



OF THE ARMY  
LEGAL SERVICES AGENCY  
3700 QUART STREET  
ARLINGTON VA 22203-1837

ORIGINAL



RECEIVED

REPLY TO  
ATTENTION OF  
Regulatory Law Office  
U 4063

February 25, 2002

2002 FEB 26 P 1:13

AZ CORP COMMISSION  
DOCUMENT CONTROL

Subject: In The Matter Of The Application Of Tucson Electric Power Company For Approval For A Variance Of Certain Electric Competition Rules Compliance Dates. Arizona Corporation Commission Docket No. E-01933A-02-0069.

Arizona Corporation Commission  
Docket Control  
Attn: Ms. Viki Lasher  
1200 West Washington Street  
Phoenix, Arizona 85007

E-00000A-02-0051  
E-01345A-01-0822  
E-00000A-01-0630  
E-01933A-98-0471  
E-01933A-02-0069

Dear Ms. Lasher:

Enclosed for filing with the Arizona Corporation Commission are the original and ten copies of the Motion For Leave To Intervene of the Department of Defense and All Other Federal Executive Agencies in the subject proceeding.

By a copy of this letter we are requesting that Tucson Electric Power Company Inc. furnish a copy of its Application to Mr. Dan Neidlinger.

Copies of this Motion have sent in accordance with the attached Certificate of Service. Inquiries concerning this matter may be directed to the undersigned at (703) 696-1644.

Sincerely,

Peter Q. Nyce Jr.  
General Attorney  
Regulatory Law Office

Enclosure

Arizona Corporation Commission

DOCKETED

FEB 26 2002

DOCKETED BY	<i>mae</i>
-------------	------------

BEFORE THE ARIZONA CORPORATION COMMISSION

WILLIAM A. MUNDELL

Chairman

JIM IRWIN

Commissioner

MARC SPITZER

Commissioner

IN THE MATTER OF TUCSON ELECTRIC ) DOCKET NO. E-01933A-02-0069  
POWER COMPANY'S APPLICATION FOR A )  
VARIANCE OF CERTAIN ELECTRIC )  
COMPETITION RULES COMPLIANCE DATES)

MOTION FOR LEAVE TO INTERVENE

ROBERT N. KITTEL

Chief

Regulatory Law Office

Office of the Judge Advocate General

Department of the Army

Litigation Center

JALS-RL, Suite 713

901 N. Stuart Street

Arlington, VA 22203-1837

by

Peter Q. Nyce, Jr.

General Attorney

Dated: February 25, 2002

BEFORE THE ARIZONA CORPORATION COMMISSION

WILLIAM A. MUNDELL

Chairman

JIM IRWIN

Commissioner

MARC SPITZER

Commissioner

IN THE MATTER OF TUCSON ELECTRIC ) DOCKET NO. E-01933A-02-0069  
POWER COMPANY'S APPLICATION FOR A )  
VARIANCE OF CERTAIN ELECTRIC )  
COMPETITION RULES COMPLIANCE DATES)

MOTION FOR LEAVE TO INTERVENE

ROBERT N. KITTEL

Chief

Regulatory Law Office

Office of the Judge Advocate General

Department of the Army

Litigation Center

JALS-RL, Suite 713

901 N. Stuart Street

Arlington, VA 22203-1837

by

Peter Q. Nyce, Jr.

General Attorney

Dated: February 25, 2002

BEFORE THE ARIZONA CORPORATION COMMISSION

WILLIAM A. MUNDELL

Chairman

JIM IRWIN

Commissioner

MARC SPITZER

Commissioner

IN THE MATTER OF TUCSON ELECTRIC ) DOCKET NO. E-01933A-02-0069  
POWER COMPANY'S APPLICATION FOR A )  
VARIANCE OF CERTAIN ELECTRIC )  
COMPETITION RULES COMPLIANCE DATES)

MOTION FOR LEAVE TO INTERVENE

The Secretary of Defense, through duly authorized Counsel and on behalf of the consumer interests of the United States Department of Defense, and all other affected Federal Executive Agencies (collectively referred to herein as "DOD"), requests leave to intervene in the above-styled application proceeding of the Tucson Electric Power Company. As grounds for this Motion, DOD states:

I

That it is duly authorized by law to make and file this Motion.

