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Memorandum

TO: Commissioner Spitzer

Arizona Corporation Commission

DOCKETED

FR: Paul Walker

FEB 23 2002

CC: Chairman Mundell
Commissioner Irvin
Ernest Johnson, Utilities Director
Chris Kempley, Chief Counsel
Service List, Docket No. L00000BB-01-0118

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ARIZONA CORPORATION COMMISSION
REGULATORY CONTROL

2002 FEB 21 P 2:26

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SUBJECT: Bowie Power Plant, Spitzer Amendment One

1. Despite numerous attempts throughout yesterday's Open Meeting I was unable to reach either Gregg Houtz or Pat Schiffer at the Arizona Department of Water Resources ("ADWR") to discuss the Spitzer Amendment. After yesterday's O.M. I received a voicemail message from Mr. Houtz indicating ADWR's concern with the Amendment's requirement that the Applicant enter into a Groundwater Monitoring Program with ADWR.
2. Mr. Houtz stated in the message and in a subsequent telephone conversation that ADWR did not currently believe that there was a need for a Groundwater Monitoring Program in the Bowie area. He indicated that perhaps a less burdensome plan, such as the Applicant hiring a firm to track and report groundwater levels would be more appropriate.
3. Mr. Houtz stated that ADWR would meet with the Applicant but was concerned with whether the Commission was 'requiring' ADWR to enter into a Groundwater Monitoring Program or whether the Commission would accept an alternative proposal from ADWR to address our concerns. He stated that due to staff time and resource limitations, ADWR might very well be unable to support a Groundwater Monitoring Program outside of an AMA.
4. I told Mr. Houtz that this Office did not intend to mandate any action by ADWR and that if ADWR has alternative recommendations after their meeting with the Applicant we would appreciate their expert advice. I told Mr. Houtz that there was a discussion on the record addressing just such a potentiality and that my perception was that the Commissioners did not intend to mandate ADWR actions as much as they intended to require good faith discussions between the Applicant and ADWR.