

INTERVENTION



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BEFORE THE ARIZONA CORPORATION COMMISSION

IN THE MATTER OF THE ARIZONA
PUBLIC SERVICE COMPANY'S
REQUEST FOR A VARIANCE OF
CERTAIN REQUIREMENTS OF A.C.C.
R14-2-1606

Docket No. E-01345A-01-0822

APPLICATION OF PANDA GILA RIVER
L.P. FOR LEAVE TO INTERVENE

Pursuant to A.A.C. R14-3-105, Panda Gila River L.P. ("Panda") hereby moves the Commission for leave to intervene in the above-captioned proceeding.

Panda is constructing and intends to operate and maintain a natural gas fired electric generating facility near Gila Bend, Arizona¹. To date, Panda has expended several hundred million dollars to construct such facilities in Arizona. In doing so, Panda has acted in direct reliance on the existence and continued application of each and every provision of R14-2-1606, including, specifically, R14-2-1606(B). Panda, for the record, directly relied on this Commission's Decision No. 61973 (the "Decision"), which Decision approved that Settlement Agreement dated May 14, 1999, as amended, between Arizona Public Service Company ("APS") and various parties (the "Settlement Agreement") in continuing to pursue its operations in this State. The Settlement Agreement specifically provides that "APS shall procure generation for Standard Offer customers from the competitive market as provided for in the Electric Competition Rules." See Addendum to Settlement Agreement, ¶ 5.(4.1(3)). Finally, Panda has

¹ Panda obtained a Certificate of Environmental Compatibility authorizing the construction of four natural gas fired, combined-cycle generating units, each with a nominal 520 megawatts, together with related infrastructure and appurtenances. See Decision No. 62970 (October 26, 2000).

1 negotiated a contract with APS for transmission capacity within APS' transmission grid.

2 Panda has made significant investment toward its operations in the State of Arizona in
3 direct reliance on the existence and application of R14-2-1606, the Decision, and the Settlement
4 Agreement. Panda also has an interest in the continuing availability of transmission capacity in
5 the APS grid. Panda is concerned that the approval of APS's proposed PPA will have a
6 significant impact on that transmission capacity. Therefore, the relief APS seeks will have an
7 impact on Panda and its Arizona operations. Accordingly, Panda will be directly and
8 substantially affected by any decision of the Commission in these proceedings. Moreover, the
9 granting of intervenor status to Panda will not unduly delay the proceedings or cause the issues to
10 be unduly broadened.

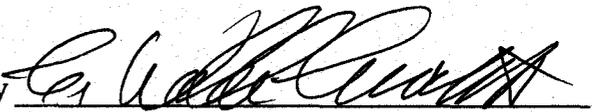
11 Panda requests that all communications in connection with the above-captioned
12 proceedings be directed to:

13 C. Webb Crockett, Esq.
14 Jay L. Shapiro, Esq.
15 Fennemore Craig
16 3003 North Central Avenue, Suite 2600
17 Phoenix, Arizona 85012-2913
18 Telephone: 602-916-5333

19 For the reasons discussed above, Panda respectfully requests that it be granted leave to
20 intervene in these proceedings, and that Panda be accorded the full status of an intervenor under
21 the Commission's rules and regulations.

22 DATED this 5th day of November, 2001.

23 FENNEMORE CRAIG

24 By 
25 C. Webb Crockett
26 Jay L. Shapiro
Attorneys for Proposed Intervenor
Panda Gila River L.P.

1 Original and 10 copies
hand-delivered this 5th
2 day of November, 2001 to:

3 Docket Control
Arizona Corporation Commission
4 1200 W. Washington St.
Phoenix, AZ 85007

5 Copy of the foregoing
6 hand-delivered this 5th
day of November, 2001 to:

7
8 Lyn Farmer
Chief Administrative Law Judge
Hearing Division
9 Arizona Corporation Commission
1200 W. Washington St.
10 Phoenix, AZ 85007

11 Chris Kempley, Chief Counsel
Legal Division
12 Arizona Corporation Commission
1200 W. Washington St.
13 Phoenix, AZ 85007

14 And a copy mailed this 5th
day of November, 2001, to:

15 Thomas L. Mumaw, Esq.
16 Jeffrey B. Guldner, Esq.
Snell & Wilmer
17 One Arizona Center
Phoenix, Arizona 85004-2202
18 Attorneys for APS

19
20 By 

21
22 1238997

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25
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