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Arizona Corporation Commission

**INTERVENTION DOCKETED RECEIVED**

1 Steven J. Duffy, #006852  
2 RIDGE & ISAACSON, P.C.  
3 3101 N. Central Ave., Suite 1090  
4 Phoenix, AZ 85012  
5 (602) 274-2200  
6 Attorneys for Duke Energy North America, LLC  
7 and Duke Energy Arlington Valley, LLC

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AZ CORP COMMISSION  
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**BEFORE THE ARIZONA CORPORATION COMMISSION**

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

Docket No. E-01345A-01-822  
APPLICATION TO INTERVENE OF  
DUKE ENERGY NORTH  
AMERICA, LLC AND DUKE  
ENERGY ARLINGTON VALLEY,  
LLC

11 Duke Energy North America, LLC ("DENA") and Duke Energy Arlington Valley, LLC  
12 ("DEAV") (collectively referred to as "Duke") hereby move the Commission for leave to  
13 intervene pursuant to A.A.C. R 14-2-105.

14 DEAV is currently constructing a power facility in the vicinity of Arlington in Maricopa  
15 County, Arizona. Additionally, DEAV has applied for a Certificate of Environmental  
16 Compatibility to expand the Arlington facility. That application has received a recommendation of  
17 approval from the Power Plant and Transmission Line Siting Committee and will be considered by  
18 the Commission in the near future. DEAV has expended considerable amounts in its construction  
19 to date and in its prosecution of its application for expansion.

20 DENA is the parent of DEAV and may in the future consider the construction of additional  
21 power facilities in the State of Arizona.

22 DEAV's construction and DENA's consideration of new investment in Arizona are  
23 impacted by A.A.C. R14-2-1606 in its current form. The change that APS has proposed will  
24

1 significantly affect Duke's continued operation and investment in Arizona. Duke will therefore be  
2 directly and substantially affected by the decision of the Commission in this proceeding.

3 The granting of this Motion will not unduly delay this proceeding or cause the issues  
4 herein to be unduly broadened.

5 For these reasons, Duke respectfully requests that Duke Energy North America, LLC and  
6 Duke Energy Arlington Valley, LLC be granted leave to intervene. If granted, Duke requests that  
7 all communications in connection with this proceeding be directed to the following:

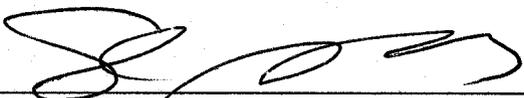
8  
9 Steven J. Duffy  
10 RIDGE & ISAACSON, P.C.  
11 3101 N. Central Ave., Suite 1090  
12 Phoenix, AZ 85012  
13 (602) 274-2200

14 and to

15 Steve Lavigne  
16 Director of Regulatory Affairs  
17 Duke Energy  
18 4 Triad Center, Suite 1000  
19 Salt Lake City, UT 84180  
20 (801) 531-4400

21  
22  
23  
24  
RESPECTFULLY SUBMITTED November 28, 2001.

RIDGE & ISAACSON, P.C.

18  
19 By   
20 Steven J. Duffy  
21 Attorneys for Duke Energy North America, LLC and  
22 Duke Energy Arlington Valley, LLC

1 ORIGINAL and 10 copies of the  
foregoing filed November 28, 2001 with:

2 Docket Control  
3 Arizona Corporation Commission  
1200 W. Washington Street  
4 Phoenix, Arizona 85007

5 COPY of the foregoing mailed  
November 28, 2001 to:

6 Lyn Farmer  
7 Chief Administrative Law Judge  
Hearing Division  
8 Arizona Corporation Commission  
1200 West Washington Street  
9 Phoenix, AZ 85012

10 Chris Kempley, Chief Counsel  
Legal Division  
11 Arizona Corporation Commission  
1200 West Washington Street  
12 Phoenix, AZ 85012

13 Thomas L. Mumaw, Esq.  
Jeffrey B. Guldner, Esq.  
14 Snell & Wilmer  
One Arizona Center  
15 Phoenix, AZ 85004-2202  
Attorneys for APS

16 C. Webb Crockett  
17 Jay L. Shapiro  
FENNEMORE CRAIG  
18 3003 North Central Avenue  
Suite 2600  
19 Phoenix, AZ 85012-2913  
Attorneys for Reliant Resources, Inc.  
20 and Panda Gila River, L.P.

21 Greg Patterson  
Arizona Competitive Power Alliance  
22 245 West Roosevelt  
Phoenix, AZ 85003

23

24

1 **Scott S. Wakefield, Chief Counsel**  
2 **Residential Utility Consumer Office**  
3 **2828 North Central Avenue, Suite 1200**  
4 **Phoenix, AZ 85004**

5 **Roger K. Ferland**  
6 **Quarles & Brady Streich Lang LLP**  
7 **Renaissance One**  
8 **Two North Central Avenue**  
9 **Phoenix, AZ 85004-2391**  
10 **Attorneys for PG&E Natural Energy Group**

11 **Lawrence V. Robertson, Jr.**  
12 **Munger Chadwick, P.L.C.**  
13 **333 North Wilmot, Suite 300**  
14 **Tucson, AZ 85711**  
15 **Attorneys for Southwestern Power Group II, L.L.C.**  
16 **Toltec Power Station, L.L.C. and**  
17 **Bowie Power Station, L.L.C.**

18 **Walter W. Meek, President**  
19 **Arizona Utility Investors Association**  
20 **2100 N Central Avenue, Suite 210**  
21 **Phoenix, AZ 85004**

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