

# APS

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December 19, 2006

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

RE: Arizona Public Service Company -Rate Case Docket Nos. E-01345A-05-0816,  
E-01345A-05-0826, & E-01345A-05-0827

During the Rate Case Hearings held on December 5<sup>th</sup>, 2006, a portion was conducted in closed session. The Administrative Law Judge requested that APS go through the transcript of that section of the proceeding with the intent of making as much of it as possible open to public review. Attached is a redacted Public version of the transcript of that proceeding.

Sincerely,

Brian Brumfield  
Supervisor  
Regulatory Affairs

BB/bec

Cc: Parties of Record

Arizona Corporation Commission  
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AZ CORP COMMISSION  
DOCUMENT CONTROL

2006 DEC 19 PM 4: 38

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1 (Beginning of confidential information.)

2 CALJ FARMER: Let's go back on the record.

3 Commissioner Mayes?

4 COM. MAYES: No need for the microphones, I  
5 take it?

6 CALJ FARMER: We can't have them on. So  
7 everyone is going to have to speak up.

8 Q. (BY COM. MAYES) Mr. Brandt, I'm referring to  
9 page 47 in the Standard & Poor's presentation of  
10 September 12th. Can you just lay a little bit of  
11 groundwork for this? What was this presentation all  
12 about and why was it made by the Company? The whole  
13 presentation and then I'll get to page 47.

14 A. Well, semi-annually we go through a formal  
15 update, I'll call it formal, with the agencies. This  
16 was twice a year. We go through what I'll call a formal  
17 update process with the rating agencies. And this was  
18 part of that. And it was a presentation that was  
19 prepared.

20 Q. Okay. So this is something you do every --  
21 fairly regularly?

22 A. Probably every six months or thereabouts. And  
23 this one, Standard & Poor's, typically, every year,  
24 every 18 months, two years at the most, likes to come  
25 out and visit on site with the Company. And they were

1 on site in Phoenix visiting with us.

2 Q. Okay. And page 47 of the presentation

3 obviously caught my eye. And it describes, as you said

4 earlier, it's entitled, "Forecast Assumptions APS," and

5 then it says, "Regulatory 21.2 percent base rate

6 increase effective 5/1/2007."

7 So that bullet point essentially assumes that

8 APS gets its entire asking?

9 A. Yes, sir.

10 Q. Okay. And then below that is a subtitle

11 called, "Cash Flow." And it says, "Pinnacle West issues

12 \$400 million of equity in 2007 and infuses into APS."

13 And then it describes the increase in the APS dividend

14 that you talked about in 2008. [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 Is it Pinnacle West's intention to issue

18 \$400 million of equity in 2007, only if it gets its

19 entire asking? Is that what this slide implies?

20 A. No. It just says that in the forecast -- the

21 detailed forecast that we provided them, that was an

22 assumption that there is \$400 million of equity issued

23 in -- later in 2007. [REDACTED]

24 Q. But that's not dependent upon the 21.2 percent

25 rate increase?

1 A. Well, ultimately it will be, but for purposes  
2 of what's in the financial model that they're looking  
3 at, the results includes a 21.2 percent base rate  
4 increase and a \$400 million equity issuance and infusion  
5 into APS.

6 Q. Now I'm confused. Okay. Let me ask you this:  
7 If you get something less than 21.2 percent, whether  
8 it's Staff's proposal, RUCO's proposal, or Staff's  
9 proposal plus CWIP, or Staff's proposal plus  
10 depreciation, accelerated depreciation, are you going to  
11 do the \$400 million of equity infusion into APS?

12 A. Well, Commissioner, when you said Staff or  
13 RUCO's proposal with the -- some or all of the other  
14 three attributes, if it gets us up to the full  
15 \$434 million, it's probably likely, we will.

16 But if not for that, I mean, we talked about  
17 the dollars. They end up the same amount regardless of  
18 how you get there. If we're downgraded to junk, no, we  
19 won't. Highly unlikely.

20 Q. Okay.

21 A. I can't imagine that scenario.

22 Q. Now, I'm sorry if I'm being obtuse, but where  
23 is the \$435 million figure coming from? Why -- if we  
24 get to \$435 -- you mean representing the asking?

25 A. Yes.

1 Q. Okay. And if you -- let's say you get Staff's  
2 proposal, and only Staff's proposal plus CWIP and you're  
3 not downgraded to junk, do you do the \$400 million of  
4 equity?

