



0000036141

RECEIVED

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

BEFORE THE ARIZONA CORPORATION COMMISSION 3: 55

WILLIAM A. MUNDELL
Chairman
JIM IRVIN
Commissioner
MARC SPITZER
Commissioner

Arizona Corporation Commission

DOCKETED

AZ CORP COMMISSION
DOCUMENT CONTROL

JUL - 1 2002

DOCKETED BY *car*

IN THE MATTER OF THE GENERIC
PROCEEDINGS CONCERNING
ELECTRIC RESTRUCTURING

DOCKET NO. E-00000A-02-0051

IN THE MATTER OF ARIZONA PUBLIC
SERVICE COMPANY'S REQUEST FOR
VARIANCE OF CERTAIN
REQUIREMENTS OF A.A.C. 4-14-2-1606

DOCKET NO. E-01345A-01-0822

IN THE MATTER OF THE GENERIC
PROCEEDINGS CONCERNING THE
ARIZONA INDEPENDENT
SCHEDULING ADMINISTRATOR

DOCKET NO. E-00000A-01-0630

IN THE MATTER OF TUCSON
ELECTRIC COMPANY'S APPLICATION
FOR A VARIANCE OF CERTAIN
ELECTRIC POWER COMPETITION
RULES COMPLIANCE DATES

DOCKET NO. E-01933A-98-0471

ISSUES IN THE MATTER OF TUCSON
ELECTRIC POWER COMPANY'S
APPLICATION FOR A VARIANCE OF
CERTAIN ELECTRIC COMPETITION
RULES COMPLIANCE DATES

DOCKET NO. E-01933A-02-0069

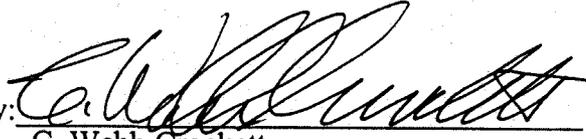
**NOTICE OF FILING OF COMMENTS
OF PANDA GILA RIVER, L.P. ON
COMMISSION STAFF'S LIST OF
TRACK B ISSUES**

Intervenor Panda Gila River, L.P. hereby provides Notice of Filing the Comments of Panda Gila River, L.P. on Commission Staff's List of Tract B Issues for the above-captioned dockets.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

RESPECTFULLY SUBMITTED this 1st day of July, 2002.

FENNEMORE CRAIG

By: 

C. Webb Crockett
Jay L. Shapiro
Fennemore Craig
3003 N. Central Ave., Suite 2600
Phoenix, AZ 85012
Attorneys for Panda Gila River, L.P.

Larry F. Eisenstat
Frederick D. Ochsenhirt
Dickstein Shapiro Morin & Oshinsky, LLP
2101 L Street, NW
Washington, DC 20037
Attorneys for TPS GP, Inc., a general partner
of Panda Gila River, L.P.

See attached for filing and service list.

1317231.1/73262.005

Comments of Panda Gila River, L.P. on Commission
Staff's List of Track B Issues

1. What types of competitive solicitation process(es) should be utilized?

The competitive procurement process should involve a bid-based competitive solicitation and arms length bilateral contracts. The parties will discuss details of the competitive solicitation process at the workshops scheduled for July 24 and 25, but in general, Panda believes that the competitive solicitation should be a Request for Proposals ("RFP") for asset-backed offers to sell under longer-term contracts to provide firm capacity and energy, plus reserves. Other forms of competitive solicitation, such as various forms of auction, increase complexity without adding value to the process.

a. When should the competitive solicitation process begin?

As discussed in Panda's list of Track B issues and proposed procedural schedule, Panda believes that the parties and the Commission can fully consider and decide all Track B issues in time for a competitive solicitation to be issued no later than December 2002, which will allow deliveries of power starting in the peak summer season 2003. The "competitive solicitation process," however, includes development of the actual solicitation and the rules governing that solicitation. That process has already begun.

b. How will the competitive solicitation(s) be disseminated?

The competitive solicitation(s) will be developed by the parties in this Track B process. The UDCs should hold formal pre-bid meetings with potential bidders to discuss the terms of the solicitation. In addition, the UDCs should disseminate the RFP or notice of auction through usual and customary channels (such as announcements in local and national newspapers, and the trade press) used by the UDCs in other procurement processes. Although this proceeding is somewhat unusual, competitive procurement by utilities throughout the country is not.

c. What percentage of a utility's power requirements should be obtained through the competitive solicitation process?

Panda believes the Commission should enforce the Competition Rules as written, requiring utilities to competitively procure 100% of their Standard Offer Service requirements, with at least 50% through competitive solicitation. Such a solicitation will produce responses indicating when the

market can in fact provide for 100% of standard market needs. Panda does not believe there is any need to prejudge how much, or when, the market can deliver. By conducting a solicitation for 100% of needs over an extended period, the UDC, and the Commission, will be able to determine the least cost solution for Standard Offer customers.

- d. Should the percentage of a utility's power requirement obtained through the competitive solicitation process be established at one time or should it be phased-in?**

There may or may not be value in "phasing-in" procurement of a utility's entire requirements through a competitive solicitation process; a prudent procurement strategy will result in a diversified portfolio of power contracts (a) of varying duration and (b) with staggered on-line dates. In fact, in Panda's view staggered on-line dates would give the same result as a phased-in competitive solicitation process. For example, when the initial contracts expire, a new solicitation will be issued. It is conceivable, therefore, that a larger percentage of the initial contracts will be with affiliated generation in the near-term (if predictions that insufficient competitive generation is available, though unproven as of yet, are true), with increasing reliance on competitive suppliers going-forward.

