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INTERVENTION

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BEFORE THE ARIZONA CORPORATION COMMISSION

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IN THE MATTER OF TUCSON ELECTRIC
POWER COMPANY'S APPLICATION FOR
A VARIANCE OF CERTAIN ELECTRIC
COMPETITION RULES COMPLIANCE
DATES

Docket No. E-01933A-02-0069

ARIZONA CORPORATION COMMISSION
DOCUMENT CONTROL

APPLICATION OF ARIZONA
COMPETITIVE POWER ALLIANCE
FOR LEAVE TO INTERVENE

Pursuant to Arizona Administrative Code ("A.A.C.") R14-3-105, Arizona Competitive Power Alliance ("Alliance") hereby moves the Commission for leave to intervene in the above-captioned proceeding.

The Alliance consists of electric power generators in wholesale and retail markets across the United States, including Arizona, who support the development of a competitive market for power in Arizona. The Alliance supports a truly competitive market structure through which new service providers will be able to enter local electric power markets and compete for wholesale and retail customers, providing consumers the right to choose their electricity supplier.

In furtherance of this objective, the Alliance supports the Commission's Retail Electric Competition Rules (the "Electric Competition Rules"), A.A.C. 14-2-201 et seq., and the Commission's Decision No. 62013 (the "Decision"), dated November 30, 1999, approving the Settlement Agreement, as amended on December 1, 1999, between Tucson Electric Power Company ("TEP") and various parties (the "Settlement Agreement"). Under the Settlement Agreement, TEP agreed to "to transfer its generation and other assets deemed to be competitive" on or before December 31, 2002 and further agreed to "procure generation for Standard Offer customers from the competitive market as provided for in the Electric Competition Rules." See Amended Settlement Agreement, ¶ 3.(3.1).

Arizona Corporation Commission

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1 The members of the Alliance directly benefit from the diligent enforcement of the Electric
2 Competition Rules, the Decision and the Settlement Agreement. Although the Alliance agrees
3 that there have been some changes in circumstances since the Settlement Agreement was signed,
4 those changes will receive a full and fair consideration in the Generic Restructuring Docket (No.
5 E-00000A-02-0051) that has already been created for that purpose. However, the relief requested
6 in the TEP application will directly impact the members of the Alliance. Member companies
7 have invested billions of dollars in reliance on the continued implementation in a timely manner
8 of the Electric Competition Rules, the Decision, and the Settlement Agreement in their current
9 form. Thus, the Alliance believes that like Arizona Public Service Company, who has also
10 requested a variance from the competitive bidding requirements, TEP should continue to comply
11 with the competitive bidding requirements until the issues it has raised are considered and address
12 by the Commission. Granting TEP a one-year extension or, alternatively, a six-month extension
13 after the Commission issues a final order in the Generic Restructuring Docket, however, would
14 significantly delay the transfer of generation assets and implementation of competitive bidding by
15 TEP. In addition, the approval of the requested variance would allow TEP to postpone the
16 implementation of competitive bidding until the Commission issues a decision on whether TEP's
17 Springerville 4 unit is needed. The Alliance is concerned that if the Commission approves TEP's
18 pending request for the Springerville 4 unit, TEP will seek to make a temporary variance for
19 competitive bidding a permanent feature and thereby preclude the development of meaningful
20 and sustained competition in TEP's service area.

24 In sum, the Alliance and its members will be directly and substantially affected by any
25 decision of the Commission in these proceedings. Moreover, the granting of intervenor status to
26

1 the Alliance will not unduly delay the proceedings or cause the issues to be unduly broadened.

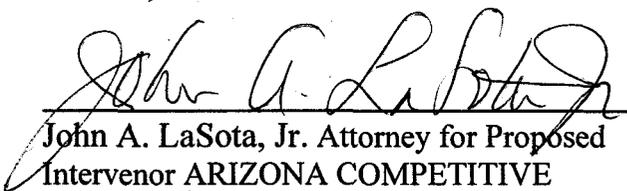
2 The Alliance requests that all communications in connection with the above-captioned
3 proceedings be directed to:

4 John A. LaSota, Jr.
5 MILLER LASOTA & PETERS PLC
6 5225 North Central Avenue, Suite 235
7 Phoenix, AZ 85012

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

11 RESPECTFULLY SUBMITTED this 7th day of February, 2002.

12
13 MILLER LaSOTA & PETERS PLC
14 5225 North Central Avenue, Suite 235
15 Phoenix, AZ 85012

16 
17 John A. LaSota, Jr. Attorney for Proposed
18 Intervenor ARIZONA COMPETITIVE
19 POWER ALLIANCE
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Original and 10 copies
hand-delivered this 8th
of February, 2002 to:

Docket Control
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, AZ 85007

Copy of the foregoing
hand-delivered this 8th
day of February, 2002 to:

Lyn Farmer
Chief Administrative Law Judge
Hearing Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, AZ 85007

Chris Kempley, Chief Counsel
Legal Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, AZ 85007

Ernest Johnson
Director, Utilities Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

And a copy mailed this 7th
day of February, 2002 to:

Raymond S. Heyman
Michael W. Patten
ROSHKA, HEYMAN & DEWULF, PLC
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400 East Van Buren Street, Suite 800
Phoenix, Arizona 85004

By Judie Parish