II

That the name, address and telephone/fax numbers of the person to whom communications in regard to this Motion should be addressed are:

Mr. Peter Q. Nyce, Jr.  
General Attorney, Regulatory Law Office  
Office of the Judge Advocate General  
Department of the Army  
901 North Stuart Street, Room 713  
Arlington, VA 22203-1837  
Telephone: (703) 696-1644  
Fax: (703) 696-2960  
E-mail: Peter.Nyce@hqda.army.mil

Also we would respectfully request the addition to the Commission's official service list of:

Mr. Dan Neidlinger  
Neidlinger & Assoc.  
3020 N. 17<sup>th</sup> Drive  
Phoenix, Arizona 85015  
Telephone: (602) 258-2343  
Fax: (602) 271-0798  
E-mail: [dneid@cox.net](mailto:dneid@cox.net)

### III

That the United States maintains certain military installations and civilian agency activities with the State of Arizona, a number of which obtain electric service from Tucson Electric Power company. On January 28, 2002 the Company filed an Application for a Variance of Certain Electric Competition Rules Compliance Dates. In the instant proceeding this Commission proposes to evaluate the Company's Application in the public interest.

### IV

The DOD purchases large quantities of electric service from the Company in Arizona. Among the major federal facilities receiving electric service from Tucson Electric Power Company are: Fort Huachuca and Davis Monthan Air Force Base. DOD

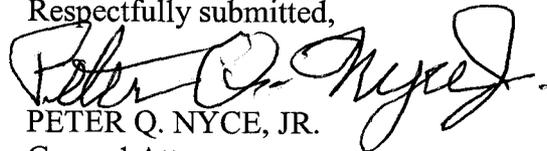
is a customer with a significant economic interest in this proceeding and would be affected by its outcome.

V

That the interest of DOD is such that it cannot be adequately protected by any other party. The load factor, characteristics, and rate schedules upon which these facilities buy power make their usage distinct from other large customers. DOD installations have substantial investments in electric utility distribution plant, and a moderate load factor similar to that of a municipal utility. The DOD will present evidence that will be of value to the Commission in its determination of the issues involved in this proceeding. The intervention of the DOD will neither unduly broaden the issues nor unduly delay the proceeding.

WHEREFORE, the DOD, prays for leave to intervene and to be treated as a party hereto with right to have notice of and appear at the taking of testimony, produce and cross-examine witnesses, and be heard in person or by counsel, upon brief and at oral argument, if oral argument is granted.

Respectfully submitted,



PETER Q. NYCE, JR.

General Attorney

Regulatory Law Office

Office of the Judge Advocate General

Department of the Army

Litigation Center JALS-RL, Suite 713

901 North Stuart Street

Arlington, VA 22203-1837

For

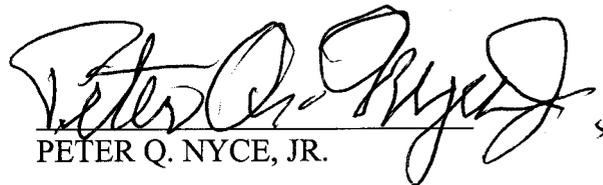
THE DEPARTMENT OF DEFENSE

Dated: Arlington, Virginia this  
Twenty fifth day of February 2002

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion for Leave to Intervene of the United States Department of Defense and All Other Federal Executive Agencies was sent to the parties on the attached service list either by Federal Express or by first class mail, postage prepaid on February 25, 2002.

Dated at Arlington County, Virginia, this 25th day of February 2002.

  
PETER Q. NYCE, JR.