- e. How will the competitive solicitation percentage be calculated?**

If the Commission enforces the Rules as written, there will be no need to calculate a "competitive solicitation percentage." The amount of power actually procured from competitive suppliers will be based on the bids received, scored objectively, and contracts awarded.

- f. Will a utility be subject to penalties if it does not meet the competitive solicitation percentage?**

No. Again, by enforcing the Rules as written, there will be no need for an enforcement mechanism. The Commission should require utilities to competitively procure 100% of their Standard Offer Service requirements, with at least half through competitive solicitation. If the process is administered impartially, a varying percentage of the portfolio will be from competitive suppliers (as opposed to affiliated generation). Panda does not support any deviation from the requirements of the Rules regarding the magnitude of the competitive solicitation.

- g. If a utility exceeds the annual competitive solicitation percentage, will the excess carry over to next year?**

There is no reason to have a carry-over mechanism if the Commission enforces the Rules as written. Utilities are required to procure at least half of their Standard Offer Service requirements through a competitive solicitation, but are free to procure more than half of their requirements through such a solicitation. Choosing to do so should provide no benefit for future years, however.

- h. What requirements, if any, should be imposed on the purchase of power that is obtained outside of the competitive solicitation process?**

Any such contracts must result from arms-length negotiations. If a utility cannot conduct arms-length negotiations with its affiliates, then the affiliate may not compete for bilateral agreements. Results of this solicitation will serve as a point of comparison for price and non-price terms of the negotiated contracts, but negotiation will allow flexibility in achieving other consumer benefits.

- i. What are the time frames for initiating and completing the steps of the competitive solicitation process?**

The competitive solicitation process was essentially initiated when the Commission created Track B, as the primary purpose for Track B is to develop rules and standards for competitive procurement, including competitive solicitation. Panda believes that a competitive solicitation may be issued, bids received and scored and contracts executed within six months. Thus a solicitation for delivery beginning summer 2003 should be issued no later than December 2002.

- j. Who will determine the components of each utility's portfolio of competitively solicited purchases?**

The UDCs must assemble a portfolio of competitively procured Standard Offer Service resources. The UDCs must work closely with an independent evaluator and Commission Staff to assure the application of the objective criteria developed in Track B. The UDCs should not be given authority to subjectively choose resources, which would allow preference for utility affiliates. Ultimately, because the UDCs will be regulated by the Commission, the Commission would have to approve pass-through of any contract costs to Standard Offer Service customers.

- k. What are the criteria and process for determining which offer(s) in response to competitive solicitations should be selected by a utility?**

Through Track B, the utilities and other interested parties will develop objective criteria for scoring bids and negotiating contracts. These criteria must include all price and non-price terms of the bids that affect ratepayers, including, but not limited to, capacity and energy prices, risk protection, reliability guarantees, contract terms, operating characteristics, enforceability provisions, fuel availability, transmission access, and creditworthiness. The scoring of bids should not include truly subjective criteria, such as alleged "unit commitment" to Arizona, on behalf of the affiliates of the UDCs. The bids should be scored by an independent third-party evaluator, who will present a short list of winners to the UDC, who will then negotiate the contracts with the winning bidders.

l. What mechanism will be in place for dispute resolutions related to competitive solicitations?

The competitive solicitation process should be administered by an independent evaluator, who should be the first recourse for aggrieved parties to appeal. In addition, Commission Staff should be available to mediate disputes, with the opportunity provided ultimately to petition the Commission for relief. If the process is fairly administered by a neutral third-party, such disputes should be minimized.

m. What protections will be in place to maintain the confidentiality of utility and participant information?

All parties participating in the competitive solicitation should sign a standard confidentiality agreement, which would limit access to confidential information to utility personnel (not the utility's affiliates), the independent evaluator and Commission Staff only. These agreements are standard procedure in utility procurement processes nationwide, and should be non-controversial.

n. In the event that a supplier of power defaults on the obligation to provide the power, how will replacement energy be obtained?

Replacement power would be obtained pursuant to the power supply agreement between the utility and the winning bidder. Replacement power provisions and the enforceability of such provisions should be one of the non-price terms scored in the solicitation process.

o. How should the competitive solicitation process factor alternative delivery and transmission points?

As discussed above, the scoring of bids should account for transmission access, including an assessment of transmission constraints and delivery via alternative transmission paths. All other things being equal, a bid that includes multiple delivery points or delivery over unconstrained transmission paths should be scored higher than a similar bid subject to transmission constraints and without transmission alternatives.

- p. Will the competitive solicitation process utilize the "Western Systems Power Pool umbrella agreement" or similar agreements?**

Panda generally supports the use of standard contracts where feasible, required for reliability purposes, and where agreed to by the parties, in order to expedite delivery under the initial agreements. The WSPP umbrella agreement is one such standard contract, and should be discussed by the parties along with other standard contracts.

- q. What are the appropriate contract duration periods?**

As testified to by Panda witness Dr. Roach in the Track A hearing, an optimal portfolio would include a mix of contracts with 5, 10 and 15-year terms. It may be appropriate to include some shorter contracts in the initial solicitation to allow additional generators to come on-line, but most contracts should remain long-term.

- r. What are the appropriate delivery dates?**

As with contract terms, delivery dates should be staggered to accommodate generators who are not yet on-line in January 2003. The initial contracts should commence no later than summer 2003.