5 A. Okay. It was Staff along with which one?

6 Q. CWIP.

7 A. No. Full amount of that's \$33 million in  
8 revenue. That's not near enough to make up.

9 Q. What are you making up? What's the threshold  
10 and what's the trigger for the \$400 million in equity?

11 A. Well, there isn't a hard trigger,  
12 Commissioner, but Staff's plus \$33 million in revenue,  
13 that's gross revenue, which would be tax effective  
14 roughly \$20 million. That's not enough to save that  
15 situation.

16 Q. Save what situation?

17 A. To keep us investment grade.

18 Q. Well, let's say you're wrong. You also said  
19 there was a 40 percent chance that the emergency rate  
20 increase was going to result in a downgrade of your  
21 bond. It turned out it didn't.

22 So, you know, what if you're wrong and you're  
23 not downgraded to junk? Are you going to then do the  
24 \$400 million in equity?

25 A. I don't know. I don't think I'm going to be

1 wrong.

2 Q. So your answer to my question is I don't know?

3 Is your answer I don't know?

4 A. If we're downgraded to junk, we won't be able

5 to.

6 Q. No. If you're not downgraded to junk, you

7 will be able to?

8 A. Commissioner, you're asking hypotheticals. I

9 can't evaluate that just on the fact of two things until

10 I know everything.

11 Q. Well, this is a hypothetical. You say 22.2

12 base rate increase. That's a hypothetical, isn't it?

13 You say 21.2 percent base rate increase,

14 \$400 million of equity in 2007, isn't that a

15 hypothetical? Why is my hypothetical less relevant than

16 yours?

17 A. Because this one I've evaluated. And this is

18 our full ask, and I'm confident that this level will

19 stay investment grade and it would be a positive

20 outcome, constructive regulatory.

21 You'll see Moody's was a -- report or

22 presentation to us was explicit. Staff's result in weak

23 outcome.

24 Q. I didn't ask about Staff's. I said Staff's

25 plus CWIP. So I'm asking you to do that hypothetical

1 for me. And let's do a hypothetical that doesn't have a  
2 downgrade.

3 Let's just assume no downgrade, okay? Can we  
4 just set that aside for a second, and have you tell me  
5 whether you're going to do all \$400 million equity  
6 infusion into APS next year if there's no downgrade?

7 A. I can't answer that, Commissioner.

8 Q. Why?

9 A. Because you're asking me what I'd do in a  
10 situation I don't believe there's any chance of  
11 happening.

12 Q. Well --

13 A. I mean, it's counter to everything I  
14 understand and believe, and based on my expertise in  
15 this area, it's not going to happen that way.

16 Q. Is the \$400 million equity infusion dependent  
17 upon your not going to junk?

18 A. Yes.

19 Q. Okay. And if you don't go to junk with Staff  
20 plus CWIP, you will do the \$400 million equity infusion  
21 with APS?

22 A. No, that's not what I said. It's not entirely  
23 dependent on staying investment grade. But if for some  
24 reason we don't -- believe me, if we call it  
25 nonconstructive result, I'm not going to go, and go,

1 "Hey, guys, it's time to go to noninvestment grade, move  
2 us to junk." I'm not going to do that. We talked about  
3 that back in October. I will strongly advocate that.

4       Unfortunately, sometimes I don't even get a  
5 chance to do that, like it was in the case of December  
6 of last year, when I get a telephone call, "Don, I told  
7 you we were going to wait until the end of the year.

8 Well, it's December 21st, the committee just met,  
9 you've been downgraded."

10 Q. [REDACTED]

11 [REDACTED]

12 A. [REDACTED]

13 Q. [REDACTED]

14 A. [REDACTED]

15 Q. [REDACTED]

16 [REDACTED]

17 A. [REDACTED]

18 Q. And does having a higher stock price help make  
19 an equity infusion like this more likely or more doable?

20 A. No.

21 Q. Why?

22 A. It's irrelevant.

23 Q. Why is it irrelevant?

24 A. Because it's our stock relative to the  
25 industry as a whole.

1 Q. Does having a stock that's outperforming the  
2 industry as a whole make it more likely or less likely  
3 than an equity that -- issuing equity would be  
4 successful?