WALTER W MEEK PRESIDENT  
ARIZONA UTILITY INVESTORS ASSOC  
2100 N CENTRAL AVENUE SUITE 210  
PHOENIX AZ 85004

NORM J FURUTA  
DEPARTMENT OF THE NAVY  
900 COMMODORE DRIVE BLDG 107  
SAN BRUNO CA 94066-5006

RICK LAVIS  
ARIZONA COTTON GROWERS ASSOC  
4139 EAST BROADWAY ROAD  
PHOENIX AZ 85040

CONTINENTAL DIVIDE ELECTRIC COOP  
P O BOX 1087  
GIANTS NEW MEXICO 87020

ARIZONA DEPT OF COMMERCE  
ENERGY OFFICE  
3800 NORTH CENTRAL AVENUE 12<sup>TH</sup> FL  
PHOENIX AZ 85012

A B BAARDSON  
NORDIC POWER  
4281 N SUMMERSET  
TUCSON ARIZONA 85715

CRAIG MARKS  
CITIZENS UTILITIES COMPANY  
2901 N CENTRAL AVE SUITE 1660  
PHOENIX ARIZONA 85012-27

TERRY ROSS  
CENTER FOR ENERGY AND  
ECONOMIC DEVELOPMENT  
P O BOX 288  
FRANKTOWN CO 80116-0288

JIM DRISCOLL  
ARIZONA CITIZEN ACTION  
5160 E BELLEVUE ST APT 101  
TUCSON AZ 85712-4828

ROBERT JULIAN  
PPG  
1500 MERRELL LANE  
BELGRADE MONTANA 59714

RICK GILLIAM  
ERIC C GUIDRY  
LAND & WATER FUND OF THE  
ROCKIES  
ENERGY PROJECT  
2260 BASELINE RD SUITE 200  
BOULDER COLORADO 80302

BARBARA S BUSH  
COALITION FOR RESPONSIBLE  
ENERGY EDUCATION  
315 WEST RIVIERA DRIVE  
TEMPE ARIZONA 85252

STEVE BRITTLE  
DON WASTER ARIZONA INC  
6205 SOUTH 12<sup>TH</sup> STREET  
PHOENIX ARIZONA 85040

DIXIE ESCALANTE RURAL ELEC  
ASSOC  
CR BOX 95  
BERYL UTAH 84714

CHRISTOPHER J EMGE  
ARIZONA COMMUNITY ACTION ASSOC  
2627 N 3<sup>RD</sup> STREET SUITE 2  
PHOENIX AZ 85004

JESSICA YOULE  
PAB300  
SALT RIVER PROJECT  
P O BOX 52025  
PHOENIX AZ 85072-2025

BARRY HUDDLESTON  
DESTEC ENERGY  
P O BOX 4411  
HOUSTON TX 77210-4411

CLARA PETERSON  
AARP  
HC 31, BOX 977  
HAPPY JACK AZ 86024

WILLIAM BAKER  
ELECTRICAL DISTRICT NO 6  
P O BOX 16450  
PHOENIX AZ 85011

C WEBB CROCKETT  
JAY L SHAPIRO  
FENNEMORE CRAIG PC  
3003 N CENTRAL AVENUE SUITE 2600  
PHOENIX ARIZONA 85012-2913

TERRY FROTHUN  
ARIZONA STATE AFL-CIO  
5818 N 7<sup>TH</sup> STREET SUITE 200  
PHOENIX AZ 85014-5811

SAM DEFRAW (ATTN CODE 001)  
RATE INTERVENTION DIVISION  
NAVAL FACILITIES ENGINEERING COM  
BULIDING 212 4<sup>TH</sup> FLOOR  
901 M STREET SE  
WASHINGTON DC 20374-5018

COLUMBUS ELECTRIC COOP INC  
P O BOX 631  
DEMING NEW MEXICO 88031

GARKANE POWER ASSOCIATION INC  
P O BOX 790  
RICHFIELD UTAH 84701

TUCSON ELECTRIC POWER CO  
LEGAL DEPT - DB203  
220 W 6<sup>TH</sup> STREET  
P O BOX 711  
TUCSON ARIZONA 85702-0711

JOE EICHELBERGER  
MAGMA COPPER COMPANY  
P O BOX 37  
SUPERIOR AZ 85273

STEVE MONTGOMERY  
JOHNSON CONTROLS  
2032 WEST 4<sup>TH</sup> STREET  
TEMPE ARIZONA 85281

LARRY MCGRAW  
USDA-RUS  
6266 WEEPING WILLOW  
RIO RANCHO NM 87124

JOHN JAY LIST  
GENERAL COUNSEL  
NATIONAL RURAL UTILITIES  
COOPERATIVE FINANCE CORP  
2201 COOPERATIVE WAY  
HERNDON VA 2107

