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7 Attorneys for Southwest Energy Efficiency Project
8 and Western Resource Advocates

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BEFORE THE ARIZONA CORPORATION COMMISSION

9 MIKE GLEASON, CHAIRMAN
10 WILLIAM A. MUNDELL
11 JEFF HATCH-MILLER
12 KRISTIN K. MAYES
13 GARY PIERCE

14 IN THE MATTER OF THE FILING BY
15 TUCSON ELECTRIC POWER COMPANY TO
16 AMEND DECISION NO. 62103.

Docket No. E-01933A-05-0650

**SWEEP'S COMMENTS
REGARDING PROPOSED
RECOMMENDED OPINION AND
ORDER SUBMITTED BY TUCSON
ELECTRIC POWER COMPANY**

17 Southwest Energy Efficiency Project ("SWEEP"), through its undersigned counsel,
18 submits the following comments in response to the submission by Tucson Electric Power
19 Company ("TEP") of its Proposed Recommended Opinion and Order.

20 SWEEP's interest in this proceeding has consistently been the establishment of cost
21 effective DSM programs in the TEP service territory as soon as is practicable. Toward that end,
22 after TEP submitted its Proposed Recommended Opinion and Order, SWEEP initiated
23 discussions with TEP about the DSM provisions contained in the Proposed Order. As a result of
24

1 those discussions, SWEEP supports the Recommended Opinion and Order with the specific
2 changes noted herein.

3 In particular, SWEEP supports the proposed provision that TEP will file a Demand Side
4 Management Portfolio Plan consisting of existing and proposed DSM programs, together with
5 information regarding DSM cost recovery, in a separate docket for Staff review and Commission
6 approval. SWEEP and TEP have been in discussions about the elements of the DSM Portfolio
7 Plan and have reached agreement about the specific components that the Plan will contain. TEP
8 will conduct a meeting with Staff and other interested parties to review the Plan prior to its filing.
9 SWEEP agrees that the DSM docket should be separate from the Rate Proposal Docket (the
10 docket to address TEP's proposals to amend the 1999 Settlement Agreement) and also separate
11 from the Renewable Energy Action Plan ("REAP") Docket. See Recommended Opinion and
12 Order, page 12 at lines 19-25.

14 SWEEP estimates that the approach of a separate DSM Docket will result in cost
15 effective programs being available to TEP customers about one year earlier than if the DSM
16 programs were reviewed in the Rate Proposal Docket. Since the DSM programs approved by the
17 Commission will be cost effective, earlier program implementation will result in benefits being
18 provided to TEP customers and the TEP system sooner.

19 SWEEP recommends that the Administrative Law Judge make the following specific
20 changes to the Recommended Opinion and Order:

- 21 1. Strike "ultimately" at page 12, line 23 and on page 13, line 1.
- 22 2. Strike "the same" and insert "a second" at page 12, line 26. This change makes it
23 clear that there will be three dockets: One to address the proposals to amend the 1999 Settlement
24

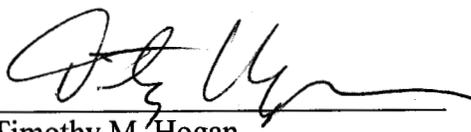
1 Agreement, another to consider the DSM Portfolio Plan and the last to address the Renewable
2 Energy Action Plan.

3 3. Strike the sentence on page 13, lines 4-6, beginning with "In the alternative . . ."
4 The alternative addressing the DSM (and REAP) topics in the Rate Proposal Docket should not
5 be included in the Recommended Opinion and Order.

6 SWEEP appreciates the cooperation of TEP in discussing these issues and achieving
7 agreement on the elements of a cost effective DSM portfolio plan for the Commission's review
8 and approval. Agreement on these issues means that the Commission can provide TEP
9 customers with cost effective DSM programs sooner than rate case treatment of these issues
10 would have allowed.
11

12 RESPECTFULLY SUBMITTED this 28th day of March, 2007.

13 ARIZONA CENTER FOR LAW IN
14 THE PUBLIC INTEREST

15
16 By 
17 Timothy M. Hogan
18 202 E. McDowell Rd., Suite 153
19 Phoenix, Arizona 85004
20 Attorneys for SWEEP

21 ORIGINAL and 13 COPIES of
22 the foregoing filed this 28th day
23 of March, 2007, with:

24 Docketing Supervisor
25 Docket Control
Arizona Corporation Commission
1200 W. Washington
Phoenix, AZ 85007

1 COPIES of the foregoing
2 electronically transmitted
3 this 28th day of March, 2007, to:

4 All Parties of Record

5  A handwritten signature in cursive script is written over a horizontal line. The signature appears to be 'J. L. ...'.

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