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AZ CORP COMMISSION
DOCUMENT CONTROL

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 06 2003

DOCKETED BY *CAR*

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

DOCKET NO E-01345A-03-0437

**MOTION AND CONSENT OF
LOCAL COUNSEL FOR PRO HAC
VICE ADMISSION OF
KATHERINE McDOWELL**

**(EXPEDITED RULING
REQUESTED)**

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 Katherine McDowell 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

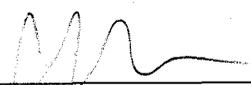
LOW & CHILDERS, P.C.
ATTORNEYS AT LAW

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 6 day of November, 2003.

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

6
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 6 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 6 day of November 2003 to:

19 **VIA HAND DELIVERY**

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

24 Copies of the foregoing mailed this
25 6 day of November 2003 to:

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

1 Jeffrey B. Guldner
2 Faraq Sanei
3 SNELL & WILMER
4 One Arizona Center
5 400 E. Van Buren Street
6 Phoenix, Arizona 85004-2202
7 Attorneys for Arizona Public Service Company

8 C. Webb Crockett
9 FENNEMORE CRAIG
10 3003 N. Central Avenue, Suite 2600
11 Phoenix, Arizona 85012
12 Attorneys for AECC and Phelps Dodge

13 Major Allen G. Erickson
14 AFCES A/ULT
15 139 Barnes Drive, Suite 1
16 Tyndall AFB, Florida 32403-5319
17 Attorney for FEA

18 Michael L. Kurtz
19 BOEHM, KURTZ & LOWRY
20 36 E. Seventh Street, Suite 2110
21 Cincinnati, Ohio 45202
22 Attorneys for Kroger Company

23 Scott Wakefield
24 RUCO
25 1110 W. Washington St., Suite 220
26 Phoenix, Arizona 85007

27 Walter W. Meek
28 AUIA
29 2100 N. Central Ave., Suite 210
30 Phoenix, Arizona 85067

31 Nicholas J. Enoch
32 LUBIN & ENOCH
33 349 N. Fourth Avenue
34 Phoenix, Arizona 85003
35 Attorneys for IBEW

36

37

38

39

40

41

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
5 FENNEMORE CRAIG
3003 N. Central Avenue, Suite 2600
6 Phoenix, Arizona 85012
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

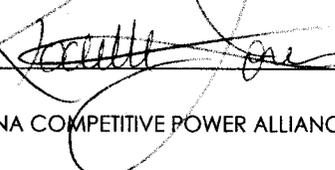
26 Michael L. Kurtz
27 36 E. 7th Street, Suite 2110
Cincinnati, Ohio 45202
28

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

3
4 Christopher Kempley, Chief Counsel
ARIZONA CORPORATION COMMISSION
1200 W. Washington Street
5 Phoenix, Arizona 85007

6 Ernest Johnson, Director of Utilities
ARIZONA CORPORATION COMMISSION
7 1200 W. Washington Street
Phoenix, Arizona 85007

8
9 Arizona Reporting Service, Inc.
2627 N. Third Street, Suite Three
Phoenix, Arizona 85004-1103

10
11 By: 

12 SECY4/ARIZONA COMPETITIVE POWER ALLIANCE/PLEADINGS/MOTION AND CONSENT OF PRO HAC VICEI

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1 S. David Childers, Esq. #004538
Christy C. Brown, Esq. # 0017968
2 Tasha N. Cycholl, Esq. #019727
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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

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
SUCH RETURN, AND FOR APPROVAL OF
17 PURCHASED POWER CONTRCT

DOCKET NO E-01345A-03-0437

**ORDER RE PRO HAC VICE
ADMISSION OF KATHERINE
McDOWELL**

18
19 Based upon the Motion for Admission *Pro Hac Vice* of Katherine McDowell, and
20 consent to appear as local counsel by S. David Childers, it is hereby ordered that Katherine
21 McDowell 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 10 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
11 SNELL & WILMER
12 One Arizona Center
13 400 E. Van Buren Street
14 Phoenix, Arizona 85004-2202
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25 Attorney for FEA