- s. Will demand-side management options be allowed to compete?**

Demand-side options, which target reduced demand rather than increased supply, should be considered in developing the UDCs' requirements. It is unclear, how a demand-side option could "compete" in an RFP or auction process. Conceptually, demand side options, if sufficiently certain, could be used to meet peaking capacity requirements. As noted above, the available demand side options can be most readily determined through the competitive solicitation process. Demand side options also could be considered as a possibility for meeting the non-competitively bid portion of the competitive procurement process so long as the arrangements are sufficiently transparent to allow oversight.

- t. Will the costs for local transmission upgrades for proposed projects be directly assigned to each bid or included as general transmission costs?**

Transmission upgrades and cost responsibility will continue to be governed by the utilities' open access transmission tariffs ("OATT") and FERC pricing policy. If direct assignment of upgrade costs is appropriate under FERC policy, such costs should be included in the bid price. If, on the other hand, the cost of the transmission upgrade should be rolled-in to the transmission provider's cost of service, the bid should not include the costs of the upgrade, even in an imputed amount. This is an area where vertical market power and affiliate abuse issues must be closely monitored to ensure that cost responsibility for transmission upgrades is consistently treated and that affiliate generating facilities are not unfairly advantaged.

u. Will there be a price ceiling for bids?

No. However, as is common practice, the solicitation will allow for the rejection of all submitted bids. If only extreme prices are offered, all bids should be rejected. It is unlikely that this will occur given that Arizona will be a buyer's market; projections for capacity in Arizona are expected to exceed peak load in the future.

v. Will there be a maximum limit on the number of MW bid by an entity?

No. If the bidding process is objective and fairly administered by a neutral third-party (rather than by the UDC itself), there should be no need for bid caps. A fair process should, judging by recent solicitations in other states, result in far more MW bid than required, which will prevent above-market prices. If the Commission has evidence that bidders are colluding to increase bid prices, it, and possibly other state and federal agencies may take action under existing laws and regulations. The competitive market itself will act as a check on any exercises of market power and market manipulation.

w. How will the competitive solicitation process be evaluated for future improvements?

The competitive solicitation process will be ongoing, as the UDCs will assemble a portfolio of contracts of varying delivery dates and terms. Staff and the independent evaluator should remain involved, monitoring the process for signs that additional modifications are necessary. Furthermore, because the Commission will continue to regulate the UDCs, aggrieved parties may petition the Commission for changes to the rules or processes. Most importantly, all parties should see what works (i.e., what gets the best deal for consumers and request to make changes to the process to better serve this overarching goal in the future).

- x. **Will the utilization of this process(es) develop an optimal portfolio resulting in the best price.**

Yes. As Panda witness Dr. Roach testified, the competitive market will result in the best combination of price and non-price terms and conditions, enforceability and risk management provisions. The competitive solicitation will act as a test for affiliate contracts, to ensure that the utilities and their affiliates do not harm ratepayers through sweetheart, self-dealing, above-market deals.

2. **What types of products will be subject to competitive solicitation?**

The focus should be on asset-backed offers to sell under longer-term contracts to provide firm capacity and energy, plus reserves. A portfolio of assets may be used and the form of the offer should allow for risk mitigation products such as call options.

- a. **Will the competitive solicitation process include financial and physical options?**

Again, the preference is for asset-backed (i.e. physical) offers to sell firm capacity and energy, plus reserves. The full range of options should be considered to the extent they meet this standard. While markets involving such products may develop over time in Arizona and the broader WestConnect area, the initial solicitation should not include such options.

- b. **Will the competitive solicitation percentage include standard block purchases through a broker or power pool?**

No. We see these as issues for the short-term market to be developed at a later date.

- c. **How will power produced by "must-run" generators be considered in the competitive solicitation process?**

We presume this is asked in the context of a load pocket. For any power plant that may be called to serve a load pocket, the bid must include (a) the stated right of the UDC to call on that unit for such service and (b) the compensation for that right. As with all bids, the best offer will be accepted; with staggered on-line dates for the contracts, sufficient terms will be given for new plants to be built in load pockets, if appropriate.

- d. **Should the competitive solicitation percentage consist of block energy purchases, purchases shaped like the utility's load, or a combination thereof?**

Panda prefers that asset-backed offers include the right to full or partial dispatchability so the UDC may shape purchases to load in real-time.

- e. **What are the characteristics of the power to be bid (peak/off-peak, energy/capacity, etc.)?**

Firm capacity and energy will be solicited to assure reliable service to the UDCs' Standard Offers customers. It is expected that the capacity will be fully or partially dispatchable and, therefore, the offered energy price will dictate whether the plant is run in all-hours or only at-peak. Bidders should be free to offer peak-only power, or to limit their offers in other ways.

3. **What transmission constraints have been identified or anticipated by the utilities that will affect delivery of competitively procured power?**

Staff has identified a number of existing or potential transmission constraints that could affect delivery of power by any seller into identified load pockets. Panda witness Dr. Roach discussed delivery of power into the "Valley constrained area" in his testimony in Track A.

- a. **To what extent would transmission constraints affect delivery of competitively procured power?**

Most parties, including Panda, recognize that some degree of load pocket conditions exist during limited periods of the year. Therefore, transmission constraints and alternative delivery paths should be one factor considered by the independent evaluator. However, the presence of constraints in the near-term should not, standing alone, disqualify a given bid. Consideration should be given to a bidder who has secured the necessary transmission rights to ensure firm delivery of its power and to bidders that have available to it alternative paths for delivery.

- b. **How and when could the constraints be resolved?**

Constraints will be addressed in large part by designating winning generators as "Network Resources" under the transmission provider's transmission tariff. These resources could then displace existing network resources, even if no transmission capacity appears to be available. APS Witness Cary Deise testified in the Track A proceeding that there would not be upgrades necessary under such circumstances. Any generators upgrades that are necessary for interconnection would be undertaken pursuant to the final order issued in the FERC Interconnection NOPR. Remaining constraints will be addressed through existing planning and upgrade mechanisms, first by the utilities and later by an operational RTO.

