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BEFORE THE ARIZONA CORPORATION COMMISSION

MARC SPITZER, Chairman
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Arizona Corporation Commission
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CORP. COMMISSION
DOCUMENT CONTROL

IN THE MATTER OF THE GENERIC
PROCEEDING CONCERNING ELECTRIC
RESTRUCTURING ISSUES.

DOCKETED BY

DOCKET NO. E-00000A-02-0051

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

DOCKET NO. E-01345A-01-0822

IN THE MATTER OF THE GENERIC
PROCEEDING CONCERNING THE ARIZONA
INDEPENDENT SCHEDULING
ADMINISTRATOR.

DOCKET NO. E-00000A-01-0630

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

IN THE MATTER OF THE APPLICATION OF
TUCSON ELECTRIC POWER COMPANY FOR
APPROVAL OF ITS STRANDED COST
RECOVERY.

DOCKET NO. E-01933A-98-0471

AISA HEARING
PROCEDURAL ORDER

BY THE COMMISSION:

On March 14, 2003, the Commission issued Decision No. 65743 in these consolidated dockets. Decision No. 65743 directed the Commission's Utilities Division Staff ("Staff") to file an update to its November 2001 Staff Report in the Arizona Independent Scheduling Administrator ("AISA") Docket No. E-00000A-01-0630, and directed the Commission's Hearing Division to notice a proceeding in compliance with A.R.S. § 40-252 with notice and an opportunity to be heard to the affected parties concerning the continuation of the AISA.

Staff filed a Staff Report in the AISA docket on May 30, 2003 that included four options for

1 Commission consideration regarding the AISA, and a recommendation that consideration of the
2 AISA be combined with a rulemaking to review the Commission's Retail Electric Competition Rules.

3 Pursuant to Decision No. 65743, the Commission now issues this Procedural Order to govern
4 the preparation and conduct of this proceeding.

5 IT IS THEREFORE ORDERED that the parties are hereby put on notice that the Commission
6 may, pursuant to A.R.S. § 40-252, after hearing, enter such orders as may be appropriate relating to
7 electric restructuring. Such orders may include variances from Commission rules or prior
8 Commission Decisions, and/or modifications to prior Commission Decisions pursuant to A.R.S. § 40-
9 252.

10 IT IS FURTHER ORDERED that the hearing in the above-captioned matter shall commence
11 on **September 11, 2003 at 10:00 a.m.**, or as soon thereafter as is practical, at the Commission's
12 offices, 1200 West Washington, Phoenix, Arizona 85007.

13 IT IS FURTHER ORDERED that a pre-hearing conference shall be held on **September 5,**
14 **2003, at 1:30 p.m.** at the Commission's Phoenix offices, for the purpose of scheduling witnesses and
15 the conduct of the hearing.

16 IT IS FURTHER ORDERED that direct testimony and associated exhibits to be presented at
17 hearing on behalf of parties other than Staff shall be reduced to writing and filed on or before **July**
18 **28, 2003.** The direct testimony shall address, in addition to those issues raised in the May 30, 2003
19 Staff Report, all other issues associated with the continuation of the AISA that a party wishes to raise
20 in this proceeding.

21 IT IS FURTHER ORDERED that rebuttal testimony and associated exhibits to be presented
22 at hearing by any party, including Staff, shall be reduced to writing and filed on or before **August 29,**
23 **2003.**

24 IT IS FURTHER ORDERED that any objections to any testimony or exhibits which have
25 been prefiled as of August 29, 2003, shall be made before or at the September 5, 2003 pre-hearing
26 conference.
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1 IT IS FURTHER ORDERED that all testimony filed shall include a table of contents that lists
2 the issues discussed.

3 IT IS FURTHER ORDERED that any substantive corrections, revisions, or supplements to
4 pre-filed testimony shall be reduced to writing and filed no later than five days before the witness is
5 scheduled to testify.

