

THIS AMENDMENT:		 0000105808
_____ Passed _____	Passed as amended by _____	
_____ Failed _____	Not Offered _____	

100
OK

ORIGINAL

MAYES PROPOSED AMENDMENT # 1

DATE PREPARED: December 4, 2009

COMPANY: Arizona Public Service

AGENDA ITEM NO. U-2

DOCKET NO. E-01345A-08-0172

OPEN MEETING DATE: 12-7-09

Page 53, line 18, INSERT New Finding of Fact: "The Commission is concerned with the promised equity infusions discussed in Section VIII of the Settlement Agreement, particularly in light of similarly promised infusions which were left unexecuted. Section VIII of the Settlement Agreement references Decision No. 70454 which authorized equity infusions that have not been undertaken. Given the importance of this element in the Settlement Agreement, the Commission believes it is appropriate to place the Company on specific notice that the failure to timely make the equity infusions discussed in the Settlement Agreement may subject the Company to the maximum penalties as authorized by Article XV, Section 19 of the Arizona Constitution. Unless otherwise ordered by the Commission upon a timely application by the Company to modify the equity infusion provisions in the Settlement Agreement, each day in which the Company is out of compliance with the equity infusion terms in the Settlement Agreement may be considered a separate violation with penalties imposed after due process."

Page 55, line 5, INSERT New Ordering Paragraph: "IT IS FURTHER ORDERED THAT Arizona Public Service Company shall comply with the equity infusion terms discussed in Section VIII of the Settlement Agreement, and the failure to timely comply may subject the Company to the maximum penalties authorized by the Arizona Constitution as discussed in this Order."

Make all conforming changes.

Arizona Corporation Commission
DOCKETED

DEC - 4 2009

DOCKETED BY	
-------------	---

RECEIVED
 2009 DEC -4 P 3:47
 AZ CORP COMMISSION
 DOCKET CONTROL