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Arizona Corporation Commission

DOCKETED

JUN 23 2000

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

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. R14-2-1606, *et seq.*

DOCKET NO. E-01933A-97-0772

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

DOCKET NO. RE-00000C-94-0165

TUCSON ELECTRIC POWER COMPANY  
APPLICATION FOR APPROVAL OF ITS  
PROPOSED DIRECT ACCESS SERVICE  
FEES AND ITS PROPOSED  
AMENDMENTS TO ITS RULES AND  
REGULATIONS

DOCKET NO. E-01933A-<sup>99</sup>~~98~~-0729

**REPLY OF APS ENERGY SERVICES CORPORATION, INC.**  
**TO TUCSON ELECTRIC POWER COMPANY**  
**AND**  
**RESPONSE TO STAFF REQUEST FOR PROCEDURAL ORDER**

APS Energy Services Corporation, Inc., ("Petitioner") hereby submits to the Arizona  
Corporation Commission ("Commission") its joint Reply to the Response of Tucson Electric

1 Power Company ("TEP") and to the Request of Commission Staff for a Procedural Order,  
2 respectively filed in the above dockets on June 9 and June 21, 2000.

3 TEP has misconstrued the original intent of the Petition. Petitioner sought neither special  
4 treatment nor to initiate new rulemaking. Petitioner did not wish even to have its Petition  
5 construed as a complaint against TEP. It is seeking an interpretation by the Commission of the  
6 Commission's own rules and of the Commission's own order in Decision No. 62103 (November  
7 30, 1999), and if, and only if necessary, a waiver by the Commission of the Commission's own  
8 rules as they would be applied in one specific instance.<sup>1</sup> TEP has not disputed any of the relevant  
9 facts nor cited any authority for its stated positions. Ordinarily, the Commission does not require  
10 an evidentiary hearing under such circumstances.

11 If the Commission nevertheless believes additional information is required to resolve this  
12 matter, and that the more general issues of direct access metering, consolidated billing, direct  
13 access tariff availability, and TEP's own rules and regulations should be addressed by the  
14 Commission concurrently with reviewing the specific circumstances facing the U of A, Petitioner  
15 asks that an expedited hearing be set without the need for either discovery or prefiled testimony –  
16 limitations on which are within the Commission's discretion under A.A.C. R14-3-101. After all,  
17 the fundamental issues are still the same regardless of the name attached to this proceeding:

- 18 (1) Can a TEP customer on Standard Offer tariff schedule "X" move freely to  
19 Direct Access tariff schedule "X" as was intended by Decision No. 62103?  
20 (2) Can a TEP customer whose bill is being "totalized" under Standard Offer  
21 service receive the same manner of billing under Direct Access service?  
22 (3) Can a customer whose load is being completely and accurately measured  
23 using one metering configuration under Standard Offer service use the same metering  
24

25 <sup>1</sup> Petitioner agrees that it is the University of Arizona ("U of A") that is, in this case, the primary victim of  
26 TEP's attempts to prevent competition by the imposition of unreasonable and unauthorized conditions on  
Direct Access customers. TEP Response at footnote 1. This does not mean that Petitioner is unaffected or  
lacks legal standing to bring this matter to the Commission's attention.

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configuration under direct access rather than being required to pay for  
cost-prohibitive and unnecessary sub-metering of its usage?

Petitioner believe that Decision No. 62103 and the Retail Electric Competition Rules answer each  
of these questions in the affirmative.

Petitioner also strongly urges adoption of Staff's recommendation that the U of A be  
permitted to continue to receive Standard Offer electric service under Rate 14 and using the  
existing metering configuration and billing practices pending final resolution of the Petition<sup>2</sup> See  
Staff Request at 2. This will alleviate the pressure caused by the ninety-day TEP "grace period"  
discussed in the Petition, a unilaterally-imposed window of decision that is scheduled to slam shut  
on the U of A by approximately July 21st.

RESPECTFULLY SUBMITTED this 23rd day of June, 2000.

SNELL & WILMER, L.L.P.

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Corporation, Inc.

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<sup>2</sup>As noted in the Petition, if the Commission rules favorably on Petitioner's request, Petitioner would then  
ask that such standard offer service be continued for a period of at least fourteen weeks thereafter.

CERTIFICATE OF SERVICE

The original and ten (10) copies of the foregoing document were filed with the Arizona Corporation Commission on this 23rd day of June, 2000, and service was completed by mailing, e-mailing or hand-delivering a copy of the foregoing document this 23rd day of June, 2000, to all affected parties of record herein.

  
HOLLY BOERNER

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