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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

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CARL J. KUNASEK
Chairman
JIM IRVIN
Commissioner
WILLIAM A. MUNDELL
Commissioner

MAY 11 10 3 21

MAY 10 2000

DOCKETED BY [Signature]

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IN THE MATTER OF THE APPLICATION)
OF TUCSON ELECTRIC POWER)
COMPANY CORPORATION FOR)
APPROVAL OF ITS PLAN FOR)
STRANDED COST RECOVERY)
AND FOR RELATED APPROVALS,)
AUTHORIZATIONS, AND WAIVERS.)

DOCKET NO. E-01933A-98-0471

IN THE MATTER OF THE FILING OF)
TUCSON ELECTRIC POWER)
COMPANY OF UNBUNDLED TARIFFS)
PURSUANT TO A.A.C. R14-2-1602 *et seq.*)

DOCKET NO. E-0-1933A-97-0772

IN THE MATTER OF COMPETITION)
IN THE PROVISION OF ELECTRIC)
SERVICES THROUGHOUT THE STATE)
OF ARIZONA.)

DOCKET NO. RE-00000C-94-0165

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**STAFF'S COMMENTS/ RECOMMENDATIONS
ON TUCSON ELECTRIC POWER COMPANY'S
FINAL PROPOSED CODE OF CONDUCT**

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Pursuant to the Commission's Procedural Order of April 6, 2000, the Utilities Division Staff ("Staff") hereby files its comments/recommendations to the final proposed Code of Conduct filed by Tucson Electric Power Company ("TEP") on April 24, 2000.

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STAFF'S COMMENTS

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Staff has reviewed and is in agreement with TEP's final proposed Code as filed.

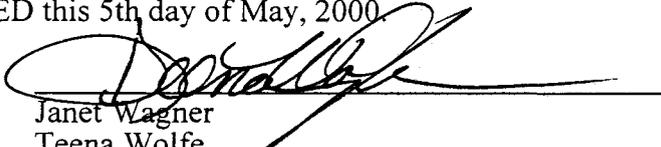
Staff does not believe that an evidentiary hearing should be held in this matter. A decision on whether to approve a Code of Conduct does not require an airing of disputed facts, but instead requires a policy decision on what will best serve the public interest. While interested parties may hold differing views on policy issues, those differences of opinion cannot be resolved by the production and weighing of evidence. That is why public comment

1 hearings are held in rulemaking proceedings, and evidentiary hearings are not. Because the
2 issues involved in Code of Conduct matters are more similar to rulemaking issues, an
3 evidentiary hearing in this matter is not necessary.

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5 **STAFF'S RECOMMENDATIONS**

6 Staff recommends that the final proposed Code filed by TEP on April 24, 2000 be approved.
7 Staff further recommends that a hearing not be held in this matter. Should the Hearing Officer feel
8 that an oral proceeding on the TEP final Code is necessary, Staff recommends that such a proceeding
9 take the form of a public comment hearing.

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11 RESPECTFULLY SUBMITTED this 5th day of May, 2000.

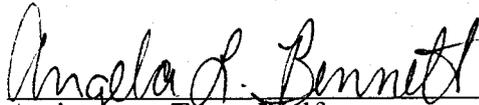
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13 Janet Wagner
14 Teena Wolfe
15 Attorneys, Legal Division
16 Arizona Corporation Commission
17 1200 West Washington Street
18 Phoenix, Arizona 85007
19 (602) 542-3402

20 The original and fifteen copies of the
21 foregoing were filed this 5th day of
22 May, 2000, with:

23 Docket Control
24 Arizona Corporation Commission
25 1200 West Washington Street
26 Phoenix, Arizona 85007

27 Copy of the foregoing mailed this
28 5th day of May, 2000 to:

Service List for RE-00000C-94-0165

24 
25 Assistant to Teena Wolfe