5 A. Commissioner, we've got three or maybe four  
6 months of miniscule outperformance. That's like saying  
7 my last Black Jack hand I won, I'm a winner in  
8 Las Vegas. But I've been there for a week, but let's  
9 just talk about the last hand that I won.

10 Q. So it's irrelevant? Your stock price is  
11 irrelevant?

12 A. The stock price is going to be what it is.  
13 It's relevant. We've issued equity in 2003 in the  
14 low 30s. We've recently, a year and a half ago, 42-ish  
15 range. But it's relative to the market as a whole.

16 The stock price really has not a whole lot to  
17 do -- it's relative stock price that's the driving  
18 force.

19 Q. And right now relative to other utility  
20 stocks, APS is doing at least as well or better,  
21 correct?

22 A. As the average utility stock for the last few  
23 months, the index. It's an average, it's not all.

24 Q. Okay. You're doing as well or better than the  
25 average. You are above average. You are an

1 above-average utility stock right now?

2 A. If you look at it from a three-month  
3 perspective. You look at it for 24 months, it's pretty  
4 lousy.

5 Q. Do you expect it to plunge at any time in the  
6 near future, the stock price?

7 A. No.

8 Q. You don't expect it to go down, do you?

9 A. Well, you said plunge. Plunge and go down are  
10 two different things.

11 Q. Do you think it's going to go down by \$10 next  
12 week?

13 A. I have no idea.

14 Q. The \$400 million dollars of equity, could you  
15 do that tomorrow?

16 A. No.

17 Q. Why not?

18 A. In the middle of this rate case, no.

19 Q. You can't do it in the middle of any rate  
20 case?

21 A. No.

22 Q. Why not?

23 A. Because there's too much uncertainty.

24 Uncertainty is very expensive in the capital markets.

25 Q. Can you elaborate on that?

1 A. Commissioner, how do I -- I talked about doing  
2 the road show, meeting with the key investors. We have  
3 no idea what the Commission is going to do, but why  
4 don't you jump on the bandwagon now and go for a ride?

5 I mean, can it be done? Yes. But it would be  
6 horrendously expensive. No one would do that. I mean,  
7 for me to recommend that to our board, I'd be shot. I  
8 mean, I'm not sure many investment bankers --

9 Q. Why are you -- what is the purpose behind  
10 doing an equity infusion in 2007?

11 A. To help finance our capital expenditure  
12 program.

13 Q. And you can't do that unless you get all  
14 21.5 percent?

15 A. You say "all."

16 Q. This is your hypothetical. You can't do this  
17 unless this hypothetical is --

18 A. No, that's not what this says, Commissioner.  
19 This says there's an assumption in the forecast. The  
20 math works that there's a 21.2 percent base rate  
21 increase effective May 1.

22 Also in the forecast, it's more than an Excel  
23 spreadsheet, but in the financial model is the  
24 \$400 million equity [REDACTED]  
25 [REDACTED] infusion of that amount

1 into APS.

2 That's showing that we gave them the results  
3 of the model, and we're showing them the key assumptions  
4 that went into that.

5 Q. And the model doesn't work with anything but a  
6 21.2 percent base rate increase?

7 A. Sure, it does.

8 Q. It does?

9 A. It will work with any -- it's like -- I don't  
10 want to demean it, but it's -- you take an Excel  
11 spreadsheet and do a quickie little model. You put in  
12 any number you want.

13 Q. The model in your head, Mr. Brandt, you don't  
14 think this pencils out properly unless it's  
15 21.5 percent.

16 Let's say it's 15 percent. Going back to my  
17 original attempt to get you to respond to a  
18 hypothetical, which you refused to do, 15 percent, what  
19 happens when you plug that into the model?

20 A. In my head, it tells me that's not adequate to  
21 keep us investment grade.

22 Q. But if it does?

23 A. Commissioner, I don't think --

24 Q. What if you're wrong?

25 A. Well, what if I'm right and we are junk, and

1 we pay for it for the next decade and our customers pay

2 for it for the next decade?

3 Q. What if you're wrong and you don't go to junk?

4 And what I'm trying to get you to respond to is the

5 question.

6 A. It will still be a lousy return. It's a lousy

7 story. Just because they didn't pull the trigger,

8 people would be sitting back, they're asleep at the

9 switch. Sooner or later they will.

10 Q. So a 15 percent rate increase is a lousy

11 story, is that what you're telling us?

