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BEFORE THE ARIZONA CORPORATION COMMISSION

WILLIAM A. MUNDELL  
Chairman  
JIM IRVIN  
Commissioner  
MARC SPITZER  
Commissioner

IN THE MATTER OF THE GENERIC  
PROCEEDINGS CONCERNING  
ELECTRIC RESTRUCTURING

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. E-01933A-02-0069

**NOTICE OF FILING WITNESS  
SUMMARY**

Intervenor Panda Gila River, L.P. hereby provides notice of filing the Witness Summary  
of Craig R. Roach, Ph.D. concerning the "Track A" issues in the above-captioned dockets.

Arizona Corporation Commission

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JUN 17 2002

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RESPECTFULLY SUBMITTED this 17th day of June, 2002.

FENNEMORE CRAIG



By: \_\_\_\_\_

C. Webb Crockett  
Jay L. Shapiro  
Fennemore Craig  
3003 N. Central Ave., Suite 2600  
Phoenix, AZ 85012  
Attorneys for Panda Gila River, L.P.

Larry F. Eisenstat  
Frederick D. Ochsenhirt  
Dickstein Shapiro Morin & Oshinsky, LLP  
2101 L Street, NW  
Washington, DC 20037  
Attorneys for TPS GP, Inc., a general partner  
of Panda Gila River, L.P.

See attached for filing and service list.

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ORIGINAL +10 copies of the foregoing filed this  
17<sup>th</sup> day of June, 2002, with:

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ARIZONA CORPORATION COMMISSION  
1200 West Washington  
Phoenix, Arizona

**COPY hand delivered this day to:**

CHAIRMAN WILLIAM MUNDELL  
Arizona Corporation Commission  
1200 W. Washington St.  
Phoenix, AZ 85007

COMMISSIONER JIM IRVIN  
Arizona Corporation Commission  
1200 W. Washington St.  
Phoenix, AZ 85007

COMMISSIONER MARC SPITZER  
Arizona Corporation Commission  
1200 W. Washington St.  
Phoenix, AZ 85007

HERCULES DELLAS, AIDE TO CHAIRMAN  
MUNDELL  
Arizona Corporation Commission  
1200 W. Washington St.  
Phoenix, AZ 85007

KEVIN BARLAY, AIDE TO  
COMMISSIONER IRVIN  
Arizona Corporation Commission  
1200 W. Washington St.  
Phoenix, AZ 85007

PAUL WALKER, AIDE TO COMMISSIONER  
SPITZER  
Arizona Corporation Commission  
1200 W. Washington St.  
Phoenix, AZ 85007

Lyn Farmer  
Chief Administrative Law Judge  
ARIZONA CORPORATION COMMISSION  
1200 W. Washington Street  
Phoenix, Arizona 85007

Christopher Kempley, Chief Counsel  
ARIZONA CORPORATION COMMISSION  
1200 W. Washington Street  
Phoenix, Arizona 85007

1285855.3/73262.005

Ernest G. Johnson, Utilities Division  
ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, Arizona 85007

COPY MAILED/E-MAILED\* this 17<sup>th</sup> day  
of June, 2002, to:

Lindy Funkhouser  
Scott S. Wakefield  
RUCO  
2828 N Central Ave, Suite 1200  
Phoenix, Arizona 85004

\*Michael A. Curtis  
\*William P. Sullivan  
\*Paul R. Michaud  
MARTINEZ & CURTIS, P.C.  
2712 North 7th Street  
Phoenix, Arizona 85006  
Attorneys for Arizona Municipal Power Users  
Association, Mohave Electric Cooperative, Inc.,  
Navopache Electric Cooperative, Inc., & Primesouth,  
Inc.  
[mcurtis401@aol.com](mailto:mcurtis401@aol.com)  
[wsullivan@martinezcurtis.com](mailto:wsullivan@martinezcurtis.com)  
[pmichaud@martinezcurtis.com](mailto:pmichaud@martinezcurtis.com)

Walter W. Meek, President  
ARIZONA UTILITY INVESTORS ASSOCIATION  
2100 N. Central Avenue, Suite 210  
Phoenix, Arizona 85004

Rick Gilliam  
Eric C. Guidry  
LAND AND WATER FUND OF THE ROCKIES  
ENERGY PROJECT  
2260 Baseline Road, Suite 200  
Boulder, Colorado 80302

