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BEFORE THE ARIZONA CORPORATION COMMISSION

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WILLIAM A. MUNDELL  
Chairman  
JIM IRVIN  
Commissioner  
MARC SPITZER  
Commissioner

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ARIZONA CORP. COMM.  
TUCSON, AZ.

- IN THE MATTER OF THE GENERIC )  
PROCEEDINGS CONCERNING ELECTRIC ) Docket No. E-00000A-02-0051  
RESTRUCTURING ISSUES )
- IN THE MATTER OF ARIZONA PUBLIC )  
SERVICE COMPANY'S REQUEST FOR A ) Docket No. E-01345A-01-0822  
VARIANCE OF CERTAIN REQUIREMENTS OF )  
A.A.C. R14-2-1606 )
- IN THE MATTER OF THE GENERIC )  
PROCEEDINGS CONCERNING THE ARIZONA ) Docket No. E-00000A-01-0630  
INDEPENDENT SCHEDULING )  
ADMINISTRATOR )
- IN THE MATTER OF TUCSON ELECTRIC )  
POWER COMPANY'S APPLICATION FOR A ) Docket No. E-01933A-02-0069  
VARIANCE OF CERTAIN ELECTRIC )  
COMPETITION RULES COMPLIANCE DATES )
- IN THE MATTER OF THE APPLICATION OF )  
TUCSON ELECTRIC POWER COMPANY FOR ) Docket No. E-01933A-98-0471  
APPROVAL OF ITS STRANDED COST )  
RECOVERY )

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**RESPONSES TO COMMISSIONERS' QUESTIONS  
ON ELECTRIC RESTRUCTURING AND COMPETITION  
BY THE SOUTHWEST ENERGY EFFICIENCY PROJECT (SWEEP)**

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The Southwest Energy Efficiency Project (SWEEP) respectfully submits the following responses to the Commissioners' questions on electric restructuring and competition issues.

Arizona Corporation Commission

**DOCKETED**

FEB 27 2002

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## 1     **Introduction and Background**

2  
3     SWEEP is a public interest organization promoting greater energy efficiency in a six-state region  
4 including Arizona, Colorado, New Mexico, Nevada, Utah, and Wyoming. SWEEP works on  
5 state energy legislation, analysis of energy efficiency opportunities and potential, expansion of  
6 state and utility energy efficiency programs as well as the design of these programs, and  
7 voluntary partnerships with the private sector to advance energy efficiency. SWEEP is  
8 collaborating with utilities, state agencies, environmental groups, universities, and energy  
9 specialists in the region. SWEEP is a joint project of the American Council for an Energy-  
10 Efficient Economy (ACEEE) and the Land and Water Fund of the Rockies.

11  
12     SWEEP appreciates the opportunity to respond to the Commissioners' questions on these crucial  
13 restructuring issues. SWEEP is responding only to those questions related to energy efficiency,  
14 demand-side management, and distributed resources, where it has special expertise and interest.

15  
16     By definition, effective and efficient competitive markets need a supply side *and* a demand side.  
17 One criticism of electric restructuring efforts in many states is that most of the attention has been  
18 focused on the supply side, and then primarily on increased supply options and reduced prices for  
19 large customers. In general, the demand side of the market has been under-addressed, and  
20 meaningful opportunities for small and medium customers have not materialized.

21  
22     Energy efficiency is effective on the demand side of the market by reducing overall energy  
23 consumption and peak demand. In addition, energy efficiency reduces market prices for  
24 everyone purchasing power in the market (retail and wholesale), as documented in studies in  
25 California, Massachusetts, and elsewhere. Energy efficiency also reduces the environmental  
26 impacts of electricity generation and transmission.

27  
28     Energy efficiency programs provide meaningful choices and opportunities for customers of all  
29 sizes, including industrial, commercial, small business, and residential customers. In fact, energy  
30 efficiency provides what is probably the most effective option for reducing the cost of energy  
31 service for the vast majority of small, medium, and even large customers – by focusing on  
32 efficient energy use and reducing the size of the bill, not just on the rate or price of generation  
33 service.