12 A. Yes.

13 Q. Really? Okay. 15 percent rate increase on

14 top of the -- let's see, how many -- I'm trying to

15 remember how much we've given you in rate increases in

16 the past two years. Boy, 20 percent roughly?

17 20 percent. 15 plus 20 percent, 35 percent in rate

18 increases, that's a lousy story to take to Wall Street?

19 A. The other side of it, Commissioner, we spend

20 about eight to nine hundred million a year in capital

21 expenditures.

22 Q. You spent? I thought you told Mr. Kempley you

23 didn't know what you spent in the last five years.

24 A. I don't have the five years of numbers, but --

25 Q. But it's eight to nine hundred million each

1 year?

2 A. Not for the last five years. It's hundreds of  
3 millions. Six to nine hundred million a year. It's a  
4 lot of money.

5 Q. So 15 percent is a lousy story, but 21 percent  
6 is a good story, and you'll do a \$400 million equity  
7 infusion if that's what this Commission does. Is that  
8 what you're testifying to?

9 A. Yes, 15 percent is an inadequate result. And  
10 I'm confident that poses a very high risk of being  
11 downgraded to junk.

12 Q. Would a \$400 million equity infusion forestall  
13 a downgrade? \$400 million in addition to Staff's  
14 proposal?

15 A. No.

16 Q. Why not?

17 A. Because the CreditMetrics will still be  
18 subinvestment grade.

19 Q. It doesn't affect the CreditMetrics?

20 A. It affects the debt to equity more so than  
21 anything else, but all it does is it swaps out  
22 \$400 million of debt on the FFO-to-debt ratio.

23 Q. What does it do -- what does the ratio come  
24 out to be after the \$400 million infusion? I don't know  
25 if we have that chart.

1 A. We do. It's right here.

2 Q. So Staff projected PSA plus \$400 million is

3 what? What does that do to the ratio?

4 A. To Staff's?

5 Q. Mm-mm.

6 A. That would increase -- if one put in

7 \$400 million of equity, it would be about -- increase it

8 about a percent. One percent, maybe 1.2.

9 Q. Okay. And you're still in junk territory

10 under your proposal? Are you still saying that?

11 A. Yes.

12 Q. So you're going to go to junk even if we give

13 you everything you want?

14 A. I don't think so. We've hovered around that

15 level, and that's why I believe the probability is maybe

16 15 percent or so, even with our request.

17 Q. So with a \$400 million equity infusion, that

18 gets you to about 16-point what?

19 MR. MALEDON: I think, your Honor, the 2007,

20 when the equity infusion would take place is about right

21 here. This is the end of 2007. These are year-end.

22 COM. MAYES: Thank you, Mr. Maledon. That's

23 true.

24 Q. (BY COM. MAYES) 16 percent? 16-point

25 something percent? Junk is 18 percent?

1 A. That's correct.

2 Q. What does 5 percent increase in the rate  
3 increase do? Isn't that the difference between Staff's  
4 proposal and what I talked to you about -- is  
5 15 percent? Do you know what I'm saying?

6 A. No.

7 Q. I asked you hypothetically about 15 percent, a  
8 15 percent rate increase.

9 A. Oh, I thought you meant a 5 percent increase  
10 in Staff's as opposed to a 5 percent rate increase.

11 Q. Five percent plus Staff's. So 15 percent  
12 total rate increase.

13 A. In other words, starting at 15 percent?

14 Q. Uh-huh.

15 A. 15 plus 5?

16 Q. No, 15 percent.

17 A. Where does the plus 5 come from?

18 Q. Well, Staff's proposal is what?

19 A. I don't have that number here.

20 MR. MALEDON: Your Honor, it's reflected on --  
21 or, Commissioner Mayes, it's reflected on APS Exhibit  
22 Number 10. And APS's proposal -- modified proposal is  
23 21.2 percent. Staff's direct proposal was 9.6 percent  
24 rate increase, and RUCO's was 10.9 percent. That does  
25 not include Staff's forward looking PSA adjustment.

1 COM. MAYES: Okay.

2 Q. (BY COM. MAYES) So if that were a 15 percent  
3 rate increase that Staff were proposing, plus your  
4 \$400 million equity infusion, where would that get us in  
5 the FFO-to-debt ratio?