6 IT IS FURTHER ORDERED that the parties shall prepare a brief, written summary of the
7 pre-filed testimony of each of their witnesses and shall file each summary by 1:30 p.m. on
8 **September 9, 2003.**

9 IT IS FURTHER ORDERED that copies of summaries shall be served upon the Presiding
10 Officer, the Commissioners, and the Commissioners' aides, as well as the parties of record.

11 IT IS FURTHER ORDERED that intervention shall be in accordance with A.A.C. R14-3-105,
12 except that all motions to intervene must be filed on or before **July 21, 2003.** Parties who have
13 previously requested and been granted intervention in any of these consolidated proceedings need not
14 request intervention, as they are already parties to this proceeding.

15 IT IS FURTHER ORDERED that discovery shall be as permitted by law and the rules and
16 regulations of the Commission, except that: until August 15, 2003, any objection to discovery
17 requests shall be made within 7 days¹ of receipt and responses to discovery requests shall be made
18 within 10 days of receipt; thereafter, objections to discovery requests shall be made within 5 days and
19 responses shall be made in 7 days;¹ the response time may be extended by mutual agreement of the
20 parties involved if the request requires an extensive compilation effort; and no discovery requests
21 shall be served after September 3, 2003.

22 IT IS FURTHER ORDERED that, in the alternative to filing a written motion to compel
23 discovery, any party seeking discovery may telephonically contact the Commission's Hearing
24 Division to request a date for a procedural hearing to resolve the discovery dispute; that upon such a
25 request, a procedural hearing will be convened as soon as practicable; and that the party making such
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28 ¹ "Days" means calendar days.

1 a request shall forthwith contact all other parties to advise them of the hearing date and shall at the
2 hearing provide a statement confirming that the other parties were contacted.²

3 IT IS FURTHER ORDERED that any responses to motions shall be filed within five days of
4 the filing date of the motion.

5 IT IS FURTHER ORDERED that any replies shall be filed within five days of the filing date
6 of the response.

7 IT IS FURTHER ORDERED that public notice of the hearing in this matter shall be provided
8 in the following form and style:

9 **PUBLIC NOTICE OF HEARING PURSUANT TO A.R.S. § 40-252**
10 **CONCERNING THE CONTINUATION OF**
11 **THE ARIZONA INDEPENDENT SYSTEM ADMINISTRATOR (AISA)**
Docket No. E-00000A-02-0051, E-00000A-01-0630 et al.

12 The Arizona Corporation Commission, in Decision No. 65743 (March 14, 2003)
13 directed that a proceeding be noticed and held in compliance with A.R.S. § 40-252 to
14 allow notice and an opportunity to be heard to affected parties concerning the
15 continuation of the AISA. The Commission may, pursuant to A.R.S. § 40-252, after
16 hearing, enter such orders as may be appropriate relating to electric restructuring.
Such orders may include variances from Commission rules or prior Commission
Decisions, and/or modifications to prior Commission Decisions pursuant to A.R.S. §
40-252. Copies of the report of the Commission's Staff on this matter, as well as the
pre-filed testimony of parties, will be available at the Commission's offices for public
inspection during regular business hours.

17 The Commission will hold a public hearing on this matter beginning **September 11,**
18 **2003 at 10:00 a.m.** at the Commission's offices, 1200 West Washington Street,
Phoenix, Arizona. Public comments will be taken on the first day of the hearing.

19 The law provides for an open public hearing at which, under appropriate
20 circumstances, interested parties may intervene. Intervention shall be permitted to any
21 person entitled by law to intervene and having a direct and substantial interest in the
22 matter. Persons desiring to intervene must file a written motion to intervene with the
Commission no later than **July 21, 2003**. The motion to intervene must be sent to all
parties of record, and shall contain the following:

- 23 1. The name, address, and telephone number of the proposed intervenor
24 and of any party upon whom service of documents is to be made if
different than the intervenor;
- 25 2. A short statement of the proposed intervenor's interest in the
26 proceeding; and

27 _____
28 ² The parties are encouraged to attempt to settle discovery disputes through informal, good-faith negotiations
before seeking Commission resolution of the controversy.