Terry Frothun  
ARIZONA STATE AFL-CIO  
5818 N. 7th Street, Suite 200  
Phoenix, Arizona 85014-5811

Norman J. Furuta  
DEPARTMENT OF THE NAVY  
900 Commodore Drive, Building 107  
San Bruno, California 94066-5006

Barbara S. Bush  
COALITION FOR RESPONSIBLE ENERGY  
EDUCATION

315 West Riviera Drive  
Tempe, Arizona 85252

Sam Defraw (Attn. Code 00I)  
Rate Intervention Division  
NAVAL FACILITIES ENGINEERING  
COMMAND  
Building 212, 4<sup>th</sup> Floor  
901 M Street, SE  
Washington, DC 20374-5018

Rick Lavis  
ARIZONA COTTON GROWERS ASSOCIATION  
4139 East Broadway Road  
Phoenix, Arizona 85040

Steve Brittle  
DON'T WASTE ARIZONA, INC.  
6205 South 12th Street  
Phoenix, Arizona 85040

COLUMBUS ELECTRIC COOPERATIVE, INC.  
P.O. Box 631  
Deming, New Mexico 88031

CONTINENTAL DIVIDE ELECTRIC  
COOPERATIVE  
P.O. Box 1087  
Grants, New Mexico 87020

DIXIE ESCALANTE RURAL ELECTRIC  
ASSOCIATION  
CR Box 95  
Beryl, Utah 84714

GARKANE POWER ASSOCIATION, INC.  
P.O. Box 790  
Richfield, Utah 84701

ARIZONA DEPT OF COMMERCE  
ENERGY OFFICE  
3800 North Central Avenue, 12th Floor  
Phoenix, Arizona 85012

ARIZONA COMMUNITY ACTION ASSOC.  
2627 N. 3rd Street, Suite 2  
Phoenix, Arizona 85004

TUCSON ELECTRIC POWER CO.  
Legal Dept - DB203  
220 W 6<sup>th</sup> Street  
P.O. Box 711  
Tucson, Arizona 85702-0711

A.B. Baardson  
NORDIC POWER  
6463 N. Desert Breeze Ct.  
Tucson, Arizona 85750-0846

Jessica Youle  
PAB300  
SALT RIVER PROJECT  
P.O. Box 52025  
Phoenix, Arizona 85072-2025

Joe Eichelberger  
MAGMA COPPER COMPANY  
P.O. Box 37  
Superior, Arizona 85273

Craig Marks  
CITIZENS UTILITIES COMPANY  
2901 N. Central Avenue, Suite 1660  
Phoenix, Arizona 85012-2736

Barry Huddleston  
DESTEC ENERGY  
P.O. Box 4411  
Houston, Texas 77210-4411

Steve Montgomery  
JOHNSON CONTROLS  
2032 West 4th Street  
Tempe, Arizona 85281

Peter Glaser  
Shook, Hardy & Bacon, L.L.P.  
600 14<sup>th</sup> Street, N.W., Suite 800  
Washington, D.C. 20006-2004

Clara Peterson  
AARP  
HC 31, Box 977  
Happy Jack, Arizona 86024

Larry McGraw  
USDA-RUS  
6266 Weeping Willow  
Rio Rancho, New Mexico 87124

Jim Driscoll  
ARIZONA CITIZEN ACTION  
5160 E. Bellevue Street, Apt. 101  
Tucson, AZ 85712-4828

William Baker  
ELECTRICAL DISTRICT NO. 6  
7310 N. 16<sup>th</sup> Street, Suite 320

Phoenix, Arizona 85020

Robert Julian  
PPG  
1500 Merrell Lane  
Belgrade, Montana 59714

Robert S. Lynch  
340 E. Palm Lane, Suite 140  
Phoenix, Arizona 85004-4529  
Attorney for Arizona Transmission Dependent  
Utility Group

K.R. Saline  
K.R. SALINE & ASSOCIATES  
Consulting Engineers  
160 N. Pasadena, Suite 101  
Mesa, Arizona 85201-6764

Carl Robert Aron  
Executive Vice President and COO  
ITRON, INC.  
2818 N. Sullivan Road  
Spokane, Washington 99216

