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# INTERVENTION

## ORIGINAL

### RECEIVED

BEFORE THE ARIZONA CORPORATION COMMISSION

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MARC SPITZER, Chairman  
WILLIAM A. MUNDELL, Commissioner  
JEFF HATCH-MILLER, Commissioner  
MIKE GLEASON, Commissioner  
KRISTIN K. MAYES, Commissioner

2004 JAN 27 P 3:29

AZ CORP COMMISSION  
DOCUMENT CONTROL

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

DOCKET NO. RE-00000C-94-0165

IN THE MATTER OF THE STRANDED  
COST FILING AND REQUEST FOR A  
WAIVER OF CERTAIN PORTIONS OF  
THE RULES FILED BY TRICO  
ELECTRIC COOPERATIVE, INC.

DOCKET NO. E-01461A-98-0466

IN THE MATTER OF THE STRANDED  
COST FILING AND REQUEST FOR A  
WAIVER OF CERTAIN PORTIONS OF  
THE RULES FILED BY MOHAVE  
ELECTRIC COOPERATIVE, INC.

DOCKET NO. E-01750A-98-0467

IN THE MATTER OF THE STRANDED  
COST FILING AND REQUEST FOR A  
WAIVER OF CERTAIN PORTIONS OF  
THE RULES FILED BY GRAHAM  
COUNTY ELECTRIC COOPERATIVE,  
INC.

DOCKET NO. E-01749A-98-0468

IN THE MATTER OF THE STRANDED  
COST FILING AND REQUEST FOR A  
WAIVER OF CERTAIN PORTIONS OF  
THE RULES FILED BY DUNCAN  
VALLEY ELECTRIC COOPERATIVE,  
INC.

DOCKET NO. E-01703A-98-0469

IN THE MATTER OF THE STRANDED  
COST FILING AND REQUEST FOR A  
WAIVER OF CERTAIN PORTIONS OF  
THE RULES FILED BY SULPHUR  
SPRINGS VALLEY ELECTRIC  
COOPERATIVE, INC.

DOCKET NO. E-01575A-98-0472

Arizona Corporation Commission

### DOCKETED

JAN 27 2004

DOCKETED BY

### APPLICATION OF CONSTELLATION NEWENERGY, INC. AND STRATEGIC ENERGY, L.L.C. FOR LEAVE TO INTERVENE

SACKS TIERNEY P.A., LAWYERS  
4250 NORTH DRINKWATER BOULEVARD  
FOURTH FLOOR  
SCOTTSDALE, ARIZONA 85251-3693

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I.

Pursuant to A.A.C. R14-3-105, Constellation NewEnergy, Inc. ("Constellation") and Strategic Energy, L.L.C. ("Strategic Energy") hereby move the Arizona Corporation Commission ("Commission") for an order granting each leave to intervene in the above-captioned proceedings.

II.

Constellation is the nation's leading competitive retail electric service provider serving commercial and industrial customers in California, Texas, Illinois, Ohio, Pennsylvania, Maryland, Delaware, New Jersey, New York, Massachusetts, Rhode Island, New Hampshire, and Maine. Constellation is a wholly owned subsidiary of the Constellation Energy Group (NYSE: CEG), a leading global power company comprised of competitive generation, distribution, and retail businesses around the world.

III.

Strategic Energy is an energy management company that provides electric load aggregation and power supply coordination services. Founded in 1986, Strategic Energy has transformed itself from an energy-consulting firm into one of the largest competitive retail energy service providers in the United States. Strategic Energy now has more than 42,000 commercial and industrial customers in states that have enacted retail choice, including Pennsylvania, Ohio, New York, Massachusetts, Texas, and California—with many more states expected to come online in the next few years. More than 170 full-time energy professionals at its headquarters in Pittsburgh, Pennsylvania and in offices across the country are devoted to objective electricity and natural gas management and consulting. Strategic Energy procures and manages more than \$2 billion of electricity and natural gas per year and has never had a customer interrupted.