34  
35     Energy efficiency programs can provide substantial resources that are reliable and cost-effective,  
36 at costs less than those for central generation, transmission, and distribution. For example, in  
37 1999 the California Energy Commission stated, "Since 1975, a combination of State energy  
38 efficiency standards for buildings and appliances and utility energy efficiency programs have  
39 reduced electricity and natural gas consumption in California by over 470,000 gigawatt hours and  
40 over 50 billion therms. The displaced energy from both standards and programs was roughly the  
41 equivalent of fourteen 700 megawatts power plants," or about 9,800 MW. Reduced demand due  
42 to cost-effective energy efficiency programs, building and appliance standards, and voluntary  
43 reductions was a major reason why California avoided rolling blackouts in the summer of 2001.

1  
2 Several state and regional assessments based on real world experience in California, New  
3 England, the Pacific Northwest, and elsewhere have documented the cost of energy efficiency  
4 programs, from a total resource cost perspective (which includes all program costs and customer  
5 costs), to be between \$.02 and \$.04 per lifetime kWh saved, at the customer meter. This is  
6 significantly less than the total cost of energy delivered to the customer meter from central supply  
7 options.

8  
9 Energy efficiency programs are cost-effective investments for society, meaning that the benefits  
10 exceed the costs of the programs. For each dollar of total costs (the sum of system benefits  
11 funding and customer costs), energy efficiency programs provide \$1.50 to \$2.50 in benefits to the  
12 electric system. For each dollar of system benefits funding invested, energy efficiency programs  
13 return \$2.00 to \$4.00 in benefits to the electric system – a very cost-effective investment of  
14 system benefits funds.

15  
16 When compared to central generation and transmission, energy efficiency is less costly, more  
17 cost effective, cleaner, more distributed with no need for transmission or distribution, more  
18 diverse, less risky in terms of market and fuel price volatility, and less subject to security risks  
19 and interruptions – and it does not consume scarce resources or harm the environment. Energy  
20 efficiency programs provide financial and other benefits to consumers and businesses, and they  
21 create jobs and improve the economy.

22  
23 The potential for energy efficiency in Arizona is very large, given recent developments in energy  
24 efficiency technologies and services, and considering the limited nature of energy efficiency and  
25 DSM programs in Arizona relative to other states that are currently acquiring large amounts of  
26 cost-effective energy efficiency resources. SWEEP is conducting a study of the potential for  
27 energy efficiency in the region, including the potential in Arizona. The study will be completed  
28 and available by September 2002.

29  
30 SWEEP supports the efforts of the Commissioners to review crucial issues before important  
31 Commission decisions are made regarding restructuring and retail electric competition. SWEEP  
32 requests that the Commission examine the benefits of energy efficiency and the documented  
33 performance of cost-effective energy efficiency programs, as well as the benefits of other  
34 demand-side and renewable resources, as part of its review.

1 **SWEEP Responses to Commissioners' Questions**

2  
3 **Chairman Mundell Question I. A. 3.** *What are the possible goods and services traditionally*  
4 *provided by the electric utility for which retail competition is possible? You may address the*  
5 *following categories of goods and services: ...demand side management, energy efficiency....*  
6

7 Utilities in Arizona have provided demand-side management (DSM) programs in the past, but  
8 current utility DSM programs in Arizona are limited in funding and do not provide opportunities  
9 for all customers.

10  
11 Some energy efficiency products and services are offered in the competitive marketplace, and  
12 these have been adopted to a limited degree by some customers, particularly by large customers  
13 served by energy service companies. However, cost-effective energy efficiency resources in  
14 Arizona are often untapped due to significant market barriers faced by customers and other  
15 market participants (e.g., retailers, distributors, manufacturers, builders, contractors, and property  
16 managers). These market barriers include information or search costs, hassle and transaction  
17 costs, performance uncertainties, market response uncertainties, asymmetric information and  
18 opportunism, product or service unavailability, limited access to financing, bounded rationality  
19 (the behavior of an individual during the decision making process that appears to be inconsistent  
20 with the individual's goals), organizational practices or customs, split incentives, inseparability  
21 of product features, irreversibility, and the failure of market electricity prices to reflect the full  
22 cost of energy to society including environmental and social externalities.

23  
24 Some large customers see electricity as a commodity, and they are willing to shop for better  
25 prices or for other alternatives. But most small customers see energy as a service, and generally  
26 they do not shop for or consider other choices. Also, energy efficiency is more of a product or  
27 service attribute, rather than a distinct product or service with its own market. Even when  
28 customers are interested in exploring alternatives, the market barriers listed above limit their  
29 ability to consider and adopt energy efficiency products and services. These market barriers also  
30 limit the perceived viability of and market size for energy efficiency products and services in the  
31 minds of manufacturers and suppliers.