Douglas Nelson  
DOUGLAS C. NELSON PC  
7000 N. 16th Street, Suite 120-307  
Phoenix, Arizona 85020-5547  
Attorney for Calpine Power Services

\*Lawrence V. Robertson Jr.  
MUNGER CHADWICK, PLC  
333 North Wilmot, Suite 300  
Tucson, Arizona 85711-2634  
Attorney for Southwestern Power Group, II, LLC;  
Bowie Power Station, LLC; Toltec Power Station,  
LLC; and Sempra Energy Resources  
[Lv Robertson@mungerchadwick.com](mailto:Lvrobertson@mungerchadwick.com)

\*Tom Wran  
Southwestern Power Group II  
[Twran@southwesternpower.com](mailto:Twran@southwesternpower.com)

\*Theodore E. Roberts  
SEMPRA ENERGY RESOURCES  
101 Ash Street, HQ 12-B  
San Diego, California 92101-3017  
[Troberts@sempra.com](mailto:Troberts@sempra.com)

Albert Sterman  
ARIZONA CONSUMERS COUNCIL  
2849 East 8th Street  
Tucson, Arizona 85716

1285855.3/73262.005

\*Michael Grant  
GALLAGHER & KENNEDY  
2575 East Camelback Road  
Phoenix, Arizona 85016-9225  
Attorneys for AEPSCO, Graham County Electric  
Cooperative, and Duncan Valley Electric  
Cooperative.  
[Mmg@gknet.com](mailto:Mmg@gknet.com)

Vinnie Hunt  
CITY OF TUCSON  
Department of Operations  
4004 S. Park Avenue, Building #2  
Tucson, Arizona 85714

Ryle J. Carl III  
INTERNATION BROTHERHOOD OF  
ELECTRICAL WORKERS, L.U. #1116  
750 S. Tucson Blvd.  
Tucson, Arizona 85716-5698

Carl Dabelstein  
CITIZENS COMMUNICATIONS  
2901 N. Central Ave., Suite 1660  
Phoenix, Arizona 85012

Roderick G. McDougall, City Attorney  
CITY OF PHOENIX  
Attn: Jesse Sears, Assistant Chief Counsel  
200 W Washington Street, Suite 1300  
Phoenix, Arizona 85003-1611

\*William J. Murphy  
CITY OF PHOENIX  
200 West Washington Street, Suite 1400  
Phoenix, Arizona 85003-1611  
[Bill.murphy@phoenix.gov](mailto:Bill.murphy@phoenix.gov)

\*Russell E. Jones  
WATERFALL ECONOMIC CALDWELL  
HANSHAW & VILLAMANA, P.C.  
5210 E. Williams Circle, Suite 800  
Tucson, Arizona 85711  
Attorneys for Trico Electric Cooperative, Inc.  
[Rjones@wechv.com](mailto:Rjones@wechv.com)

\*Christopher Hitchcock  
HITCHCOCK & HICKS  
P.O. Box 87  
Bisbee, Arizona 85603-0087  
Attorney for Sulphur Springs Valley  
Electric Cooperative, Inc.

Lawyers@bisbeelaw.com

Andrew Bettwy  
Debra Jacobson  
SOUTHWEST GAS CORPORATION  
5241 Spring Mountain Road  
Las Vegas, Nevada 89150-0001

Barbara R. Goldberg  
OFFICE OF THE CITY ATTORNEY  
3939 Civic Center Blvd.  
Scottsdale, Arizona 85251

Bradford A. Borman  
PACIFICORP  
201 S. Main, Suite 2000  
Salt Lake City, Utah 84140

Timothy M. Hogan  
ARIZONA CENTER FOR LAW  
IN THE PUBLIC INTEREST  
202 E. McDowell Rd., Suite 153  
Phoenix, Arizona 85004

Marcia Weeks  
18970 N. 116th Lane  
Surprise, Arizona 85374

John T. Travers  
William H. Nau  
272 Market Square, Suite 2724  
Lake Forest, Illinois 60045

Timothy Michael Toy  
WINTHROP, STIMSON, PUTNAM & ROBERTS  
One Battery Park Plaza  
New York, New York 10004-1490

\*Raymond S. Heyman  
Michael W. Patten  
ROSHKA HEYMAN & DEWULF, PLC  
400 E. Van Buren, Suite 800  
Phoenix, Arizona 85004  
Attorneys for Tucson Electric Power Co.  
Rheyman@rhd-law.com

