



0000047169

ORIGINAL

BEFORE THE ARIZONA CORPORATION COMMISSION

RECEIVED

1
2 WILLIAM A. MUNDELL
CHAIRMAN
3 JIM IRVIN
COMMISSIONER
4 MARC SPITZER
COMMISSIONER
5

2002 OCT 15 P 4: 03

AZ CORP COMMISSION
DOCUMENT CONTROL

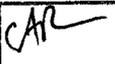
6 IN THE MATTER OF THE APPLICATION OF
7 ARIZONA PUBLIC SERVICE COMPANY
8 FOR AN ORDER OR ORDERS
9 AUTHORIZING IT TO ISSUE, INCUR, OR
10 ASSUME EVIDENCES OF LONG-TERM
11 INDEBTEDNESS; TO ACQUIRE A
12 FINANCIAL INTEREST OR INTERESTS IN
13 AN AFFILIATE OR AFFILIATES; TO LEND
14 MONEY TO AN AFFILIATES OR
15 AFFILIATES; AND TO GUARANTEE THE
16 OBLIGATIONS OF AN AFFILIATE OR
17 AFFILIATES

Docket No. E-01345A-02-0707

Arizona Corporation Commission

DOCKETED

OCT 15 2002

DOCKETED BY 

12 **RUCO'S RESPONSE TO APS'S EMERGENCY MOTION TO MODIFY PROCEDURAL**
13 **ORDER**
14

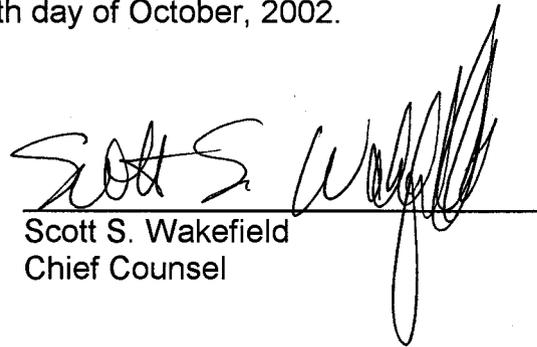
15 The Residential Consumer Utility Office ("RUCO") hereby responds to the Emergency
16 Motion of Arizona Public Service Company ("APS" or "Company") to Modify Procedural Order
17 of October 9, 2002. In the October 9, 2002 Procedural Order, the Commission established a
18 schedule for this proceeding that would result in a hearing in January, 2003. APS's
19 Emergency Motion seeks to accelerate the schedule to permit a hearing in early December
20 2002.

21 RUCO believes that APS's financing application and the Track B issues are inextricably
22 intertwined. Whether APS is permitted to finance or guarantee the financing of the PWEC
23 assets could significantly impact the outcome of the Track B solicitation.
24

1 Further, if the Commission finds that the APS financing application is not in the public interest,
2 and APS desires to pursue unification of the PWEC assets within APS, any unification of those
3 assets would impact Track B.

4 While the APS financing application is an important matter that is worthy of deliberate
5 consideration by the Commission, RUCO does see the benefit in the Commission deciding the
6 Track B proceeding and the APS financing application at or near the same time. Therefore,
7 RUCO has no objection to the schedule proposed by APS in its Emergency Motion.

8
9 RESPECTFULLY SUBMITTED this 15th day of October, 2002.

10
11 
12 Scott S. Wakefield
13 Chief Counsel

1 AN ORIGINAL AND TEN COPIES
2 of the foregoing filed this 15th day
of October, 2002 with:

3 Docket Control
4 Arizona Corporation Commission
1200 West Washington
Phoenix, Arizona 85007

5 COPIES of the foregoing hand delivered/
6 mailed this 15th day of October, 2002 to:

7 Lyn Farmer
8 Chief Administrative Law Judge
Hearing Division
9 Arizona Corporation Commission
1200 West Washington
Phoenix, Arizona 85007

Jay I. Moyes
Moyes Storey
3003 N. Central Avenue
Suite 1250
Phoenix, Arizona 85012

10 Christopher Kempley, Chief Counsel
11 Legal Division
12 Arizona Corporation Commission
1200 West Washington
Phoenix, Arizona 85007

Michael A. Curtis, Esq.
William P. Sullivan, Esq.
Martinez & Curtis, P.C.
2712 N. 7th Street
Phoenix, Arizona 85006

13 Ernest Johnson, Director
14 Utilities Division
15 Arizona Corporation Commission
1200 West Washington
Phoenix, Arizona 85007

Mr. Curtis Kebler
Reliant Resources, Inc.
8996 Etiwanda Avenue
Rancho Cucamonga, California 91739

16 Thomas L. Mumaw, Esq.
17 Pinnacle West Capital Corporation
18 Law Department
P.O. Box 53999
19 Mail Station 8695
400 N. 5th Street
Phoenix, AZ 85072-3999

Mr. Brian Walker
Reliant Energy Wholesale Group
P.O. Box 286
Houston, Texas 77001

20 Matthew P. Feeney, Esq.
21 Jeffrey B. Guldner, Esq.
22 Snell & Wilmer, LLP
One Arizona Center
400 E. Van Buren Street
23 Phoenix, AZ 85004-0001

Roger K. Ferland
Quarles & Brady Streich Lang LLP
Renaissance One
Two North Central Avenue
Phoenix, Arizona 85004-2391

24

1 Raymond S. Heyman
Michael W. Patten
2 Roshka Heyman & DeWulf
One Arizona Center
3 400 E. Van Buren Street
Suite 800
4 Phoenix, Arizona 85004

5 Jesse A. Dillon
PPL
6 2 North Ninth Street
Allentown, PA 18101

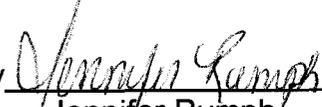
7 Jay L. Shapiro
8 Fennemore Craig
3003 N. Central Avenue
9 Suite 2600
Phoenix, Arizona 85012

10 Larry F. Eisenstate
11 Michael R. Engleman
Dickstein Shapiro Morin &
12 Oshinsky LLP
2101 L Street, NW
13 Washington, DC 20037

14 Walter W. Meek
AUIA
15 2100 N. Central Avenue
Suite 210
16 Phoenix, Arizona 85004

17 Lawrence V. Robertson, Jr.
Munger Chadwick
18 National Bank Plaza
333 N. Wilmot
19 Suite 300
Tucson, Arizona 85711

20
21 Greg Patterson
ACPA
5432 E. Avalon
22 Phoenix, Arizona 85018

23 By 
24 Jennifer Rumph