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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

MIKE GLEASON, Chairman  
WILLIAM A. MUNDELL  
JEFF HATCH-MILLER  
KRISTIN K. MAYES  
GARY PIERCE

2007 MAR 15 P 4: 04

AZ CORP COMMISSION  
DOCUMENT CONTROL

IN THE MATTER OF THE APPLICATION OF  
TUCSON ELECTRIC POWER COMPANY FOR  
APPROVAL OF A CUSTOMER AGREEMENT  
WITH ASARCO, LLC. AND SILVER BELL  
MINING, LLC.

DOCKET NO. E-01933A-06-0801

**STAFF'S MOTION FOR PROCEDURAL  
ORDER**

On December 28, 2006, Tucson Electric Power Company ("TEP") submitted for Commission approval in this docket, a proposed Electric Power Supply Agreement ("Power Agreement") between TEP, ASARCO, LLC ("ASARCO"), and Silver Bell Mining LLC ("Silver Bell"). TEP alleged that the terms of the Power Agreement are confidential, and subsequently provided the Power Agreement to Commission Staff, pursuant to a Protective Agreement.

Staff has been conducting its analysis of the Power Agreement. At this time, Staff has identified certain aspects of the confidential contract which Staff believes require consideration by the Commission in the context of a hearing. In particular, Staff is concerned that the Power Agreement contains a term or terms that are contrary to the public interest and may adversely affect the regulatory process. Therefore, by this Motion, Staff requests that the Hearing Division issue a Procedural Order setting this matter for hearing. Recognizing that TEP claims that the Power Agreement is confidential, Staff is willing to accept an *in camera* review process. Staff does not believe that the particular term(s) are protected as trade secret, proprietary, or otherwise.

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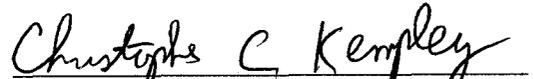
Arizona Corporation Commission  
**DOCKETED**

MAR 15 2007

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1 Accordingly, Staff anticipates seeking public disclosure of all aspects of the Power Agreement that  
2 do not warrant protection under the terms of the Protective Agreement.

3  
4 RESPECTFULLY submitted this 15<sup>th</sup> day of March, 2007.

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6   
7 Christopher C. Kempley, Chief Counsel  
8 Arizona Corporation Commission  
9 Legal Division  
10 1200 West Washington Street  
11 Phoenix, Arizona 85007  
12 (602) 542-3402

11 Original and thirteen (13) copies  
12 of the foregoing were filed this  
13 15<sup>th</sup> day of March, 2007 with:

14 Docket Control  
15 Arizona Corporation Commission  
16 1200 West Washington Street  
17 Phoenix, Arizona 85007

18 Copy of the foregoing mailed this  
19 15<sup>th</sup> day of March, 2007 to:

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22 One Arizona Center  
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