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BEFORE THE ARIZONA CORPORATION COMMISSION
DOCKETED

CARL J. KUNASEK
Chairman

NOV 02 1999

JIM IRVIN

Commissioner

WILLIAM A. MUNDELL

Commissioner

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IN THE MATTER OF MATTER OF THE)
APPLICATION OF ARIZONA PUBLIC)
SERVICE COMPANY FOR APPROVAL OF ITS)
PLAN FOR STRANDED COST RECOVERY)

DOCKET NO. E-01345A-98-0473

IN THE MATTER OF FILING OF ARIZONA)
PUBLIC SERVICE COMPANY OF)
UNBUNDLED TARIFFS PURSUANT TO A.A.C.)
R14-2-1601 ET. SEQ.)

DOCKET NO. E-01345A-97-0773

IN THE MATTER OF COMPETITION IN THE)
PROVISION OF ELECTRIC SERVICES)
THROUGHOUT THE STATE OF ARIZONA)

DOCKET NO. RE-00000C-94-0165

DECISION NO. 62035

ORDER

Open Meeting
October 26 and 27, 1999
Phoenix, Arizona

BY THE COMMISSION:

FINDINGS OF FACT

1. Arizona Public Service Company ("APS") is certificated to provide electric service as a public service corporation in the State of Arizona.

2. On October 6, 1999, the Commission issued Decision No. 61973, approving a Settlement Agreement in this matter, with certain modifications.

3. Decision No. 61973 directed that the Parties to the Settlement Agreement and Staff file a revised Section 7.1 to the Settlement Agreement, consistent with the Commission's discussion, for Commission approval.

4. On October 5, 1999, APS filed the revised Section 7.1, as agreed upon by the Parties to the Settlement Agreement and Staff, pursuant to the Commission's direction. The revised section 7.1 is as follows:

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7.1 Approval of the Agreement by the Commission shall constitute a waiver of any existing Commission order, rule or regulation to the extent necessary to permit performance of the Agreement, as approved by the Commission. Any future Commission order, rule or regulation shall be construed and administered, insofar as possible, in a manner so as not to conflict with the specific provisions of this Agreement, as approved by the Commission. In the event any of the Parties deems a future Commission order, rule or regulation to be inconsistent with the specific provisions of this Agreement, a waiver of the new Commission order, rule or regulation shall be sought.

Nothing in this Agreement is intended to otherwise interfere with the Commission's ability to exercise its regulatory authority by the issuance of orders, rules or regulations. The requirements of this Agreement shall be performed in accordance with the Commission's Electric Competition Rules (including any specific waivers granted by the Commission's order approving this Agreement), except where a specific provision of this Agreement would excuse compliance.

5. Staff recommends that the Commission approve the revised Section 7.1.

CONCLUSIONS OF LAW

- 1. The Commission has jurisdiction over APS and over the subject matter of this filing.
- 2. The Commission, having reviewed the revised Section 7.1 of the Settlement Agreement, and Staff's Memorandum, concludes that it is in the public interest to approve the revised Section 7.1, as filed by APS.

ORDER

IT IS THEREFORE ORDERED that the revised Section 7.1 of the Settlement Agreement as filed by APS is hereby approved.

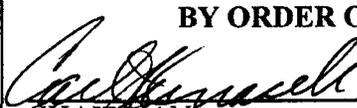
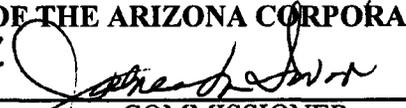
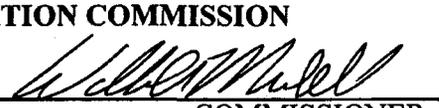
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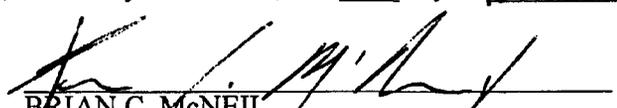
IT IS FURTHER ORDERED that the Parties to the Settlement Agreement shall include the revised Section 7.1 within the revised Settlement Agreement to be filed pursuant to Decision No. 61973.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION

		
CHAIRMAN	COMMISSIONER	COMMISSIONER

IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive Secretary of the Arizona Corporation Commission, have hereunto, set my hand and caused the official seal of this Commission to be affixed at the Capitol, in the City of Phoenix, this 2nd day of November, 1999.


 BRIAN C. McNEIL
 Executive Secretary

DISSENT

CCK:jes