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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

JIM IRVIN
COMMISSIONER
WILLIAM A. MUNDELL
COMMISSIONER
MARC SPITZER
COMMISSIONER

DOCKETED

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ARIZONA CORPORATION COMMISSION
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IN THE MATTER OF THE APPLICATION OF
BLACK MOUNTAIN GAS COMPANY, CAVE
CREEK OPERATIONS, FOR A HEARING TO
DETERMINE THE EARNING OF THE
COMPANY, THE FAIR VALUE OF THE
COMPANY FOR RATEMAKING PURPOSES, TO
FIX A JUST AND REASONABLE RATE OF
RETURN THEREON AND TO APPROVE RATE
SCHEDULES.

DOCKET NO. G-03703A-00-0283

PROCEDURAL ORDER

BY THE COMMISSION:

On April 28, 2000, Black Mountain Gas Company – Cave Creek Operations (“BMGC” or “Company”) filed with the Arizona Corporation Commission (“Commission”) a rate application.

On May 26, 2000, the Utilities Division (“Staff”) of the Commission filed a letter indicating that BMGC’s rate application was sufficient and classifying the utility as a Class A utility.

On May 30, 2000, the Residential Utility Consumer Office (“RUCO”) filed a Motion for Leave to Intervene. There has been no opposition to the request to intervene.

On June 20, 2000, the Commission issued the Amended Rate Case Procedural Order “ARC Order”) which granted intervention to RUCO and set forth the dates for hearing and for the filing of testimony.

On December 8, 2000, BMGC, RUCO and Staff filed what was captioned “Stipulation Between Parties to Extend Service” (“Stipulation”). The parties stipulated that the following dates be moved and/or extended: (1) time to file rebuttal from December 20, 2000 to December 29, 2000; (2) time to file surrebuttal to January 18, 2001; (3) time to file rejoinder to January 25, 2001; and (4) date for hearing to be set from January 18, 2001 to January 28, 2001.

On December 11, 2000, the Commission, by Procedural Order approved the Stipulation and extended the filing dates of the ARC Order and continued the hearing dates for the evidentiary portion of the hearing.

1 On December 26, 2000, BMGC, RUCO and Staff filed a second Stipulation. The parties
2 stipulated that the following filing/hearing dates be moved and/or extended: (1) time to file rebuttal
3 from December 29, 2000 to January 8, 2001; (2) time to file surrebuttal to January 29, 2001; (3) time
4 to file rejoinder to February 5, 2001; (4) date for prehearing conference to be reset from January 29,
5 2001 to February 8, 2001; and the date for an evidentiary hearing be reset from January 31, 2001 to
6 February 12, 2001 or as soon thereafter as the may be heard.

7 Accordingly, the second Stipulation should be approved. However, since BMGC has
8 previously provided public notice that the proceeding is to be held on January 23, 2001 at 10:00 a.m.,
9 the proceeding will be initially convened on that date as scheduled for the taking of public comment
10 after which the proceeding will be continued to the new date for the evidentiary portion of the
11 proceeding.

12 IT IS THEREFORE ORDERED that the hearing in the above-captioned matter shall
13 commence on January 23, 2001 at 10:00 a.m., or as soon thereafter as is practical, at the
14 Commission's offices in Phoenix, 1200 West Washington Street, Phoenix, Arizona 85007 for the
15 purpose of taking public comment.

16 IT IS FURTHER ORDERED that all parties shall also set aside **February 12, 13 and 14,**
17 **2001 at 9:30 a.m.** for purposes of the evidentiary hearing.

18 IT IS FURTHER ORDERED that the pre-hearing conference shall be continued from January
19 29, 2001 to **February 8, 2001 at 1:30 p.m.** at the Commission's Phoenix offices, for the purpose of
20 scheduling witnesses and the conduct of the hearing.

21 IT IS FURTHER ORDERED that any rebuttal testimony and associated exhibits to be
22 presented at hearing by the Company shall be reduced to writing and filed on or before **January 8,**
23 **2001** instead of December 29, 2000.

24 IT IS FURTHER ORDERED that any surrebuttal testimony and associated exhibits to be
25 presented by the Staff or intervenors shall be reduced to writing and filed on or before **January 29,**
26 **2001** instead of January 18, 2001.

27 IT IS FURTHER ORDERED that any rejoinder testimony and associated exhibits to be
28 presented at the hearing on behalf of the Company shall be reduced to writing and filed on or before

1 **February 5, 2001** instead of January 25, 2001.

2 IT IS FURTHER ORDERED that any objections to any testimony or exhibits which have
3 been prefiled as of **January 26**, 2001 shall be made on or before **February 6**, 2001.

4 IT IS FURTHER ORDERED that all remaining Orders of the Amended Rate Care Procedural
5 Order as set forth therein shall remain in effect.

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 4th day of January, 2001.

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11 
12 MARC E. STERN
13 ADMINISTRATIVE LAW JUDGE

14 Copies of the foregoing mailed/delivered
15 this 4th day of January, 2001 to:

16 James H. Willson
17 BLACK MOUNTAIN GAS CO.
18 P.O. Box 427
19 Cave Creek, Arizona 85327

20 Timothy Berg
21 FENNEMORE CRAIG
22 3003 N. Central Avenue, Suite 2600
23 Phoenix, Arizona 85012
24 Attorneys for Black Mountain Gas Co.

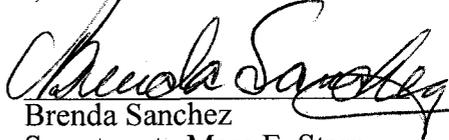
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By: 
Brenda Sanchez
Secretary to Marc E. Stern