

ORIGINAL



0000061219

28P0

LAWRENCE V. ROBERTSON, JR.
ATTORNEY AT LAW

P.O. Box 1448
Tubac, Arizona 85646

(520) 398-0411
FAX (520) 398-0412
Email: TubacLawyer@aol.com

OF COUNSEL TO
MUNGER CHADWICK, P.L.C

ADMITTED TO PRACTICE IN:
ARIZONA, COLORADO, MONTANA,
NEVADA, TEXAS, WYOMING,
DISTRICT OF COLOMBIA

August 30, 2006

Shaunna Lee-Rice
Docket Control
Arizona Corporation Commission
1200 West Washington
Phoenix, Arizona 85007

Re: Tucson Electric Power Company
Docket No. E-01933A-05-0650

Dear Ms. Lee-Rice,

Enclosed for filing in the above-referenced docket are the original and thirteen (13) copies of an Intervenor's Response To Procedural Order ("Response") on behalf of Mesquite Power, L.L.C., Southwestern Power Group II, L.L.C., Bowie Power Station, L.L.C. and Sempra Energy Solutions ("Mesquite/SWPG/Bowie/SES").

Also enclosed are two (2) additional copies of the Response. I would appreciate it if you would "filed" stamp the same and return them to me in the enclosed stamped and addressed envelope.

Thank you for your assistance with regard to this matter.

Sincerely,

Angela R. Trujillo
Angela R. Trujillo

Arizona Corporation Commission
DOCKETED

SEP 01 2006

DOCKETED BY	<i>WCU</i>
-------------	------------

AZ CORP COMMISSION
DOCUMENT CONTROL

2006 SEP - 1 1 P 12: 50

RECEIVED

MUNGER CHADWICK, P.L.C.
ATTORNEYS AT LAW
NATIONAL BANK PLAZA
333 NORTH WILMOT, SUITE 300
TUCSON, ARIZONA 85711
(520) 721-1900

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

RECEIVED
BEFORE THE ARIZONA CORPORATION COMMISSION

2006 SEP -11 P 12:51

COMMISSIONERS

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

AZ CORP COMMISSION
DOCUMENT CONTROL

IN THE MATTER OF THE FILING BY TUCSON) DOCKET NO. E-01933A-05-0650
ELECTRIC POWER COMPANY TO AMEND)
DECISION NO. 62103) INTERVENOR'S RESPONSE TO
PROCEDURAL ORDER

Pursuant to the first ordering paragraph of the August 28, 2006 Procedural Order issued in the above-referenced proceeding, Mesquite Power, LLC, Southwestern Power Group II, LLC, Bowie Power Station, LLC and Sempra Energy Solutions ("Mesquite/SWPG/Bowie/SES") submit the following comments and recommendations on the questions posed in the first ordering paragraph of the aforesaid Procedural Order.

First, given the significant changes in both the substantive content and scope of the proposals set forth in the prepared direct case testimony and exhibits of Tucson Electric Power Company ("TEP") witness James S. Pignatelli, as filed by TEP on August 18, 2006, when contrasted with the substantive content and scope of the requests set forth in TEP's original filing in this proceeding, Mesquite/SWPG/Bowie/SES believe that the form and content of the Public Notice prescribed in the June 1, 2006 Procedural Order is no longer adequate to provide effective notice to the public of the matters to be considered and issues raised by the testimony and exhibits filed by TEP on August 18, 2006. Accordingly, Mesquite/SWPG/Bowie/SES believe

1
2 that due process requires that a new Procedural Order be issued prescribing a new form and
3 content of Public Notice to be published by TEP and mailed to its customers. In making this
4 comment, Mesquite/SWPG/Bowie/SES are not intending in any way to make any comments
5 upon the merit of any of the proposals contained in Mr. Pignatelli's prepared direct case
6 testimony and exhibits. The time for those comments will be at the public hearings to be
7 conducted in this proceeding.
8

9
10 Second, given the fact that the issuance of a new form of public notice may occasion
11 requests for intervention by additional persons or entities yet to be identified ("Additional
12 Intervenors"), Mesquite/SWPG/Bowie/SES believe that the post-August 18, 2006 procedural
13 event dates set forth in the June 1, 2006 Procedural Order may need to be adjusted slightly, in
14 order to allow for the full participation by parties yet to be granted intervention. At this juncture,
15 it is difficult to ascertain whether retention of the previously established November 3, 2006
16 deadline for intervention in the new form of public notice will provide the presiding
17 Administrative Law Judge in this matter with sufficient lead-time to know whether or not the
18 remaining post-August 18, 2006 procedural event days are fair to such Additional Intervenors as
19 may materialize, if any. Accordingly, by means of this comment, Mesquite/SWPG/Bowie/SES
20 wish to suggest for consideration by the presiding Administrative Law Judge the establishment
21 of an earlier deadline for intervention, which would then allow for the convening of a further
22 Procedural Conference, if necessary, to consider an adjustment in the remaining procedural event
23 dates.
24

25 Dated this 30th day of August 2006.

26
27 Respectfully submitted,
28

MUNGER CHADWICK, P.L.C.
ATTORNEYS AT LAW
NATIONAL BANK PLAZA
333 NORTH WILMOT, SUITE 300
TUCSON, ARIZONA 85711
(520) 721-1900

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Lawrence V. Robertson, Jr.
Attorney for Southwestern Power
Group, II, L.L.C. and Bowie
Power Station, L.L.C.

and

Theodore Roberts
Lawrence V. Robertson, Jr.
Attorneys for Mesquite
Power, L.L.C. and Sempra Energy
Solutions

By: Lawrence V. Robertson, Jr.

Lawrence V. Robertson, Jr.
Munger Chadwick, P.L.C.
P. O. Box 1448
Tubac, Arizona 85646
Phone: (520) 398-0411
Facsimile: (520) 398-0412
Email: TubacLawyer@aol.com

Original and thirteen (13) copies of the
foregoing mailed this 30th day
of August 2006 to:

Docket Control Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

A copy of the same served by e-mail or first
Class mail this same date to:

Jane L. Rodda
Arizona Corporation Commission
400 West Congress, Suite 218
Tucson, Arizona 85701

All parties of record.

ARJ