

WILLIAM A. MUNDELL  
CHAIRMAN  
JIM IRVIN  
COMMISSIONER  
MARC SPITZER  
COMMISSIONER



ORIGINA



0000036311

ARIZONA CORPORATION COMMISSION

RECEIVED

2002 JUN 13 P 4: 01

AZ CORP COMMISSION  
DOCUMENT CONTROL

June 13, 2002

Chairman William Mundell  
Commissioner Marc Spitzer  
Arizona Corporation Commission  
1200 West Washington  
Phoenix, Arizona 85007

Arizona Corporation Commission

DOCKETED

JUN 13 2002

DOCKETED BY

A rectangular box containing a handwritten signature in black ink, likely of the person who docketed the document.

*E-01345-01-0822*

Re: *Docket Nos. E-00000-02-0051, E-01345-01-0822, E-00000A-06-0630,  
E-01933A-02-0069 and E-01933A-98-0471  
Generic Proceeding to Electric Restructuring*

Dear Commissioners:

Commissioner Spitzer's June 4<sup>th</sup> letter and the more recent letter from Chairman Mundell, dated June 11<sup>th</sup>, raise important issues that need to be addressed. Under the circumstances, I can see the need to schedule an Open Meeting as soon as possible but feel compelled to consider each of the letters separately, as Chairman Mundell's letter significantly expands the scope of Commissioner Spitzer's letter.

Considering the issue of whether granting Tucson Electric Power (TEP) a temporary suspension for compliance with certain Electric Competition Rules and Commission orders is a very narrow issue and I believe can be easily addressed. A temporary suspension, in this particular instance, could be warranted under the circumstances and would not, in my opinion, derail the current efforts to address the fundamental issues being considered in the Generic Proceeding to Electric Restructuring.

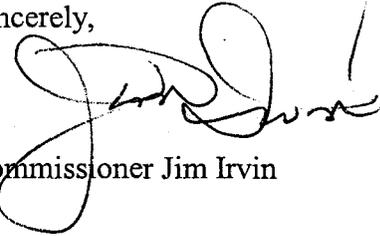
The effect of temporary suspension of certain Electric Competition Rules and Commission orders as applied to Arizona Public Service (APS) relating to divestiture has other, further reaching effects. I believe that the legal ramifications of a temporary suspension as applied to APS need to be evaluated before having a hearing on this issue, and suggest that we direct our Legal Division to explore what, if any, legal issues a temporary suspension as applied to APS may have at this date and time. During an Executive Session with legal counsel present, we could then discuss these issues and determine what the appropriate course of action is from a legal standpoint.

June 13, 2002

Page 2

I agree with both Chairman Mundell and Commissioner Spitzer that these issues need to be addressed as soon as possible, and would welcome the suggestions of my colleagues as to the best method of handling these issues expeditiously.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Irvin", written in a cursive style. The signature is positioned above the printed name "Commissioner Jim Irvin".

Commissioner Jim Irvin

CC: Docket Control