Generators who otherwise face constrained transmission paths may be willing to help fund the necessary upgrades. This competitive solicitation process should not be limited to generators. Merchant transmission projects should also be allowed to bid-in to alleviate identified constraints. The Commission should, however, continue to study transmission constraints on the state's system, and require transmission providers to construct needed improvements to the transmission system. (Panda acknowledges that it is not likely to be cost-effective to remove all such constraints).

c. How will constraints be reflected in bid evaluation?

As discussed above, constraints should be one factor considered by the independent third-party evaluator, but not necessarily the most important one, as methods exist for managing congestion, and future RTO(s) will offer additional congestion management options, such as freely tradable transmission rights.

4. What issues will affect the participants to the competitive solicitation process?

Competitive sellers will only participate, and the competitive solicitation will only succeed, if the process is developed by all interested stakeholders and implemented through an impartial, transparent process supervised by an independent third party evaluator. Thus, all "issues" affecting participants come down to whether all participants can participate in developing the solicitation, whether all bidders are treated equally in submitting and evaluating bids, and whether the process is managed by an independent party to ensure no participant is favored over any other.

a. How will potential suppliers become qualified participants in the competitive solicitation process?

The competitive solicitation process should include pre-bid meetings between potential bidders and the UDCs, and transparent and objective creditworthiness standards. A pre-qualification process is not needed, the bid evaluation itself will weed out unqualified bidders.

b. Will potential suppliers be required to obtain authorization from the Commission?

No, formal Commission approval is not necessary. Again, the bid evaluation itself will weed out unqualified bidders.

c. Will potential suppliers be required to submit proposal fees or bonds?

Panda anticipates that bidders will pay reasonable proposal fees, and that the creditworthiness standards may require bonds in certain circumstances.

d. How will utility affiliates be treated in the competitive solicitation process?

Utility affiliates should be treated like any other bidder in the solicitation process. The Commission should enforce the strict functional separation between UDC personnel and affiliate personnel using the Codes of Conduct approved in Track A. In addition, the independent third-party evaluator should have primary responsibility for issuing, administering and scoring the solicitation, to prevent any potential affiliate abuse. For the non-bid (but competitively procured) Standard Offer Service requirements, utility affiliates should only be permitted to participate if the utility and the affiliate prove that arms-length negotiations are possible and have occurred. The testimony in the Track A hearing of APS witness Jack Davis clearly indicates that it is unlikely arms-length negotiations can occur between APS and its affiliates. It is critical that the Commission enforce strict functional separation to prevent affiliate abuse. The Commission should not permit utilities and their affiliates to negotiate "non-arms length", sweetheart, above-market, self-dealing contracts like the proposed APS/PWCC PPA.

e. How will utility-owned generating units be treated in the competitive solicitation process?

If the competitive solicitation process is properly designed and fairly administered, it will mitigate market power concerns and allow utilities to transfer their generation assets to one or more affiliates. Consequently, there will be no utility-owned units. As already noted, affiliate-owned units should be treated the same as any other generator in the bid process.

f. Will the Commission keep a list of qualified suppliers?

As discussed above, prior Commission approval of suppliers is unnecessary. Therefore, keeping a list of approved suppliers is likewise unnecessary. The Commission could, however, keep a list of disqualified suppliers if the Commission finds, after notice and an opportunity to be heard, that the supplier intentionally violated the Commission's bidding rules.

5. How will the cost of procured power be recovered by the utility?

Costs of prudent competitive purchases will be passed through to Standard Offer Service customers under rates approved by the Commission. This rate could include a purchase power or fuel adjustment clause, although certain forms of competitive contracts (i.e. with fixed or fixed formula rates) will make automatic adjustment clauses less necessary.

a. What will be the scope, terms, and effect of a utility's purchase power adjustment clause?

The prudence of purchases will be established through competitive procurement. In this sense, purchase costs can be expected to be passed-through the fuel adjustment clause routinely. However, the UDC's prudence in administering its portfolio of contracts should be subject to periodic audit and review (e.g. if the UDC is economically dispatching the resources).

6. If a competitive bid process is adopted, will least-cost planning be used for the evaluation of all competitive bids?

The competitive bid process will result in contracts that provide the greatest benefit at the least cost. In this sense, the results may approximate the results from traditional "least cost planning," although the methodology will be different.

a. If not, how will the bids be evaluated?

Bids will be evaluated with the goal of getting the best deal for ratepayers in terms of low price, low risk, and high reliability. In this sense, the bid process is "least cost-planning." However, instead of comparing hypothetical alternatives, the RFP will assess real-world alternatives backed by businesses' commitments.

b. Will a least-cost planning framework be used to evaluate the benefits of more transmission given the location of existing and planned generating units?

Yes. The bid process will consider fully the transmission costs of new and planned generation.

7. How will the potential for the exercise of market power be assessed for competitive bids, in order to determine whether or not the bids are reasonably competitive?

As Panda witness Dr. Roach testified in Track A, the competitive bid process will itself mitigate market power. The UDC will retain the right to reject any and all

bids, which will eliminate the ability of sellers to exercise market power by submitting above-market bids.

a. If there are not enough competitive bids, will there be a re-bid?

