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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

Arizona Corporation Commission

2004 FEB 12 A 9: 54

- MARC SPITZER, Chairman
- WILLIAM A. MUNDELL
- JEFF HATCH-MILLER
- MIKE GLEASON
- KRISTIN K. MAYES

DOCKETED

FEB 12 2004

AZ CORP COMMISSION
DOCUMENT CONTROL

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| DOCKETED BY | <i>CK</i> |
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IN THE MATTER OF THE APPLICATION OF ARIZONA PUBLIC SERVICE COMPANY FOR A HEARING TO DETERMINE THE FAIR VALUE OF THE UTILITY PROPERTY OF THE COMPANY FOR RATEMAKING PURPOSES, TO FIX A JUST AND REASONABLE RATE OF RETURN TEHREON, TO APROVE RATE SCHEDULES DESIGNED TO DEVELOP SUCH RETURN, AND FOR APPROVAL OF PURCHASED POWER CONTRACT.

Docket No. E-01345A-03-0437

STAFF RESPONSE TO MOTION OF ARIZONA PUBLIC SERVICE COMPANY TO AMEND RATE CASE PROCEDURAL ORDER

On February 6, 2004, Arizona Public Service Company (APS) submitted its Motion to Amend the Rate Case Procedural Order (Motion) in the above captioned matter. Having considered the issues presented, Staff of the Arizona Corporation Commission (Staff) hereby submits this Response to the Motion.

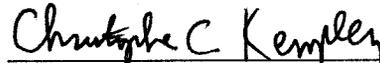
At the outset, Staff wishes to register our objection to APS' characterization of the testimony submitted by Staff in this matter. A Motion for Continuance is not the appropriate vehicle by which to challenge the reasonableness of a Party's case. All Parties concerned would be better served if APS restrained itself from making prejudicial comments about the testimony of other Parties in the guise of a Procedural Motion. Suffice it to say, Staff believes the positions stated in our testimony and exhibits are fair, balanced and well considered. We intend to support those positions and will be replying with vigor to the attacks we can now anticipate receiving in APS' rebuttal case.

With regard to the procedural request, Staff is not opposed to giving APS the time it thinks necessary to prepare its rebuttal case. It is necessary to point out that, while APS complains about the length of time Staff had to prepare our direct case, that length of time pales by comparison to the time APS had to position the company in anticipation of its direct filing. Nevertheless, Staff only has one proposed modification to APS' proposed schedule. APS' proposed schedule would have the

1 evidentiary hearing commence on May 17, 2004. Due to preexisting plans, neither the Utilities
2 Director nor the Chief Counsel would ordinarily have been available on that date. Accordingly, Staff
3 requests that if APS' Motion is granted, dates be adjusted to permit commencement of the evidentiary
4 hearing on May 24th, 2004, with no proceedings occurring the prior week.

5 Other than as stated herein, Staff does not oppose APS' Motion.

6 RESPECTFULLY SUBMITTED this 12TH day of February, 2004.

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9 _____
10 Christopher C. Kempley, Chief Counsel
11 Janet Wagner, Attorney
12 Arizona Corporation Commission
13 1200 West Washington
14 Phoenix, Arizona 85007
15 (602) 542-3402

14 Original and 13 copies of the foregoing
15 filed this 11TH day of February, 2004, with:

16 Docket Control
17 Arizona Corporation Commission
18 1200 West Washington
19 Phoenix, AZ 85007

20 Copy of the foregoing mailed this
21 11TH day of February, 2004, to:
22
23
24
25
26
27
28

1 Thomas L. Mumaw
2 Karilee S. Ramaley
Pinnacle West Capital Corporation
3 P. O. Box 53999, MS 8695
Phoenix, AZ 85072-3999
4
5 Jeffrey B. Guldner
6 Faraq Sanei
Snell & Wilmer
7 One Arizona Center
400 East Van Buren
Phoenix, AZ 85004-0001
8 Attorneys for Arizona Public Service
9
10 Jana VanNess
11 Manager, Regulatory Compliance
Arizona Public Service
12 Mail Station 9905
P. O. Box 53999
Phoenix, AZ 85072
13
14 Jay L. Shapiro
Patrick J. Black
Fennemore Craig, P.C.
3003 N. Central, Suite 2600
15 Phoenix, AZ 85012
Attorneys for Panda Gila River
16
17 Raymond S. Heyman
Michael W. Patten
Roshka Heyman & DeWulf
18 One Arizona Center
400 E. Van Buren, Suite 800
19 Phoenix, AZ 85004
Attorneys for UniSource Energy Services
20
21 Deborah R. Scott
Unisource Energy Services
One South Church Street, Suite 200
22 Tucson, Arizona 85702
23
24 Lawrence V. Robertson, Jr.
Munger Chadwick, P.L.C.
National Bank Plaza
333 North Wilmot, Suite 300
25 Tucson, AZ 85711
Attorneys for Southwestern Power Group II,
26 Bowie Power Station and Mesquite Power

