

INTERVENTION

ORIGINAL



0000130322

BEFORE THE ARIZONA CORPORATION C  
RECEIVED

COMMISSIONERS

2011 OCT -6 A 9:31

- GARY PIERCE, Chairman
- BOB STUMP
- SANDRA D. KENNEDY
- PAUL NEWMAN
- BRENDA BURNS

AZ CORP COMMISSION  
DOCKET CONTROL

Arizona Corporation Commission

DOCKETED

OCT 6 2011

DOCKETED BY	<i>[Signature]</i>
-------------	--------------------

IN THE MATTER OF THE APPLICATION OF )  
 ARIZONA PUBLIC SERVICE COMPANY FOR )  
 A HEARING TO DETERMINE THE FAIR )  
 VALUE OF THE UTILITY PROPERTY OF THE )  
 COMPANY FOR RATEMAKING PURPOSES, )  
 TO FIX A JUST AND REASONABLE RATE OF )  
 RETURN THEREON, TO APPROVE RATE )  
 SCHEDULES DESIGNED TO DEVELOP SUCH )  
 RETURN )

DOCKET NO. E-01345A-11-0224

**JOINT APPLICATION FOR  
LEAVE TO INTERVENE**

LAWRENCE V. ROBERTSON, JR.  
 ATTORNEY AT LAW  
 P.O. Box 1448  
 Tubac, Arizona 85646  
 (520) 398-0411

Pursuant to A.A.C. R14-3-105, Southwestern Power Group II, L.L.C. and Bowie Power Station, L.L.C. (SWPG/Bowie") submit this Application for Leave to Intervene in the above-captioned proceeding. In support of their joint Application, SWPG/Bowie submit the following information.

I.

IDENTITY OF APPLICANTS

SWPG/Bowie have actively participated in a number of proceedings before the Commission in recent years relating to the development and maintenance of a viable competitive wholesale power market within the State of Arizona. Several of those proceedings related directly to the desire and ability of SWPG/Bowie to compete for current and future opportunities to provide capacity and energy at wholesale to Arizona Public Service Company ("APS") incident to the conduct of its operations as an electric public service corporation. Other proceedings involved issues bearing directly upon APS' financial integrity and creditworthiness, and thus its ability to viably participate as a purchaser in the competitive wholesale electric market in the State of Arizona.

LAWRENCE V. ROBERTSON, JR.  
ATTORNEY AT LAW  
P.O. Box 1448  
Tubac, Arizona 85646  
(520) 398-0411

1 Included among those proceedings were (i) APS' 2001 variance request, (ii) the Track  
2 "A" proceeding, (iii) the Track "B" proceeding, (iv) APS's \$500 million financing proceeding,  
3 (v) APS's acquisition of the Sundance Generating Station assets, (vi) APS's 2003 rate case, (vii)  
4 APS' 2005 Power Supply Adjuster/Surcharge proceeding, (viii) APS's request for an emergency  
5 interim rate increase, (ix) APS' 2005 rate case, (x) APS' Yuma RFP proceeding, and (xi) APS'  
6 2008 rate case.

7 **II.**

8 **NATURE OF APPLICANTS' INTEREST**  
9 **IN THE INSTANT PROCEEDING**

10 The Application filed with the Commission by APS on June 1, 2011 in the above-  
11 captioned and docketed proceeding touches upon matters related to each of the aforementioned  
12 areas of interest to SWPG/Bowie. First, APS' June 1, 2011 Application and accompanying  
13 prepared Direct Testimony refer to the important relationship between APS' requested increase  
14 in rates and charges, and APS' critical operational requirements and associated capital  
15 expenditures needs. In turn, these are affected by, and can effect, APS' capacity and energy  
16 requirements and its creditworthiness. Second, APS has requested Commission approval of  
17 certain ratemaking concepts, which conceivably could affect when and how APS looks to the  
18 competitive wholesale electric market in connection with APS' future need for power resources.  
19 These ratemaking concepts include (i) APS' proposed revenue per customer decoupling  
20 mechanism, (ii) APS' proposed post-test year plant additions pro forma adjustment, and, (iii)  
21 APS' proposed infrastructure tracker.

22 **III.**

23 **APPLICANTS' INTERVENTION WILL**  
24 **NOT UNDULLY BROADEN THE ISSUES**  
25 **TO BE CONSIDERED**

26 As of this juncture, SWPG/Bowie do not anticipate a need to raise any new matters.  
27 Rather, they contemplate participating in the proceeding and addressing to the extent necessary  
28 (i) those questions and/or issues which may exist at this time as a result of APS' Application, or

LAWRENCE V. ROBERTSON, JR.  
ATTORNEY AT LAW  
P.O. Box 1448  
Tubac, Arizona 85646  
(520) 398-0411

1 (ii) which may hereafter be raised by the Commission's Staff and/or other parties.<sup>1</sup> Thus, their  
2 intervention will not unduly broaden the issues to be considered.

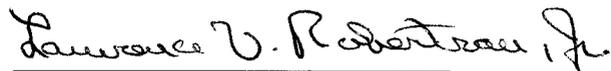
3 IV.

