

ORIGINAL



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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
Attorneys for Arizona Competitive Power Alliance

2003 OCT 31 A 11: 23

AZ CORP COMMISSION
DOCUMENT CONTROL

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
KRISTEN K. MAYES

OCT 31 2003

DOCKETED BY

DOCKET NO E-01345A-03-0437

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

**MOTION AND CONSENT OF
LOCAL COUNSEL FOR PRO HAC
VICE ADMISSION OF JAMES
VAN NOSTRAND**

**(EXPEDITED RULING
REQUESTED)**

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 James ("Jamie") Van Nostrand as
21 counsel pro hac vice in this action representing Arizona Competitive Power Alliance (the
22 "Alliance"). The Alliance is filing an Application to Intervene contemporaneously herewith.

23 The 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

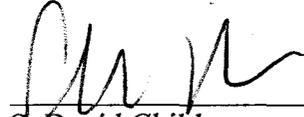
LOW & CHILDERS, P.C.
ATTORNEYS AT LAW

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 Jamie Van Nostrand accompanies this motion.

4 DATED this 31 day of October 2003.

LOW & CHILDERS, P.C.

By: 

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

11 **Original and 13 copies** of the foregoing filed
12 this 31st day of October 2003 with:

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

17 Copy of the foregoing hand-delivered this
18 31st day of October 2003 to:

VIA HAND DELIVERY

19 Lyn Farmer
20 Chief Administrative Law Judge
21 Arizona Corporation Commission
22 1200 W. Washington St.
23 Phoenix, AZ 85007

24 Copies of the foregoing mailed this
25 31st day of October 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

Jeffrey B. Guldner
Faraq Sanei

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

4 C. Webb Crockett
FENNEMORE CRAIG
5 3003 N. Central Avenue, Suite 2600
Phoenix, Arizona 85012
6 Attorneys for AECC and Phelps Dodge

7 Major Allen G. Erickson
AFCES A/ULT
8 139 Barnes Drive, Suite 1
Tyndall AFB, Florida 32403-5319
9 Attorney for FEA

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

13 Scott Wakefield
RUCO
14 1110 W. Washington St., Suite 220
Phoenix, Arizona 85007

15 Walter W. Meek
16 AUIA
2100 N. Central Ave., Suite 210
17 Phoenix, Arizona 85067

18 Nicholas J. Enoch
LUBIN & ENOCH
19 349 N. Fourth Avenue
Phoenix, Arizona 85003
20 Attorneys for IBEW

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- 1 Bill Murphy
MURPHY CONSULTING
2422 E. Palo Verde Drive
Phoenix, Arizona 85016
Consultant for Arizona Cogeneration Assn.
- 4 Jay L. Shapiro
Patrick J. Black
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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
24 Deborah R. Scott
UNISOURCE ENERGY SERVICES
One South Church Street, Suite 200
25 Tucson, Arizona 85702
- 26 Michael L. Kurtz
36 E. 7th Street, Suite 2110
27 Cincinnati, Ohio 45202
- 28

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

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

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

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

By:  _____

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

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
10 JEFF HATCH-MILLER
11 MIKE GLEASON
KRISTEN K. MAYES

12 IN THE MATTER OF THE APPLICATION
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15 JUST AND REASONABLE RATE OF
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SUCH RETURN, AND FOR APPROVAL OF
17 PURCHASED POWER CONTRCT

DOCKET NO E-01345A-03-0437

**ORDER RE PRO HAC VICE
ADMISSION OF JAMES VAN
NOSTRAND**

18
19 Based upon the Motion for Admission *Pro Hac Vice* of James ("Jamie") Van Nostrand,
20 and consent to appear as local counsel by S. David Childers, it is hereby ordered that Jamie
21 Van Nostrand be admitted *Pro Hac Vice* as counsel for Arizona Competitive Power Alliance
22 in 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 mailed this
_____ day of _____ 2003 to:

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

8 Jeffrey B. Guldner
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11 One Arizona Center
12 400 E. Van Buren Street
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17 3003 N. Central Avenue, Suite 2600
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19 Attorneys for AECC and Phelps Dodge

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Attorney at Law
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9 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 VICE
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For Official Use Only
App# <u>1000685</u>
Pro Hac ID # <u>P1497100</u>

**NONRESIDENT ATTORNEY
PRO HAC VICE APPLICATION**

Name: James ("Jamie") Van Nostrand
 Residence Address: 1306 5th Street, Kirkland, WA 98033
 Office Address: 600 University St., Suite 3600, Seattle, Washington 98101
 Telephone: 206-386-7665 Fax: 206-386-7500

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>9/18/79</u>	<u>79428</u>
<u>State Bar of Washington</u>	<u>6/2/86</u>	<u>15897</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: # 4538
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:

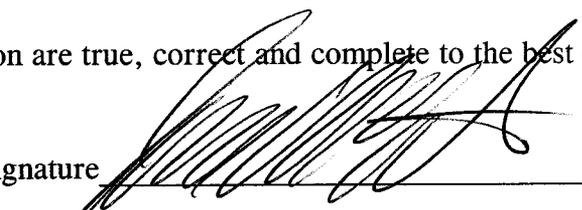
1. Applicant shall be subject to the jurisdiction of the courts and agencies of the State of Arizona and to the State Bar of Arizona with respect to the law of this state governing the conduct of attorneys to the same extent as an active member of the State Bar of Arizona, as provided in Rule 46(b) Rules 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

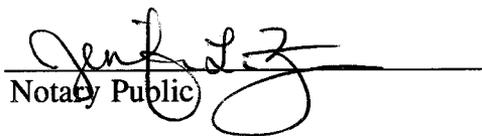
STATE OF OREGON
County of Multnomah ss.

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

Dated: 10-29-03

Applicant's signature 

SUBSCRIBED AND SWORN TO before me this 29th day of October, 2003, by
James M. VanNostrand.
Name of Applicant


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

2

STATUS CERTIFICATE

This certifies that

JAMES M. VAN NOSTRAND

was admitted to the Bar of the State of Washington on June 2, 1986, 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 24, 2003.



M. Janice Michels
Executive Director

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

3

1 **Arizona Corporation Commission**

2
3 In Matter of Arizona Public Service)
4 Company for a hearing to determine)
5 fair value of the company)
6 _____)

CASE # E-01345A-03-0437

SBA App # 1000685

**NOTICE OF RECEIPT OF
COMPLETE APPLICATION**

7 NOTICE IS HEREBY given by THE STATE BAR OF ARIZONA that it has
8 received the verified application and fee from James Van Nostrand.

9 In addition to this application, applicant has made the following applications to appear
10 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

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

18 DATED this 30th day of October, 2003

19 
20 Amanda Valenzuela
Resource Center
State Bar of Arizona

21 Original Mailed on
22 October 30th, of 2003 to:
23 S. David Childers
2999 N 44th St., Suite 250
Phoenix, AZ 85018-0001