Billie Dean  
AVIDD  
P O Box 97  
Marana, Arizona 85652-0987  
Raymond B. Wuslich  
WINSTON & STRAWN  
1400 L Street, NW  
Washington, DC 20005

1285855.3/73262.005

Steven C. Gross  
PORTER SIMON  
40200 Truckee Airport Road  
Truckee, California 96161-3307  
Attorneys for M-S-R Public Power Agency

Donald R. Allen  
John P. Coyle  
DUNCAN & ALLEN  
1575 Eye Street, N.W., Suite 300  
Washington, DC 20005

Ward Camp  
PHASER ADVANCED METERING SERVICES  
400 Gold SW, Suite 1200  
Albuquerque, New Mexico 87102

Theresa Drake  
IDAHO POWER COMPANY  
P.O. Box 70  
Boise, Idaho 83707

Libby Brydolf  
CALIFORNIA ENERGY MARKETS  
NEWSLETTER  
2419 Bancroft Street  
San Diego, California 92104

Paul W. Taylor  
R W BECK  
14635 N. Kierland Blvd., Suite 130  
Scottsdale, AZ 85254-2769

James P. Barlett  
5333 N. 7<sup>th</sup> Street, Suite B-215  
Phoenix, Arizona 85014  
Attorney for Arizona Power Authority

\*Jay I. Moyes  
MOYES STOREY  
3003 N. Central Ave., Suite 1250  
Phoenix, Arizona 85012  
Attorneys for PPL Southwest Generation Holdings,  
LLC; PPL EnergyPlus, LLC and PPL Sundance  
Energy, LLC  
Jimoyes@lawms.com

Stephen L. Teichler  
Stephanie A. Conaghan  
DUANE MORRIS & HECKSCHER, LLP  
1667 K Street NW, Suite 700  
Washington, DC 20006

Kathy T. Puckett  
SHELL OIL COMPANY  
200 N. Dairy Ashford  
Houston, Texas 77079

Andrew N. Chau  
SHELL ENERGY SERVICES CO., LLC  
1221 Lamar, Suite 1000  
Houston, Texas 77010

Peter Q. Nyce, Jr.  
DEPARTMENT OF THE ARMY  
JALS-RS Suite 713  
901 N. Stuart Street  
Arlington, Virginia 22203-1837

Michelle Ahlmer  
ARIZONA RETAILERS ASSOCIATION  
224 W. 2<sup>nd</sup> Street  
Mesa, Arizona 85201-6504

Dan Neidlinger  
NEIDLINGER & ASSOCIATES  
3020 N. 17<sup>th</sup> Drive  
Phoenix, Arizona 85015

Chuck Garcia  
PNM, Law Department  
Alvarado Square, MS 0806  
Albuquerque, New Mexico 87158

Sanford J. Asman  
570 Vinington Court  
Dunwoody, Georgia 30350-5710  
\*Patricia Cooper  
AEP/CO/SSWEP/CO  
P.O. Box 670  
Benson, Arizona 85602  
[Pcooper@aepnet.org](mailto:Pcooper@aepnet.org)

Steve Segal  
LEBOEUF, LAMB, GREENE, & MACRAE  
633 17<sup>th</sup> Street, Suite 2000  
Denver, Colorado 80202-3620

Holly E. Chastain  
SCHLUMBERGER RESOURCE  
MANAGEMENT SERVICES, INC.  
5430 Metric Place  
Norcross, Georgia 30092-2550

Leslie Lawner  
ENRON CORP  
712 North Lea

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Roswell, New Mexico 88201

Alan Watts  
Southern California Public Power Agency  
529 Hilda Court  
Anaheim, California 92806

Frederick M. Bloom  
Commonwealth Energy Corporation  
15991 Red Hill Avenue, Suite 201  
Tustin, California 92780

Margaret McConnell  
Maricopa Community Colleges  
2411 W. 14<sup>th</sup> Street  
Tempe, Arizona 85281-6942

Brian Soth  
FIRSTPOINT SERVICES, INC.  
1001 S.W. 5<sup>th</sup> Ave, Suite 500  
Portland, Oregon 97204

Jay Kaprosy  
PHOENIX CHAMBER OF COMMERCE  
201 N. Central Ave., 27<sup>th</sup> Floor  
Phoenix, Arizona 85073

