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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission
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AZ CORP COMMISSION
DOCUMENT CONTROL

DOCKETED BY

WILLIAM A. MUNDELL
CHAIRMAN
JIM IRVIN
COMMISSIONER
MARC SPITZER
COMMISSIONER

IN THE MATTER OF THE GENERIC PROCEEDINGS CONCERNING ELECTRIC RESTRUCTURING ISSUES.	Docket No. E-00000A-02-0051
IN THE MATTER OF ARIZONA PUBLIC SERVICE COMPANY'S REQUEST FOR VARIANCE OF CERTAIN REQUIREMENTS OF A.A.C. 4-14-2-1606	Docket No. E-01345A-01-0822
IN THE MATTER OF THE GENERIC PROCEEDINGS CONCERNING THE ARIZONA INDEPENDENT SCHEDULING ADMINISTRATOR	Docket No. E-00000A-01-0630
IN THE MATTER OF TUCSON ELECTRIC COMPANY'S APPLICATION FOR A VARIANCE OF CERTAIN ELECTRIC POWER COMPETITION RULES COMPLIANCE DATES	Docket No. E-01933A-98-0471
ISSUES IN THE MATTER OF TUCSON ELECTRIC POWER COMPANY'S APPLICATION FOR A VARIANCE OF CERTAIN ELECTRIC COMPETITION RULES COMPLIANCE DATES	Docket No. E01933A-02-0069

TUCSON ELECTRIC POWER COMPANY'S COMMENTS TO COMMISSIONER MUNDELL'S LETTER DATED MAY 14, 2002

Tucson Electric Power Company ("TEP"), through undersigned counsel, hereby submits it comments to the letter from Commissioner Mundell to Commissioners Irvin and Spitzer dated May 14, 2002 (the "Mundell letter"), as follows:

The Mundell letter requests that any party to A.C.C. Docket No. E-00000A-02-0051 that provides responses to "FERC"s May 8, 2002 data request in FERC Docket No. PA02-2-000" (the "FERC Data Request") file a notice that it has responded to the data

request and provide a summary of the response. Subsequent to the Mundell letter, the FERC submitted an additional data request (the "FERC Supplemental Data Request").

TEP hereby provides notice that on May 21, 2002 it filed a response to the FERC Data Request. On May 23, 2002 TEP filed a response to the FERC Supplemental Data Request. A copy of FERC's Data Request and TEP's response thereto is attached hereto as Exhibit 1. A copy of FERC's Supplemental Data Request and TEP response thereto is attached hereto as Exhibit 2.

Respectfully submitted this 7th day of June 2002.

ROSHKA HEYMAN & DEWULF, PLC

By _____

Raymond S. Heyman
Michael W. Patten
One Arizona Center
400 East Van Buren Street, Suite 800
Phoenix, Arizona 85004

Attorneys for Tucson Electric Power Company

ORIGINAL and **18 COPIES** filed
June 7, 2002, with:

Docket Control
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Phoenix, Arizona 85007

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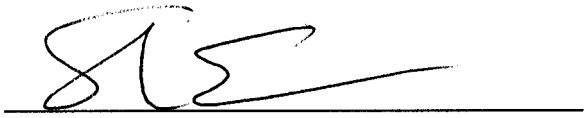

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FERC'S DATA REQUEST
AND TEP'S RESPONSE

EXHIBIT "1"

FEDERAL ENERGY REGULATORY COMMISSION
OFFICE OF MARKETS, TARIFFS AND RATES
Washington, DC 20426

Dated: May 8, 2002

To: Sellers of Wholesale Electricity and/or Ancillary Services to the California Independent System Operator and/or the California Power Exchange During the Years 2000-2001 (Listed on Attachment A)

From: Donald J. Gelinas
Associate Director
Office of Markets, Tariffs and Rates

Re: Fact-Finding Investigation of Potential Manipulation of Electric and Natural Gas Prices, Docket No. PA02-2-000

Pursuant to the Commission's order issued February 13, 2002, in the above-referenced proceeding, you are hereby ordered to respond to the following data request, including requests for admissions with respect to certain trading strategies that your company may have engaged in. The data request is being issued to all sellers of wholesale electricity and/or ancillary services to the California Independent System Operator and/or the California Power Exchange during the period 2000-2001. The data request is being posted on the Commission's web page for Docket No. PA02-2-000 and, in addition, is being sent by certified mail to those representatives of the companies designated by the companies as contacts for sellers of market-based rates or as corporate officials.

