<input type="checkbox"/> no

17 Exhibit A, the original verified application and Exhibit B, the original Certificate(s) of
18 Good Standing are attached hereto.

19 DATED this 13th day of November, 2003

20 
21 Amanda Valenzuela
22 Resource Center
23 State Bar of Arizona

24 Original Mailed on
25 November 13th, of 2003 to:
S. David Childers
2999 N. 44th St., Suite 250
Phoenix, AZ 85018-7247

1 S. David Childers, Esq. #004538
Christy C. Brown, Esq. # 0017968
2 Tasha N. Cycholl, Esq. #019727
LOW & CHILDERS, P.C.
3 2999 North 44th Street, Suite 250
Phoenix, AZ 85018
4 Telephone: (602) 266-1166
5 Attorneys for Arizona Competitive Power Alliance

6 **BEFORE THE ARIZONA CORPORATION COMMISSION**

7 COMMISSIONERS

8 MARC SPITZER, Chairman
9 WILLIAM A. MUNDELL
JEFF HATCH-MILLER
10 MIKE GLEASON
KRISTEN K. MAYES

11
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17 PURCHASED POWER CONTRCT

DOCKET NO E-01345A-03-0437

**ORDER RE PRO HAC VICE
ADMISSION OF GEORGE M.
GALLOWAY**

18
19 Based upon the Motion for Admission *Pro Hac Vice* of George M. Galloway, and
20 consent to appear as local counsel by S. David Childers, it is hereby ordered that George M.
21 Galloway be admitted *Pro Hac Vice* as counsel for Arizona Competitive Power Alliance in
22 the above entitled matter.

23 DATED this ____ day of _____ 2003.

24
25 _____
Lyn Farmer
26 Chief Administrative Law Judge
27
28

1 Copies of the foregoing
2 mailed this 17 day of November, 2003 to:

3 Thomas L. Mumaw
4 Karilee S. Ramaley
5 PINNACLE WEST
6 CAPITAL CORPORATION
7 P.O. Box 53999, MS 8695
8 Phoenix, Arizona 85072-3999

9 Jeffrey B. Guldner
10 Faraq Sanei
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26 Phoenix, Arizona 85067

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3003 N. Central Avenue, Suite 2600
6 Phoenix, Arizona 85012
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8 ARIZONA WATER COMPANY
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5241 Spring Mountain Road
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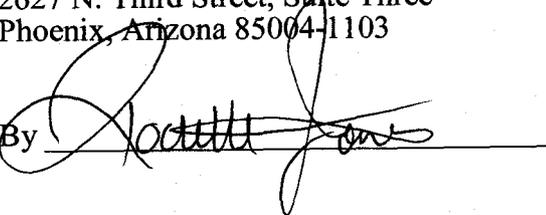
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14 2627 N. Third Street, Suite Three
15 Phoenix, Arizona 85004-1103

16 By 

17 SECY 4/ARIZONA COMPETITIVE POWER ALLIANCE/PLEADINGS/ORDER RE PRO HAC VICE2

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