Yes. The right to reject all bids is maintained. However, recent experience in the states of Colorado, Virginia and New Jersey demonstrates that it is far more likely that a UDC will receive more MW bid than needed, rather than vice-versa. Therefore, Panda does not believe that a re-bid will be either necessary or appropriate. If the independent third-party evaluator determines that one or more parties acted in "bad faith", then Panda does agree that a re-bid would be appropriate if approved by the Commission. The avowed interest of multiple generators and the presence of affiliate-owned generation make it highly unlikely that a re-bid will be required due to an insufficient number of bids.

b. Will the utilities be obligated to calculate a price baseline derived from a least-cost plan consisting of self-built generation at regulated prices in order to determine if the "competitive" bids are likely to save ratepayers money?

No. The bid (or bids) from affiliates is the self-build option. That is, there is no need to calculate a hypothetical baseline price. The UDC's affiliate can submit a bid, which is the self-build option; and if it wins, the UDC's affiliate will be held to its bid, like any other non-affiliated generator. As discussed above, a proper competitive solicitation mitigates market power and permits the functional separation of generation and UDC functions. Competitive solicitation will result in lower prices, less risk and better non-price terms than traditional cost-plus regulation, and studies to describe a self-build "backstop" would be an unnecessary waste of resources.

ORIGINAL +10 copies of the foregoing filed this
15th day of July, 2002, with:

Docket Control
ARIZONA CORPORATION COMMISSION
1200 West Washington
Phoenix, Arizona

COPY hand delivered this day to:

CHAIRMAN WILLIAM MUNDELL
Arizona Corporation Commission
1200 W. Washington St.
Phoenix, AZ 85007

COMMISSIONER JIM IRVIN
Arizona Corporation Commission
1200 W. Washington St.
Phoenix, AZ 85007

COMMISSIONER MARC SPITZER
Arizona Corporation Commission
1200 W. Washington St.
Phoenix, AZ 85007

HERCULES DELLAS, AIDE TO CHAIRMAN
MUNDELL
Arizona Corporation Commission
1200 W. Washington St.
Phoenix, AZ 85007

KEVIN BARLAY, AIDE TO
COMMISSIONER IRVIN
Arizona Corporation Commission
1200 W. Washington St.
Phoenix, AZ 85007

PAUL WALKER, AIDE TO COMMISSIONER
SPITZER
Arizona Corporation Commission
1200 W. Washington St.
Phoenix, AZ 85007

Lyn Farmer
Chief Administrative Law Judge
ARIZONA CORPORATION COMMISSION
1200 W. Washington Street
Phoenix, Arizona 85007

Christopher Kempley, Chief Counsel
ARIZONA CORPORATION COMMISSION
1200 W. Washington Street
Phoenix, Arizona 85007

1285855.3/73262.005

Ernest G. Johnson, Utilities Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

**COPY MAILED/E-MAILED* this 15th day
of July, 2002, to:**

Lindy Funkhouser
Scott S. Wakefield
RUCO
2828 N Central Ave, Suite 1200
Phoenix, Arizona 85004

*Michael A. Curtis
*William P. Sullivan
*Paul R. Michaud
MARTINEZ & CURTIS, P.C.
2712 North 7th Street
Phoenix, Arizona 85006
Attorneys for Arizona Municipal Power Users
Association, Mohave Electric Cooperative, Inc.,
Navapache Electric Cooperative, Inc., & Primesouth,
Inc.

mcurtis401@aol.com
wsullivan@martinezcurtis.com
pmichaud@martinezcurtis.com

Walter W. Meek, President
ARIZONA UTILITY INVESTORS ASSOCIATION
2100 N. Central Avenue, Suite 210
Phoenix, Arizona 85004

Rick Gilliam
Eric C. Guidry
LAND AND WATER FUND OF THE ROCKIES
ENERGY PROJECT
2260 Baseline Road, Suite 200
Boulder, Colorado 80302

Terry Frothun
ARIZONA STATE AFL-CIO
5818 N. 7th Street, Suite 200
Phoenix, Arizona 85014-5811

Norman J. Furuta
DEPARTMENT OF THE NAVY
900 Commodore Drive, Building 107
San Bruno, California 94066-5006

Barbara S. Bush
COALITION FOR RESPONSIBLE ENERGY
EDUCATION

315 West Riviera Drive
Tempe, Arizona 85252

Sam Defraw (Attn. Code 001)
Rate Intervention Division
NAVAL FACILITIES ENGINEERING
COMMAND
Building 212, 4th Floor
901 M Street, SE
Washington, DC 20374-5018

Rick Lavis
ARIZONA COTTON GROWERS ASSOCIATION
4139 East Broadway Road
Phoenix, Arizona 85040

Steve Brittle
DON'T WASTE ARIZONA, INC.
6205 South 12th Street
Phoenix, Arizona 85040

COLUMBUS ELECTRIC COOPERATIVE, INC.
P.O. Box 631
Deming, New Mexico 88031

CONTINENTAL DIVIDE ELECTRIC
COOPERATIVE
P.O. Box 1087
Grants, New Mexico 87020

DIXIE ESCALANTE RURAL ELECTRIC
ASSOCIATION
CR Box 95
Beryl, Utah 84714

GARKANE POWER ASSOCIATION, INC.
P.O. Box 790
Richfield, Utah 84701

ARIZONA DEPT OF COMMERCE
ENERGY OFFICE
3800 North Central Avenue, 12th Floor
Phoenix, Arizona 85012

ARIZONA COMMUNITY ACTION ASSOC.
2627 N. 3rd Street, Suite 2
Phoenix, Arizona 85004

TUCSON ELECTRIC POWER CO.
Legal Dept - DB203
220 W 6th Street
P.O. Box 711
Tucson, Arizona 85702-0711