IV.

As retail electric service providers ("ESPs") and potential providers of electricity service to direct offer customers in Arizona's competitive retail electric market, Constellation and Strategic Energy have an interest in expanding the market and providing

1 direct offer of service to the areas of the cooperatives which are the subject of these  
2 proceedings. As such, Constellation and Strategic Energy will be directly and substantially  
3 affected by the proceedings.

4 V.

5 The granting of intervenor status to Constellation and Strategic Energy will not  
6 delay or unduly broaden the issues presented in the proceedings.

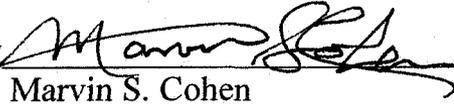
7 VI.

8 Constellation and Strategic Energy request that all communications in connection  
9 with the above-captioned proceedings be directed to:

10 Marvin S. Cohen  
11 Charlene Gibson Robertson  
12 Sacks Tierney P.A.  
13 4250 North Drinkwater Boulevard, Fourth Floor  
14 Scottsdale, Arizona 85251-3647  
15 Telephone: (480) 425-2633  
16 Facsimile: (480) 425-4933  
17 E-mail: marvin.cohen@sackstierney.com  
18 E-mail: charlene.robertson@sackstierney.com

19 RESPECTFULLY SUBMITTED this 27 day of January, 2004.

20 SACKS TIERNEY P.A.

21 By 

22 Marvin S. Cohen  
23 Charlene Gibson Robertson  
24 4250 North Drinkwater Boulevard, Fourth Floor  
25 Scottsdale, Arizona 85251-3647  
26 Attorneys for Constellation NewEnergy, Inc. and  
27 Strategic Energy, L.L.C.

28 **ORIGINAL AND 23 COPIES OF THE  
FOREGOING HAND-DELIVERED**  
this 27 day of January, 2004, to:

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

SACKS TIERNEY P.A., LAWYERS  
4250 NORTH DRINKWATER BOULEVARD  
FOURTH FLOOR  
SCOTTSDALE, ARIZONA 85251-3693

1 COPY OF THE FOREGOING  
2 HAND-DELIVERED this 27 day of  
3 January, 2004, to:

4 MARC SPITZER, Chairman  
5 Arizona Corporation Commission  
6 1200 West Washington Street  
7 Phoenix, Arizona 85007

8 WILLIAM A. MUNDELL, Commissioner  
9 Arizona Corporation Commission  
10 1200 West Washington Street  
11 Phoenix, Arizona 85007

12 JEFF HATCH-MILLER, Commissioner  
13 Arizona Corporation Commission  
14 1200 West Washington Street  
15 Phoenix, Arizona 85007

16 MIKE GLEASON, Commissioner  
17 Arizona Corporation Commission  
18 1200 West Washington Street  
19 Phoenix, Arizona 85007

20 KRISTIN K. MAYES, Commissioner  
21 Arizona Corporation Commission  
22 1200 West Washington Street  
23 Phoenix, Arizona 85007

24 Jane L. Rodda  
25 Administrative Law Judge  
26 Hearing Division  
27 Arizona Corporation Commission  
28 1200 West Washington Street  
Phoenix, Arizona 85007

Ernest G. Johnson, Director of Utilities  
Utilities Division  
Arizona Corporation Commission  
1200 W. Washington Street  
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Janet Wagner, Attorney  
Legal Division  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, Arizona 85007

1 **COPY OF THE FOREGOING**  
2 **MAILED** this 27 day of  
3 January, 2004, to:

4 C. Webb Crockett, Esq.  
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10 Climax Metals Company; ASARCO  
11 Incorporated; Cyprus Climax Metals  
12 Company; and Arizonans for Electric  
13 Choice and Competition**

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27 Electric Cooperative, Inc.**

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8 Phoenix, Arizona 85020-5547  
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12 Suite Two  
13 Phoenix, Arizona 85004

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