Your company's response is to be signed under oath, in the form of an affidavit, by your company's president, chief executive officer, general counsel, or a corporate officer of comparable authority and responsibility, after the company, under the supervision and control of that individual, has diligently conducted a thorough investigation into the trading activities of the company's employees and agents, including those of its affiliates[1] and subsidiaries, in the U.S. portion of the Western Systems Coordinating Council

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[1]An "affiliate" is defined as stated in 18 C.F.R. § 161.2 (2001); *see* The Power Company of America, L.P., 79 FERC ¶ 61,067 at 61,325-12 (1997) (applying definition of "affiliate" in the Commission's Standards of Conduct for Interstate Pipelines with Marketing Affiliates to non-EWG public utilities).

(WSCC) during the years 2000 and 2001.[2] **Your response is due on or before May 22, 2002.**

Your company's failure to respond in a timely and complete fashion may result in enforcement action, including the issuance of an order directing a public utility to show cause why the Commission should not revoke the public utility's authority to sell wholesale electricity and/or ancillary services at market-based rates.

I. Requests for Admissions

For the purposes of the following requests for admissions, refer to the three Enron Corporation memoranda that are attachments to the follow-up data request to Enron dated May 6, 2002. That data request and the three memoranda are posted on the Commission's web page for Docket No. PA02-2-000.

The two Enron memoranda dated December 6, 2000, and December 8, 2000, describe in detail certain trading strategies engaged in during the years 2000 and 2001 by Enron traders and, allegedly, traders of other companies active in wholesale electricity and ancillary services markets in the West and particularly in California. According to the memoranda, these trading strategies generally fall into two categories.

The first is described as "**inc-ing load**" into the California Independent System Operator's (Cal ISO) real time market. Here, a company artificially increases load on a schedule it submits to the Cal ISO with a corresponding amount of generation. The company then dispatches the generation it scheduled, which is in excess of its actual load. This, in turn, results in the Cal ISO paying the company for the excess generation. Scheduling coordinators that serve load in California were able to use this trading strategy to include generation of other sellers (*e.g.*, Powerex and Puget Sound Energy).

The second is described as "**relieving congestion**" and involves a company first creating congestion in the California Power Exchange's (Cal PX) market, and then "relieving" such congestion in the real time market. This trading strategy is accomplished

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[2]At a minimum, the signatory to the affidavit must state that he or she certifies that the information and documents provided constitute a response that is true and accurate to the best of that individual's knowledge, information, and belief formed, after a thorough investigation was diligently conducted, under the supervision and control of that individual, into the trading activities of the company's employees and agents, including those of its affiliates and subsidiaries, in the U.S. portion of the WSCC during the years 2000 and 2001.

through such actions as reducing schedules or scheduling energy in the opposite direction of a constraint (counterflows), for which the Cal ISO will make payment to the company.

The December 6, 2000, and December 8, 2000, Enron memoranda then outline ten "representative trading strategies" that employ "**inc-ing load**" and "**relieving congestion.**"[3] The following requests for admissions describe certain activities, using the names applied to the "representative trading strategies" in the Enron memoranda. While you are to refer to the Enron memoranda, you must respond with respect to the description of each activity contained below and, as applicable, provide the specified details as to each activity.

A. 1. Admit or Deny: The company engaged in activity referred to in the Enron memoranda as "**Export of California Power**" during the period 2000-2001, in which the company buys energy at the Cal PX to export outside of California in order to take advantage of the price spread between California markets (which were capped) and uncapped markets outside California.