Kevin McSpadden  
MILBANK, TWEED, HADLEY AND  
MCCLOY, LLP  
601 S. Figueroa, 30<sup>th</sup> Floor  
Los Angeles, California 90017

M.C. Arendes, Jr.  
C3 COMMUNICATIONS, INC.  
2600 Via Fortuna, Suite 500  
Austin, Texas 78746

\*Patrick J. Sanderson  
ARIZONA INDEPENDENT SCHEDULING  
ADMINISTRATOR ASSOCIATION  
P.O. Box 6277  
Phoenix, Arizona 85005-6277  
[Psanderson@az-isa.org](mailto:Psanderson@az-isa.org)

\*Roger K. Ferland  
QUARLES & BRADY STREICH LANG, L.L.P.  
Renaissance One  
Two North Central Avenue  
Phoenix, Arizona 85004-2391  
[Rferland@quarles.com](mailto:Rferland@quarles.com)

Charles T. Stevens  
ARIZONANS FOR ELECTRIC CHOICE &

COMPETITION  
245 W. Roosevelt  
Phoenix, Arizona 85003

Mark Sirois  
ARIZONA COMMUNITY ACTION ASSOC.  
2627 N. Third Street, Suite 2  
Phoenix, Arizona 85004

\*Jeffrey Guldner  
Jeff Guldner, Esq.  
SNELL & WILMER  
400 E. Van Buren,  
One Arizona Center  
Phoenix, Arizona 85004-0001  
[jguldner@swlaw.com](mailto:jguldner@swlaw.com)

Steven J. Duffy  
RIDGE & ISAACSON PC  
3101 N. Central Avenue, Suite 740  
Phoenix, Arizona 85012

\*Greg Patterson  
5432 E. Avalon  
Phoenix, Arizona 85018  
[Gpatterson@aol.com](mailto:Gpatterson@aol.com)

\*John Wallace  
Grand Canyon State Electric Co-op  
120 N. 44<sup>th</sup> Street, Suite 100  
Phoenix, Arizona 85034-1822  
[Jwallace@gcseca.org](mailto:Jwallace@gcseca.org)

Steven Lavigne  
DUKE ENERGY  
4 Triad Center, Suite 1000  
Salt Lake City, Utah 84180

Dennis L. Delaney  
K.R. SALINE & ASSOC.  
160 N. Pasadena, Suite 101  
Mesa, Arizona 85201-6764

Kevin C. Higgins  
ENERGY STRATEGIES, LLC  
30 Market Street, Suite 200  
Salt Lake City, Utah 84101

\*Michael L. Kurtz  
BORHM KURTZ & LOWRY  
36 E. Seventh Street, Suite 2110  
Cincinnati, Ohio 45202  
[Mkurtzlaw@aol.com](mailto:Mkurtzlaw@aol.com)

David Berry  
P.O. Box 1064  
Scottsdale, Arizona 85252

\*William P. Inman  
Dept. of Revenue  
1600 W. Monroe, Room 911  
Phoenix, Arizona 85007  
[InmanW@revenue.state.az.us](mailto:InmanW@revenue.state.az.us)

\*Robert Baltés  
ARIZONA COGENERATION ASSOC.  
7250 N. 16<sup>th</sup> Street, Suite 102  
Phoenix, Arizona 85020-5270  
[Bbaltés@bvaeng.com](mailto:Bbaltés@bvaeng.com)

\*Jana Van Ness  
APS  
Mail Station 9905  
P.O. Box 53999  
Phoenix, Arizona 85072-3999  
[Jana.vanness@aps.com](mailto:Jana.vanness@aps.com)

David Couture  
TEP  
4350 E. Irvington Road  
Tucson, Arizona 85714

\*Kelly Barr  
Jana Brandt  
SRP  
Mail Station PAB211  
P.O. Box 52025  
Phoenix, Arizona 85072-2025  
[Kjbarr@srpnet.com](mailto:Kjbarr@srpnet.com)  
[Jkbrandt@srpnet.com](mailto:Jkbrandt@srpnet.com)

Randall H. Warner  
JONES SKELTON & HOCHULI PLC  
2901 N. Central Avenue, Suite 800  
Phoenix, Arizona 85012