Walter W. Meek, President
Arizona Utility Investors Association
2100 N. Central, Suite 210
Phoenix, AZ 85004

Scott S. Wakefield
Chief Counsel
RUCO
1110 W. Washington, Suite 220
Phoenix, AZ 85007

C. Webb Crockett
Fennemore Craig, P.C.
3003 N. Central, Suite 2600
Phoenix, AZ 85012
Attorneys for AECC and Phelps Dodge

Theodore E. Roberts
Sempra Energy Resources
101 Ash Street, HQ 12-B
San Diego, CA 92101-3017

Greg Patterson
Arizona Competitive Power Alliance
5432 East Avalon
Phoenix, AZ 85018

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

Michael L. Kurtz
Boehm, Kurtz & Lowry
36 E. Seventh Street, Suite 2110
Cincinnati, OH 45202
Attorneys for Kroger Company

Bill Murphy
Murphy Consulting
2422 E. Palo Verde Drive
Phoenix, AZ 85016
Consultant for Arizona Cogeneration Assn.

Robert W. Geake
Arizona Water Company
P. O. Box 29006
Phoenix, AZ 85038-9006

1 Michael A. Curtis
William P. Sullivan
2 Larry Udall
Martinez & Curtis, P.C.
3 2712 North Seventh Street
Phoenix, AZ 85006
4 Attorneys for Town of Wickenburg and
Dome Valley Energy Partners
5
6 Timothy M. Hogan
Arizona Center for Law in the Public Interest
202 E. McDowell Road, Suite 153
7 Phoenix, Z 85004
Attorneys for Western Resource Advocates
8 And Southwest Energy Efficiency Project
9
10 S. David Childers
Low & Childers, P.C.
2999 North 44th Street, Suite 250
Phoenix, AZ 85018
11
12 Cynthia Zwick
Executive Director
Arizona Community Action Association
13 2627 North Third Street, Suite 2
Phoenix, AZ 85004
14
15 Coralette Hannon
AARP Department of State Affairs
6705 Reedy Creek Road
16 Charlotte, NC 28215
17
18 Rebecca C. Salisbury
56th Fighter Wing JA
7383 N. Litchfield Road
19 Luke AFB, AZ 85309-1540
Attorney for Federal Executive Agencies
20
21 Eric C. Guidry
Western Resource Advocates
2260 Baseline Road, Suite 200
22 Boulder, CO 80302
23
24 Jeff Schlegel
SWEEP Arizona Representative
1167 West Samalayuca Drive
Tucson, AZ 85704-3224
25
26 Jay I. Moyes
Moyes Storey, Ltd.
3003 N. Central Avenue, #1250
Phoenix, AZ 85012
27 Attorneys for PPL Sundance and PPL
Southwest Generation Holdings
28

Andrew W. Bettwy
Bridget A. Branigan
Southwest Gs Corporation
5241 Spring Mountain Road
Las Vegas, NV 89150

J. William Moore
Attorney at Law
1144 East Jefferson
Phoenix, AZ 85034

David Berry
Western Resource Advocates
P. O. Box 1064
Scottsdale, AZ 85252-1064

Daniel W. Douglass
Law Offices of Daniel W. Douglass, APC
6303 Owensmouth Avenue, 10th Floor
Woodland Hills, CA 91367-2262

James M. Van Nostrand
Stoel Rives, LLP
900 SW Fifth Avenue, Suite 2600
Portland, OR 97204

Jon Poston
AARP Electric Rate Project
6733 East Dale Lane
Cave Creek, AZ 85331

Katherine McDowell
Stoel Rives, LLP
900 SW Fifth Avenue, Suite 2600
Portland, OR 97204

George M. Galloway
Arizona Competitive Power Alliance
900 SW Fifth Avenue, Suite 2600
Portland, OR 97204

Nicholas J. Enoch
Lubin & Enoch, P.C.
349 North Fourth Avenue
Phoenix, AZ 85003
Attorneys for IBEW Locals 387, 640 and 769

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2
3
4
5
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10
11
12
13
14
15
16
17
18
19
20
21
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23
24
25
26
27
28

Jesse A. Dillon
PPL Services Corporation
Two North Ninth Street
Allentown, PA 18101

Marvin S. Cohen
Sacks Tierney, P.A.
4250 N. Drinkwater Blvd., 4th Floor
Scottsdale, AZ 85251-3693
Attorneys for Contellation NewEnergy, Inc.
And Strategic Energy, LLC

Nancy Roe