2. If you so admit, provide complete details as to all transactions your company engaged in as part of this activity, including the dates of all purchases and sales of energy and/or ancillary services, counter-parties to the transactions, prices and volumes, delivery points, and corresponding Cal ISO schedules. Also, provide all documents that refer or relate to the activity described immediately above.

B. 1. Admit or Deny: The company engaged in activity described in the Enron memoranda as "**Non-Firm Export**" during the period 2000-2001, in which the company gets a counterflow (scheduling energy in the opposite direction of a constraint) congestion payment from the Cal ISO by scheduling non-firm energy from a point in California to a control area outside of California, and cutting the non-firm energy after it receives such payment.

2. If you so admit, provide complete details as to all transactions that your company engaged in as part of this activity, including the dates of all transactions, congestion payments received, corresponding Cal ISO schedules, counter parties, and delivery points. Also, provide all documents that refer or relate to the activity described immediately above.

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[3]The two dated memoranda list as number two both the **Non-firm Export** and **Death Star** strategies; thus, there are in fact a total of ten strategies listed, not nine.

C. 1. Admit or Deny: The company engaged in activity described in the Enron memoranda as "**Death Star**" during the period 2000-2001, in which the company schedules energy in the opposite direction of congestion (counterflow), but no energy is actually put onto the grid or taken off of the grid. This allows the company to receive congestion payments from the Cal ISO.

2. If you so admit, provide complete details as to all transactions that your company engaged in as part of this activity, including the dates of all transactions, all transmission and energy schedules, the counter parties, all congestion payments received. Also, provide all documents that refer or relate to the activity described immediately above.

D. 1. Admit or Deny: The company engaged in activity described in the Enron memoranda as "**Load Shift**" during the period 2000-2001. This variant of "relieving congestion" involves submitting artificial schedules in order to receive inter-zonal congestion payments . The appearance of congestion is created by deliberately over-scheduling load in one zone (*e.g.,* NP-15), and under-scheduling load in another, connecting zone (*e.g.*, SP-15); and shifting load from a congested zone to the less congested zone, thereby earning congestion payments for reducing congestion.

2. If you so admit, provide complete details as to all transactions that your company engaged in as part of this activity, including the dates of all transactions, all schedules of load by zone, and congestion payments received. Also, provide all documents that refer or relate to the activity described immediately above

E. 1. Admit or Deny: The company engaged in activity described in the Enron memoranda as "**Get Shorty**" during the period 2000-2001, also known as "paper trading" of ancillary services in which it: (i) sells ancillary services in the Day-ahead market; and (ii) the next day, in the real-time market, the company "zeros out" the ancillary services by cancelling the commitment to sell and buying ancillary services in the real-time market to cover its position. The phrase "paper trading" is used because the seller does not actually have the ancillary services to sell.

2. If you so admit, provide complete details as to all transactions that your company engaged in as part of this trading strategy, including the dates of all transactions; prices and volumes for sales of ancillary services in the

Day-ahead market; the cancellation of such sales, prices and volumes for the purchase of ancillary services in the real-time market to cover the company's position; and corresponding schedules. Also, provide all documents that refer or relate to the activity described immediately above.

F. 1. Admit or Deny: The company engaged in activity described in the Enron memoranda as "**Wheel Out**" during the period 2000-2001. Knowing that an intertie is completely constrained (*i.e.*, its capacity is set at zero), or that a line is out of service, the company schedules a transmission flow over the facility. The company also knows that the schedule will be cut and it will receive a congestion payment without actually having to send energy over the facility.

2. If you so admit, provide complete details as to all transactions that your company engaged in as part of this activity, including the dates of all transactions, corresponding schedules, counter parties, and congestion payments received. Also, provide all documents that refer or relate to the activity described immediately above.

G. 1. Admit or Deny: The company engaged in activity described in the Enron memoranda as "**Fat Boy**" during the period 2000-2001 in which the company artificially increases load on the schedule it submits to the Cal ISO with a corresponding amount of generation. The company then dispatches the generation its schedules, which is in excess of its actual load. This results in the Cal ISO paying the company for the excess generation. Scheduling coordinators that serve load in California may be able to use this activity to includes the generation of other sellers.

