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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

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6 IN THE MATTER OF THE GENERIC) DOCKET NO. E-00000A-02-0051
7 PROCEEDING CONCERNING ELECTRIC)
8 RESTRUCTURING ISSUES)

9 IN THE MATTER OF ARIZONA PUBLIC) DOCKET NO. E-01345A-01-0822
10 SERVICE COMPANY'S REQUEST FOR)
11 VARIANCE OF CERTAIN REQUIREMENTS)
12 OF A.A.C. R14-2-1606)

13 IN THE MATTER OF THE GENERIC) DOCKET NO. E-00000A-01-0630
14 PROCEEDING CONCERNING THE ARIZONA)
15 INDEPENDENT SCHEDULING)
16 ADMINISTRATOR)

17 IN THE MATTER OF TUCSON ELECTRIC) DOCKET NO. E-01933A-02-0069
18 POWER COMPANY'S APPLICATION FOR A)
19 VARIANCE OF CERTAIN ELECTRIC)
20 COMPETITION RULES COMPLIANCE)
21 DATES)

22 **ISSUE STATEMENT AND RECOMMENDED PROCEDURAL SCHEDULE**
23 **OF**
24 **WELLTON-MOHAWK GENERATING FACILITY**

25 Pursuant to the Administrative Law Judge's September 24, 2002 Second
26 Procedural Order on Track B Issues in the above dockets, Dome Valley Energy Partners,
L.L.C., Wellton-Mohawk Irrigation and Drainage District, and Yuma County Water Users'
Association (together known as "Wellton-Mohawk Generating Facility" or "WMGF"),

1 through the undersigned attorney, submits its: (1) statement listing the specific issues that
2 remain to be addressed at the hearing; and (2) recommended procedural schedule for the
3 conduct of the hearing.

4 **I. WMGF's ISSUES THAT REMAIN TO BE ADDRESSED AT THE**
5 **HEARING:**

6 WMGF would like to commend Staff and the Track B Facilitator on an
7 outstanding effort in developing the proposed Solicitation Process. As explained in
8 WMGF's previous written comments to Staff, however, the current proposed Solicitation
9 Process focuses only on the already existing power plants located in and around the Palo
10 Verde market hub and ignores the planned, but yet-to-be-constructed, power plants located in
11 Arizona's rural load pocket areas. Although these power plants would comprise a tiny
12 fraction of the utilities' potential unmet load needs, they would serve a substantial public
13 purpose in the rural areas where they will provide power. WMGF further believes that the
14 proposed Solicitation Process, although it does not prohibit renewable energy to be included
15 in the utilities' RFPs, fails to provide the utilities with any incentives to include renewable
16 energy under the Environmental Portfolio Standard in their RFPs. WMGF further believes
17 that the proposed solicitation process fails to encourage the replacement of older, less
18 efficient and less environmentally friendly RMR plants. These issues and other issues are
19 identified and summarized below.
20
21

22 **A. The Solicitation Process Should Encourage Long-Term Power Contracts**
23 **If A Substantial Public Purpose Would Be Served.**

24 Staff's Solicitation Process currently discourages long-term contracts by
25 imposing arbitrary price conditions that bidders must meet before the parties would be
26

