

# INTERVENTION



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ORIGINAL

DEPARTMENT OF THE ARMY  
UNITED STATES ARMY LEGAL SERVICES AGENCY  
901 NORTH STUART STREET  
ARLINGTON VA 22203-1837



18

October 13, 2005

REPLY TO  
ATTENTION OF

Regulatory Law Office  
U 4142

Subject: In The Matter Of The Filing By Tucson Electric Power Company To Amend Decision No. 62103, Arizona Corporation Commission Docket No. E-01933A-05-0650.

Arizona Corporation Commission  
Docket Control  
1200 West Washington Street  
Phoenix, Arizona 85007

Enclosed for filing with the Arizona Corporation Commission are the original and thirteen copies of the Motion For Leave To Intervene of the Department of Defense in the subject proceeding.

Copies of this Motion have sent in accordance with the attached Certificate of Service. Inquiries concerning this matter may be directed to the undersigned at (703) 696-1644.

Sincerely,

Peter Q. Nyce Jr.  
General Attorney  
Regulatory Law Office

Enclosure

AZ CORP COMMISSION  
DOCUMENT CONTROL

2005 OCT 14 12:09

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BEFORE THE ARIZONA CORPORATION COMMISSION

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

IN THE MATTER OF THE FILING BY ) DOCKET NO. E-01933A-05-0650)  
TUCSON ELECTRIC POWER COMPANY )  
TO AMEND DECISION NO. 62103, )

MOTION FOR LEAVE TO INTERVENE

ROBERT N. KITTEL  
Chief  
Regulatory Law Office  
Office of the Judge Advocate General  
Department of the Army  
Litigation Center  
JALS-RL, Suite 713  
901 N. Stuart Street  
Arlington, VA 22203-1837

by

Peter Q. Nyce, Jr.  
General Attorney

Dated: October 13, 2005

BEFORE THE ARIZONA CORPORATION COMMISSION

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

IN THE MATTER OF THE FILING BY     ) DOCKET NO. E-01933A-05-0650)  
TUCSON ELECTRIC POWER COMPANY )  
TO AMEND DECISION NO. 62103,     )

MOTION FOR LEAVE TO INTERVENE

The Secretary of Defense, through duly authorized Counsel and on behalf of the consumer interests of the United States Department of Defense, (DOD), requests leave to intervene in the above-styled Proceeding, Docket No. E-01933A-05-0650, of the Tucson Electric Power Company (TEP). The DOD was a party to TEP Docket No. E-01933A-98-0471, et.al. and TEP Docket No. E-01933A-04-0408. As grounds for this Motion, DOD states:

I

That it is duly authorized by law to make and file this Motion.

## II

That the name, address and telephone/fax numbers of the person to whom communications in regard to this Motion should be addressed is:

Mr. Peter Q. Nyce, Jr.  
General Attorney, Regulatory Law Office  
Office of the Judge Advocate General  
Department of the Army  
901 North Stuart Street, Room 713  
Arlington, VA 22203-1837  
Telephone: (703) 696-1644  
Fax: (703) 696-2960  
E-mail: Peter.Nyce@hqda.army.mil

Also we would respectfully request the addition to the Commission's official service list of:

Mr. Dan Neidlinger  
Neidlinger & Assoc.  
3020 N. 17<sup>th</sup> Drive  
Phoenix, Arizona 85015  
Telephone: (602) 258-2343  
Fax: (602) 271-0798  
E-mail: [dneid@cox.net](mailto:dneid@cox.net)

## III

That the United States maintains certain military installations and civilian agency activities with the State of Arizona, a number of which obtain electric service from Tucson Electric Power company. Tucson Electric Power has filed to amend this Commission's Decision No. 62103 in this Proceeding.

#### IV

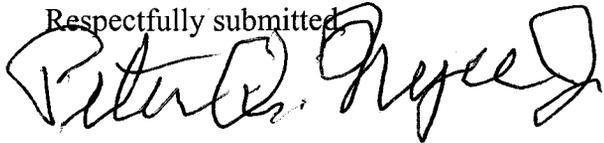
The DOD purchases large quantities of electric service from the Company in Arizona. Among the major federal facilities receiving electric service from Tucson Electric Power Company are: Fort Huachuca and Davis Monthan Air Force Base. DOD is a customer with a significant economic interest in this proceeding and could be affected by its outcome.

#### V

That the interest of DOD is such that it cannot be adequately protected by any other party. The load factor, characteristics, and rate schedules upon which these facilities buy power make their usage distinct from other large customers. DOD installations have substantial investments in electric utility distribution plant, and a moderate load factor similar to that of a municipal utility. The DOD will present evidence that will be of value to the Commission in its determination of the issues involved in this proceeding. The intervention of the DOD will neither unduly broaden the issues nor unduly delay the proceeding.

WHEREFORE, the DOD, prays for leave to intervene and to be treated as a party hereto with right to have notice of and appear at the taking of testimony, produce and cross-examine witnesses, and be heard in person or by counsel, upon brief and at oral argument, if oral argument is granted.

Respectfully submitted

A handwritten signature in black ink, appearing to read "Peter Q. Nyce, Jr.", written in a cursive style.

PETER Q. NYCE, JR.  
General Attorney  
Regulatory Law Office  
Office of the Judge Advocate General  
Department of the Army  
Litigation Center JALS-RL, Suite 713  
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For

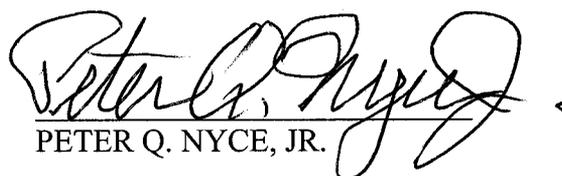
THE DEPARTMENT OF DEFENSE

Dated: Arlington, Virginia this thirteenth  
day of October 2005.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion for Leave to Intervene of the United States Department of Defense was sent to the parties on the attached service list either by United Parcel Service Next Day Air or by first class mail, postage prepaid on October 13, 2005

Dated at Arlington County, Virginia, this 13th day of October 2005.

  
PETER Q. NYCE, JR.

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