John A. LaSota, Jr.  
MILLER LASOTA & PETERS, PLC  
5225 N. Central Ave., Suite 235  
Phoenix, Arizona 85012

Peter W. Frost  
Conoco Gas and Power Marketing  
600 N. Dairy Ashford, CH-1068  
Houston, Texas 77079

Joan Walker-Ratliff  
Conoco Gas and Power Marketing

1000 S. Pine, 125-4 ST UPO  
Ponca City, Oklahoma 74602

\*Vicki G. Sandler  
C/o Linda Spell  
APS Energy Services  
P.O. Box 53901  
Mail Station 8103  
Phoenix, Arizona 85072-3901  
[Linda\\_spell@apses.com](mailto:Linda_spell@apses.com)

\*Lori Glover  
STIRLING ENERGY SYSTEMS  
2920 E. Camelback Rd., Suite 150  
Phoenix, Arizona 85016  
[Lglover@stirlingenergy.com](mailto:Lglover@stirlingenergy.com)

\*Jeff Schlegel  
SWEEP  
1167 Samalayuca Drive  
Tucson, Arizona 85704-3224  
[Schlegelj@aol.com](mailto:Schlegelj@aol.com)

\*Howard Geller  
SWEEP  
2260 Baseline Rd., Suite 200  
Boulder, Colorado 80302  
[Hgeller@swenergy.org](mailto:Hgeller@swenergy.org)

\*Mary-Ellen Kane  
ACAA  
2627 N. 3<sup>rd</sup> Street, Suite Two  
Phoenix, Arizona 85004  
[Mkane@azcaa.org](mailto:Mkane@azcaa.org)

\*Aaron Thomas  
AES NewEnergy  
350 S. Grand Avenue, Suite 2950  
Los Angeles, California 90071  
[Aaron.thomas@aes.com](mailto:Aaron.thomas@aes.com)

\*Theresa Mead  
AES NewEnergy  
P.O. Box 65447  
Tucson, Arizona 85728  
[Theresa.mead@aes.com](mailto:Theresa.mead@aes.com)

\*Peter Van Haren  
CITY OF PHOENIX  
Attn: Jesse W. Sears  
200 W. Washington Street, Suite 1300  
Phoenix, Arizona 85003-1611  
[Jesse.sears@phoenix.gov](mailto:Jesse.sears@phoenix.gov)

\*Robert Annan  
ARIZONA CLEAN ENERGY INDUSTRIES  
ALLIANCE  
6605 E. Evening Glow Drive  
Scottsdale, Arizona 85262  
[Annan@primenet.com](mailto:Annan@primenet.com)

Curtis L. Kebler  
RELIANT RESOURCES, INC.  
8996 Etiwanda Avenue  
Rancho Cucamonga, California 91739

\*Philip Key  
RENEWABLE ENERGY LEADERSHIP GROUP  
10631 E. Autumn Sage Drive  
Scottsdale, Arizona 85259  
[Keytaic@aol.com](mailto:Keytaic@aol.com)

\*Paul Bullis  
OFFICE OF THE ATTORNEY GENERAL  
1275 W. Washington Street  
Phoenix, Arizona 85007  
[Paul.bullis@ag.state.az.us](mailto:Paul.bullis@ag.state.az.us)

\*Laurie Woodall  
OFFICE OF THE ATTORNEY GENERAL  
15 S. 15<sup>th</sup> Avenue  
Phoenix, Arizona 85007  
[Laurie.woodall@ag.state.az.us](mailto:Laurie.woodall@ag.state.az.us)

\*Donna M. Bronski  
CITY OF SCOTTSDALE  
3939 N. Drinkwater Blvd  
Scottsdale, Arizona 85251  
[Dbronski@ci.scottsdale.az.us](mailto:Dbronski@ci.scottsdale.az.us)

\*Larry F. Eisenstat  
Frederick D. Ochsenhirt  
DICKSTEIN SHAPIRO MORIN & OSHINSKY  
LLP  
2101 L Street, NW  
Washington, DC 20037  
[Eisenstatl@dsmo.com](mailto:Eisenstatl@dsmo.com)  
[Ochsenhirtf@dsmo.com](mailto:Ochsenhirtf@dsmo.com)