ROBERT S LYNCH  
ARIZONA TRANSMISSION DEPENDENT  
UTILITY GROUP  
340 E PALM LANE SUITE 140  
PHOENIX AZ 85004-4529

K R SALINE  
K R SALINE & ASSOCIATES  
CONSULTING ENGINEERS  
160 N PASADENA SUITE 101  
MESA AZ 85201-6764

CARL ROBERT ARON  
EXECUTIVE VICE PRESIDENT AND CO  
ITRON INC  
2818 N SULLIVAN ROAD  
SPOKANE WASHINGTON 99216

DOUGLAS NELSON  
DOUGLAS C NELSON PC  
7000 N 16<sup>TH</sup> STREET SUITE 120-301  
PHOENIX AZ 85020-5547

LAWRENCE V ROBERTSON JR  
MUNGER CHADWICK PLC  
333 NORTH WILMOT SUITE 300  
TUCSON AZ 85711-2634

ALBERT STERMAN  
ARIZONA CONSUMERS COUNCIL  
2849 EAST 8<sup>TH</sup> STREET  
TUCSON ARIZONA 85716

MICHAEL GRANT  
GALLAGHER & KENNEDY  
2575 EAST CAMELBACK ROAD  
PHOENIX AZ 85016-9225

SUZANNE DALLIMORE  
ANTITRUST UNIT CHIEF  
DEPARTMENT OF LAW BLDG  
ARIZONA ATTORNEY GENERAL'S OFC  
1275 WEST WASHINGTON ST  
PHOENIX AZ 85007

VINNIE HUNT  
CITY OF TUCSON  
DEPARTMENT OF OPERATIONS  
4004 S PARK AVENUE BLDG #2  
TUCSON AZ 85714

ELIZABETH S FIRKINS  
INTERNATION BROTHERHOOD OF  
ELECTRICAL WORKERS L U #1116  
750 S TUCSON BLVD  
TUCSON AZ 85716-5698

CARL DABELSTEIN  
2211 E EDNA AVENUE  
PHOENIX ARIZONA 85022

RODERICK G MCDOUGALL CITY ATTY  
CITY OF PHOENIX  
ATTN: JESSE SEARS ASST CHIEF  
1 COUSNEL  
200 W WASHINGTON STREET SUITE  
1300  
PHOENIX ARIZONA 85003-1611

WILLIAM J MURPHY  
CITY OF PHOENIX  
200 WEST WASHINGTON ST STE 1400  
PHOENIX AZ 85003-1611

RUSSELL E JONES  
WATERFALL ECONOMIDIS CALDWELL  
HANSHAW & VILLAMANA P C  
5210 E WILLIAMS CIRCLE SUITE 800  
TUCSON AZ 85711

