



Arizona Corporation Commission
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INTERVENTION

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AZ CORP COMMISSION
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9 Panda Gila River L.P.

BEFORE THE ARIZONA CORPORATION COMMISSION

10 IN THE MATTER OF TUCSON
11 ELECTRIC POWER COMPANY'S
12 APPLICATION FOR A VARIANCE OF
13 CERTAIN ELECTRIC COMPETITION
14 RULES COMPLIANCE DATES.

Docket No. E-01933A-02-0069

APPLICATION OF PANDA GILA RIVER
L.P. FOR LEAVE TO INTERVENE

15 Pursuant to A.A.C. R14-3-105, Panda Gila River L.P. ("Panda") hereby moves the
16 Commission for leave to intervene in the above-captioned proceeding.

17 Panda is constructing and intends to operate and maintain a natural gas fired electric
18 generating facility near Gila Bend, Arizona¹. To date, Panda has expended several hundred
19 million dollars to construct such facilities in Arizona. In doing so, Panda has acted in direct
20 reliance on the existence and continued application of each and every provision of R14-2-1606,
21 including, specifically, R14-2-1606(B). Additionally, Panda is a party to other pending related
22 matters such as APS's request for variance, Docket No. E-01345A-01-0822 and the generic
23 proceedings concerning electric restructuring issues, Docket No. E-00000A-02-0051. These
24 matters are all related to electric competition and Panda should be allowed to address each of
25 them in a comprehensive manner.

26 Panda has made significant investment toward its operations in the State of Arizona in
direct reliance on the existence and application of R14-2-1606. Panda is concerned that the
approval of TEP's variance request will significantly delay competitive bidding, therefore, the

¹ Panda obtained a Certificate of Environmental Compatibility authorizing the construction of four natural gas fired, combined-cycle generating units, each with a nominal 520 megawatts, together with related infrastructure and appurtenances. See Decision No. 62970 (October 26, 2000).

1 relief TEP seeks will have an impact on Panda and its Arizona operations. Accordingly, Panda
2 will be directly and substantially affected by any decision of the Commission in these
3 proceedings. Moreover, the granting of intervenor status to Panda will not unduly delay the
4 proceedings or cause the issues to be unduly broadened.

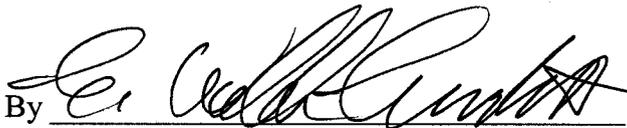
5 Panda requests that all communications in connection with the above-captioned
6 proceedings be directed to:

7 C. Webb Crockett, Esq.
8 Jay L. Shapiro, Esq.
9 Fennemore Craig
10 3003 North Central Avenue, Suite 2600
11 Phoenix, Arizona 85012-2913
12 Telephone: 602-916-5333

13 For the reasons discussed above, Panda respectfully requests that it be granted leave to
14 intervene in these proceedings, and that Panda be accorded the full status of an intervenor under
15 the Commission's rules and regulations.

16 DATED this 1st day of February, 2002.

17 FENNEMORE CRAIG

18 By 

19 C. Webb Crockett
20 Jay L. Shapiro
21 Attorneys for Proposed Intervenor
22 Panda Gila River L.P.

23 **Original and 10 copies filed this 1st day of**
24 **February, 2002 with:**

25 Docket Control
26 Arizona Corporation Commission
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Phoenix, AZ 85007

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Copy of the foregoing hand-delivered this 1st day of February, 2002 to:

The Honorable William A. Mundell, Chairman
Arizona Corporation Commission
1200 W. Washington St.
Phoenix, AZ 85007

The Honorable Jim Irvin, Commissioner
Arizona Corporation Commission
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The Honorable Marc Spitzer, Commissioner
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Copy mailed this 1st day of February, 2002, to:

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