

1 permit the parties to file responses to the opposing party's initial filing of testimony
2 and exhibits by the various parties to these actions, as set forth below.

3 The Procedural Order requires that Complainant Read file direct testimony and
4 exhibits related to the Read Complaint ("the Complaint") and that APS file direct
5 testimony and exhibits related to its Application for Declaratory Order ("the
6 Application") by November 23, 2004. The Order also requires Arizona Corporation
7 Commission ("Commission") Staff to file its initial written report on the
8 reasonableness of APS's bill estimation and metering practices by December 17, 2004
9 and then file its direct testimony and exhibits related to the Complaint and to the
10 Application by January 13, 2005. The hearing on the Complaint and Application is
11 then set to commence on January 20, 2005.

12 As presently contemplated, however, there is no opportunity for either Read,
13 APS or Commission Staff to respond to any other party's initial submission. We
14 believe, however, it important that the parties have an opportunity to respond to other
15 parties' submissions, however, so that as full a written record as possible can be
16 developed and presented for the Commission's review prior to the January 20 hearing.
17 Moreover, an initial filing date by Read and APS of November 23 does not allow
18 sufficient time for completion of these initial submissions. Accordingly, we request
19 that the Presiding Officer amend her November 2, 2004 Procedural Order to provide
20 as follows:

21 (1) Read's direct testimony and exhibits relating to her Complaint and
22 APS's direct testimony and exhibits relating to its Application shall be filed no later
23 than December 7, 2004;

24 (2) Any response by any other party to the December 7 filings, and any
25 response to the Staff's initial written report to be filed December 17, shall be filed on
26 or before January 13, 2005 (the same date that Staff will be filing its direct testimony
27 and exhibits); and
28

1 (3) Any response to the Staff's direct testimony and exhibits will be filed at
2 or before the scheduled January 18, 2005 pre-hearing conference.

3 This proposed amendment will not delay in any way the scheduled January 20,
4 2005 hearing date in this matter, but will permit the party to file responses, if
5 necessary, to the initial filings. APS therefore requests that the Presiding Officer
6 amend the November 2, 2004 Procedural Order as set forth above.

7 DATED this 4th day of November, 2004.

8 William J. Maledon
9 Debbie A. Hill
10 Ronda R. Woinowsky
11 OSBORN MALEDON, P.A.
12 2929 North Central Avenue, Suite 2100
13 Phoenix, Arizona 85012-2794

14 -And-

15 Tom Mumaw
16 Pinnacle West Capital Corporation
17 PNW Law Department
18 P. O. Box 53999
19 Mail Station 8695
20 Phoenix, Arizona 85072-3999
21 Attorneys for Respondent Arizona Public
22 Service Company

23 By 
24 William J. Maledon

25 The foregoing was hand-delivered*/
26 mailed this 4th day of November, 2004,
27 to:

28 Lyn Farmer*
Chief Administrative Law Judge
Arizona Corporation Commission
1200 West Washington St.
Phoenix, Arizona 85007

1 Barry G. Reed
Zimmerman Reed P.L.L.P.
2 14646 N. Kierland Blvd., Suit 145
3 Scottsdale, Arizona 85254

4 David A. Rubin
Law Offices of David A. Rubin
3550 N. Central Ave., Suite 1201
5 Phoenix, Arizona 85012-2111

6 Jeffrey M. Proper
Law Offices of Jeffrey M. Proper
7 3550 N. Central Ave., Suite 1200
8 Phoenix, Arizona 85012-2111

9 Christopher Kemply, Chief Counsel
Legal Division
Arizona Corporation Commission
10 1200 West Washington Street
Phoenix, Arizona 85007

11 Janet Wagner*
12 Legal Division
Arizona Corporation Commission
13 1200 West Washington Street
Phoenix, Arizona 85007

14 Ernest G. Johnson, Director
15 Utilities Division
Arizona Corporation Commission
16 1200 West Washington Street
Phoenix, Arizona 85007

17
18 Karen P. McClain

19 579923

20

21

22

23

24

25

26

27

28