4 CONCLUSION

5 WHEREFORE, for the reasons discussed above, SWPG/Bowie hereby request that the  
6 Commission issue a Procedural Order in the above-captioned proceeding (i) granting their joint  
7 request for intervention, and (ii) according them status and full rights as parties of record.

8  
9 Dated this 4<sup>th</sup> day of October 2011.

10 Respectfully submitted,

11 

12 Lawrence V. Robertson, Jr.  
13 Attorney for Southwestern Power  
14 Group, II, L.L.C and Bowie  
15 Power Station, L.L.C.

16 Original and thirteen (13) copies of the  
17 foregoing mailed this 4<sup>th</sup> day of October 2011 to:

18 Docket Control Division  
19 Arizona Corporation Commission  
20 1200 West Washington Street  
21 Phoenix, Arizona 85007

22 A copy of the same served by e-mail or first  
23 class mail this same date to:

24 Lyn Farmer, Chief Administrative Law Judge  
25 Hearing Division  
26 Arizona Corporation Commission  
27 1200 West Washington Street  
28 Phoenix, Arizona 85007

<sup>1</sup> SWPG/Bowie are members of the Arizona Competitive Power Alliance ("ACPA"). While members of ACPA share some common interests, they also compete with one another and each member has its own particular interests and concerns. Hence, it is appropriate that SWPG/Bowie be allowed the individual intervenor status herein requested. Where possible, SWPG/Bowie will coordinate with ACPA, consistent with SWPG/Bowie's representation of their respective individual interests.

LAWRENCE V. ROBERTSON, JR.  
ATTORNEY AT LAW  
P.O. Box 1448  
Tubac, Arizona 85646  
(520) 398-0411

1 Steve Olea, Director  
Utilities Division  
2 Arizona Corporation Commission  
1200 West Washington Street  
3 Phoenix, Arizona 85007

4 Janice Alward, Chief Counsel  
Legal Division  
5 Arizona Corporation Commission  
1200 West Washington Street  
6 Phoenix, Arizona 85007

7 Meghan H. Grabel  
Thomas L. Mumaw  
8 Pinnacle West Capital Corporation  
Law Department  
9 400 N. 5<sup>th</sup> Street, P. O. Box 53999, MS 8695  
10 Phoenix, Arizona 85072-3999

11 Nicholas J. Enoch  
Lubin & Enoch, PC  
12 IBEW Locals 387, 640 and 769  
349 N. Fourth Ave.  
13 Phoenix, Arizona 85003

14 Greg Patterson  
Munger Chadwick  
15 Arizona Competitive Power Alliance  
2398 E. Camelback Rd., Ste. 240  
16 Phoenix, Arizona 85016

17 Karen S. White  
Air Force Utility Law Field Support Center  
18 AFLOA/JACL-ULFSC  
Federal Executive Agencies  
19 139 Barnes Drive  
Tyndall Air Force Base, Florida 32403  
20

21 Gary Yaquinto  
Arizona Utility Investors Association  
22 2100 North Central Avenue, Suite 210  
Phoenix, Arizona 85004

23 Michael Grant  
24 Gallagher & Kennedy  
Arizona Investment Council  
25 375 E. Camelback Rd.  
26 Phoenix, Arizona 85016-9225

27  
28

Jeffrey Crockett  
Brownstein, Hyatt, Farber Schreck, LLP  
Arizona Association of Realtor  
One E. Washington St., Ste. 2400  
Phoenix, Arizona 85004

Michael Patten  
Roshka Dewulf & Patten PLC  
400 E. Van Buren St. - 800  
Phoenix, Arizona 85004-3906

Cynthia Zwick  
1940 E. Luke Avenue  
Phoenix, Arizona 85016

John William Moore, Jr.  
7321 N. 16<sup>th</sup> Street  
Phoenix, Arizona 85020

Bradley Carroll  
Tucson Electric Power Company  
P.O. Box 711, MS UE201  
Tucson, Arizona 85702

Kurt Boehm  
Boehm, Hurtz & Lowry  
Kroger Co.  
36 E. Seventh St. Suite 1510  
Cincinnati, Ohio 45202

Timothy Hogan  
Arizona Center for Law in the Public Interest  
Western Resource Advocates & Southwest  
Energy Efficiency Project  
202 E. McDowell Rd. - 153  
Phoenix, Arizona 85004

David Berry  
Western Resource Advocates  
P.O. Box 1064  
Scottsdale, Arizona 85252-1064

Barbara Wyllie-Pecora  
14410 W. Gunsight Dr.  
Sun City West, Arizona 85375

Michael Curtis  
Curtis, Goodwin, Sullivan Udall & Schwab,  
PLC  
Town of Wickenburg and Town of Gilbert  
501 East Thomas Road  
Phoenix, Arizona 85012-3205

LAWRENCE V. ROBERTSON, JR.  
ATTORNEY AT LAW  
P.O. Box 1448  
Tubac, Arizona 85646  
(520) 398-0411

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Daniel Pozefsky, Chief Counsel  
Residential Utility Consumer Office  
1110 West Washington, Suite 220  
Phoenix, Arizona 85007



C. Webb Crockett  
Fennemore Craig  
Freeport-McMoRan and AECC  
3003 N. Central Ave. - 2600  
Phoenix, Arizona 85012-2913