\*David A. Crabtree  
Dierdre A. Brown  
TECO POWER SERVICES CORP.  
P.O. Box 111  
Tampa, Florida 33602  
[Dacrabtree@tecoenergy.com](mailto:Dacrabtree@tecoenergy.com)  
[Dabrown@tecoenergy.com](mailto:Dabrown@tecoenergy.com)

\*Michael A. Trentel

Patrick W. Burnett  
PANDA ENERGY INTERNATIONAL INC  
4100 Spring Valley, Suite 1010  
Dallas, Texas 75244  
[Michaelt@pandaenergy.com](mailto:Michaelt@pandaenergy.com)  
[Patb@pandaenergy.com](mailto:Patb@pandaenergy.com)

ARIZONA REPORTING SERVICE, INC.  
2627 N. Third Street, Suite Three  
Phoenix, Arizona 85004-1104

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2002 JUN 17 P 3:44

BEFORE THE ARIZONA CORPORATION COMMISSION

AZ CORP COMMISSION  
DOCUMENT CONTROL

1  
2  
3 WILLIAM A. MUNDELL  
Chairman  
4 JIM IRVIN  
Commissioner  
5 MARC SPITZER  
Commissioner

6 7 8	IN THE MATTER OF THE GENERIC PROCEEDINGS CONCERNING ELECTRIC RESTRUCTURING	DOCKET NO. E-00000A-02-0051
9 10	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
11 12	IN THE MATTER OF THE GENERIC PROCEEDINGS CONCERNING THE ARIZONA INDEPENDENT SCHEDULING ADMINISTRATOR	DOCKET NO. E-00000A-01-0630
13 14 15	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
16 17 18	ISSUES 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

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20 SUMMARY OF DIRECT AND REBUTTAL TESTIMONY OF  
21 CRAIG R. ROACH, Ph.D.  
ON "TRACK A" ISSUES

22  
23 ON BEHALF OF  
PANDA GILA RIVER, L.P.

24  
25 June 17, 2002  
26

1                   **SUMMARY OF THE DIRECT TESTIMONY OF CRAIG R. ROACH, Ph.D.**

2                   **CONCLUSIONS AND RECOMMENDATIONS**

3                   Dr. Roach's primary conclusions are that: (a) APS has generation and transmission market  
4 power; (b) if APS is allowed to unconditionally transfer its generation facilities to an Affiliate, it  
5 will also be transferring its market power to that Affiliate; and (c) because the Commission will  
6 have less authority after the transfer to prevent harm to consumers from the exercise of market  
7 power by that Affiliate, the Commission must ensure that, prior to such transfer, APS' market  
8 power is mitigated.

9                   Accordingly, to mitigate that market power Dr. Roach recommends that the Commission  
10 prohibit the asset transfer until APS has plans in place to competitively procure, or has  
11 competitively procured, 100% of its Standard Offer service requirements. In addition, the  
12 Commission should (a) require APS to establish short-term energy markets, including a real-time  
13 balancing market; (b) require APS to provide an opportunity for all generators selected by  
14 competitive procurement or by the short-term markets to be designated Network Resources; and  
15 (c) require APS to issue RFP(s) for generation within the constrained Valley region.

16                   **QUANTITATIVE EVIDENCE OF MARKET POWER**

17                   At present, FERC tests for market power by means of the Supply Margin Assessment  
18 (SMA) test for areas outside FERC-approved, operational Regional Transmission Organizations.  
19 The SMA seeks to determine if a supplier is "pivotal" in a market. In this case "pivotal" means  
20 that the supplier's capacity is essential to meeting the market's peak load. Dr. Roach conducted  
21 an SMA for both the APS Market as a whole and for a more narrow geographic market defined as  
22 the APS Valley Market. In both cases, in the absence of the opportunity to compete that would be  
23 created by competitive procurement, the SMA shows APS has generation market power.

24                   **MARKET POWER AND THE AFFILIATE PPA**

25                   Market power in this case means that, for a sustained period of time, Standard Offer  
26 customers would pay higher prices, face greater risks, and suffer lower reliability with PWEC

1 service than they would if served by competing suppliers. As explained in Dr. Roach's Testimony  
2 in the variance proceeding, this would have been the fate of Standard Offer customers had the  
3 Affiliate PPA with PWCC been approved. The Affiliate PPA, with a potential 29-year term,  
4 underscores precisely why the Commission must be concerned with market power, even with a  
5 cost-plus contract between APS and an Affiliate. Even under a cost-plus contract, APS can  
6 simply bequeath its market power to an Affiliate and ignore the competitive challenge from  
7 several thousand megawatts of new merchant generators and, thereby, deny the ratepayer benefits  
8 that would result from that challenge.