32  
33 Even in competitive retail electric market systems proposed by restructuring advocates, most of  
34 these market barriers to energy efficiency will remain. Therefore, most of the cost-effective  
35 energy efficiency resources that could provide net benefits to Arizona and its customers will not  
36 be acquired in the competitive market, absent intervention. The end result of a competitive-  
37 market-only approach will be an electricity market with higher societal costs for electric energy  
38 services, higher customer bills, less efficiency, fewer jobs, and more environmental damage.

39  
40 Publicly-funded energy efficiency programs can change or transform markets so that market  
41 barriers are reduced, and the level of energy efficiency adopted in the competitive market is  
42 increased. Most energy efficiency programs are market-oriented, in that the programs leverage  
43 and focus on naturally-occurring market opportunities, such as increasing energy efficiency when

1 buying or building a new home, designing and building a new office building or facility,  
2 purchasing a new appliance, replacing old or failed equipment, modifying an industrial process,  
3 buying or replacing a heating or cooling system, or remodeling a home or business. The  
4 programs work with the market by focusing on market opportunities, reducing market barriers,  
5 and increasing opportunities for and adoption of energy efficiency.  
6

7 Energy efficiency programs in the past have been instrumental in transforming some markets,  
8 increasing the market adoption of energy efficient products and services, and making energy  
9 efficiency more of a standard practice in the competitive market. For example, in commercial  
10 lighting, T-8 lamps and electronic ballasts became standard practice in owner-occupied office  
11 buildings and other facilities after significant efforts by utility energy efficiency programs in  
12 many states, including financial incentives, information and technical assistance, contractor  
13 training, and testing and program standards to ensure quality equipment and installation. On the  
14 residential side, there have been significant increases in the energy efficiency of new air  
15 conditioners, refrigerators, clothes washers, and other appliances over the last 20 years, driven in  
16 part by utility energy efficiency programs. These efficiency improvements were then extended to  
17 all new products through federal appliance efficiency standards.  
18

19 Energy efficiency programs supported by system benefits charges or other ratepayer funding are  
20 not only desirable, but they are essential to the development of an effective and efficient energy  
21 market that has both supply-side and demand-side options, and that provides meaningful  
22 opportunities for all customers, small and large. This is true under the current system of  
23 wholesale competition with limited retail competition (i.e., retail competition effectively only for  
24 very large customers), and it would be true in a system of increased retail competition.  
25

26 The actual provision of energy efficiency services supported with system benefits or other  
27 ratepayer funds can be competitive, and is competitive in many states. Contractors provide many  
28 program services, and, in general, these contractors are selected using competitive requests for  
29 proposals (RFPs). This competitive outsourcing approach helps develop an infrastructure in the  
30 private market.  
31

32  
33 **Chairman Mundell Question III. F.** *How does current Commission regulation promote or*  
34 *deter the ability of (1) renewables, (2) distributed generation, and (3) energy efficiency and*  
35 *demand side management to compete with traditional generation resources?*  
36

37 Current Commission regulation promotes renewables through the Environmental Portfolio  
38 Standard (EPS), and SWEEP continues to support the EPS. Future Commission action on the  
39 EPS should be independent of the continuation, deferral, or rejection of retail electric  
40 competition. The EPS should remain in place even if the Commission decides to suspend or  
41 abandon retail electric competition. In addition, the Commission should review buy-back rates  
42 and ensure consistent and effective net metering tariffs to reduce other obstacles to increased use  
43 of renewable energy technologies.

1  
2 Current Commission regulation and policies should be reviewed and revised to increase support  
3 for distributed generation and other distributed resources (energy efficiency, load management,  
4 demand response, renewables, and combined heat and power). Interconnection rules should  
5 ensure a reliable and safe grid without erecting undue barriers to distributed generation. Planning  
6 efforts, system operations, and market-based approaches should more fully identify and value the  
7 geographic-specific and time-specific nature of energy use, peak demand, and loads, and the  
8 variations in these values across the state and across time periods. In doing so, integrated  
9 approaches targeted to local area problems (e.g., transmission or distribution constraints) and  
10 specific resource needs (e.g., peak versus intermediate or baseload needs) can be considered and  
11 implemented more frequently and more effectively. In addition, the Commission should require  
12 a distributed resources plan to be included as part of the Ten Year Plans.