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3. A statement certifying that a copy of the motion to intervene has been mailed to all parties of record in the proceeding.

The granting of intervention, among other things, entitles a party to present sworn evidence at the hearing and to cross-examine other witnesses. However, failure to intervene will not preclude any interested person or entity from appearing at the hearing and providing public comment or from filing written comments in the record of the case. You will not receive any further notice of this proceeding unless you request it.

If you have any questions about this application, or want further information on intervention, you may contact the Consumer Services Section of the Commission at 1200 W. Washington Street, Phoenix, Arizona 85007 or call 1-800-222-7000.

The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request a reasonable accommodation such as a sign language interpreter, as well as request this document in an alternative format, by contacting Shelly Hood, ADA Coordinator, voice phone number 602/542-3931, E-mail shood@cc.state.az.us Requests should be made as early as possible to allow time to arrange the accommodation.

IT IS FURTHER ORDERED that the Affected Utilities as defined in A.A.C. R14-2-1601(1) that own or operate Arizona transmission facilities shall jointly cause a copy of the above-ordered notice to be published in newspapers of statewide circulation no later than **July 7, 2003**, and shall file certification of publication as soon as practicable after publication has been completed.

IT IS FURTHER ORDERED that notice shall be deemed complete upon publication of same, notwithstanding the failure of an individual to read the notice.

IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized Communications) applies to this proceeding and shall remain in effect until the Commission's Decision in this matter is final and non-appealable.

IT IS FURTHER ORDERED that the time periods specified herein shall not be extended pursuant to Rule 6(a) or (e) of the Rules of Civil Procedure.

IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

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1 IT IS FURTHER ORDERED that any party who no longer wishes to receive copies of filings
2 in these dockets shall file a request to be removed from the service list. Removal shall be effective
3 upon the filing of the request.

4 DATED this 18th day of June, 2003.

6
7
8 
TEENA WOLFE
ADMINISTRATIVE LAW JUDGE

9 Copies of the foregoing mailed/delivered
10 this 18th day of June, 2003 to:

11 Scott S. Wakefield
12 RUCO
1110 W. Washington, Suite 220
Phoenix, Arizona 85007

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

13 Michael A. Curtis
14 William P. Sullivan
15 Paul R. Michaud
16 MARTINEZ & CURTIS, P.C.
2712 North 7th Street
Phoenix, Arizona 85006
Attorneys for Arizona Municipal Power Users Association, Mohave
Electric Cooperative, Inc., Navopache Electric Cooperative, Inc.,
Reliant Resources, Inc. & Primesouth, Inc.;
Wellton-Mohawk Generating Facility

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

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

Steve Brittle
DONOT WASTE ARIZONA, INC.
6205 South 12th Street
Phoenix, Arizona 85040

