



0000119574

47

BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

RECEIVED
AZ CORP COMMISSION
Nov 10 11 43 AM '98

DOCKETED

NOV 10 1998

DOCUMENT CONTROL

CARL J. KUNASEK
CHAIRMAN
JIM IRVIN
COMMISSIONER
RENZ D. JENNINGS
COMMISSIONER

DOCKETED BY *sd*

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19

IN THE MATTER OF THE
APPLICATION OF ARIZONA PUBLIC
SERVICE COMPANY FOR APPROVAL
OF ITS STRANDED COST RECOVERY

Docket No. E-01345A-98-0473

IN THE MATTER OF THE FILING OF
ARIZONA PUBLIC SERVICE COMPANY
OF UNBUNDLED TARIFFS PURSUANT
TO A.A.C. R14-2-1601, et. seq.

Docket No. E-01345A-97-0773

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

Docket No. RE-00000C-94-0165

COMMENTS ON STAFF'S REQUEST FOR PROCEDURAL ORDER

Pursuant to the November 6, 1998 Procedural Order in the above dockets, Illinova Energy Partners submits the following Comments on Staff's Request for Procedural Order:

1. Although Staff believes expedited consideration of the Settlement Agreement is necessary to ensure competition begins on January 1, 1999, Staff's proposed procedural rush to judgment simply does not allow interested parties to adequately analyze and comment upon the proposed Settlement Agreement. Indeed, upon careful analysis, it may become apparent

20
21
22
23
24
25
26

1 that the proposed Settlement Agreement will chill -- or even completely stifle -- any
2 meaningful competition. Expedited consideration here may actually delay competition.

3 2. The concern that the Settlement Agreement may inhibit competition is accentuated
4 by the fact that many of the parties most interested in electric competition, including consumer
5 groups and potential new entrants, were basically excluded from the negotiations. As a result,
6 analysis by those parties may take additional time. Moreover, the short discovery period does
7 not allow sufficient time to ask key questions -- and receive answers -- on issues that should
8 have been addressed in the negotiation process.

9 3. Conducting an evidentiary hearing with a Commission vote at its conclusion may
10 not result in careful, considered decisionmaking. It is likely that the hearing will raise
11 numerous complex and difficult issues involving technical information. Post-hearing briefing
12 would be important to provide the Commission with accurate, coherent information on the
13 issues, particularly if the approval of the Settlement Agreement conflicts with the
14 Commission's decision on stranded costs (Decision No. 60977).

15 4. Expedited consideration will effectively render public comment by the consumers of
16 Arizona meaningless. The proposed dates for comment and hearing -- eight to eleven business
17 days from the date of filing the proposed Settlement Agreement -- provides Arizonans with
18 inadequate notice and time to voice their positions on these important issues that will affect
19 them for years to come.

20 Therefore, Illinova Energy Partners requests that a procedural order be issued that
21 allows all affected parties a reasonable opportunity to evaluate the proposed Settlement
22 Agreement and provide comments and/or objections to the Commission.

23 ...

24 ...

25 ...

26 ...

1 DATED: November 10, 1998.

2 RESPECTFULLY SUBMITTED,
3 BROWN & BAIN, P.A.

4 By: 

5 Lex J. Smith
6 Michael W. Patten
7 2901 North Central Avenue
8 Suite 2000
9 Post Office Box 400
10 Phoenix, Arizona 85001-0400

11 Attorneys for Illinova Energy Partners

12 Original and ten (10) copies of the
13 foregoing filed this 10th day
14 of November, 1998, with:

15 Docket Control Division
16 Arizona Corporation Commission
17 1200 West Washington Street
18 Phoenix, Arizona 85007

19 COPIES of the foregoing hand-delivered
20 this 10th day of November, 1998, to:

21 Mr. Jerry Rudibaugh
22 Chief Hearing Officer
23 ARIZONA CORPORATION COMMISSION
24 1200 W. Washington Street
25 Phoenix, Arizona 85007

26 Paul Bullis, Chief Counsel
Legal Division
ARIZONA CORPORATION COMMISSION
1200 W. Washington Street
Phoenix, Arizona 85007

COPY of the foregoing mailed this
10th day of November, 1998, to:

All parties of record in Docket Nos. E-01345A-98-0473,
E-01345A-97-0773, and RE-00000C-94-0165