6 You just said your \$400 million would get us  
7 about a percent and some change.

8 A. Correct. I haven't done the math.

9 Q. Well, you did the math at 400 -- could you do  
10 the math?

11 A. Sure.

12 Q. Is it possible that would get us to above junk  
13 bond status or the 2 percent FFO to debt?

14 A. To rely on the 400 equity to get you there?

15 Q. No, increasing Staff's rate increase.

16 A. To 15 percent?

17 Q. Correct.

18 A. I don't believe that would get you above junk.

19 Q. Would it get us close?

20 A. No. I think the Company's doesn't get you to  
21 a hundred percent. The Company's gets you close on the  
22 north side of junk.

23 COM. MAYES: That's all I have.

24 CALJ FARMER: I do have just a couple of  
25 questions, and I think we're going to need to have this

1 marked as an exhibit.

2

3 EXAMINATION

4

5 Q BY CALJ FARMER: Mr. Brandt, if you could take

6 a look at page 8. It's actually slide 4.

7 A. I don't happen to have that one with me. I

8 have all the confidential exhibits.

9 MR. MALEDON: I have it.

10 Q BY CALJ FARMER: It's page 8, ACC Staff

11 recommendations, general rate case.

12 It's confusing because there's a page number,

13 and then at the right there's a slide number. And the

14 right-hand corner it says 4. On the bottom it says

15 page 8 of 101.

16 A. Maybe if you could show me what --

17 Q. ACC Staff recommendations, general rate case.

18 And this, to me, looks like just a general summary of

19 the Commission Staff's recommendation in this case?

20 A. Yes.

21 Q. And the very last dash down there says,

22 "Unclear on existing limitations (.004 lifetime cap,

23 \$776 million annual cap)."

24 It looks to me in this slide presentation the

25 Company wasn't clear in telling S&P what the Staff

1 recommendation was.

2 A. At the time this was prepared, we weren't --  
3 we were not clear on it.

4 Q. Okay. And this is the time that you had  
5 prepared these projected FFO-to-debt ratios?

6 A. Yes.

7 Q. And have you updated S&P on your  
8 understanding?

9 A. Well, this went to them several weeks  
10 beforehand. So it was prepared August potentially --  
11 well, it went to them a week to ten days ahead of the  
12 meeting and was prepared sometime before that.

13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]  
23 [REDACTED]  
24 [REDACTED]  
25 [REDACTED]

1 Q. And have you updated them on Staff and the  
2 Company's rejoinder testimony?

3 A. Yes.

4 Q. Then also, you probably don't have this one  
5 either, mine says page 61 of 101, slide 50.

6 A. I've got the slide 50 number.

7 CALJ FARMER: This slide is not confidential,  
8 is it?

9 MR. MALEDON: No, it's not. That is not on  
10 the list.

11 CALJ FARMER: Because it's basically the same  
12 information that's on the board up there, is it not?

13 MR. MALEDON: Yes.

14 CALJ FARMER: But this slide was prepared  
15 before, I believe it was Staff witness Antonuk accepted  
16 the -- what I'll call the forward looking component of  
17 the PSA base fuel and purchased power cost. Not base,  
18 just the PPA costs?

19 THE WITNESS: This is based on the same  
20 financial model that was reflected in our rebuttal  
21 testimony.

22 CALJ FARMER: Okay. I think that answers my  
23 question.

24 COM. MAYES: Your Honor, on this slide --

25 Q. (BY COM. MAYES) Does this slide not assume a

1 \$400 million equity infusion?

2 A. No, this assumes \$400 million for APS, but not  
3 for Staff or RUCO.

4 Q. It does? Okay. That's what the 19.2 percent  
5 and the 17.5 percent are?

6 A. The APS numbers assume a \$400 million equity  
7 infusion in 2007. The other alternatives do not. I  
8 think we're saying the same thing.

9 Q. But if that's the case, how are we ever  
10 supposed to know that, if we hadn't gotten our hands on  
11 this confidential document? Do we know -- is that in  
12 the record anywhere?

13 A. Oh, I think Mr. Wakefield --

14 Q. \$400 million equity infusion is in the record?

15 A. Oh, yeah, we talked about that back in  
16 October. Both Staff counsel, Mr. Kempley and  
17 Mr. Wakefield, I think.