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

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

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

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

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

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

26 Barbara S. Bush
27 COALITION FOR RESPONSIBLE ENERGY EDUCATION
315 West Riviera Drive
Tempe, Arizona 85252

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

1	TUCSON ELECTRIC POWER CO. Legal Dept - DB203 220 W 6 th Street P.O. Box 711 Tucson, Arizona 85702-0711	K.R. Saline K.R. SALINE & ASSOCIATES Consulting Engineers 160 N. Pasadena, Suite 101 Mesa, Arizona 85201-6764
2		
3	A.B. Baardson NORDIC POWER 6464 N. Desert Breeze Ct. Tucson, Arizona 85750-0846	Douglas Nelson DOUGLAS C. NELSON PC 7000 N. 16th Street, Suite 120-307 Phoenix, Arizona 85020-5547 Attorney for Calpine Power Services
4		
5	Jessica Youle PAB300 SALT RIVER PROJECT P.O. Box 52025 Phoenix, Arizona 85072-2025	Lawrence V. Robertson Jr. MUNGER CHADWICK, PLC 333 North Wilmot, Suite 300 Tucson, Arizona 85711-2634 Attorney for PG&E Energy Services Corp
6		
7	Carl Dabelsten CITIZENS UTILITIES COMPANY 2901 N. Central Avenue, Suite 1660 Phoenix, Arizona 85012-2736	Albert Sterman ARIZONA CONSUMERS COUNCIL 2849 East 8th Street Tucson, Arizona 85716
8		
9	Barry Huddleston DESTEC ENERGY P.O. Box 4411 Houston, Texas 77210-4411	Michael Grant GALLAGHER & KENNEDY 2575 East Camelback Road Phoenix, Arizona 85016-9225 Attorneys for AEPSCO, Graham County Electric Cooperative, and Duncan Valley Electric Cooperative.
10		
11	Steve Montgomery JOHNSON CONTROLS 2032 West 4th Street Tempe, Arizona 85281	Vinnie Hunt CITY OF TUCSON Department of Operations 4004 S. Park Avenue, Building #2 Tucson, Arizona 85714
12		
13	Terry Ross CENTER FOR ENERGY AND ECONOMIC DEVELOPMENT P.O. Box 288 Franktown, Colorado 80116-0288	Ryle J. Carl III INTERNATION BROTHERHOOD OF ELECTRICAL WORKERS, L.U. #1116 750 S. Tucson Blvd. Tucson, Arizona 85716-5698
14		
15	Larry McGraw USDA-RUS 6266 Weeping Willow Rio Rancho, New Mexico 87124	Robert J. Metli CHEIFETZ & IANNITELLI, P.A. 3238 N. 16 th Street Phoenix, Arizona 85016 Attorney for Citizens Communications Co.
16		
17	Jim Driscoll ARIZONA CITIZEN ACTION 5160 E. Bellevue Street, Apt. 101 Tucson, AZ 85712-4828	Craig Marks Deborah R. Scott Citizens Communications 2901 North Central Avenue, Ste. 1660 Phoenix, AZ 85012
18		
19	William Baker ELECTRICAL DISTRICT NO. 6 7310 N. 16 th Street, Suite 320 Phoenix, Arizona 85020	William J. Murphy CITY OF PHOENIX 2631 S. 22 nd Avenue Phoenix, Arizona 85009
20		
21	Robert Julian PPG 1500 Merrell Lane Belgrade, Montana 59714	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.
22		
23	C. Webb Crockett Jay L. Shapiro FENNEMORE CRAIG, PC 3003 N. Central Avenue, Suite 2600 Phoenix, Arizona 85012-2913 Attorneys for Panda Gila River, L.P.	Christopher Hitchcock HITCHCOCK & HICKS P.O. Box 87 Bisbee, Arizona 85603-0087 Attorney for Sulphur Springs Valley Electric Cooperative, Inc.
24		
25	Robert S. Lynch 340 E. Palm Lane, Suite 140 Phoenix, Arizona 85004-4529 Attorney for Arizona Transmission Dependent Utility Group	
26		
27		
28		