9 Unless the price and non-price terms of the Affiliate PPA are subject to competitive  
10 challenge, Dr. Roach concludes that the Affiliate PPA is not mitigation for market power as APS  
11 suggests.

## 12 **TRANSMISSION MARKET POWER**

13 Dr. Roach concludes that APS has transmission market power. APS is a transmission  
14 monopoly; no competitor can build transmission facilities into or within the APS control area. No  
15 competitor can import power into or distribute power within APS' control area without APS'  
16 consent. In addition, APS is regulated by FERC as a transmission monopoly and is not part of an  
17 operational RTO, as required by FERC.

18 The specific mitigation for transmission market power that Dr. Roach has in mind is that  
19 the Commission must ensure that all generators within APS' control area have the opportunity to  
20 be treated comparably to APS' own generation by ensuring that these generators can be studied as  
21 and designated Network Resources.

## 22 **SUMMARY OF THE REBUTTAL TESTIMONY OF CRAIG R. ROACH, PH.D.**

### 23 **CONCLUSIONS AND RECOMMENDATIONS**

24 Dr. Roach stands by the recommendations made in his Direct Testimony.  
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1     **RESPONSE TO STAFF**

2             Dr. Roach agrees with Staff that APS possesses generation and transmission market  
3 power. He believes that the best way to address market power concerns is for the Commission to  
4 adopt his recommendations, most notably to require APS to competitively procure (through a  
5 combination of bilateral purchases and a bid solicitation process) 100% of its Standard Offer  
6 Service Requirements.

7             Dr. Roach agrees with Staff that utilities should submit a market power study and  
8 mitigation plan. Dr. Roach, however, believes that the record in this proceeding already contains  
9 market power studies (e.g., APS' and Dr. Roach's Supply Margin Assessments) as well as  
10 recommendations for mitigation.

11            Dr. Roach does have concerns about the Staff's implementation of the "enhanced prudence  
12 standard" and inclination to intervene in short-term markets. He believes that prudence is  
13 determined on the basis of the information known or knowable at the time of the decision, thus the  
14 prudence of a transaction is not something that ought to be revisited by the Commission on an  
15 ongoing basis during the transaction's term. With regard to short-term markets, his advice is for  
16 Utility Distribution Companies to rely on the short-term market for an insubstantial (up to 5%)  
17 portion of their capacity needs. In short, his recommendation is to stay out of the short-term  
18 markets rather than attempt to make the short-term market more appealing artificially through  
19 price caps and the like.

20     **RESPONSE TO APS**

21            Dr. Roach agrees with APS that competitive procurement is the *quid pro quo* for the asset  
22 transfer. In fact, he believes that Staff is fair to highlight the contradiction in APS' market power  
23 testimony as compared to its statements in connection with its request for a variance from  
24 1606(B). Staff points out, when speaking of market power, APS says that a huge number of  
25 competitors exist. And, yet, when it came time to address the issue of whether APS could comply  
26 with 1606(B), APS declared that no competitors existed.

1 Dr. Roach disagrees with APS' contention that, in the absence of competitive  
2 procurement, APS lacks generation and transmission market power; the refusal to conduct  
3 competitive procurement is, in-and-of-itself, an exercise of market power by APS. A long-term  
4 affiliate PPA can be mitigation for market power if, and only if, the price and non-price terms of  
5 that PPA have been tested against competitive procurement.

6 While the results of Dr. Roach's and APS' SMA analysis are largely similar, there are  
7 important differences that have broader implications. Dr. Roach believes that these differences  
8 show the importance of a clear understanding of how transmission constraints affect competition,  
9 and how that effect might differ between competition through competitive procurement for  
10 longer-term PPAs as opposed to competing in a spot market.

#### 11 **RESPONSE TO RUCO**

12 Dr. Roach concludes that the concerns expressed by RUCO's witness are largely irrelevant  
13 because they are largely an argument against FERC policies and do not address the issues of asset  
14 transfer and competitive procurement which have been set for this proceeding.

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