

6005

<b>THIS AMENDMENT:</b>	
<input type="checkbox"/> Passed	Passed as amended by _____
<input type="checkbox"/> Failed	
	E-00000A-02-0051
	E-01345A-01-0822
	E-00000A-01-0630
	E-01933A-02-0069



2003 FEB 20 A 11: 58

**SPITZER PROPOSED AMENDMENT # 6**

AZ CORP COMMISSION  
DOCUMENT CONTROL

TIME/DATE PREPARED: 1:00 p.m. / February 20, 2003

COMPANY: Generic Restructuring – Track B.

AGENDA ITEM NO.: U- 1

DOCKET NO. E-00000A-02-0051 et al.

OPEN MEETING DATE: February 21, 2003

**Page 51, Line 27:**

**REPLACE:** "PWEC" WITH "Pinnacle West"

**AND INSERT:** AFTER "Pinnacle West" "Recently, dispatch and other Pinnacle West functions were transferred back to APS. This moots PGR, Reliant and Harquahala's concerns."

**Page 52, Line 23½ to Page 53, Line 3:**

**DELETE:** from "In particular,..." to end of paragraph

**Page 55, Line 10:**

**INSERT NEW PARAGRAPH:** "Subsequent to the hearing in this matter, Pinnacle West publicly announced that M&T functions were being transferred back to APS. This leaves Pinnacle West with only a few existing wholesale contacts to have administered. It also essentially takes Pinnacle West out of the competitive electric business and returns it to the status of being merely a holding company. This is very significant because it removes most of the concerns about shared services between APS and Pinnacle West. Any relationships between APS and PWEC are best addressed by the Standards of Conduct called for under the Staff Report and the Code of Conduct required by Decision No. 65154."

**Page 56, Line 27 to Page 58, Line 2:**

**DELETE:** from "However, the content..." to "...at their own expense."

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**Page 58, Lines 5½ to 6 ½:**

**DELETE:** "along with the additional requirements stated above,"

**Page 58, Lines 7½ to 22½:**

**DELETE:** from "We believe that a requirement..." to "...abuse."

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**Page 59, Lines 22½ to 23½:**

**DELETE:** "File for Commission approval" and "adopting such a practice."

**AND INSERT:** "We will require APS to submit a draft protocol to Staff and the Monitor."

**Page 71, Lines 21 to 24:**

**DELETE:** Finding of Fact 49

**AND INSERT:** New Finding of Fact: "Subsequent to the hearing, Pinnacle West publicly announced that the energy functions at Pinnacle West affecting APS were being transferred back to APS. Pinnacle West would no longer seek power contracts with APS. This moots our concern over the exchange of information between APS and Pinnacle West. APS relations with PWEC during the track B solicitation should be addressed by the Standards of Conduct called for by Staff and, more long term, in the Code of Conduct proceeding called for by Decision No. 65154."

**Page 71, Lines 25 to 28:**

**DELETE:** Finding of Fact 50

**Page 72, Lines 1 to 12:**

**DELETE:** Finding of Fact 51 to 53

**Page 72, Lines 13 to 15:**

**DELETE:** Sentence beginning with "APS shall adopt..."

**Page 72, Lines 15 to 16:**

**REPLACE:** "adopting this practice, for Commission approval," **WITH** "with Staff and the Independent Monitor"

**Page 72, Lines 17 to 25:**

**DELETE:** Finding of Fact 55

**Page 75, Lines 18 to 20:**

**DELETE:** Conclusion of Law 10