

ORIGINAL

INTERVENTION



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BEFORE THE ARIZONA CORPORATION COMMISSION

2009 JAN -8 P 4:45

Arizona Corporation Commission

COMMISSIONERS

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AZ CORP COMMISSION
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JAN - 8 2009

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Docket No. E-01345A-08-0569

IN THE MATTER OF THE
APPLICATION OF ARIZONA
PUBLIC SERVICE COMPANY FOR
APPROVAL OF DEMAND
RESPONSE PROGRAM

**APPLICATION OF FREEPORT-
MCMORAN COPPER & GOLD INC.
AND ARIZONANS FOR ELECTRIC
CHOICE AND COMPETITION FOR
LEAVE TO INTERVENE**

Pursuant to A.A.C. R14-3-105, Freeport-McMoRan Copper & Gold Inc. ("Freeport-McMoRan") and Arizonans for Electric Choice and Competition ("AECC") hereby apply to the Arizona Corporation Commission (the "Commission") for an Order granting Freeport-McMoRan and AECC leave to intervene in the above captioned proceeding.

Freeport-McMoRan maintains facilities and operations within the State of Arizona, which receive electric services from Arizona Public Service Company ("APS"). As a user of electric services provided by APS, Freeport-McMoRan will be directly and substantially affected by the decision of the Commission in this proceeding. The Commission should, therefore, grant Freeport-McMoRan leave to intervene in this matter.

AECC is a coalition of energy consumers, most of whom are also customers of APS. The Commission should grant AECC leave to intervene in this matter because the members of AECC are customers of APS and will be directly and substantially affected by the decision of the Commission in this proceeding. The Commission should, therefore, grant AECC leave to intervene in this matter.

1 Neither Freeport-McMoRan's nor AECC's participation in this proceeding will
2 broaden the issues nor unduly delay the proceeding, except upon leave of the Commission
3 first had and received.

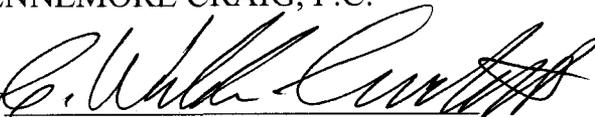
4 For the reasons outlined above, Freeport-McMoRan and AECC respectfully
5 request that the Commission grant this Application for Leave To Intervene in this matter.

6 Freeport-McMoRan and AECC request that all communications in connection with
7 the above captioned proceeding be directed to:

8 C. Webb Crockett
9 Patrick J. Black
10 FENNEMORE CRAIG, P.C.
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15 Fax: (602) 916-5533
16 wcrocket@fclaw.com
17 pblack@fclaw.com

18 RESPECTFULLY SUBMITTED this 8th day of January 2009.

19 FENNEMORE CRAIG, P.C.

20 By 

21 C. Webb Crockett
22 Patrick J. Black
23 3003 N. Central Avenue, Ste. 2600
24 Phoenix, AZ 85012-2913

25 Attorneys for Freeport-McMoRan Copper & Gold Inc.
26 and Arizonans for Electric Choice and Competition

1 **ORIGINAL and 13 COPIES** of the foregoing
2 **FILED** this 8th day of January 2009 with:

3 Docket Control
4 ARIZONA CORPORATION COMMISSION
5 1200 West Washington
6 Phoenix, Arizona 85007

7 **COPY** of the foregoing was **TRANSMITTED**
8 **ELECTRONICALLY** this 8th day of January 2009 to:

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