



Arizona Utility Investors Association

2100 N. Central, Ste. 210  
P.O. Box 34805  
Phoenix, AZ 85067

Tel: (602) 257-9200  
Fax: (602) 254-4300

Email: info@auia.org  
Web Site: www.auia.org

Arizona Corporation Commission

**DOCKETED**

**MAR 19 2002**

DOCKETED BY	<i>[Signature]</i>
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BEFORE THE ARIZONA CORPORATION COMMISSION  
 E-00000A-02-0051  
 E-01345A-01-0822  
 E-00000A-01-0630  
 E-01933A-02-0069  
 E-01933A-98-0471

WILLIAM A. MUNDELL  
 CHAIRMAN  
 JAMES M. IRVIN  
 COMMISSIONER  
 MARC SPITZER  
 COMMISSIONER



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IN THE MATTER OF ARIZONA PUBLIC SERVICE COMPANY'S REQUEST FOR A VARIANCE OF CERTAIN REQUIREMENTS OF A.A.C. R14-2-1606 ) DOCKET NO. E-01345A-01-0822  
 IN THE MATTER OF ARIZONA PUBLIC SERVICE COMPANY'S REQUEST FOR A VARIANCE OF CERTAIN REQUIREMENTS OF A.A.C. R14-2-1606 ) DOCKET NO. E-01345A-01-0822  
 IN THE MATTER OF TUCSON ELECTRIC POWER COMPANY'S APPLICATION FOR A VARIANCE OF CERTAIN ELECTRIC COMPETITION RULES COMPLIANCE DATES. ) DOCKET NO. E-01933A-02-0069  
 IN THE MATTER OF THE APPLICATION OF TUCSON ELECTRIC POWER COMPANY FOR APPROVAL OF ITS STRANDED COST RECOVERY. ) DOCKET NO. E-01933A-98-0471

**RESPONSE OF THE ARIZONA UTILITY INVESTORS ASSOCIATION TO THE REQUEST OF THE ARIZONA COMPETITIVE ALLIANCE FOR AN EXTENSION OF TIME**

The Arizona Utility Investors Association (AUIA) hereby responds to the March 13, 2002, request of the Arizona Competitive Power Alliance (Alliance) for an extension of time to file testimony in the above-captioned dockets.

AUIA requests that the Chief Administrative Law Judge (ALJ) of the Arizona Corporation Commission (Commission) deny the extension or, in the alternative, grant the same extension to AUIA.

The application of Arizona Public Service Company (APS) in this matter was filed on October 18, 2001, and its direct testimony was filed on December 12, 2001. Therefore, regardless of the terms of the Feb. 8 procedural order, the Alliance has had a minimum of 96 days and as much as 152 days in which to secure witnesses and prepare testimony, if it were due today.

The Alliance's assertion that "the discovery process in this Proceeding has not run its course," is immaterial. Since there is no deadline in the procedural order, discovery could continue until the hearing date by all parties involved.

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19 In its request, the Alliance asserts that a 10-day extension "will not prejudice  
20 the interests of any other parties." AUIA suggests that the interests of the  
21 Applicant will be sorely prejudiced by shortening the time in which it has to  
22 respond to the Alliance's rebuttal -- unless it seeks an additional delay.

23 In addition, AUIA's interests are adverse to those of the Alliance. The  
24 procedural order calls for contemporaneous filings by intervenors and AUIA  
25 submits that it will be disadvantaged by having to file its testimony 10 days earlier  
26 than the Alliance.

27 The Alliance has not shown sufficient justification for an extension of the  
28 deadline for filing its testimony, which, in turn, would likely result in further  
29 delaying this proceeding. AUIA respectfully requests that the ALJ deny the  
30 Alliance's motion. In the alternative, AUIA requests that it be granted a similar  
31 delay.

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33 RESPECTFULLY SUBMITTED, this 19<sup>th</sup> day of March, 2002.

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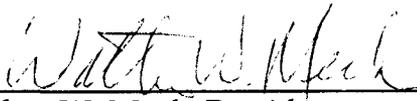
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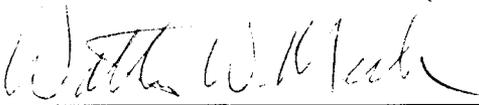
  
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Walter W. Meek, President

Original and 18 copies of the foregoing  
Filed this 19<sup>th</sup> day of March, 2002, with:

Docket Control  
Arizona Corporation Commission  
1200 W. Washington  
Phoenix, AZ 85007

Copies of the foregoing mailed or faxed  
This 19<sup>th</sup> day of March, 2002, to:

All parties of record

  
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Walter W. Meek