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UNITED STATES ARMY LEGAL SERVICES AGENCY  
901 NORTH STUART STREET  
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ATTENTION OF

Regulatory Law Office  
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February 25, 2002

2002 FEB 26 P 1:13

AZ CORP COMMISSION  
DOCUMENT CONTROL

Subject: In The Matter Of The Application Of Tucson Electric Power Company For Approval For A Variance Of Certain Electric Competition Rules Compliance Dates. Arizona Corporation Commission Docket No. E-01933A-02-0069.

Arizona Corporation Commission  
Docket Control  
Attn: Ms. Viki Lasher  
1200 West Washington Street  
Phoenix, Arizona 85007

E-00000A-02-0051  
E-01345A-01-0822  
E-00000A-01-0630  
E-01933A-98-0471  
E-01933A-02-0069

Dear Ms. Lasher:

Enclosed for filing with the Arizona Corporation Commission are the original and ten copies of the Motion For Leave To Intervene of the Department of Defense and All Other Federal Executive Agencies in the subject proceeding.

By a copy of this letter we are requesting that Tucson Electric Power Company Inc. furnish a copy of its Application to Mr. Dan Neidlinger.

Copies of this Motion have sent in accordance with the attached Certificate of Service. Inquiries concerning this matter may be directed to the undersigned at (703) 696-1644.

Arizona Corporation Commission

DOCKETED

FEB 26 2002

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Enclosure

Sincerely,

Peter Q. Nyce Jr.  
General Attorney  
Regulatory Law Office

BEFORE THE ARIZONA CORPORATION COMMISSION

WILLIAM A. MUNDELL

Chairman

JIM IRWIN

Commissioner

MARC SPITZER

Commissioner

IN THE MATTER OF TUCSON ELECTRIC ) DOCKET NO. E-01933A-02-0069  
POWER COMPANY'S APPLICATION FOR A )  
VARIANCE OF CERTAIN ELECTRIC )  
COMPETITION RULES COMPLIANCE DATES)

MOTION FOR LEAVE TO INTERVENE

ROBERT N. KITTEL

Chief

Regulatory Law Office

Office of the Judge Advocate General

Department of the Army

Litigation Center

JALS-RL, Suite 713

901 N. Stuart Street

Arlington, VA 22203-1837

by

Peter Q. Nyce, Jr.

General Attorney

Dated: February 25, 2002

BEFORE THE ARIZONA CORPORATION COMMISSION

WILLIAM A. MUNDELL

Chairman

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IN THE MATTER OF TUCSON ELECTRIC ) DOCKET NO. E-01933A-02-0069  
POWER COMPANY'S APPLICATION FOR A )  
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COMPETITION RULES COMPLIANCE DATES)

MOTION FOR LEAVE TO INTERVENE

The Secretary of Defense, through duly authorized Counsel and on behalf of the consumer interests of the United States Department of Defense, and all other affected Federal Executive Agencies (collectively referred to herein as "DOD"), requests leave to intervene in the above-styled application proceeding of the Tucson Electric Power Company. As grounds for this Motion, DOD states:

I

That it is duly authorized by law to make and file this Motion.

II

That the name, address and telephone/fax numbers of the person to whom communications in regard to this Motion should be addressed are:

Mr. Peter Q. Nyce, Jr.  
General Attorney, Regulatory Law Office  
Office of the Judge Advocate General  
Department of the Army  
901 North Stuart Street, Room 713  
Arlington, VA 22203-1837  
Telephone: (703) 696-1644  
Fax: (703) 696-2960  
E-mail: Peter.Nyce@hqda.army.mil

Also we would respectfully request the addition to the Commission's official service list of:

Mr. Dan Neidlinger  
Neidlinger & Assoc.  
3020 N. 17<sup>th</sup> Drive  
Phoenix, Arizona 85015  
Telephone: (602) 258-2343  
Fax: (602) 271-0798  
E-mail: [dneid@cox.net](mailto:dneid@cox.net)

### III

That the United States maintains certain military installations and civilian agency activities with the State of Arizona, a number of which obtain electric service from Tucson Electric Power company. On January 28, 2002 the Company filed an Application for a Variance of Certain Electric Competition Rules Compliance Dates. In the instant proceeding this Commission proposes to evaluate the Company's Application in the public interest.

### IV

The DOD purchases large quantities of electric service from the Company in Arizona. Among the major federal facilities receiving electric service from Tucson Electric Power Company are: Fort Huachuca and Davis Monthan Air Force Base. DOD

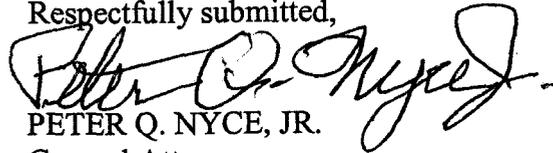
is a customer with a significant economic interest in this proceeding and would be affected by its outcome.

V

That the interest of DOD is such that it cannot be adequately protected by any other party. The load factor, characteristics, and rate schedules upon which these facilities buy power make their usage distinct from other large customers. DOD installations have substantial investments in electric utility distribution plant, and a moderate load factor similar to that of a municipal utility. The DOD will present evidence that will be of value to the Commission in its determination of the issues involved in this proceeding. The intervention of the DOD will neither unduly broaden the issues nor unduly delay the proceeding.

WHEREFORE, the DOD, prays for leave to intervene and to be treated as a party hereto with right to have notice of and appear at the taking of testimony, produce and cross-examine witnesses, and be heard in person or by counsel, upon brief and at oral argument, if oral argument is granted.

Respectfully submitted,



PETER Q. NYCE, JR.

General Attorney

Regulatory Law Office

Office of the Judge Advocate General

Department of the Army

Litigation Center JALS-RL, Suite 713

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For

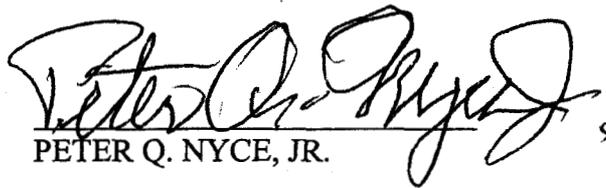
THE DEPARTMENT OF DEFENSE

Dated: Arlington, Virginia this  
Twenty fifth day of February 2002

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion for Leave to Intervene of the United States Department of Defense and All Other Federal Executive Agencies was sent to the parties on the attached service list either by Federal Express or by first class mail, postage prepaid on February 25, 2002.

Dated at Arlington County, Virginia, this 25th day of February 2002.

  
PETER Q. NYCE, JR.

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