2. If you so admit, provide complete details as to all transactions that your company engaged in as part of this activity, including the dates of all transactions, corresponding schedules, and payments from the Cal ISO for excess generation (including both price and volumes). Also, provide all documents that refer or relate to the activity described immediately above.

H. 1. Admit or Deny: The company engaged in activity described in the Enron memoranda as "**Ricochet**," also known as "megawatt laundering," during the period 2000-2001, in which the company: (i) buys energy from the Cal PX and exports to another entity, which charges a small fee; and (ii) the first company resells the energy back to the Cal ISO in the real-time market.

2. If you so admit, provide complete details as to all transactions that your company engaged in as part of this activity, including the dates for all transactions, names of counter parties and whether they were affiliates, the fees charged, prices and volumes for energy that was bought and then re-sold. Also, provide all documents that refer or relate to the activity described immediately above.

I. 1. Admit or Deny: The company engaged in activity described in the Enron memoranda as "**Selling Non-firm Energy as Firm Energy**" during the period 2000-2001, in which the company sells or resells what is actually non-firm energy to the Cal PX, but claims that it is "firm" energy. This allows the company to receive payment from the Cal ISO for ancillary services that it claims to be providing, but does not in fact provide.

2. If you so admit, provide complete details as to all transactions that your company engaged in as part of this activity, including the dates for all transactions, prices and volumes, and corresponding schedules. Also, provide all documents that refer or relate to the activity described immediately above.

J. 1. Admit or Deny: The company engaged in activity described in the Enron memoranda as "**Scheduling Energy to Collect Congestion Charge II**" during the period 2000-2001, in which the company: (i) schedules a counterflow even though it does not have any available generation; (ii) in real time, the Cal ISO charges the company for each MW that it was short; and (iii) the company collects a congestion payment associated with the counterflow scheduled. This activity is profitable whenever the congestion payment is greater than the charge associated with the energy that was not delivered.

2. If you so admit, provide complete details as to all transactions that your company engaged in as part of this activity, including the dates for all transactions, corresponding schedules, prices and volumes, and congestion payments received. Also, provide all documents that refer or relate to the activity described immediately above.

K. 1. Admit or Deny: The company engaged in any activity during the period 2000-2001 that is a variant of any of the above-described activities or that is a variant of, or uses the activities known as, "**inc-ing load**" or "**relieving congestion,**" as described above.

2. If you so admit, provide a narrative description of each specific time in which the company engaged in such activity and provide complete details of those transactions, including the dates of the transactions, counter parties, prices and volumes bought or sold, corresponding schedules, and any congestion payments received. Also, provide all documents that refer to or relate to such activities.

II. Requests for Production of Documents

A. Provide copies of all communications or correspondence, including e-mail messages, instant messages, or telephone logs, between your company and any other company (including your affiliates or subsidiaries) with respect to all of the trading strategies discussed in the Enron memoranda (both the ten "representative trading strategies" as well as "**inc-ing load**" and "**relieving congestion**"). This request encompasses all transactions conducted as part of such trading strategies engaged in by your company and the other company in the U.S. portion of the WSCC during the period 2000-2001.

B. Provide copies of all material, including, but not limited to, opinion letters, memoranda, communications (including e-mails and telephone logs), or reports, that address or discuss your company's knowledge of, awareness of, understanding of, or employment or use of any of the trading strategies discussed in the Enron memoranda, or similar trading strategies, in the U.S. portion of the WSCC during the period 2000-2001. The scope of this request encompasses all material that address or discuss your company's knowledge or awareness of *other* companies' use of the trading strategies discussed in the Enron memoranda, or similar trading strategies, including, but not limited to: (i) offers by such other companies to join in transactions related to such trading strategies, regardless of whether such offers were declined or accepted; and (ii) possible responses by your companies to other companies' use of such trading strategies. To the extent that you wish to make a claim of privilege with respect to any responsive material, please provide an index of each of those materials, which includes the date of the each individual document, its title, its recipient(s) and its sender(s), a summary of the contents of the document, and the basis of the claim of privilege.

