

<b>THIS AMENDMENT:</b>	
_____ Passed _____	Passed as amended by _____
_____ Failed _____	Not Offered _____



**SPITZER PROPOSED AMENDMENT # 2**

TIME/DATE PREPARED 9:00 a.m./ 7 January 2002

**COMPANY: DUKE ENERGY  
ARLINGTON VALLEY, L.L.C.**

**AGENDA ITEM NO. L-1**

**DOCKET NO. L-00000P-01-0117**

**OPEN MEETING DATE:  
JANUARY 8, 2002**

**INSERT NEW CONDITION: "The Applicant shall construct and operate the proposed Arlington Valley Energy Facility II (AVEF II) as a dry-cooled generating facility."**

**INSERT NEW CONDITION: "The Applicant shall participate in the Central Arizona Water Conservation District's Agua Fria Recharge Project, in cooperation with the Arizona Water Banking Authority. The Applicant shall recharge 1,000 acre-feet/year of water through the recharge project for the useful life of the AVEF II facility, subject to reasonable limitations on costs and availability of water supplies. If the Applicant earns long-term storage credits from its participation in the Agua Fria Recharge Project, it shall not reclaim those credits in any manner whatsoever."**

**RECEIVED**  
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