13  
14 Current Commission regulation provides little support for DSM and energy efficiency programs.  
15 System benefits funding for energy efficiency in Arizona has declined significantly since the  
16 mid-1990s. There has been an imbalance in supply-side versus demand-side regulatory  
17 approaches, with much attention focused on new generation and transmission (given the  
18 background of inefficient load growth in Arizona and numerous siting applications), and with  
19 little attention given to increasing energy efficiency, reducing inefficient load, and acquiring cost-  
20 effective energy efficiency and other demand-side resources. The result is that the total societal  
21 cost of electric energy services, as well as the environmental impacts of the electric system, will  
22 be higher than if cost-effective energy efficiency and other demand-side resources had been  
23 implemented to a greater extent. Energy efficiency programs supported by increased system  
24 benefits charges or other ratepayer funding are needed to achieve benefits for customers and the  
25 electric system in Arizona, including reduced societal costs for electric energy services, reduced  
26 market prices for electricity, reduced bills for customers, less environmental damage, and a more  
27 diverse, resilient, and reliable electric system.

28  
29 Distribution utilities should administer the energy efficiency programs and system benefits  
30 funding, with program delivery outsourced to contractors and third parties wherever outsourcing  
31 is beneficial. If distribution utilities do not wish to administer the programs or do not perform  
32 adequately, then other alternatives including independent administration should be considered.

33  
34 As noted above in response to the prior question, energy efficiency programs can and should be  
35 market-oriented, by identifying and focusing on market opportunities within existing markets and  
36 infusing energy efficiency into naturally-occurring market transactions. Market-oriented  
37 programs will increase the ability of energy efficiency to compete with traditional supply  
38 resources.

1 **Chairman Mundell Question IV. B. 8.** *Does the transmission and distribution system facilitate*  
2 *or deter (a) the development of renewable energy technologies, (b) the development of*  
3 *distributed generation, and (c) the development of demand-side management and energy*  
4 *efficiency?*  
5

6 Currently, transmission and distribution system planning and operations do not adequately  
7 consider distributed resources (renewables, distributed generation, energy efficiency, load  
8 management, demand response, and combined heat and power) as cost-effective alternatives to  
9 transmission or distribution investments.

10  
11 System planning efforts should be more transparent to clearly identify potential future  
12 transmission and distribution investments, and should be broadened to identify and assess  
13 distributed resources (including renewables, distributed generation, and energy efficiency and  
14 other demand-side resources) as alternatives to transmission and distribution investments.

15 System planning efforts should:

- 16 1. Consider energy efficiency and other distributed resources concentrated in local  
17 geographic areas to relieve constraints or to defer or eliminate transmission or distribution  
18 investments. Reducing load and installing clean distributed generation in the local area  
19 are often cost-effective approaches that do less harm to the environment than adding  
20 transmission. And energy efficiency is easier to site than new transmission lines.
- 21 2. Use a least-cost planning framework for assessing transmission and distribution  
22 investments versus distributed resource alternatives, including energy efficiency. At a  
23 minimum, the process should fully disclose the costs and environmental impacts of new  
24 transmission and distribution, and allow distributed resources to bid against the  
25 transmission and distribution investments.
- 26 3. Consider explicit RTO support for regional, statewide, or local area energy efficiency  
27 programs that provide documented value to the regional system (e.g., funding or co-  
28 funding using an uplift charge).

29  
30 One aspect of this problem is that when transmission engineers are responsible for system  
31 planning and operations, the proposed solutions tend to be more transmission. Planning forums  
32 should be broadened to include organizations and individuals with expertise in distributed  
33 resources and other alternatives.

34  
35 SWEEP also recommends that the Commission require a distributed resources plan as part of the  
36 Ten Year Plans.

37  
38  
39 **Chairman Mundell Question VII.** *Please provide your vision for how viable competitive*  
40 *wholesale and retail electric markets will or will not develop in Arizona. Please be specific*  
41 *regarding dates, the development process, and measures for determining at various stages how*  
42 *successful the process has been.*  
43

1 Competitive markets should have the following characteristics if they are to be effective and  
2 provide value to society:

- 3 • Markets should have both a supply side and a demand side, with effective options on both  
4 sides of the market.
- 5 • Markets should provide meaningful opportunities and options for all customers.
- 6 • Markets should be diverse and resilient.
- 7 • Markets should display and value the geographic-specific and time-specific nature of  
8 energy use, peak demand, and loads.
- 9 • Markets should facilitate consideration of a wide variety of options and alternatives.
- 10 • There should be protections against market power, undue concentration of market  
11 influence, and collusion.