1	Andrew Bettwy Debra Jacobson SOUTHWEST GAS CORPORATION 5241 Spring Mountain Road Las Vegas, Nevada 89150-0001	Betsy Galtney IDAHO POWER COMPANY P.O. Box 70 Boise, Idaho 83707
2		
3	Barbara R. Goldberg OFFICE OF THE CITY ATTORNEY 3939 Civic Center Blvd. Scottsdale, Arizona 85251	Libby Brydolf CALIFORNIA ENERGY MARKETS NEWSLETTER 2419 Bancroft Street San Diego, California 92104
4		
5	Bradford A. Borman PACIFICORP 201 S. Main, Suite 2000 Salt Lake City, Utah 84140	Paul W. Taylor R W BECK 14635 N. Kierland Blvd., Suite 130 Scottsdale, Arizona 85254-2769
6		
7	Timothy M. Hogan ARIZONA CENTER FOR LAW IN THE PUBLIC INTEREST 202 E. McDowell Rd., Suite 153 Phoenix, Arizona 85004	James P. Barlett 5333 N. 7 th Street, Suite B-215 Phoenix, Arizona 85014 Attorney for Arizona Power Authority
8		
9	Marcia Weeks 18970 N. 116th Lane Surprise, Arizona 85374	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
10		
11	John T. Travers William H. Nau 272 Market Square, Suite 2724 Lake Forest, Illinois 60045	Stephen L. Teichler Stephanie A. Conaghan DUANE MORRIS & HECKSCHER, LLP 1667 K Street NW, Suite 700 Washington, DC 20006
12		
13	Timothy Michael Toy WINTHROP, STIMSON, PUTNAM & ROBERTS One Battery Park Plaza New York, New York 10004-1490	Kathy T. Puckett SHELL OIL COMPANY 200 N. Dairy Ashford Houston, Texas 77079
14		
15	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.	Peter Q. Nyce, Jr. DEPARTMENT OF THE ARMY JALS-RS Suite 713 901 N. Stuart Street Arlington, Virginia 22203-1837
16		
17	Chuck Miessner NEV SOUTHWEST LLC P.O. Box 711, Mailstop-DA308 Tucson, Arizona 85702-0711	Michelle Ahlmer ARIZONA RETAILERS ASSOCIATION 224 W. 2 nd Street Mesa, Arizona 85201-6504
18		
19	Billie Dean AVIDD P O Box 97 Marana, Arizona 85652-0987	Dan Neidlinger NEIDLINGER & ASSOCIATES 3020 N. 17 th Drive Phoenix, Arizona 85015
20		
21	Steven C. Gross PORTER SIMON 40200 Truckee Airport Road Truckee, California 96161-3307 Attorneys for M-S-R Public Power Agency	Chuck Garcia PNM, Law Department Alvarado Square, MS 0806 Albuquerque, New Mexico 87158
22		
23	Donald R. Allen John P. Coyle DUNCAN & ALLEN 1575 Eye Street, N.W., Suite 300 Washington, DC 20005	Sanford J. Asman 570 Vinington Court Dunwoody, Georgia 30350-5710
24		
25	Ward Camp PHASER ADVANCED METERING SERVICES Alvarado Square MS-0806 Albuquerque, New Mexico 87158	Patricia Cooper AEP/SSWEP/CO P.O. box 670 Benson, Arizona 85602
26		
27		Steve Segal LEBOEUF, LAMB, GREENE, & MACRAE 633 17 th Street, Suite 2000 Denver, Colorado 80202-3620
28		