III. Requests for Other Information

A. On page 2 of the December 8, 2000, Enron memorandum, the authors allege that traders have learned to build in under-scheduling of energy into their models and forecasts. State whether your company built under-scheduling into any of its models or forecasts during the period 2000-2001, and provide a narrative

description of such activity. Provide copies of all such models or forecasts prepared by or relied on by your company during the period 2000-2001 that had under-scheduling built into them.

B. Refer to the discussion of the trading strategy described as "**Ricochet**" in the Enron memoranda. State whether your company purchased energy from, or sold energy to, any Enron company, including Portland General Electric Company, as part of a "**Ricochet**" (or megawatt laundering) transaction during the period 2000-2001. Provide complete details as to such transactions, including the dates of the transactions; the names, titles, and telephone numbers of the traders at your company who engaged in such transactions; the prices at which your company bought and sold such energy (on a per transaction basis); the volumes bought and sold (on a per transaction basis); delivery points; and all corresponding schedules.

Tucson Electric Power Company

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Tucson, Arizona 85702

Vincent Nitido, Jr.
Vice President & General Counsel

(520) 884-3670
FAX (520) 884-3612
E-Mail: vnitido@tucsonelectric.com

May 21, 2002

VIA FEDERAL EXPRESS

Mr. Donald J. Gelinas, Associate Director
Office of Markets, Tariffs and Rates
Federal Energy Regulatory Commission
Washington, D.C. 20426

RE: FACT-FINDING INVESTIGATION OF POTENTIAL MANIPULATION OF ELECTRIC AND NATURAL GAS PRICES, DOCKET NO. PA02-2-000

Dear Mr. Gelinas:

Enclosed please find an affidavit sworn to under oath addressing and answering the interrogatories set forth in the referenced data request.

Very truly yours,

Vincent Nitido, Jr.
Vice President and
General Counsel

AFFIDAVIT

I, Vincent Nitido, Jr., Tucson Electric Power Company's Vice President and General Counsel, declare that the following statements are true:

1. Under my direction, the office of the General Counsel, diligently conducted a thorough and comprehensive investigation into the trading activities of the Company for the period 2000-2001.

2. Based upon that investigation, I believe the following responses to the interrogatories posed in the May 8, 2002 data request Re: Fact-Finding Investigation of Potential Manipulation of Electric and Natural Gas Prices, Docket No. PA02-2-000, are true:

I.A.1. Deny
I.A.2 Not Applicable

I.B.1. Deny
I.B.2 Not Applicable

I.C.1. Deny
I.C.2 Not Applicable

I.D.1. Deny
I.D.2 Not Applicable

I.E.1. Deny
I.E.2 Not Applicable

I.F.1. Deny
I.F.2 Not Applicable

I.G.1. Deny
I.G.2 Not Applicable

I.H.1. Deny
I.H.2 Not Applicable

I.I.1. Deny
I.I.2 Not Applicable

I.J.1. Deny
I.J.2 Not Applicable

I.K.1. Deny
I.K.2 Not Applicable

II.A No such documents exist

II.B No such material exists

III.A TEP has not in the past and does not now model or forecast California's energy markets. Accordingly, since no models or forecasts existed, TEP did not build in any under-scheduling during the period 2000-2001.

III.B TEP did not purchase energy from, or sell energy to any Enron company as part of a "Ricochet" or megawatt laundering transaction during the period 2000-2001.

DATED this 21st day of May 2002.

Signature of Affiant

STATE OF ARIZONA)
) ss.
COUNTY OF PIMA)

SUBSCRIBED AND SWORN TO before me this 21st day of May 2002, by Vincent Nitido, Jr.

