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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

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MARC SPITZER, Chairman  
WILLIAM A. MUNDELL  
JEFF HATCH-MILLER  
MIKE GLEASON  
KRISTIN K. MAYES

AZ CORP COMMISSION  
DOCUMENT CONTROL

IN THE MATTER OF:

AVIS READ, individually, on behalf of all similarly situated,

Complainants,

v.

ARIZONA PUBLIC SERVICE COMPANY,

Respondent.

DOCKET NO. E-01345A-04-0657

Arizona Corporation Commission

**DOCKETED**

NOV - 2 2004

DOCKETED BY

IN THE MATTER OF THE APPLICATION OF  
ARIZONA PUBLIC SERVICE COMPANY FOR A  
DECLARATORY ORDER REGARDING BILL  
ESTIMATION PROCEDURES.

DOCKET NO. E-01345A-03-0775

**PROCEDURAL ORDER**

**BY THE COMMISSION:**

On October 23, 2003, Arizona Public Service Company ("APS") filed an application requesting a declaratory order finding that its past and present procedures for bill estimation either are exempt from or comply with the requirements of A.A.C. R14-2-102 and R14-2-1612 ("Application for Declaratory Order").

On September 9, 2004, Avis Read ("Complainant"), on her own behalf and on behalf of a class of customers of APS filed a complaint ("Complaint") against APS.

On October 4, 2004, a Procedural Order was issued scheduling a procedural conference to be held on October 14, 2004.

The Procedural Conference was held as scheduled and the parties, including the Complainant, APS, and Staff participated.

IT IS THEREFORE ORDERED that the Complaint and the Application for Declaratory Order are hereby consolidated.

1 IT IS FURTHER ORDERED that a hearing on this Complaint and the Application for  
2 Declaratory Order will commence on January 20, 2005, at 10:00 a.m., or as soon thereafter as is  
3 practical, at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona.

4 IT IS FURTHER ORDERED that the Complainant shall file direct testimony and exhibits  
5 related to the Complaint, to be presented at hearing, on or before November 23, 2004.

6 IT IS FURTHER ORDERED that APS shall file direct testimony and exhibits related to the  
7 Application for Declaratory Order, to be presented at hearing, on or before November 23, 2004.

8 IT IS FURTHER ORDERED that the parties, including Staff, shall file on or before  
9 November 19, 2004, legal briefs on the issues of: 1) the Commission's jurisdiction to maintain a class  
10 action; 2) whether the Complaint has met the requirements of Ariz. R. Civ. P. 23; 3) the effect of the  
11 Superior Court's ruling on the issue of a class action<sup>1</sup>; 4) whether the Commission should, instead of  
12 maintaining a class action pursuant to Ariz. R. Civ. P. 23, exercise its statutory and constitutional  
13 jurisdiction to hear the Complaint and expand its scope and remedies class-wide if the evidence  
14 warrants; 5) what is the appropriate legal standard for evaluating whether APS' meter reading and bill  
15 estimation practices are reasonable, appropriate, and in compliance with Commission statutes and  
16 rules; and 6) what kind of notice, if any, is appropriate at this stage of the proceeding.

17 IT IS FURTHER ORDERED that Staff shall file the initial written report on the  
18 reasonableness of APS' bill estimation and metering practices in these dockets no later than  
19 December 17, 2004, and shall indicate if and what kind of notice may be necessary as well as any  
20 other recommendations.

21 IT IS FURTHER ORDERED that Staff shall file its direct testimony and exhibits related to  
22 the Complaint and to the Application for Declaratory Order, to be presented at hearing, on or before  
23 January 13, 2005.

24 IT IS FURTHER ORDERED that a pre-hearing conference will be held on January 18, 2005,  
25 at 2:00 p.m., or as soon thereafter as is practical, at the Commission's offices, 1200 West Washington  
26 Street, Phoenix, Arizona.

27 \_\_\_\_\_  
28 <sup>1</sup> Although APS indicated that it provided documents and pleadings filed in Superior Court to Staff, that material needs to be docketed if it is to be used or relied upon in this proceeding.

1 IT IS FURTHER ORDERED that any objections to testimony and exhibits that have been  
2 prefiled as of January 18, 2005 shall be made at or before the January 18, 2005 pre-hearing  
3 conference.

4 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized  
5 Communications) applies to this proceeding as the matter is now set for public hearing.

6 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive  
7 any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

8 Dated this 2 day of November, 2004

9  
10   
11 LYN FARMER  
CHIEF ADMINISTRATIVE LAW JUDGE

12 The foregoing was mailed/delivered  
this 2 day of November, 2004 to:

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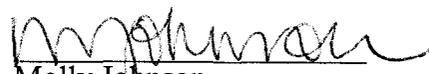
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