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INTERVENTION

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AZ CORP COMMISSION
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BEFORE THE ARIZONA CORPORATION COMMISSION

DOCKETED

SEP 27 2002

DOCKETED BY *CNC*

WILLIAMS A. MUNDELL
Chairman
JIM IRVIN
Commissioner
MARC SPITZER
Commissioner

IN THE MATTER OF THE APPLICATION
OF TUCSON ELECTRIC POWER
COMPANY FOR APPROVAL OF NEW
PARTIAL REQUIREMENTS SERVICE
TARIFFS, MODIFICATION OF EXISTING
PARTIAL REQUIREMENTS SERVICE
TARIFF 101, AND ELIMINATION OF
QUALIFYING FACILITY TARIFFS.

Docket No. E-01933A-02-0345

IN THE MATTER OF THE APPLICATION
OF TUCSON ELECTRIC POWER
COMPANY FOR APPROVAL OF ITS
STRANDED COST RECOVERY.

Docket No. E-01933A-98-0471

MOTION TO INTERVENE

Constellation NewEnergy, Inc, f/k/a AES New Energy, Inc.

("Constellation") and Strategic Energy, Inc. ("Strategic Energy"), pursuant to A.A.C. R14-3-105, hereby move to intervene in the above-captioned proceeding. In support hereof, they state as follows:

1. Constellation holds a certificate of convenience and necessity to provide competitive services in Arizona as an electric services provider.

2. Strategic Energy is a competitive electric services provider that specializes as an energy management company providing electric load aggregation and power supply coordination services to a wide range of residential, commercial and industrial customers. It is one of the largest retail energy providers in the United States, serving more than 26,000 commercial and industrial accounts in states that have enacted retail choice including Pennsylvania, Ohio, New York, Massachusetts, Texas, and California.

3. Constellation and Strategic Energy seek to participate in these

JONES, SKELTON & HOCHULL, P.L.C.
ATTORNEYS AT LAW
2901 NORTH CENTRAL AVENUE
SUITE 800
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1 proceedings because the issues being resolved here will directly affect the viability of
2 competition within Tucson Electric Power Company's ("TEP") service territory.

3 4. Constellation's and Strategic Energy's participation in this proceeding
4 will not unduly broaden the nature or scope of this proceeding.

5 5. No other party or intervenor can represent the interests of Constellation
6 or Strategic Energy.

7 6. Service of all correspondence, documents or pleadings should be made to
8 counsel for Constellation and Strategic Energy as follows:

9 Daniel W. Douglass
10 Law Offices of Daniel W. Douglass
11 5959 Topanga Canyon Blvd., Suite 244
12 Woodland Hills, CA 91367-7313

13 and

14 Randall H. Warner
15 Jones Skelton & Hochuli, PLC
16 2901 N. Central Avenue, Suite 800
17 Phoenix, Arizona 85012

18 WHEREFORE, for the foregoing reasons, Constellation and Strategic
19 Energy respectfully request that this Motion to Intervene be granted.

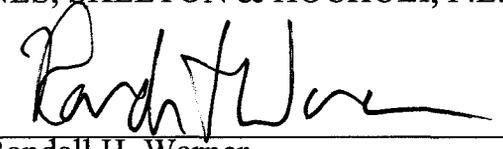
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RESPECTFULLY SUBMITTED this 26th day of September, 2002.

JONES, SKELTON & HOCHULI, P.L.C.

By 
Randall H. Warner
2901 North Central Avenue, Suite 800
Phoenix, Arizona 85012

and

Daniel W. Douglass
Law Offices of Daniel W. Douglass
5959 Topanga Canyon Blvd., Suite 244
Woodland Hills, CA 91367-7313

Attorneys for Constellation and Strategic
Energy

ORIGINAL and 15 COPIES filed
this 26th day of September, 2002, with:

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

COPY of the foregoing delivered
this 26th day of September, 2002, to:

Lyn Farmer
Chief Administrative Law Judge
Arizona Corporation Commission
1200 W. Washington Street
Phoenix, AZ 85007

Christopher Kempley
Chief Counsel
Arizona Corporation Commission
1200 W. Washington Street
Phoenix, AZ 85007

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Ernest G. Johnson
Utilities Division
Arizona Corporation Commission
1200 W. Washington Street
Phoenix, AZ 85007

COPY of the foregoing mailed
this 26th day of September, 2002, to:

All parties in ACC Docket
No. E-0000A-02-0051