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4 Jay L. Shapiro
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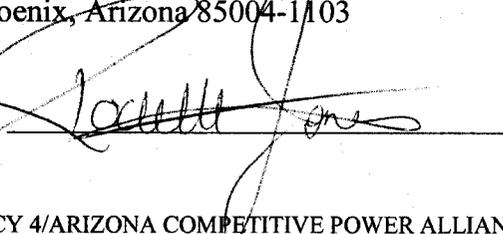
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Attorney at Law
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4 Christopher Kempley, Chief Counsel
ARIZONA CORPORATION COMMISSION
1200 W. Washington Street
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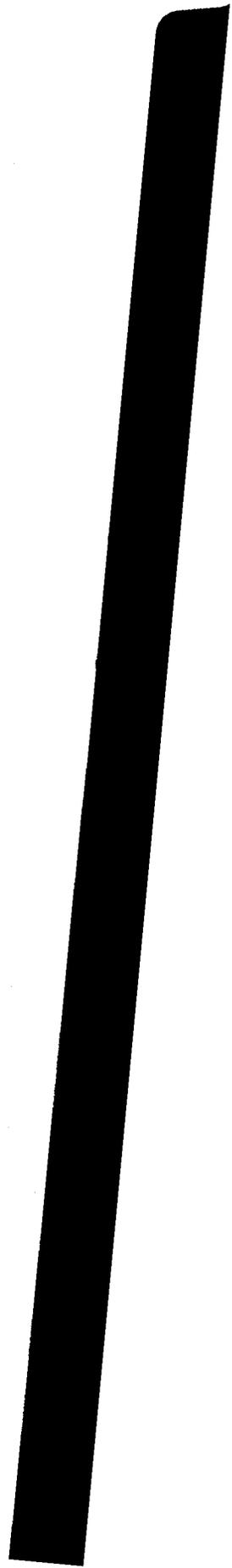
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7 1200 W. Washington Street
Phoenix, Arizona 85007

8
9 Arizona Reporting Service, Inc.
2627 N. Third Street, Suite Three
Phoenix, Arizona 85004-1103

10
11 By  _____

12
13 SECY 4/ARIZONA COMPETITIVE POWER ALLIANCE/PLEADINGS/ORDER RE PRO HAC VICEI
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|-----------------------------|
| For Official Use Only |
| App# / <u>000692</u> |
| Pro Hac ID # <u>7,49863</u> |

**NONRESIDENT ATTORNEY
PRO HAC VICE APPLICATION**

Name: Katherine A. McDowell
 Residence Address: 566 NE Royal Court, Portland, OR 97232

Office Address: 900 SW 5th Ave., Suite 2600, Portland, OR 97204

Telephone: 503-294-9602 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>4/14/89</u> | <u>89087</u> |
| <u>State Bar of Washington</u> | <u>6/5/89</u> | <u>18560</u> |
| <u>State Bar of Florida</u> | <u>11/1/85</u> | <u>516449</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.

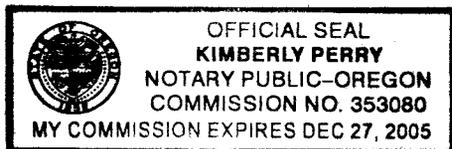
I, the Applicant, swear that all statements in the application are true, correct and complete to the best of my knowledge and belief.

Dated: 10-31-03

Applicant's signature [Handwritten Signature]

SUBSCRIBED AND SWORN TO before me this 31st day of OCT, 2003, by
KATHERINE A. McDOWELL.
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

Cover Sheet
 Arizona Corporation Commission
 Docket Control Center

Company/Case Name Arizona Competitive Power Alliance

Doing Business As (d/b/a) _____

Docket Number (s) E-01345A-03-0437

Description of Document or Nature of Action
 Please choose the item that best describes the nature of the case/filing.

| <u>UTILITIES - NEW APPLICATION</u> | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> New CC&N <input type="checkbox"/> Rates <input type="checkbox"/> Interim Rates <input type="checkbox"/> Cancellation of CC&N <input type="checkbox"/> Deletion of CC&N <input type="checkbox"/> Extension of CC&N <input type="checkbox"/> Tariff (NEW) <input type="checkbox"/> Request for Arbitration <input type="checkbox"/> Full or Partially Arbitrated <input type="checkbox"/> Interconnection Agreement <input type="checkbox"/> Voluntary Interconnection Agreement <input type="checkbox"/> Miscellaneous - Specify: _____ | <input type="checkbox"/> Main Extension <input type="checkbox"/> Contract/Agreements <input type="checkbox"/> Formal Complaint <input type="checkbox"/> Waiver/Rule Variance <input type="checkbox"/> Line Siting Committee Case <input type="checkbox"/> Small Water Company - Surcharge <input type="checkbox"/> Sale of Assets & Transfer of Ownership <input type="checkbox"/> Sale of Assets & Cancellation of CC&N <input type="checkbox"/> Fuel Adjuster/PGA <input type="checkbox"/> Merger <input type="checkbox"/> Financing |

