

E-00000A-0051  
E-01345-0822  
E-00000A-01-0630  
E-01933A-02-0069  
E-01933A-98-0471

ORIGINAL



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May 1, 2002

Nancy Cole, Supervisor  
Document Control  
Arizona Corporation Commission  
1200 W. Washington  
Division: Hearing  
Phoenix, AZ 85007

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AZ CORP COMMISSION  
DOCUMENT CONTROL

Re: Docket No. E-00000A-02-0051  
In the matter of the Generic Proceedings Concerning Electric Restructuring

Dear Ms. Cole:

Enclosed for filing in the above-captioned proceeding are the original and fourteen (14) copies of the Response to Tucson Electric Power Company's Position Statement. Also enclosed are two additional copies to be conformed and returned to our office in the self-addressed, stamped envelope provided for your convenience.

Please let me know if you have any questions, and thank you for your assistance.

Sincerely,

Lawrence V. Robertson, Jr.

LVR:cl  
enclosures

Arizona Corporation Commission  
**DOCKETED**  
MAY 03 2002

DOCKETED BY

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Attorneys for Southwestern Power Group II, LLC

**BEFORE THE ARIZONA CORPORATION COMMISSION**

WILLIAM A. MUNDELL  
CHAIRMAN  
JIM IRVIN  
COMMISSIONER  
MARC SPITZER  
COMMISSIONER

IN THE MATTER OF THE GENERIC ) Docket No. E-00000A-02-0051  
PROCEEDINGS CONCERNING ELECTRIC )  
RESTRUCTURING ) **RESPONSE TO TUCSON**  
 ) **ELECTRIC POWER COMPANY'S**  
 ) **POSITION STATEMENT**

Southwestern Power Group II, LLC et al., ("SWPG") hereby responds to the April 30, 2002 Position Statement filed by Tucson Electric Power Company ("TEP") in the above-captioned proceeding. There are three aspects of the Position Statement which SWPG desires to address.

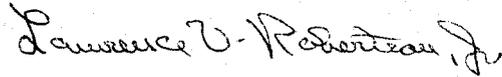
First, SWPG believes that the Commission should issue an order in Docket No. E-01933A-02-0069 formally staying the conduct of further proceedings in connection with TEP's Request for Variance pending the completion of any proceedings in the instant docket in furtherance of the Commission's April 25, 2002 decision in Docket Nos. E-00000A-02-0051 and E-01345A-01-0822. Second, SWPG agrees with TEP that any stay issued in Docket No. E-01933A-02-0069 should apply

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1 to all procedural activities and dates, including the current May 7, 2002 date for filing Intervenor  
2 testimony. Finally, in the event the Commission has not rendered a final decision on the transfer of  
3 generation assets and market power issues by August 1, 2002, the questions of whether and how it  
4 should resume consideration of TEP's Request for Variance can be considered at that time.  
5

6 DATED: May 1, 2002.

7 Respectfully submitted,

8 

9  
10 Lawrence V. Robertson, Jr.  
11 Attorneys for Southwestern Power Group II, LLC

12 Original and 14 copies mailed this  
13 1<sup>st</sup> day of May, 2002, to:

14 Docket Control  
15 Arizona Corporation Commission  
16 1200 W. Washington  
17 Phoenix, AZ 85007

18 Copies Faxed this 1<sup>st</sup> day of May,  
19 2002, to:

20 Lyn A. Farmer, Esq.  
21 Chief Administrative Law Judge  
22 Hearing Division  
23 ARIZONA CORPORATION COMMISSION  
24 1200 West Washington Street  
25 Phoenix, Arizona 85007

26 Christopher Kempley, Esq.  
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See attached Service List

Q5