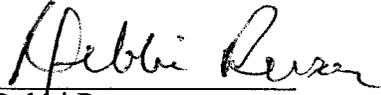
1	Holly E. Chastain SCHLUMBERGER RESOURCE MANAGEMENT SERVICES, INC. 5430 Metric Place Norcross, Georgia 30092-2550	Thomas L. Muraw Senior Attorney Pinnacle West Capital Corporation P.O. Box 53999 MS 8695 Phoenix, AZ 85072-3999
2		
3	Leslie Lawner ENRON CORP 712 North Lea Roswell, New Mexico 88201	Steven J. Duffy RIDGE & ISAACSON PC 3101 N. Central Avenue, Suite 740 Phoenix, Arizona 85012
4		
5	Frederick M. Bloom Commonwealth Energy Corporation 15991 Red Hill Avenue, Suite 201 Tustin, California 92780	Greg Patterson 5432 E. Avalon Phoenix, Arizona 85018
6		
7	Margaret McConnell Maricopa Community Colleges 2411 W. 14 th Street Tempe, Arizona 85281-6942	John Wallace Grand Canyon State Electric Co-op 120 N. 44 th Street, Suite 100 Phoenix, Arizona 85034-1822
8		
9	Brian Soth FIRSTPOINT SERVICES, INC. 1001 S.W. 5 th Ave, Suite 500 Portland, Oregon 92704	Steven Lavigne DUKE ENERGY 4 Triad Center, Suite 1000 Salt Lake City, Utah 84180
10		
11	Jay Kaprosy PHOENIX CHAMBER OF COMMERCE 201 N. Central Ave., 27 th Floor Phoenix, Arizona 85073	Dennis L. Delaney K.R. SALINE & ASSOC. 160 N. Pasadena, Suite 101 Mesa, Arizona 85201-6764
12		
13	Kevin McSpadden MILBANK, TWEED, HADLEY AND MCCLOY, LLP 601 S. Figueroa, 30 th Floor Los Angeles, California 90017	Kevin C. Higgins ENERGY STRATEGIES, LLC 30 Market Street, Suite 200 Salt Lake City, Utah 84101
14		
15	M.C. Arendes, Jr. C3 COMMUNICATIONS, INC. 2600 Via Fortuna, Suite 500 Austin, Texas 78746	Michael L. Kurtz BORHM KURTZ & LOWRY 36 E. Seventh Street, Suite 2110 Cincinnati, Ohio 45202
16		
17	Patrick J. Sanderson ARIZONA INDEPENDENT SCHEDULING ADMINISTRATOR ASSOCIATION P.O. Box 6277 Phoenix, Arizona 85005-6277	David Berry P.O. Box 1064 Scottsdale, Arizona 85252
18		
19	Roger K. Ferland QUARLES & BRADY STREICH LANG, L.L.P. Renaissance One Two North Central Avenue Phoenix, Arizona 85004-2391	William P. Inman Dept. of Revenue 1600 W. Monroe, Room 911 Phoenix, Arizona 85007
20		
21	Charles T. Stevens Arizonans for Electric Choice & Competition 245 W. Roosevelt Phoenix, Arizona 85003	Robert Baltes ARIZONA COGENERATION ASSOC. 7250 N. 16 th Street, Suite 102 Phoenix, Arizona 85020-5270
22		
23	Mark Sirois ARIZONA COMMUNITY ACTION ASSOC. 2627 N. Third Street, Suite 2 Phoenix, Arizona 85004	Jana Van Ness APS Mail Station 9905 P.O. Box 53999 Phoenix, Arizona 85072-3999
24		
25	Jeffrey Guldner SNELL & WILMER 400 E. Van Buren, One Arizona Center Phoenix, Arizona 85004-0001	David Couture TEP 4350 E. Irvington Road Tucson, Arizona 85714
26		
27		Kelly Barr Jana Brandt SRP Mail Station PAB211 P.O. Box 52025 Phoenix, Arizona 85072-2025
28		

