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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

AZ CORP COMMISSION  
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JEFF HATCH-MILLER, Chairman  
MARC SPITZER  
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KRISTIN K. MAYES

IN THE MATTER OF THE APPLICATION OF  
ARIZONA PUBLIC SERVICE COMPANY  
FOR A HEARING TO DETERMINE THE  
FAIR VALUE OF THE UTILITY PROPERTY  
OF THE COMPANY FOR RATEMAKING  
PURPOSES, TO FIX A JUST AND  
REASONABLE RATE OF RETURN  
THEREON, TO APPROVE RATE  
SCHEDULES DESIGNED TO DEVELOP  
SUCH RETURN, AND TO AMEND  
DECISION NO. 67744

DOCKET NO. E-01345A-05-0816

APPLICATION OF PHELPS  
DODGE MINING COMPANY AND  
ARIZONANS FOR ELECTRIC  
CHOICE AND COMPETITION  
FOR LEAVE TO INTERVENE

Pursuant to A.A.C. R14-3-105, Phelps Dodge Mining Company ("Phelps Dodge") and Arizonans for Electric Choice and Competition ("AECC") hereby apply to the Arizona Corporation Commission (the "Commission") for an Order granting Phelps Dodge and AECC leave to intervene in the above-captioned proceeding.

Phelps Dodge maintains facilities and operations within the State of Arizona, which receive electric services from Arizona Public Service Company ("APS"). As a user of electric services provided by APS, Phelps Dodge will be directly and substantially affected by the decision of the Commission in this proceeding. In addition, Phelps Dodge participated in the proceeding which resulted in the Commission issuing Decision No. 67744. The Commission should, therefore, grant Phelps Dodge leave to intervene in this matter.

AECC is a coalition of energy consumers, most of whom are also customers of APS. The Commission should grant AECC leave to intervene in this matter because the members of AECC are customers of APS and will be directly and substantially affected

1 by the decision of the Commission in this proceeding. In addition, AECC participated in  
2 the proceeding which resulted in the Commission issuing Decision No. 67744. The  
3 Commission should, therefore, grant AECC leave to intervene in this matter.

4 Neither Phelps Dodge's nor AECC's participation in this proceeding will broaden  
5 the issues nor unduly delay the proceeding, except upon leave of the Commission first had  
6 and received.

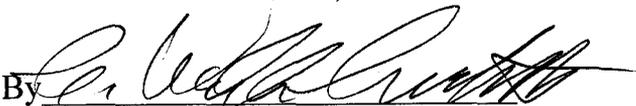
7 For the reasons outlined above, Phelps Dodge and AECC respectfully request that  
8 the Commission grant this Application for Leave to Intervene in this matter.

9 Phelps Dodge and AECC request that all communications in connection with the  
10 above-captioned proceeding be directed to:

11 C. Webb Crockett  
12 Patrick J. Black  
13 FENNEMORE CRAIG, P.C.  
14 3003 North Central Avenue  
15 Suite 2600  
16 Phoenix, Arizona 85012-2913  
17 (602) 916-5333  
18 Fax: (602) 916-5533  
19 [wcrocket@fclaw.com](mailto:wcrocket@fclaw.com)  
20 [pblack@fclaw.com](mailto:pblack@fclaw.com)

21 RESPECTFULLY SUBMITTED this 6<sup>th</sup> day of January 2006.

22 FENNEMORE CRAIG, P.C.

23 By   
24 C. Webb Crockett  
25 Patrick J. Black  
26 3003 N. Central Avenue, Ste. 2600  
Phoenix, AZ 85012-2913

Attorneys for Phelps Dodge Mining Company and  
Arizonans for Electric Choice and Competition

1 **ORIGINAL** and **13 COPIES** of the foregoing  
2 **FILED** this 6th day of January 2006 with:

3 Docket Control  
4 ARIZONA CORPORATION COMMISSION  
5 1200 West Washington  
6 Phoenix, Arizona 85007

7 **COPY** of the foregoing was **HAND-DELIVERED/**  
8 **MAILED** this 6th day of January 2006 to:

9 Lyn Farmer  
10 Chief Administrative Law Judge  
11 Hearing Division  
12 Arizona Corporation Commission  
13 1200 West Washington  
14 Phoenix, Arizona 85007

15 Thomas L. Mumaw  
16 Karilee S. Ramaley  
17 Pinnacle West Capital Corporation  
18 P. O. Box 53999, MS 8695  
19 Phoenix, Arizona 85072-3999

20 Deborah R. Scott  
21 Kimberly A. Grouse  
22 Snell & Wilmer  
23 One Arizona Center  
24 400 E. Van Buren Street  
25 Phoenix, Arizona 85004-2202  
26 *Attorneys for Arizona Public Service Company*

Christopher Kempley, Chief Counsel  
Legal Division  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, Arizona 85007

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Ernest G. Johnson, Director  
Utilities Division  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, Arizona 85007

By: May Bollington