A.B. Baardson
NORDIC POWER
6463 N. Desert Breeze Ct.
Tucson, Arizona 85750-0846

Jessica Youle
PAB300
SALT RIVER PROJECT
P.O. Box 52025
Phoenix, Arizona 85072-2025

Joe Eichelberger
MAGMA COPPER COMPANY
P.O. Box 37
Superior, Arizona 85273

Craig Marks
CITIZENS UTILITIES COMPANY
2901 N. Central Avenue, Suite 1660
Phoenix, Arizona 85012-2736

Barry Huddleston
DESTEC ENERGY
P.O. Box 4411
Houston, Texas 77210-4411

Steve Montgomery
JOHNSON CONTROLS
2032 West 4th Street
Tempe, Arizona 85281

Peter Glaser
Shook, Hardy & Bacon, L.L.P.
600 14th Street, N.W., Suite 800
Washington, D.C. 20006-2004

Clara Peterson
AARP
HC 31, Box 977
Happy Jack, Arizona 86024

Larry McGraw
USDA-RUS
6266 Weeping Willow
Rio Rancho, New Mexico 87124

Jim Driscoll
ARIZONA CITIZEN ACTION
5160 E. Bellevue Street, Apt. 101
Tucson, AZ 85712-4828

William Baker
ELECTRICAL DISTRICT NO. 6
7310 N. 16th Street, Suite 320

Phoenix, Arizona 85020

Robert Julian
PPG
1500 Merrell Lane
Belgrade, Montana 59714

Robert S. Lynch
340 E. Palm Lane, Suite 140
Phoenix, Arizona 85004-4529
Attorney for Arizona Transmission Dependent
Utility Group

K.R. Saline
K.R. SALINE & ASSOCIATES
Consulting Engineers
160 N. Pasadena, Suite 101
Mesa, Arizona 85201-6764

Carl Robert Aron
Executive Vice President and COO
ITRON, INC.
2818 N. Sullivan Road
Spokane, Washington 99216

Douglas Nelson
DOUGLAS C. NELSON PC
7000 N. 16th Street, Suite 120-307
Phoenix, Arizona 85020-5547
Attorney for Calpine Power Services

*Lawrence V. Robertson Jr.
MUNGER CHADWICK, PLC
333 North Wilmot, Suite 300
Tucson, Arizona 85711-2634
Attorney for Southwestern Power Group, II, LLC;
Bowie Power Station, LLC; Toltec Power Station,
LLC; and Sempra Energy Resources
Lvrobertson@mungerchadwick.com

*Tom Wran
Southwestern Power Group II
Twran@southwesternpower.com

*Theodore E. Roberts
SEMPRA ENERGY RESOURCES
101 Ash Street, HQ 12-B
San Diego, California 92101-3017
Troberts@sempra.com

Albert Sterman
ARIZONA CONSUMERS COUNCIL
2849 East 8th Street
Tucson, Arizona 85716

1285855.3/73262.005

*Michael Grant
GALLAGHER & KENNEDY
2575 East Camelback Road
Phoenix, Arizona 85016-9225
Attorneys for AEPSCO, Graham County Electric
Cooperative, and Duncan Valley Electric
Cooperative.
Mmg@gknet.com

Vinnie Hunt
CITY OF TUCSON
Department of Operations
4004 S. Park Avenue, Building #2
Tucson, Arizona 85714

Ryle J. Carl III
INTERNATION BROTHERHOOD OF
ELECTRICAL WORKERS, L.U. #1116
750 S. Tucson Blvd.
Tucson, Arizona 85716-5698

Carl Dabelstein
CITIZENS COMMUNICATIONS
2901 N. Central Ave., Suite 1660
Phoenix, Arizona 85012

Roderick G. McDougall, City Attorney
CITY OF PHOENIX
Attn: Jesse Sears, Assistant Chief Counsel
200 W Washington Street, Suite 1300
Phoenix, Arizona 85003-1611

*William J. Murphy
CITY OF PHOENIX
200 West Washington Street, Suite 1400
Phoenix, Arizona 85003-1611
Bill.murphy@phoenix.gov

*Russell E. Jones
WATERFALL ECONOMIDIS CALDWELL
HANSHAW & VILLAMANA, P.C.
5210 E. Williams Circle, Suite 800
Tucson, Arizona 85711
Attorneys for Trico Electric Cooperative, Inc.
Rjones@wechv.com

*Christopher Hitchcock
HITCHCOCK & HICKS
P.O. Box 87
Bisbee, Arizona 85603-0087
Attorney for Sulphur Springs Valley
Electric Cooperative, Inc.

Lawyers@bisbeelaw.com

Andrew Bettwy
Debra Jacobson
SOUTHWEST GAS CORPORATION
5241 Spring Mountain Road
Las Vegas, Nevada 89150-0001

Barbara R. Goldberg
OFFICE OF THE CITY ATTORNEY
3939 Civic Center Blvd.
Scottsdale, Arizona 85251

Bradford A. Borman
PACIFICORP
201 S. Main, Suite 2000
Salt Lake City, Utah 84140

Timothy M. Hogan
ARIZONA CENTER FOR LAW
IN THE PUBLIC INTEREST
202 E. McDowell Rd., Suite 153
Phoenix, Arizona 85004

Marcia Weeks
18970 N. 116th Lane
Surprise, Arizona 85374

John T. Travers
William H. Nau
272 Market Square, Suite 2724
Lake Forest, Illinois 60045

Timothy Michael Toy
WINTHROP, STIMSON, PUTNAM & ROBERTS
One Battery Park Plaza
New York, New York 10004-1490

