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AZ CORP COMMISSION
DOCUMENT CONTROL

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Arizona Corporation Commission
Docket Control Center
1200 West Washington Street
Phoenix, AZ 85007-2996

Re: *In the Matter of the Joint Application Between Citizens Utilities Company and Cap Rock Energy Corporation for the Approval of the Sale of Certain Electric Utility Properties in Arizona and the Transfer of the Certificate of Convenience and Necessity from Citizens to Cap Rock*
Docket Nos.: E-01032A-00-0163, E-01032B-00-0163, E-01032C-00-0163, E-03851A-00-0163

Dear Docket Control Center:

Enclosed please find the original and 10 copies of the Clarifying Motion Requesting Continued Suspension of Proceedings in the above-referenced matter.

Very truly yours,

Natalie L. Hocken / ERT
Natalie L. Hocken

Enclosure

159274 v01.SE (3#W@011.DOC)
11/16/00 1:36 PM (26601.0001)

Heller Ehrman

ATTORNEYS

November 16, 2000

Via Facsimile and U.S. Mail

Jerry L. Rudibaugh
Chief Administrative Law Judge
Arizona Corporation Commission
Hearing Division
1200 West Washington Street
Phoenix, AZ 85007

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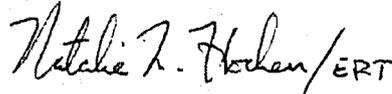
26601-0001

Re: Suspension of Procedural Schedule: In the Matter of the Joint Application between Citizens Utilities Company and Cap Rock Energy Corporation for the Approval of the Sale of Certain Electric Utility Properties in Arizona: Docket Nos. E-01032A-00-0163; E-01032B-00-0163; E-01032C-00-0163; E-03851A-00-0163

Dear Honorable Jerry Rudibaugh:

Enclosed please find Citizens' and Cap Rock's Clarifying Motion Requesting Continued Suspension of Proceedings in the above-referenced matter. The original has been sent to the Docket Control Center on this date for filing.

Very truly yours,



Natalie L. Hocken
Of Attorneys for Cap Rock Energy Corporation

Enclosure

HellerEhrman
ATTORNEYS

Jerry L. Rudibaugh
November 16, 2000
Page 2

cc: R. Mitten, Citizens Communications Company
J. Wagner, Legal Division – ACC Staff
D. Pozefsky, RUCO
M. Lustiger
W. Meek, AULA
C. Nelson, Mohave County
A. Bettwy, Southwest Gas Corporation
J. Bell, IBEW Local 769
C. Hitchcock, Sulphur Springs

159273 v01.SE (3#W9011.DOC)
11/16/00 1:36 PM (26601.0001)

BEFORE THE ARIZONA CORPORATION COMMISSION

1
2 CARL J. KUNASEK
CHAIRMAN
3 JIM IRVIN
COMMISSIONER
4 WILLIAM A. MUNDELL
COMMISSIONER

5
6 IN THE MATTER OF THE JOINT
APPLICATION BETWEEN CITIZENS
7 UTILITIES COMPANY AND CAP ROCK
ENERGY CORPORATION FOR THE
8 APPROVAL OF THE SALE OF CERTAIN
ELECTRIC UTILITY PROPERTIES IN
9 ARIZONA AND THE TRANSFER OF THE
10 CERTIFICATE OF CONVENIENCE AND
NECESSITY FROM CITIZENS TO CAP
11 ROCK

Docket No. E-01032A-00-0163
Docket No. E-01032B-00-0163
Docket No. E-01032C-00-0163
Docket No. E-03851A-00-0163

**CLARIFYING MOTION
REQUESTING CONTINUED
SUSPENSION OF PROCEEDINGS**

12
13
14 Pursuant to Procedural Order dated October 17, 2000, Cap Rock and Citizens submit
15 this clarifying motion requesting a continued suspension of the proceedings.

16 Cap Rock and Citizens have been working diligently on the terms of a revised
17 transaction and have made substantial progress towards a modified transaction; however,
18 Cap Rock and Citizens do not expect to have an amended application ready to be filed for
19 another 30 to 60 days during which time the terms of a revised agreement will be presented
20 for approval to Cap Rock's Board and lender. Cap Rock and Citizens agree to report back
21 on the status of the matter in 30 days, at which time the parties should be able to propose a
22 procedural schedule going forward.
23

24
25 In light of the Commission Staff's concern that the timeclock requirements set forth in
26 A.A.C. R14-2-212.E have been suspended and restarted throughout this proceeding resulting
27 in less time to evaluate and process the application; Cap Rock and Citizens agree to extend
28

1 the time requirements of A.A.C. R14-2-212.E based on any new procedural schedule to be
2 adopted in this matter.

3
4 Cap Rock and Citizens do not believe that their application should be withdrawn at
5 this time in light of the substantial time and effort invested by the parties to date. Continuing
6 the suspension will not only benefit Cap Rock and Citizens, but will be beneficial for all
7 parties in this proceeding because it may preserve some of the time and effort which has
8 been expended to date on intervening, conducting discovery and drafting testimony.

9
10 We hereby respectfully request the continued suspension of the above-captioned
11 matter as proposed herein.

12 Dated: November 16, 2000

Dated: November 16, 2000

13
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CERTIFICATE OF SERVICE

Copies of the **CLARIFYING MOTION REQUESTING CONTINUED**

SUSPENSION OF PROCEEDINGS were mailed on November 16, 2000 to the following:

Hon. Jerry Rudibaugh
Chief Administrative Law Judge
Arizona Corporation Commission
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DATED: November 16, 2000.

Respectfully submitted,

HELLER EHRMAN WHITE & McAULIFFE LLP

By Eric R. Todderud
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