NOTARY PUBLIC

Commission expires:

OFFICIAL SEAL
DIANA K. DURAKO
NOTARY PUBLIC - STATE OF ARIZONA
PIMA COUNTY
My Comm. Expires Sept. 25, 2002

2

FERC'S SUPPLEMENTAL DATA REQUEST AND TEP'S RESPONSE

EXHIBIT "2"

Subject: PA02-2: Data Request on "Wash," "Round Trip" or "Sell/Buyback" Trading Due 5/31/2002

<<data-request-05-22-02.pdf>>

FEDERAL ENERGY REGULATORY COMMISSION

OFFICE OF MARKETS, TARIFFS AND RATES

Washington, DC 20426

Dated: May 21, 2002

To: Sellers of Wholesale Electricity and/or Ancillary Services in the United States Portion of the Western Systems Coordinating Council During the Years 2000-2001 (Listed on Attachment A).

<<Attachment-A-05-22-02.pdf>>

From: Donald J. Gelinas

Associate Director

Office of Markets, Tariffs and Rates

Re: Fact-Finding Investigation of Potential Manipulation of Electric and Natural Gas Prices, Docket No. PA02-2-000

Pursuant to the Commission's order issued February 13, 2002, in the above-referenced proceeding, you are hereby ordered to respond to the following data request, including requests for admissions with respect to certain trading strategies that your company may have engaged in. The data request is being issued to all sellers of wholesale electricity and/or ancillary services in the United States portion of the Western Systems Coordinating Council (WSCC) during the period 2000-2001. The data request is being posted on the Commission's web page for Docket No. PA02-2-000 and, in addition, is being sent by e-mail to a representative of the designated companies.

On April 2, 2002, in response to the request by Commission staff of March 5, 2002, all jurisdictional and non-jurisdictional wholesale sellers in the United States portion of the WSCC reported certain historical information (specified in an Excel spreadsheet template) on both physical and financial transactions for calendar years 2000 and 2001. The responses submitted indicate that the financial transaction data were not reported in a consistent manner, so that it cannot be used to identify so-called "wash," "round trip," or "sell/buyback" type transactions. Accordingly, the present follow-up data request is necessary.

Your company's response is to be signed under oath, in the form of an affidavit, by your company's president, chief executive officer, general counsel, or a corporate officer of comparable authority and responsibility, after the company, under the supervision and control of that individual, has diligently conducted a thorough investigation into the trading activities of the company's employees and agents, including those of its affiliates[1] and subsidiaries, in the U.S. portion of the WSCC during the years 2000 and 2001.[2] **Your response is due on or before May 31, 2002.**

Your company's failure to respond in a timely and complete fashion may result in enforcement action, including the issuance of an order directing a public utility to show cause why the Commission should not revoke the public utility's authority to sell wholesale electricity and/or ancillary services at market-based rates.

I. Request for Admission

A. Admit or Deny: The company engaged in activities referred to as "wash," "round trip" or "sell/buyback" trading. This trading involves the sale of an electricity product to another company together with a simultaneous purchase of the same product at the same price.

B. If you so admit, provide transaction by transaction details for all such transactions your company engaged in, including, but not limited to, the following:

1. Indicate the methods and rationale used to arrive at the value or compensation of such transactions.

2. Indicate whether any such transactions were reported to Platt's, Bloomberg, or any organization that monitors, publishes or reports trading data (including bid-and-ask data) or publishes or reports prices or forward indices.

3. Identify all such transactions referred to in question 3 that were so published or reported, or were disseminated in any manner.

4. Identify all traders that participated in such transactions, by name and position within your company, if employed by you, or by name and affiliation if they were not or are not presently employed by your company.

5. Identify how such transactions were executed (e.g., whether an electronic platform was use to initiate the sale, with the buy transaction subsequently arranged through a broker or by telephone).

6. Describe all policies and procedures implemented to prevent future transactions of this type.

II. Request for Production of Documents

To the extent your company engaged in "wash," "round trip," or "sell/buyback" type transactions, provide the following documents:

B. Provide copies of all communications or correspondence, including e-mail messages, instant messages, or telephone logs, between your company and any other company (including your affiliates or subsidiaries) that refer or relate to this activity.