*Raymond S. Heyman
Michael W. Patten
ROSHKA HEYMAN & DEWULF, PLC
400 E. Van Buren, Suite 800
Phoenix, Arizona 85004
Attorneys for Tucson Electric Power Co.
Rheyman@rhd-law.com

Billie Dean
AVIDD
P O Box 97
Marana, Arizona 85652-0987
Raymond B. Wuslich
WINSTON & STRAWN
1400 L Street, NW
Washington, DC 20005

1285855.3/73262.005

Steven C. Gross
PORTER SIMON
40200 Truckee Airport Road
Truckee, California 96161-3307
Attorneys for M-S-R Public Power Agency

Donald R. Allen
John P. Coyle
DUNCAN & ALLEN
1575 Eye Street, N.W., Suite 300
Washington, DC 20005

Ward Camp
PHASER ADVANCED METERING SERVICES
400 Gold SW, Suite 1200
Albuquerque, New Mexico 87102

Theresa Drake
IDAHO POWER COMPANY
P.O. Box 70
Boise, Idaho 83707

Libby Brydolf
CALIFORNIA ENERGY MARKETS
NEWSLETTER
2419 Bancroft Street
San Diego, California 92104

Paul W. Taylor
R W BECK
14635 N. Kierland Blvd., Suite 130
Scottsdale, AZ 85254-2769

James P. Barlett
5333 N. 7th Street, Suite B-215
Phoenix, Arizona 85014
Attorney for Arizona Power Authority

*Jay I. Moyes
MOYES STOREY
3003 N. Central Ave., Suite 1250
Phoenix, Arizona 85012
Attorneys for PPL Southwest Generation Holdings,
LLC; PPL EnergyPlus, LLC and PPL Sundance
Energy, LLC
Jimoyes@lawms.com

Stephen L. Teichler
Stephanie A. Conaghan
DUANE MORRIS & HECKSCHER, LLP
1667 K Street NW, Suite 700
Washington, DC 20006

Kathy T. Puckett
SHELL OIL COMPANY
200 N. Dairy Ashford
Houston, Texas 77079

Andrew N. Chau
SHELL ENERGY SERVICES CO., LLC
1221 Lamar, Suite 1000
Houston, Texas 77010

Peter Q. Nyce, Jr.
DEPARTMENT OF THE ARMY
JALS-RS Suite 713
901 N. Stuart Street
Arlington, Virginia 22203-1837

Michelle Ahlmer
ARIZONA RETAILERS ASSOCIATION
224 W. 2nd Street
Mesa, Arizona 85201-6504

Dan Neidlinger
NEIDLINGER & ASSOCIATES
3020 N. 17th Drive
Phoenix, Arizona 85015

Chuck Garcia
PNM, Law Department
Alvarado Square, MS 0806
Albuquerque, New Mexico 87158

Sanford J. Asman
570 Vinington Court
Dunwoody, Georgia 30350-5710
*Patricia Cooper
AEPSCO/SSWEPSCO
P.O. Box 670
Benson, Arizona 85602
Pcooper@aeenet.org

Steve Segal
LEBOEUF, LAMB, GREENE, & MACRAE
633 17th Street, Suite 2000
Denver, Colorado 80202-3620

Holly E. Chastain
SCHLUMBERGER RESOURCE
MANAGEMENT SERVICES, INC.
5430 Metric Place
Norcross, Georgia 30092-2550

Leslie Lawner
ENRON CORP
712 North Lea

1285855.3/73262.005

Roswell, New Mexico 88201

Alan Watts
Southern California Public Power Agency
529 Hilda Court
Anaheim, California 92806

Frederick M. Bloom
Commonwealth Energy Corporation
15991 Red Hill Avenue, Suite 201
Tustin, California 92780

Margaret McConnell
Maricopa Community Colleges
2411 W. 14th Street
Tempe, Arizona 85281-6942

Brian Soth
FIRSTPOINT SERVICES, INC.
1001 S.W. 5th Ave, Suite 500
Portland, Oregon 97204

Jay Kaprosy
PHOENIX CHAMBER OF COMMERCE
201 N. Central Ave., 27th Floor
Phoenix, Arizona 85073

Kevin McSpadden
MILBANK, TWEED, HADLEY AND
MCCLOY, LLP
601 S. Figueroa, 30th Floor
Los Angeles, California 90017

M.C. Arendes, Jr.
C3 COMMUNICATIONS, INC.
2600 Via Fortuna, Suite 500
Austin, Texas 78746

*Patrick J. Sanderson
ARIZONA INDEPENDENT SCHEDULING
ADMINISTRATOR ASSOCIATION
P.O. Box 6277
Phoenix, Arizona 85005-6277
Psanderson@az-isa.org

*Roger K. Ferland
QUARLES & BRADY STREICH LANG, L.L.P.
Renaissance One
Two North Central Avenue
Phoenix, Arizona 85004-2391
Rferland@quarles.com

Charles T. Stevens
ARIZONANS FOR ELECTRIC CHOICE &

COMPETITION
245 W. Roosevelt
Phoenix, Arizona 85003

Mark Sirois
ARIZONA COMMUNITY ACTION ASSOC.
2627 N. Third Street, Suite 2
Phoenix, Arizona 85004

*Jeffrey Guldner
Jeff Guldner, Esq.
SNELL & WILMER
400 E. Van Buren,
One Arizona Center
Phoenix, Arizona 85004-0001
jguldner@swlaw.com

Steven J. Duffy
RIDGE & ISAACSON PC
3101 N. Central Avenue, Suite 740
Phoenix, Arizona 85012