CHRISTOPHER HITCHCOCK  
HITCHCOCK & HICKS  
P O BOX 87  
BISBEE AZ 85603-0087

ANDREW BETTWY  
DEBRA JACOBSON  
SOUTHWEST GAS CORPORTATION  
5241 SPRING MOUNTAIN RD  
LAS VEGAS NEVADA 89150-0001

BARBARA R GOLDBERG  
OFFICE OF THE CITY ATTORNEY  
3939 CIVIC CENTER BLVD  
SCOTTSDALE AZ 85251

BRADFORD A BORMAN  
PACIFICORP  
201 S MAIN SUITE 2000  
SALT LAKE CITY UTAH 84140

TIMOTHY M HOGAN  
ARIZONA ENTER FOR LAW IN THE  
PUBLIC INTEREST  
202 E MCDOWELL RD SUITE 153  
PHOENIX AZ 85004

MARCIA WEEKS  
18970 N 116<sup>TH</sup> LANE  
SURPRISE AZ 85374

JOHN T TRAVERS  
WILLIAM H NAU  
272 MARKET SQUARE SUITE 2724  
LAKE FOREST IL 60045

TIMOTHY MICHAEL TOY  
WINTHROP STIMSON PUTNAM &  
ROBERTS  
ONE BATTERY PARK PLAZA  
NEW YORK NY 10004-1490

RAYMOND S HEYMAN  
MICHAEL W PATTEN  
ROSHKA HEYMAN & DEWULF, PLC  
400 E VAN BUREN SUITE 800  
PHOENIX ARIZONA 85004

CHUCK MIESSNER  
NEV SOUTHWEST LLC  
P O BOX 711 MAILSTOP-DA308  
TUCSON AZ 85702-0711

BILLIE DEAN  
AVIDD  
P O BOX 97  
MARANA AZ 85652-0987

RAYMOND B WUSLICH  
WINSTON & STRAWN  
1400 L STREET NW  
WASHINGTON DC 20005

STEVEN C GROSS  
PORTER SIMON  
40200 TRUCKEE AIRPORT ROAD  
TRUCKEE CALIFORNIA 96161-3307

DONALD R ALLEN  
JOHN P COYLE  
DUNCAN & ALLEN  
1575 EYE STREET N W SUITE 300  
WASHINGTON DC 20005

WARD CAMP  
PHASER ADVANCED METERING SRVS  
400 GOLD SW SUITE 1200  
ALBUQUERQUE NM 87102

THERESA DRAKE  
IDAHO POWER COMPANY  
P O BOX 70  
BOSIDE IDAHO 83707

LIBBY BRYDOLF  
CALIFORNIA ENERGY MARKETS  
NEWSLETTER  
2419 BANCROFT STREET  
SAN DIEGO CA 92104

PAUL W TAYLOR  
R W BECK  
2201 E CAMELBACK RD SUTIE 115-B  
PHOENIX AZ 85016-3433

JAMES P BARLETT  
ARIZONA POWER AUTHORITY  
5333 N 7<sup>TH</sup> STREET SUITE B-215  
PHOENIX AZ 85014

JAY I MOYES  
MOYES STOREY  
3003 N CENTRAL AVE SUITE 1250  
PHOENIX ARIZONA 85012

STEPHEN L TEICHLER  
STEPHANIE A CONAGHAN  
DUANE MORRIS & HECKSCHER LLP  
1667 K STREET NW SUITE 700  
WASHINGTON DC 20006