- | | | |
|----|---|--|
| 1 | Randall H. Warner
JONES SKELTON & HOCHULI PLC
2901 N. Central Avenue, Suite 800
Phoenix, Arizona 85012 | Philip Key
RENEWABLE ENERGY LEADERSHIP GROUP
10631 E. Autumn Sage Drive
Scottsdale, Arizona 85259 |
| 2 | | |
| 3 | John A. LaSota, Jr.
MILLER LASOTA & PETERS, PLC
5225 N. Central Ave., Suite 235
Phoenix, Arizona 85012 | Paul Bullis
OFFICE OF THE ATTORNEY GENERAL
1275 W. Washington Street
Phoenix, Arizona 85007 |
| 4 | | |
| 5 | Peter W. Frost
Conoco Gas and Power Marketing
600 N. Dairy Ashford, CH-1068
Houston, Texas 77079 | Laurie Woodall
OFFICE OF THE ATTORNEY GENERAL
15 S. 15 th Avenue
Phoenix, Arizona 85007 |
| 6 | | |
| 7 | Joan Walker-Ratliff
Conoco Gas and Power Marketing
1000 S. Pine,
P.O. Box 1267 125-4 ST
Ponca City, Oklahoma 74602 | Donna M. Bronski
CITY OF SCOTTSDALE
3939 N. Drinkwater Blvd
Scottsdale, Arizona 85251 |
| 8 | | |
| 9 | Vicki G. Sandler
C/o Linda Spell
APS Energy Services
P.O. Box 53901
Mail Station 8103
Phoenix, Arizona 85072-3901 | Larry F. Eisenstat
Frederick D. Ochsenhirt
Michael R. Engleman
DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP
2101 L Street, NW
Washington, DC 20037-1526 |
| 10 | | |
| 11 | Lori Glover
STIRLING ENERGY SYSTEMS
2920 E. Camelback Rd., Suite 150
Phoenix, Arizona 85016 | David A. Crabtree
Dierdre A. Brown
TECO POWER SERVICES CORP.
P.O. Box 111
Tampa, Florida 33602 |
| 12 | | |
| 13 | Jeff Schlegel
SWEEP
1167 Samalayuca Drive
Tucson, Arizona 85704-3224 | Michael A. Trentel
Patrick W. Burnett
PANDA ENERGY INTERNATIONAL INC
4100 Spring Valley, Suite 1010
Dallas, Texas 75244 |
| 14 | | |
| 15 | Howard Geller
SWEEP
2260 Baseline Rd., Suite 200
Boulder, Colorado 80302 | Theodore E. Roberts
SEMPRA ENERGY RESOURCES
101 Ash Street, HQ 12-B
San Diego, California 92101-3017 |
| 16 | | |
| 17 | Mary-Ellen Kane
ACAA
2627 N. 3 rd Street, Suite Two
Phoenix, Arizona 85004 | Jesse Dillon
PPL Services Corp.
2 N. Ninth Street
Allentown, Pennsylvania 18101-1179 |
| 18 | | |
| 19 | Aaron Thomas
AES NewEnergy
350 S. Grand Avenue, Suite 2950
Los Angeles, California 90071 | Gary A. Dodge
HATCH, JAMES & DODGE
10 W. Broadway, Suite 400
Salt Lake City, Utah 84101 |
| 20 | | |
| 21 | Theresa Mead
AES NewEnergy
P.O. Box 65447
Tucson, Arizona 85728 | Ronald W. Grossarth
Public Service Co. of New Mexico
2401 Aztec NE
Albuquerque, NM 87107 |
| 22 | | |
| 23 | Peter Van Haren
CITY OF PHOENIX
Attn: Jesse W. Sears
200 W. Washington Street, Suite 1300
Phoenix, Arizona 85003-1611 | Mark J. Smith
FPL Energy.LLC
Livermore, CA 94550 |
| 24 | | |
| 25 | Robert Annan
ARIZONA CLEAN ENERGY INDUSTRIES ALLIANCE
6605 E. Evening Glow Drive
Scottsdale, Arizona 85262 | Alan R. Watts
Southern California Public Power Authority
17132 El Cajon Avenue
Yorba Linda, CA 92886 |
| 26 | | |
| 27 | Curtis L. Kebler
RELIANT RESOURCES, INC.
8996 Etiwanda Avenue
Rancho Cucamonga, California 91739 | Ernest G. Johnson, Utilities Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007 |
| 28 | | |

1 Christopher Kempley, Chief Counsel
2 Legal Division
3 ARIZONA CORPORATION COMMISSION
4 1200 W. Washington Street
5 Phoenix, Arizona 85007

Arizona Reporting Service, Inc.
2627 N. Third Street, Suite 3
Phoenix, Arizona 84004-1003

By:



Debbi Person
Secretary to Teena Wolfe

1
2
3
4
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7
8
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