18 Q. In 2007?

19 A. Correct.

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

1 [REDACTED]  
2 [REDACTED]  
3 [REDACTED]  
4 [REDACTED]  
5 [REDACTED]  
6 [REDACTED]  
7 [REDACTED]  
8 [REDACTED]  
9 [REDACTED]  
10 [REDACTED]  
11 [REDACTED]  
12 [REDACTED]  
13 [REDACTED]  
14 [REDACTED]

15 CALJ FARMER: Okay. Are there any further  
16 questions on this?

17 MR. WAKEFIELD: Not a question, but just for  
18 Commissioner Mayes' benefit, I believe RUCO Exhibit  
19 Number 2, which is Mr. Brandt's work papers to some the  
20 schedules in his rebuttal testimony, is the place where  
21 I had some discussion with him regarding the equity  
22 infusion. Those were the exhibits, and I referred to  
23 them in cross-examination.

24 MR. MALEDON: And I think just to supplement  
25 what Mr. Wakefield said, Commissioner Mayes, I think you

1 will also find it in Mr. Brandt's rebuttal testimony.  
2 And these same FFO-to-debt ratio figures are part of his  
3 Attachments 1, 2, and 3, DEB 1RB, DEB 2RB, and DEB 3RB  
4 to his rebuttal testimony.

5 COM. MAYES: Okay. And can you explain, then,  
6 Mr. Maledon, the reasons for keeping the rest of the  
7 slides confidential, just so I know and we don't have  
8 this confusion again.

9 MR. MALEDON: Sure. The entire document was  
10 designated confidential at the beginning because we knew  
11 that there was forward looking information in there that  
12 the securities lawyers said could not be disclosed  
13 publicly.

14 When, I think it was you, Commissioner, raised  
15 an issue about which slides you wanted to look at, we  
16 went back to determine which ones were, in fact,  
17 confidential.

18 The other slides other than the ones that are  
19 on that list I gave you could be released, but slides  
20 18, 43, 45, 47, 62, 67, and 72 have been identified by  
21 the securities lawyers as ones that could not be  
22 produced publicly without there being a disclosure  
23 problem under SEC rules and regulations.

24 COM. MAYES: So they all are SEC related?

25 MR. MALEDON: Yes. And with respect to

1 slide 47, I think the most sensitive information is the

2 [REDACTED]

3 [REDACTED] Obviously that's not publicly

4 available information.

5 COM. MAYES: [REDACTED]

6 [REDACTED]

7 MR. MALEDON: [REDACTED]

8 [REDACTED]

9 COM. MAYES: [REDACTED]

10 [REDACTED]

11 MR. MALEDON: [REDACTED]

12 [REDACTED]

13 COM. MAYES: [REDACTED]

14 MR. MALEDON: [REDACTED]

15 Q. (BY COM. MAYES) Mr. Brandt, do you recall

16 that?

17 A. Frankly, I was looking at a different schedule

18 and not paying attention.

19 Q [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 MR. MALEDON: [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 COM. MAYES: Oh, I thought you were talking

1 about the third bullet.

2 MR. MALEDON: No. If you recall this morning,  
3 I elicited testimony from him on that, thinking that's  
4 what you were interested in.

5 COM. MAYES: No, it was not what I was  
6 interested in.

7 MR. MALEDON: Well, I was just trying to help,  
8 Commissioner.

9 THE WITNESS: Slide 18, Commissioner, on the  
10 summary of RFP proposals, that's not a SEC issue. The  
11 detail relative to -- while it's not extensive,  
12 Mr. Robinson still thought, and he's the guy running  
13 that, that providing that information publicly could let  
14 somebody do a little more analysis than we'd like them  
15 to be able to do as to what's in all the RFPs.

16 Q. (BY COM. MAYES) So that's unlike -- so  
17 Mr. Maledon is not correct, number 18 is not an SEC  
18 issue?

19 A. That's correct.

20 Q. It's a competitive issue?

21 A. Yes.

22 CALJ FARMER: One last question on the issue  
23 of the equity infusion.

24 Is there some magic to the \$400 million, or  
25 would APS evaluate at any point in 2007, depending on

1 what the Commission rules in this case, whether or not

2 it would be helpful to issue some level of equity?

3 THE WITNESS: We obviously would -- I mean,

4 the \$400 million is not cast in stone under any

5 scenario.

6 CALJ FARMER: Okay. Thank you.

7 Anything further for this?

8 We're going to end the confidential portion

9 now.

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11 (End of confidential information.)

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