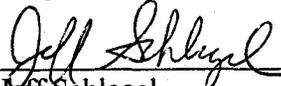
12  
13 The above market characteristics should be met regardless of the type or particular structure of  
14 competitive markets, whether the Commission chooses the current system of wholesale  
15 competition with limited retail competition, or a system of increased retail competition.

16  
17 SWEEP believes that society and the electric system would be better off with greater use of  
18 energy efficiency, other demand-side resources, renewable energy, and clean distributed  
19 generation. Energy efficiency and other demand-side and distributed resources can help meet the  
20 needs of Arizona customers in a cost-effective, reliable, and clean manner. Currently, cost-  
21 effective energy efficiency resources are under-utilized and are not being captured in the  
22 competitive market.

23  
24 Energy efficiency programs supported by system benefits or other ratepayer funding are not only  
25 desirable, but they are essential to the development of an effective and efficient market that has  
26 both supply-side and demand-side options, and that provides meaningful opportunities for all  
27 customers, small and large.

28  
29 Regardless of the approach taken or the decisions made in the future, the Commission should not  
30 lose state oversight of the electric industry and related markets that have a fundamental impact on  
31 residents and businesses in Arizona.

32  
33  
34 Respectfully submitted this 25<sup>th</sup> day of February 2002,

35  
36   
37 Jeff Schlegel  
38 SWEEP, Arizona Representative  
39 1167 W. Samalayuca Drive  
40 Tucson, AZ 85704-3224  
41

## CERTIFICATE OF SERVICE

I hereby certify that the original and 18 copies of **Responses to Commissioners' Questions on Electric Restructuring and Competition by the Southwest Energy Efficiency Project (SWEET)** were hand-delivered to the Arizona Corporation Commission, 400 West Congress Street, Tucson, AZ 85701, on the 25th day of February 2002, and a true and correct copy was sent by U.S. mail, first-class and postage prepaid, to each of the following:

Scott S. Wakefield  
RUCO  
2828 N. Central, Suite 1200  
Phoenix AZ 85004

Thomas L. Mumaw  
Jeffrey B. Guldner  
Snell & Wilmer  
One Arizona Center  
Phoenix AZ 85004

Mark Sirosis  
Executive Director  
Arizona Community Action Assn  
2627 North Third Street #2  
Phoenix AZ 85004

Greg Patterson  
Arizona Competitive Power Alliance  
245 West Roosevelt  
Phoenix AZ 85003

Michael L. Kurtz  
Borhn Kurtz & Lowry  
36 E. Seventh Street, Suite 2210  
Cincinnati OH 45202

Michael A. Curtis  
Martinez & Curtis, P.C.  
2712 North 7th Street  
Phoenix Arizona 85006

C. Webb Crockett  
Jay L. Shapiro  
Fennemore Craig  
3003 N. Central, Suite 2600  
Phoenix AZ 85012-2913

Kevin C. Higgins  
Energy Strategies  
30 Market Street, Suite 200  
Salt Lake City UT 84101

Terry Frothun  
Arizona State AFL-CIO  
5818 N. 7th Street, Suite 200  
Phoenix Arizona 85014-5811

Walter W. Meek, President  
Arizona Utility Investors Association  
2100 N. Central, Suite 210  
Phoenix AZ 85004

Charles T. Stevens  
Kevin C. Higgins  
Electric Choice & Competition  
245 Roosevelt Street  
Phoenix AZ 85003

Norman J. Furuta  
Department of the Navy  
900 Commodore Drive, Bldg 107  
San Bruno California 94066-5006

Roger K. Ferland  
Quarles & Brady Streich Lang  
Renaissance One  
Two North Central  
Phoenix AZ 85004-2391

David Berry  
Land and Water Fund of the Rockies  
P.O. Box 1064  
Scottsdale, AZ 85252

Christopher J. Emge  
Arizona Community Action Assn.  
2627 N. 3rd Street, Suite 2  
Phoenix Arizona 85004

Steven J. Duffy  
Ridge & Isaacson  
3101 N. Central, Suite 1090  
Phoenix AZ 85012

William P. Inman  
General Counsel  
Arizona Department of Revenue  
1600 West Monroe, Room 911  
Phoenix AZ 85007

