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BEFORE THE ARIZONA CORPORATION CC

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AZ CORP COMMISSION  
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Arizona Corporation Commission

**DOCKETED**

**NOV - 9 2004**

DOCKETED BY

AVIS READ, individually, and behalf of all others  
similarly situated,

Complainant,

v.

ARIZONA PUBLIC SERVICE COMPANY,

Respondent.

DOCKET NO. E-01345A-04-0657

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

**OBJECTION TO ARIZONA PUBLIC  
SERVE'S MOTION TO AMEND  
PROCEDURAL ORDER**

On November 2, 2004, the Administrative Law Judge issued a procedural order setting the schedule for adjudicating both the Complaint filed by Avis Read against Arizona Public Service Company ("APS") (hereinafter "Read Complaint") and APS' Application for a Declaratory Order regarding Bill Estimation Procedures (hereinafter "Application"). Staff supports the current procedural schedule. But now APS has filed a motion for three requests as follows:

1. APS is seeking an extension of time to file its direct testimony on the Declaratory Order for two weeks from November 23, 2004, to December 7, 2004.
2. APS is proposing a date for it and the Complainant to file rebuttal testimony to their respective direct testimonies and Staff's initial written report, on January 13, 2005.
3. APS is proposing an additional date of January 18, 2005, for it and Complainant to file additional testimony, two days before the evidentiary hearing is currently scheduled to commence.

Although Arizona Corporation Commission Staff ("Staff") has no objection to APS' second

1 and third requests, Staff objects to APS' first request. That request would inhibit Staff's ability to  
2 fully prepare for the hearing. Unless other dates are changed accordingly to keep the same  
3 timeframes as currently exist in the procedural schedule, Staff believes changing the November 23,  
4 2004, date will prejudice its ability to prepare and participate fully in these matters.

5 APS' first request is to extend the date for it and Complainant to file direct testimony for two  
6 weeks, from November 23, 2004, to December 7, 2004. This request places Staff in a quandary.  
7 APS apparently believes that it needs additional time to prepare its testimony, and Staff would  
8 ordinarily accommodate that request. Staff, however, will be disadvantaged by delaying the date  
9 where APS and Complainant should file their respective direct testimonies, while keeping all of the  
10 other dates constant. For instance, APS' request to move its direct testimony to December 7, 2004,  
11 would give Staff only ten days to incorporate and consider that testimony in its initial written report,  
12 versus twenty-four days envisioned in the current schedule. APS' first request would limit Staff's  
13 opportunity to conduct discovery regarding APS' testimony and/or to consider any responses to that  
14 discovery before filing its initial report.

15 APS and the Complainant have had ample time to prepare their respective positions. Both  
16 Complainant and APS indicated that they were ready to proceed at the October 14, 2004, procedural  
17 conference. Both APS and Complainant indicated that discovery between the two parties is  
18 essentially complete. The schedule, as proposed, is aggressive, but Staff is willing and able to meet  
19 the current schedule. APS and Complainant should also be willing and able to meet that schedule  
20 especially since both parties indicated their willingness and ability to move forward at the procedural  
21 conference.

22 If APS needs two weeks additional time to develop its direct testimonies in Docket No. E-  
23 01345A-03-0775, then Staff requests an additional two weeks for all of the other due dates to make  
24 written filings and an additional two weeks before the commencement of the evidentiary hearing.  
25 Those adjustments would keep the original timeframes between each due date for a written filing.  
26 Otherwise, Staff opposes APS' first request.

27 To summarize, Staff supports the existing schedule put forth in the procedural order issued  
28 November 2, 2004. Staff opposes APS' first request which would provide APS with two additional

1 weeks in which to file its initial testimony but would not similarly adjust any of the other dates in the  
2 procedural schedule. Staff believes APS' second and third requests are appropriate and would  
3 support the date of January 13, 2005 for rebuttal testimony if all of the other dates are retained.

4 For the reasons set forth above, Staff opposes APS' first request, but does not object to its  
5 remaining requests.

6 RESPECTFULLY SUBMITTED this 9<sup>th</sup> day of November 2004.

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8 \_\_\_\_\_  
9 Janet F. Wagner  
10 Jason D. Gellman  
11 Diane Targovnik  
12 Attorneys, Legal Division  
13 Arizona Corporation Commission  
14 1200 West Washington Street  
15 Phoenix, Arizona 85007  
16 (602) 542-3402

15 The original and fifteen (15) copies  
16 of the foregoing were filed this 9<sup>th</sup>  
day of November 2004 with:

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

21 Copies of the foregoing were  
22 mailed/hand-delivered this  
23 9<sup>th</sup> day of November 2004 to:

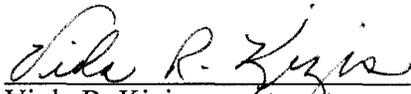
24 Barry G. Reed  
25 Zimmerman Reed P.L.L.P.  
26 14646 N. Kierland Blvd., Suite 145  
27 Scottsdale, Arizona 85254

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

Jeffrey M. Proper  
Law Offices of Jeffrey M. Proper  
3550 N. Central Avenue, Suite 1200  
Phoenix, Arizona 85012-2111

1 William J. Maledon  
2 Debbie A. Hill  
3 Ronda R. Woinowsky  
4 Osborn Maledon, P.A.  
5 2929 North Central Avenue, Suite 2100  
6 Phoenix, Arizona 85012-2794

7 Thomas Mumaw  
8 Pinnacle West Capital Corporation  
9 PNW Law Department  
10 P.O. Box 53999  
11 Mail Station 8695  
12 Phoenix, Arizona 85072-3999

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Viola R. Kizis, secretary to  
Janet Wagner