

INTERVENTION



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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

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AZ CORP COMMISSION  
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COMMISSIONERS:

JEFF HATCH-MILLER, Chairman  
WILLIAM A. MUNDELL, Commissioner  
MIKE GLEASON, Commissioner  
KRISTIN K. MAYES, Commissioner

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IN THE MATTER OF THE FILING  
BY TUCSON ELECTRIC POWER  
COMPANY TO AMEND DECISION  
NO. 62103

Docket No. E-01933A-05-0650

ARIZONA PUBLIC SERVICE  
COMPANY'S MOTION TO  
INTERVENE

Petitioner Arizona Public Service Company ("APS"), through undersigned counsel and pursuant to A.A.C. R14-3-105, hereby moves the Arizona Corporation Commission ("Commission") for an order allowing APS to intervene in the above-captioned proceeding. In support of its motion, APS states as follows:

1. APS is a public service corporation providing electric service to customers within the State of Arizona.

2. On September 12, 2005, Tucson Electric Power Company. ("TEP") applied for an amendment of Decision No. 62103. The hearing will address the following issues, including but not limited to: the viability of the 1999 Settlement in light of the Track A, Track B and the *Phelps Dodge*<sup>1</sup> decisions, including a discussion and presentation of evidence regarding the individual parties' opinions of whether TEP will be able to charge market-based rates or cost-of-service rates after 2008), the proposals outlined in TEP's original application, Demand Side Management, Renewable Energy Standards, and Time of Use tariffs."

<sup>1</sup> *Phelps Dodge Corp. v. Arizona Electric Power Co-op, Inc.*, 207 Ariz. 95, 83 P.3d 573 (App. 2004).

1           3.     APS takes no position on the justness or reasonableness of TEP's position  
2 in this case. At this time, APS does not intend to actively participate in any hearing to  
3 determine the adequacy of such position. However, this case raises issues concerning  
4 the regulatory status of wholesale competition in this State, and the resolution of which,  
5 if thereafter also applied by the Commission to APS, could adversely affect the  
6 Company and its customers. Thus, APS clearly has a direct and substantial interest in  
7 the outcome of the above-captioned proceeding.

8           4.     The granting of intervener status to APS will not delay this proceeding or  
9 cause the issues to be unduly broadened, nor will it unduly prejudice TEP or any other  
10 interests.

11           5.     The name, address, telephone number, facsimile number and e-mail  
12 address of the attorneys for APS, upon whom service of all documents is to be made,  
13 are:

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          6.     A copy of this Motion to Intervene is being sent via first class mail and  
electronic mail to the attorneys for TEP at the address below.



1 COPY of the foregoing sent via first class mail this 28 day of July, 2006, to:

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