*Greg Patterson
5432 E. Avalon
Phoenix, Arizona 85018
Gpatterson@aol.com

*John Wallace
Grand Canyon State Electric Co-op
120 N. 44th Street, Suite 100
Phoenix, Arizona 85034-1822
jwallace@gcseca.org

Steven Lavigne
DUKE ENERGY
4 Triad Center, Suite 1000
Salt Lake City, Utah 84180

Dennis L. Delaney
K.R. SALINE & ASSOC.
160 N. Pasadena, Suite 101
Mesa, Arizona 85201-6764

Kevin C. Higgins
ENERGY STRATEGIES, LLC
30 Market Street, Suite 200
Salt Lake City, Utah 84101

*Michael L. Kurtz
BORHM KURTZ & LOWRY
36 E. Seventh Street, Suite 2110
Cincinnati, Ohio 45202
Mkurtzlaw@aol.com

David Berry
P.O. Box 1064
Scottsdale, Arizona 85252

*William P. Inman
Dept. of Revenue
1600 W. Monroe, Room 911
Phoenix, Arizona 85007
InmanW@revenue.state.az.us

*Robert Baltes
ARIZONA COGENERATION ASSOC.
7250 N. 16th Street, Suite 102
Phoenix, Arizona 85020-5270
Rbaltes@bvaeng.com

*Jana Van Ness
APS
Mail Station 9905
P.O. Box 53999
Phoenix, Arizona 85072-3999
Jana.vanness@aps.com

David Couture
TEP
4350 E. Irvington Road
Tucson, Arizona 85714

*Kelly Barr
Jana Brandt
SRP
Mail Station PAB211
P.O. Box 52025
Phoenix, Arizona 85072-2025
Kjbarr@srpnet.com
Jkbrandt@srpnet.com

Randall H. Warner
JONES SKELTON & HOCHULI PLC
2901 N. Central Avenue, Suite 800
Phoenix, Arizona 85012

John A. LaSota, Jr.
MILLER LASOTA & PETERS, PLC
5225 N. Central Ave., Suite 235
Phoenix, Arizona 85012

Peter W. Frost
Conoco Gas and Power Marketing
600 N. Dairy Ashford, CH-1068
Houston, Texas 77079

Joan Walker-Ratliff
Conoco Gas and Power Marketing

1000 S. Pine, 125-4 ST UPO
Penca City, Oklahoma 74602

*Vicki G. Sandler
C/o Linda Spell
APS Energy Services
P.O. Box 53901
Mail Station 8103
Phoenix, Arizona 85072-3901
Linda_spell@apses.com

*Lori Glover
STIRLING ENERGY SYSTEMS
2920 E. Camelback Rd., Suite 150
Phoenix, Arizona 85016
Lglover@stirlingenergy.com

*Jeff Schlegel
SWEEP
1167 Samalayuca Drive
Tucson, Arizona 85704-3224
Schlegelj@aol.com

*Howard Geller
SWEEP
2260 Baseline Rd., Suite 200
Boulder, Colorado 80302
Hgeller@swenergy.org

*Mary-Ellen Kane
ACAA
2627 N. 3rd Street, Suite Two
Phoenix, Arizona 85004
Mkane@azcaa.org

*Aaron Thomas
AES NewEnergy
350 S. Grand Avenue, Suite 2950
Los Angeles, California 90071
Aaron.thomas@aes.com

*Theresa Mead
AES NewEnergy
P.O. Box 65447
Tucson, Arizona 85728
Theresa.mead@aes.com

*Peter Van Haren
CITY OF PHOENIX
Attn: Jesse W. Sears
200 W. Washington Street, Suite 1300
Phoenix, Arizona 85003-1611
Jesse.sears@phoenix.gov

*Robert Annan
ARIZONA CLEAN ENERGY INDUSTRIES
ALLIANCE
6605 E. Evening Glow Drive
Scottsdale, Arizona 85262
Annan@primenet.com

Curtis L. Kebler
RELIANT RESOURCES, INC.
8996 Etiwanda Avenue
Rancho Cucamonga, California 91739

*Philip Key
RENEWABLE ENERGY LEADERSHIP GROUP
10631 E. Autumn Sage Drive
Scottsdale, Arizona 85259
Keytaic@aol.com

*Paul Bullis
OFFICE OF THE ATTORNEY GENERAL
1275 W. Washington Street
Phoenix, Arizona 85007
Paul.bullis@ag.state.az.us

*Laurie Woodall
OFFICE OF THE ATTORNEY GENERAL
15 S. 15th Avenue
Phoenix, Arizona 85007
Laurie.woodall@ag.state.az.us

*Donna M. Bronski
CITY OF SCOTTSDALE
3939 N. Drinkwater Blvd
Scottsdale, Arizona 85251
Dbronski@ci.scottsdale.az.us

*Larry F. Eisenstat
Frederick D. Ochsenhirt
DICKSTEIN SHAPIRO MORIN & OSHINSKY
LLP
2101 L Street, NW
Washington, DC 20037
Eisenstatl@dsmo.com
Ochsenhirfff@dsmo.com

*David A. Crabtree
Dierdre A. Brown
TECO POWER SERVICES CORP.
P.O. Box 111
Tampa, Florida 33602
Dacrabtree@tecoenergy.com
Dabrown@tecoenergy.com

*Michael A. Trentel

Patrick W. Burnett
PANDA ENERGY INTERNATIONAL INC
4100 Spring Valley, Suite 1010
Dallas, Texas 75244
Michaelt@pandaenergy.com
Patb@pandaenergy.com

ARIZONA REPORTING SERVICE, INC.
2627 N. Third Street, Suite Three
Phoenix, Arizona 85004-1104