| <u>UTILITIES - REVISIONS/AMENDMENTS TO PENDING OR APPROVED MATTERS</u> | |
|-------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Application: Company _____ Docket Number _____ | <input type="checkbox"/> Tariff: (<input type="checkbox"/> Promotional or <input type="checkbox"/> Compliance) (Check One) Decision No. _____ Docket No: _____ |

| <u>SECURITIES or MISCELLANEOUS FILINGS</u> | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Affidavit (Publication, Public Notice) <input checked="" type="checkbox"/> Comments <input type="checkbox"/> Exception <input checked="" type="checkbox"/> Exhibit(s) <input type="checkbox"/> Notice of Appearance/Intent <input type="checkbox"/> Notice of Errata <input type="checkbox"/> Opposition <input type="checkbox"/> Petition | <input type="checkbox"/> Request/Motion for Extension of Time <input type="checkbox"/> Request/Motion for a Hearing <input type="checkbox"/> Request/Motion for an Intervention <input checked="" type="checkbox"/> Miscellaneous Request/Motion <input type="checkbox"/> Request/Motion for a Re-hearing <input type="checkbox"/> Request/Motion to Continue Hearing <input type="checkbox"/> Request/Motion to Strike <input type="checkbox"/> Response <input type="checkbox"/> Testimony <input type="checkbox"/> Waiver <input type="checkbox"/> Witness List <input type="checkbox"/> Intervention |
| OTHER: _____ | |

 Date

S. David Childers
 Print the name of the person whose signature appears on the filing
 (i.e. Contact Person, Respondent, Attorney, Applicant, etc.)

2

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:

KATHERINE A. McDOWELL

was admitted to practice law in the State of Oregon by examination and became an active member of the Oregon State Bar on April 14, 1989.

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.

Ms. McDowell 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

STATUS CERTIFICATE

This certifies that

KATHERINE ANNE MCDOWELL

was admitted to the Bar of the State of Washington on June 5, 1989, has been an active member since admission, and has complied with all requirements of the Washington State Bar Association for payment of licensing fees and attendance at continuing legal education programs.

Dated as of October 27, 2003.



M. Janice Michels
Executive Director

Washington State Bar Association
2101 Fourth Avenue, Suite 400
Seattle, WA 98121-2330
206-443-WSBA



The Florida Bar

JOHN F. HARNESSE, JR.
EXECUTIVE DIRECTOR

651 EAST JEFFERSON STREET
TALLAHASSEE, FLORIDA 32399-2300

850/561-5600
WWW.FLABAR.ORG

State of Florida)

County of Leon)

In Re: 516449
Katherine Anne McDowell
Stoel Rives, L.L.P.
900 S.W. 5th Ave., Ste. 2600
Portland, OR

I HEREBY CERTIFY that I am the duly appointed custodian of membership records of The Florida Bar.

I FURTHER CERTIFY that the records in the office of the Clerk of the Supreme Court of Florida indicate that said attorney was admitted to practice law in the State of Florida on November 01, 1985.

I FURTHER CERTIFY that the records in the office of The Florida Bar indicate that the above attorney is an inactive member of The Florida Bar.

Dated this 20th day of October, 2003.

Willie Mae Shepherd
Supervisor, Membership Records
The Florida Bar

WMS/cjbm20c:R12

3

1 **Arizona Corporation Commission**

2
3 Plaintiff,)

CASE #E 01345A 03 0437

4 v.)

SBA App # 1000692

5
6 Defendant,)

**NOTICE OF RECEIPT OF
COMPLETE APPLICATION**

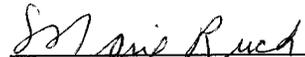
7
8 NOTICE IS HEREBY given by THE STATE BAR OF ARIZONA that it has
9 received the verified application and fee from Katherine A. McDowell.

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? | |
|-----------------|--------------|-------|------------------------------|-----------------------------|
| | | | 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 |
| _____ | _____ | _____ | <input type="checkbox"/> yes | <input type="checkbox"/> no |

12
13
14
15
16
17 Exhibit A, the original verified application and Exhibit B, the original Certificate(s) of
18 Good Standing are attached hereto.

19 DATED this 4th day of November, 2003

20 
21 Marie Ruch
22 Resource Center, Lead Agent
23 State Bar of Arizona

24 Original Mailed on
25 November 4th, of 2003 to:
Mr. S. David Childers
2999 N. 44th St Suite 250
Phoenix, AZ 85018-0001