KATY T PUCKETT  
SHELL OIL COMPANY  
200 N DAIRY ASHFORD  
HOUSTON TX 77079

ANDREW N CHAU  
SHELL ENERGY SERVICES CO LLC  
1221 LAMAR SUITE 1000  
HOUSTON TX 77010

MICHELLE AHLMER  
ARIZONA RETAILERS ASSOCIATION  
224 W 2<sup>ND</sup> STREET  
MESA AZ 85201

DAN NEIDLINGER  
NEIDLINGER & ASSOCIATES  
3020 N 17<sup>TH</sup> DRIVE  
PHOENIX AZ 85015

CHUCK GARCIA  
PNM LAW DEPARTMENT  
ALVARDO SQUARE MS 0806  
ALBUQUERQUE NM 87158

SANFORD J ASMAN  
570 VININGTON COURT  
DUNWOODY GA 30350-5710

PATRICIA COOPER  
AEP/SSWEPCO  
1000 SOUTH HIGHWAY 80  
BENSON AZ 85602

STEVE SEGAL  
LEBOEUF LAMB GREENE & MACRAE  
633 17<sup>TH</sup> STREET SUITE 2000  
DENVER CO 80202-3620

HOLLY E CHASTAIN  
SCHLUMBERGER RESOURCE  
MANAGEMENT SERVICES INC  
5430 METRIC PLACE  
NORCROSS GA 30092-2550

LESLEI LAWNER  
ENRON CORP  
712 NORTH LEA  
ROSWELL NM 88201

ALAN WATTS  
SOUTHERN CA PUBLIC POWER AGENCY  
529 HILDA COURT  
ANAHEIM CA 92806

FREDERICK M BLOOM  
COMMONWEALTH ENERGY CORP  
15991 RED HILL AVENUE SUITE 201  
TUSTIN CA 92780

MARGARET MCCONNELL  
MARICOPA COMMUNITYCOLLEGES  
2411 W 14<sup>TH</sup> STREET  
TEMPE AZ 85281-6942

CHRIS KING  
UTILITY.COM INC  
828 SAN PABLO AVENUE SUITE 115  
ALBANY CA 94706

BRIAN SOTH  
FIRSTPOINT SERVICES INC  
1001 S W 5<sup>TH</sup> AVE SUITE 500  
PORTLAND OREGON 92704

IAN CALKINS  
PHOENIX CHAMBER OF COMMERCE  
201 N CENTRAL AVE 27<sup>TH</sup> FL  
PHOENIX AZ 85073

KENVIN MCSPADDEN  
MILBANK TWEED HADLEY AND  
MCCLOY LLP  
601 S FIGUEROA 30<sup>TH</sup> FL  
LOS ANGELES CA 90017

M C ARENDES JR  
C3 COMMUNICATIONS INC  
2600 VIA FORTUNA SUITE 500  
AUSTIN TX 78746

PATRICK J SANDERSON  
ARIZONA INDEPENDENT SCHEDULING  
ADMINISTRATOR ASSOCIATION  
P O BOX 6277  
PHOENIX AZ 85005-6277

ROGER K FERLAND  
QUARLES & BRADY STREICH LANG L L P  
RENAISSANCE ONE  
TWO NORTH CENTRAL AVENUE  
PHOENIX AZ 85004-2391

CHARLES T STEVENS  
ARIZONANS FOR ELECTRIC CHOICE  
& COMPETITION  
245 W ROOSEVELT  
PHOENIX AZ 85003

MARK SIROIS  
ARIZONA COMMUNITY ACTION  
ASSOC  
2627 N THIRD STREET SUITE 2  
PHOENIX ARIZONA 85004

JEFFREY GULDNER  
THOMAS L MUMAW  
SNELL & WILMER  
400 E VAN BUREN  
ONE ARIZONA CENTER  
PHOENIX AZ 85004-0001

STEVEN J DUFFY  
RIDGE & ISAACSON PC  
3101 N CENTRAL AVE SUITE 740  
PHOENIX AZ 85012

GREG PATTERSON  
5432 E AVALON  
PHOENIX AZ 85018

JOHN WALLACE  
GRAND CANYON STATE ELECTRIC CO-  
OP  
120 N 44<sup>TH</sup> STREET SUITE 100  
PHOENIX AZ 85034-1822

STEVEN LAVIGNE  
DUKE ENERGY  
4 TRIAD CENTER SUITE 1000  
SALT LAKE CITY UTAH 84180

DENNIS L DELANEY  
K R SALINE & ASSOC  
160 N PASADENA SUITE 101  
MESA AZ 85201-6764

KEVIN C HIGGINS  
ENERGY STRATEGIES LLC  
30 MARKET STREET SUITE 200  
SALT LAKE CITY UTAH 84101

MICHAEL L KURTZ  
BORHM KURTZ & LOWRY  
36 E SEVENTH STREET SUITE 2110  
CINCINNATI OHIO 45202

DAVID BERRY  
P O BOX 1064  
SCOTTSDALE AZ 85252

WILLIAM P INMAN  
DEPT OF REVENUE  
1600 W MONROE ROOM 911  
PHOENIX ARIZONA 85007

ROBERT BALTES  
ARIZONA COGENERATION ASSOC  
7250 N 16<sup>TH</sup> STREET SUITE 102  
PHOENIX AZ 85020-5270

JANA VAN NESS  
APS  
MAIL STATION 9905  
P O BOX 53999  
PHOENIX AZ 85072-3999

DAVID COUTURE  
TEP  
4350 E IRVINGTON ROAD  
TUCSON AZ 85714

JANA BRANDT  
SRP  
MAIL STATION PAB211  
P O BOX 52025  
PHOENIX ARIZONA 85072-2025

RANDALL H WARNER  
JONES SKELTON & HOCHULI PLC  
2901 N CENTRAL AVE SUITE 800  
PHOENIX ARIZONA 85012

JOHN A LASOTA JR  
MILLER LASOTA & PETERS PLC  
5225 N CENTRAL AVE SUITE 235  
PHOENIX AZ 85012

CHRISTOPHER KEMPLEY  
CHIEF COUNSEL  
ARIZONA CORPORATION COMMISSION  
1200 W WASHINGTON STREET  
PHOENIX AZ 85007

ERNEST G JOHNSON - UTILITIES DIV  
ARIZONA CORPORATION COMMISSION  
1200 WEST WASHINGTON STREET  
PHOENIX AZ 85007

ARIZONA REPORTING SERVICE, INC  
2627 N THIRD STREET SUITE THREE  
PHOENIX ARIZONA 85004-1104