A.B. Baardson  
Nordic Power  
4281 N. Summerset  
Tucson Arizona 85715

Steve Lavigne  
Director of Regulatory Affairs  
Duke Energy  
4 Triad Center, Suite 1000  
Salt Lake City UT 84180

Lawrence V. Robertson, Jr.  
Munger Chadwick, PLC  
National Bank Plaza  
333 North Wilmot, Suite 300  
Tucson AZ 85711

Barbara S. Bush  
Coalition for Responsible Energy  
Education  
315 West Riviera Drive  
Tempe Arizona 85252

Robert S. Lynch  
Arizona Transmission Dependent  
Utility Group  
340 East Palm Lake, Suite 140  
Phoenix AZ 85004-4529

Randall H. Warner, Esq.  
Jones, Skelton & Hochuli, PLC  
2901 Central, Suite 800  
Phoenix AZ 85012

Sam Defraw (Attn. Code 001)  
Naval Facilities Engineering  
Command  
Building 212, 4th Floor  
901 M Street SE  
Washington, DC 20374-5018

Dennis L. Delaney  
K.R. Saline & Associates  
160 N. Pasadena, Suite 101  
Mesa AZ 85201-6764

Robert Baltes, President  
Arizona Cogeneration Association  
Baltes/Valentino Associates Limited  
7250 North 16th Street, Suite 102  
Phoenix AZ 85020-5270

Rick Lavis  
Arizona Cotton Growers Association  
4139 East Broadway Road  
Phoenix, Arizona 85040

Steve Brittle  
Don't Waste Arizona, Inc.  
6205 South 12th Street  
Phoenix Arizona 85040

Columbus Electric Cooperative, Inc.  
P.O. Box 631  
Deming, New Mexico 88031

Continental Divide Electric  
Cooperative  
P.O. Box 1087  
Grants New Mexico 87020

Dixie Escalante Rural Electric  
Association  
CR Box 95  
Beryl Utah 84714

Garkane Power Association, Inc.  
P.O. Box 790  
Richfield. Utah 84701

Arizona Dept of Commerce  
Energy Office  
3800 North Central Ave., 12th Floor  
Phoenix Arizona 85012

Jessica Youle  
PAB300  
Salt River Project  
P.O. Box 52025  
Phoenix Arizona 85072-2025

Joe Eichelberger  
Magma Copper Company  
P.O. Box 37  
Superior Arizona 85273

Craig Marks  
Citizens Utilities Company  
2901 N. Central Avenue, Suite 1660  
Phoenix Arizona 85012-2736

Barry Huddleston  
Destec Energy  
P.O. Box 4411  
Houston Texas 77210-4411

Steve Montgomery  
Johnson Controls  
2032 West 4th Street  
Tempe Arizona 85281

Terry Ross  
Center for Energy and Economic  
Development  
P.O. Box 288  
Franktown Colorado 80116-0288

Clara Peterson  
AARP  
HC 31, Box 977  
Happy Jack Arizona 86024

Carl Robert Aron  
Executive Vice President and COO  
ITRON, INC.  
2818 N. Sullivan Road  
Spokane Washington 99216

Douglas Nelson  
Douglas C. Nelson, PC  
7000 N. 16th Street, Suite 120-307  
Phoenix Arizona 85020-5547

Larry McGraw  
USDA-RUS  
6266 Weeping Willow  
Rio Rancho, New Mexico 87124

Jim Driscoll  
Arizona Citizen Action  
5160 E. Bellevue Street, Apt. 101  
Tucson AZ 85712-4828

William Baker  
Electrical District No. 6  
7310 N. 16th Street, Suite 320  
Phoenix, Arizona 85020

John Jay List  
National Rural Utilities Cooperative  
Finance Corp.  
2201 Cooperative Way  
Herndon Virginia 21071

Robert Julian  
PPG  
1500 Merrell Lane  
Belgrade Montana 59714

K.R. Saline  
K.R. SALINE & ASSOCIATES  
Consulting Engineers  
160 N. Pasadena, Suite 101  
Mesa Arizona 85201-6764

Bradford A. Borman  
PacifiCorp  
201 S. Main, Suite 2000  
Salt Lake City, Utah 84140

Timothy M. Hogan  
Arizona Center for Law in the Public  
Interest  
202 F. McDowell Rd., Suite 153  
Phoenix Arizona 85004

Marcia Weeks  
18970 N. 116th Lane  
Surprise Arizona 85374

Albert Sterman  
Arizona Consumers Council  
2849 East 8th Street  
Tucson Arizona 85716