1 assured that Staff will recommend the Commission find the prices contained in such long-
2 term contracts are reasonable. The Solicitation Process is also unclear as to the time when
3 the product must first be available for delivery to the utility (staggered delivery dates).
4 Although WMGF understands Staff's desire to move slowly into the competitive wholesale
5 power market, WMGF believes that the proposed Solicitation Process unreasonably favors
6 existing power plants by making it virtually impossible for planned, but yet-to-be-constructed
7 power plants to obtain construction financing for lack of long-term contracts, and to provide
8 initial delivery of power to the utilities in years beyond 2003. WMGF also believes that
9 Staff's proposed disincentives for long-term contracts misses an opportunity for the utilities
10 (and their ratepayers) to lock into power prices that are at historical lows due to the present
11 wholesale power glut and prevailing low interest rates. Accordingly, as an issue at the
12 Hearing, WMGF would provide testimony supporting the inclusion of language to the
13 Solicitation Process giving Staff the authority to recommend the Commission find the prices
14 contained in long-term contracts are reasonable, on a case-by-case basis, when it is shown
15 that the contract would satisfy a substantial public purpose and the overall price is
16 competitive with the "price to beat" established by Staff as adjusted to reflect the length of
17 the contract. An example of a substantial public purpose being served by a power plant
18 would be when the proposed plant relieves a Staff recognized rural load pocket problem
19 thereby delaying or deferring otherwise required transmission additions. At Hearing, WMGF
20 also intends to provide testimony supporting the need for staggered delivery dates.
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B. The Solicitation Process Should Provide Criteria Incentives For Renewable Energy.

Staff's proposed Solicitation Process currently ignores the fact that there are Independent Power Producers who intend to produce renewable energy to help Arizona utilities meet their renewable energy mandate under the Commission's Environmental Portfolio Standard. The Solicitation Process also ignores the fact that the Commission itself has required new power plants to include supplemental renewable energy generation as a condition of certification on at least two of the most recent power plant siting applications that have come before the Commission. The WMGF expects to produce approximately 40 to 60 MW of renewable energy, which will go a long way in helping the utilities meet their renewable energy requirements under the Environmental Portfolio Standard. Accordingly, as an issue at hearing, WMGF would provide testimony supporting the inclusion of renewable energy as an important component of the utilities' respective resource plans and for providing incentives for the inclusion of renewable energy in the utilities' RFPs. WMGF also intends to argue that the forecast cost to acquire renewable energy pursuant to the utilities' requirements under the Environmental Portfolio Standard should also be included in the "price to beat" developed in the Track B process. The above incentives and inclusion of renewable energy in the utilities' RFPs would give the Independent Power Producers whom have the desire to produce and deliver renewable energy to the utilities the opportunity to do so in the Solicitation Process.

C. RMR Load Should Be Contestable And Included In The Utilities' RFPs.

WMGF believes that as a matter of public interest, load served by older, less efficient, and less environmentally friendly RMR plants should be contestable if newer, more

1 efficient, and more environmentally friendly RMR plants are available as a replacement.
2 Because of the nature of RMR, this load should be required to be included in the utilities'
3 RFPs only. Accordingly, at hearing WMGF would provide testimony showing that RMR
4 plants should be included as contestable load in the Solicitation Process and that RMR load
5 should be included in the utilities' RFPs only.
6

7 **II. WMGF'S RECOMMENDED PROCEDURAL SCHEDULE:**

8 WMGF recommends the following procedural schedule to allow a wholesale
9 competitive power solicitation process to proceed in time to meet the unmet needs of the
10 Arizona utilities starting in the summer of 2003:

11 **October 15, 2002:** Staff Report on Solicitation Process

12 **October 29, 2002:** Simultaneous Direct Testimony of APS, TEP, and
13 Intervenors

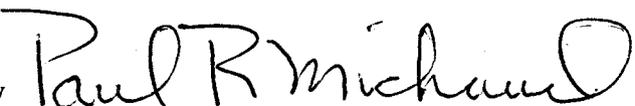
14 **November 5, 2002:** Responsive Testimony of Staff

15 **November 7, 2002:** Pre-Hearing Conference

16 **November 11, 2002:** Hearing
17

18 RESPECTFULLY SUBMITTED this 1ST day of October, 2002.

19 MARTINEZ & CURTIS, P.C.

20
21 By 

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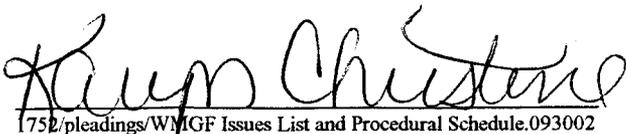
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39 1752/pleadings/WMGF Issues List and Procedural Schedule.093002

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