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October 29, 2004

To All Parties of Interest in Docket E-01345A-03-0437

Re: APS Settlement Agreement Witness Summaries

Dear Parties:

As was expressed at this week's procedural conference, I want to ensure that the Commissioners and the public have a complete record upon which to evaluate the proposed settlement of these matters. Toward that goal, I request that the settlement parties include certain information in their witnesses' written and oral summaries. I believe it is essential that each witness' written and oral summaries provide the Commission a specific comparison between the party's original position on all significant issues addressed by the party and the party's settlement positions taken on these same significant issues.

I also believe that it is critical for Commission consideration of these matters that the witness' written and oral summaries provide a specific explanation of why any change in the party's settlement position on each significant issue is in the public interest. We all are aware that settlement is a give and take process, but I am concerned that the record reflect more than broad language that the parties' settlement positions are the result of negotiations. This case is too important to the public, the Commission and the parties to be based on a record that does not include a detailed explanation of not only a party's altered position in settlement on individual issues that are proposed to be resolved by the settlement, but also an explanation as to how and/or why the party came to support that altered position.

Thank you for your cooperation in providing complete and detailed summaries with the information I find crucial to my ability to consider these matters fully.

Sincerely,

Kris Mayes
Commissioner

Cc: Chairman Marc Spitzer
Commissioner William Mundell
Commissioner Mike Gleason
Commissioner Jeff Hatch-Miller
Brian McNeil
Heather Murphy