C. Provide copies of all material, including, but not limited to, opinion letters, memoranda, communications (including e-mails and telephone logs), or reports, that address or discuss your company's knowledge of, awareness of, understanding of, or employment or use of any of any such transactions in the U.S. portion of the WSCC during the period 2000-2001.

To the extent that you wish to make a claim of privilege with respect to any responsive material, please provide an index of each of those materials, which includes the date of the each individual document, its title, its recipient(s) and its sender(s), a summary of the contents of the document, and the basis of the claim of privilege.

III. Manner of Providing Information

All written responses should consist of a single copy of the submission and should specify that they are to the attention of Mr. Donald J. Gelinas, Associate Director, Office of Markets, Tariffs and Rates. Responses delivered by hand to the Commission should be delivered to Dockets, Room 1A.

Additionally, you must provide information concerning any such transactions on an Excel spreadsheet. The spreadsheet needed to complete the information requested is contained in a file posted on the Commission's web page for Docket. No. PA02-2-000 (http://www.ferc.gov/electric/bulkpower/pa02-2/pa02-2.htm).

<<Wash Transaction Template.xls>>

On the spreadsheet, the company must identify the entered-into dates and times of such transactions, counter-parties to the transactions, transaction start and stop date/times, types of service, locations, quantities traded, prices, the identities of any index price at which trades were made and the identities of any online trading platforms used. The spreadsheet is to be completed by respondents and e-mailed to PA02-2@ferc.gov. A response that exceeds the row limit for an Excel spreadsheet must be reported in CSV format. If any respondent seeks privileged treatment of the information pursuant to

18 C.F.R. § 388.112 (2001), two versions of the spreadsheet should be e-mailed. Include in the e-mail and in the title of the spreadsheet that the information is "Confidential" or "Not Confidential."

data-request-05-22-02.pdf

Attachment-A-05-22-02.pdf

Wash Transaction Template.xls

Tucson Electric Power Company

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May 23, 2002

VIA FEDERAL EXPRESS

Mr. Donald J. Gelinas, Associate Director
Office of Markets, Tariffs and Rates
Federal Energy Regulatory Commission
Washington, D.C. 20426

RE: FACT-FINDING INVESTIGATION OF POTENTIAL MANIPULATION OF ELECTRIC AND NATURAL GAS PRICES, DOCKET NO. PA02-2-000

Dear Mr. Gelinas:

Enclosed please find an affidavit sworn to under oath addressing and answering the interrogatories set forth in the referenced data request.

Very truly yours,

Vincent Nitido, Jr.
Vice President and
General Counsel

MAY 2 0 2002

AFFIDAVIT

I, Vincent Nitido, Jr., Tucson Electric Power Company's Vice President and General Counsel, declare that the following statements are true:

1. Under my direction, the office of the General Counsel, diligently conducted a thorough and comprehensive investigation into the trading activities of the Company for the period 2000-2001.

2. Based upon that investigation, I believe the following responses to the interrogatories posed in the May 21, 2002 data request Re: Fact-Finding Investigation of Potential Manipulation of Electric and Natural Gas Prices, Docket No. PA02-2-000, are true:

   I.A.1. Deny

   I.B.1. Not Applicable
   I.B.2 Not Applicable
   I.B.3 Not Applicable
   I.B.4 Not Applicable
   I.B.5 Not Applicable
   I.B.6 Not Applicable

   II.B No such documents exist
   II.C No such material exists

DATED this 21st day of May 2002.

Signature of Affiant

STATE OF ARIZONA)
) ss.
COUNTY OF PIMA)

SUBSCRIBED AND SWORN TO before me this 21st day of May 2002, by Vincent Nitido, Jr.

Diana K. Durako
NOTARY PUBLIC

Commission expires:

OFFICIAL SEAL
DIANA K. DURAKO
NOTARY PUBLIC - STATE OF ARIZONA
PIMA COUNTY
My Comm. Expires Sept. 25, 2002

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