Michael Grant  
Gallagher & Kennedy  
2575 East Camelback Road  
Phoenix Arizona 85016-9225

Suzanne Dallimore  
Antitrust Unit Chief  
Arizona Attorney General's Office  
1275 West Washington Street  
Phoenix, Arizona 85007

Raymond S. Heyman  
Michael Patten  
Roshka Heyman & Dewulf  
400 N. 5th Street, Suite 1000  
Phoenix, Arizona 85004

Jay I. Moyes  
Moyes Storey  
3003 N. Central Ave., Suite 1250  
Phoenix Arizona 85012

Stephen L. Teichler  
Duane Morris & Heckscher  
1667 K Street NW, Suite 700  
Washington DC 20006

Kathy T. Puckett  
Shell Oil Company  
200 N. Dairy Ashford  
Houston, Texas 77079

Andrew N. Chau  
Shell Energy Services Co.  
1221 Lamar, Suite 1000  
Houston Texas 77010

John T. Travers  
William H. Nau  
272 Market Square, Suite 2724  
Lake Forest, Illinois 60045

Timothy Michael Toy  
Winthrop, Stimson, Putnam & Roberts  
One Battery Park Plaza  
New York New York 10004-1490

Stephanie A. Conaghan  
Duane, Morris & heckscher  
1667 K Street NW, Suite 700  
Washington DC 20006-1608

Chuck Miessner  
NEV SOUTHWEST LLC  
P.O. Box 711, Mailstop-DA308  
Tucson, Arizona 85702-0711

Billie Dean  
AVIDD  
PO Box 97  
Marana Arizona 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

Peter Q. Nyce, Jr.  
Department of the Army  
JALS-RS Suite 713  
901 N. Stuart Street  
Arlington Virginia 22203-1837

Michelle Ahlmer  
Arizona Retailers Association  
137 F. University Drive  
Mesa, Arizona 85201

Holly F. Chastain  
Schlumberger Resource Management  
Services  
5430 Metric Place  
Norcross Georgia 30092-2550

Leslie Lawner  
Enron Corp.  
712 NorthLea  
Roswell New Mexico 88201

Dan Neidlinger  
Neidlinger & Associates  
3020 N. 17th Drive  
Phoenix, Arizona 85015

Chuck Garcia  
PNM Law Department  
Alvarado Square, MS 0806  
Albuquerque New Mexico 87158

Sanford J. Asman  
570 Vinington Court  
Dunwoody Georgia 30350-5710

Patricia Cooper  
AEP/SSWEPCO  
1000 South Highway 80  
Benson, Arizona 85602

Steve Segal  
Leboeuf, Lamb, Greene & Macrae  
633 17th Street, Suite 2000  
Denver Colorado 80202-3620

Donald R. Allen  
John P. Coyle  
DUNCAN & ALLEN  
1575 Eye Street NW, Suite 300  
Washington DC 20005

Ward Camp  
Phaser Advanced Metering Services  
400 Gold SW, Suite 1200  
Albuquerque New Mexico 87102

Theresa Drake  
Idaho Power Company  
P.O. Box 70  
Boise, Idaho 83707

Libby Brydolf  
California Energy Markets Newsletter  
2419 Bancroft Street  
San Diego California 92104

Paul W. Taylor  
R W BECK  
2201 E. Camelback Rd, Suite 115-B  
Phoenix, Arizona 85016-3433

James P. Barlett  
5333 N. 7th Street, Suite B-215  
Phoenix Arizona 85014

Kevin McSpadden  
Milbank, Tweed, Hadley and McCloy  
601 S. Figueroa, 30th Floor  
Los Angeles California 90017

Alan Watts  
Southern California Public Power  
Agency  
529 Hilda Court  
Anaheim California 92806

Frederick M. Bloom  
Commonwealth Energy Corporation  
15991 Red Hill Avenue, Suite 201  
Tustin California 92780

Margaret McConnell  
Maricopa Community Colleges  
2411 W. 14th Street  
Tempe Arizona 85281-6942

Chris King  
Utility.com Inc.  
5650 Hollis Street  
Emergyville, CA 94608-2508

Christopher C. Kempley, Esq.  
Chief Counsel, Legal Division  
Arizona Corporation Commission  
1200 W. Washington  
Phoenix AZ 85007

*Jeff Schlynd 2/25/02*