



0000005550

Lawrence V. Robertson, Jr. (001709) Arizona Corporation Commission

MUNGER CHADWICK, P.L.C. DOCKETED

National Bank Plaza

333 N. Wilmot, Suite 300

Tucson, Arizona 85711

(520) 721-1900; Facsimile (520) 747-1550

E-Mail: m-c@mungerchadwick.com

Attorneys for: Mesquite Power L.L.C.

Applicant

RECEIVED

2000 NOV -7 A 10: 31

AZ CORP COMMISSION
DOCUMENT CONTROL

DOCKETED BY [initials]

NOV 07 2000

BEFORE THE ARIZONA CORPORATION COMMISSION

IN THE MATTER OF THE APPLICATION OF)
MESQUITE POWER LLC, OR THEIR)
ASSIGNEE(S), IN CONFORMANCE WITH THE)
REQUIREMENTS OF ARIZONA REVISED)
STATUTES 40-360 ET SEQ., FOR A)
CERTIFICATE OF ENVIRONMENTAL)
COMPATIBILITY AUTHORIZING)
CONSTRUCTION OF NATURAL GAS-FIRED,)
COMBINED CYCLE GENERATING FACILITY)
LOCATED SOUTH OF ELLIOT ROAD,)
APPROXIMATELY 37 MILES WEST OF THE)
PHOENIX METROPOLITAN AREA, NEAR)
ARLINGTON IN MARICOPA COUNTY,)
ARIZONA)

DOCKET NO. L-00000S-00-0101
(CASE NO. 101)

STIPULATION

BACKGROUND

On October 30, 2000, the Arizona Center for Law in the Public Interest ("Center") filed a Notice of Request for Review of Siting Committee's Decision in the above-captioned proceeding. On November 7, 2000, Mesquite Power, L.L.C. ("Mesquite") filed (i) a Motion to Dismiss and (ii) an Opposition to Request for Review in response to the October 30, 2000 filing by Center. Following discussion, Center and Mesquite have agreed to the Stipulation set forth below, and hereby submit it to the Commission for consideration in connection with its consideration of and action on the October 10, 2000 Decision and Certificate of Environmental Compatibility issued and granted by the Arizona Power Plant and Transmission Line Siting Committee ("Siting Committee") in the above-captioned proceeding.

MUNGER CHADWICK, P.L.C.
ATTORNEYS AT LAW
NATIONAL BANK PLAZA
333 NORTH WILMOT, SUITE 300
TUCSON, ARIZONA 85711
(520) 721-1900

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Stipulation

1. Section 5 of the suggested Supplemental Findings of Fact and Conclusions of Law, as attached to Mesquite's October 26, 2000 Request for Review of the Siting Committee's October 10, 2000 Decision and Certificate of Environmental Compatibility, is hereby amended by adding the following language:

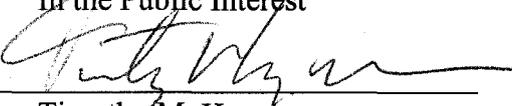
" . . .and, Mesquite has agreed to have wholesale power available during peak periods, during the first two years following commercial operations, for sale to Arizona customers in open market, arms-length transactions."

2. Concurrent with the Commission's adoption of the Supplemental Findings of Fact and Conclusions of Law suggested by Mesquite, as amended above, the Center's October 30, 2000 Request for Review of Siting Committee Decision, as filed in the above-captioned proceeding, shall be deemed to be and hereby is withdrawn by the Center.

3. Concurrent with the Commission's adoption of the Supplemental Findings of Fact and Conclusions of Law suggested by Mesquite, as amended above, Mesquite's Motion to Dismiss and Opposition to Request for Review, as filed in the above-captioned proceeding, shall be deemed to be and hereby are withdrawn by Mesquite.

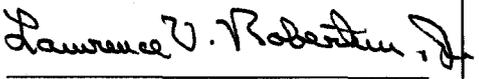
DATED: November 7, 2000

Arizona Center for Law
In the Public Interest

By: 

Timothy M. Hogan
Its Attorney

Mesquite Power, L.L.C.

By: 

Lawrence V. Robertson, Jr.
Its Attorney

MUNGER CHADWICK, P.L.C.
ATTORNEYS AT LAW
NATIONAL BANK PLAZA
333 NORTH WILMOT, SUITE 300
TUCSON, ARIZONA 85711
(520) 721-1900

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

The Original and Twenty-five (25) copies
of the foregoing Stipulation were filed
this 7 day of November, 2000 with the
Commission's Docket Control Center.

In addition, a copy of the same was mailed
this 7 day of November 2000, postage prepaid to:

Paul Bullis, Chairman
Arizona Siting Committee
c/o Office of the Attorney General
1275 West Washington
Phoenix, AZ 85007

Janice Alward
Teena Wolfe
ACC - Legal Division
1200 West Washington
Phoenix, Arizona 85007

90 SUR 2