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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

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AZ CORP COMMISSION  
DOCUMENT CONTROL

Arizona Corporation Commission

DOCKETED

OCT 13 2004

DOCKETED BY

IN THE MATTER OF THE APPLICATION OF  
ARIZONA ELECTRIC POWER COOPERATIVE,  
INC. FOR A RATE INCREASE.

DOCKET NO. E-01773A-04-0528

IN THE MATTER OF THE APPLICATION OF  
SOUTHWEST TRANSMISSION COOPERATIVE,  
INC. FOR A RATE INCREASE.

DOCKET NO. E-04100A-04-0527

REQUEST FOR AMENDMENT  
OF PROCEDURAL ORDER

GALLAGHER & KENNEDY, P.A.  
2575 E. CAMELBACK ROAD  
PHOENIX, ARIZONA 85016-9225  
(602) 530-8000

The Arizona Electric Power Cooperative, Inc. and Southwest Transmission Cooperative, Inc. (collectively, the "Cooperatives") request that the Administrative Law Judge amend the Procedural Order dated September 15, 2004. For the reasons stated, the Cooperatives request that (1) the type specifications for the published Notice be changed to 14-point bold type for the heading and 9-point regular type for the body and (2) the Notice to be included in any newsletters published by the member distribution cooperatives be sized to fit on one full page of the newsletter.

The Procedural Order requires the Cooperatives to publish the Notice at least twice in several newspapers and specifies that the heading be "in no less than 24 point bold type and the body in no less than 10 point regular type." (Procedural Order, p. 6, ll. 9-10.) Attached as Exhibit A is a sample showing the Notice with these type specifications. Attached as Exhibit B is a sample showing the Notice, instead, with 14-point bold type and the body in 9-point regular type.

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1 In checking with several newspapers, the Cooperatives have determined that the cost of  
2 publication of the type size (24/10) in Exhibit A will be approximately 20-25% higher than the  
3 type size (14/9) in Exhibit B. Although slightly smaller, the 14/9 Notice is still prominently  
4 highlighted and will be very readable. Particularly given the fact that the Notice will also be run  
5 in distribution cooperatives' newsletters, the Cooperatives would request that the Procedural  
6 Order be amended to specify the smaller type size so that publication costs can be minimized  
7 somewhat.

8 Also, as mentioned, the Procedural Order requires publication in the same type size  
9 (24/10) "in any newsletters published by its member distribution cooperatives prior to  
10 January 31, 2005." (Procedural Order, p. 7, ll. 24-25.) Attached as Exhibit C is a sample  
11 showing the Notice in the 24/10 type size and attached as Exhibit D is a sample showing the  
12 Notice in the 14/9 type size. In neither case will the Notice fit on a single page in any of the  
13 customer newsletters used by the distribution cooperatives. Allowing the Notice to be sized to fit  
14 on one full page of the customer publications will still feature it prominently and will simplify  
15 the printing and distribution process.<sup>1</sup>

16 In light of the foregoing, the Cooperatives would request that the Administrative Law  
17 Judge amend the Procedural Order to allow (1) newspaper publication of the Notice in 14-point  
18 bold type for the heading and 9-point regular type for the body and (2) the Notice in the  
19 distribution cooperative newsletters to be sized to fit on one full page of the customer  
20 publications.

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23 <sup>1</sup> A small typo in the Procedural Order's Notice will be corrected in the first line of the body  
24 changing "July 23, 2003" to "July 23, 2004" as the date of filing for the rate applications.

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RESPECTFULLY SUBMITTED this 13<sup>th</sup> day of October, 2004.

GALLAGHER & KENNEDY, P.A.

By Michael M. Grant

Michael M. Grant  
Todd C. Wiley  
2575 East Camelback Road  
Phoenix, Arizona 85016-9225  
Attorneys for Arizona Electric Power  
Cooperative, Inc. and Southwest  
Transmission Cooperative, Inc.

**Original and fifteen copies** filed this 13<sup>th</sup> day of October, 2004, with:

Docket Control  
Arizona Corporation Commission  
1200 West Washington  
Phoenix, Arizona 85007

**Copy** of the foregoing faxed this 13<sup>th</sup> day of October, 2004, to:

Jane L. Rodda  
Hearing Division  
Arizona Corporation Commission  
400 W. Congress  
Tucson, AZ 85701-1347  
Fax: (520) 628-6559 Jane Rodda

**Copy** of the foregoing hand delivered this 13<sup>th</sup> day of October, 2004, to:

Timothy J. Sabo  
Legal Division  
Arizona Corporation Commission  
1200 West Washington  
Phoenix, Arizona 85007

David Deasall  
10421-36/15169-6/1224206

**EXHIBIT A**

**PUBLIC NOTICE OF  
HEARING ON THE  
RATE APPLICA-  
TIONS OF  
ARIZONA ELECTRIC  
POWER  
COOPERATIVE, INC.  
DOCKET NO.  
E-01773A-04-0528  
AND SOUTHWEST  
TRANSMISSION  
COOPERATIVE, INC.  
DOCKET NO.  
E-04100A-04-0527**

On July 23, 2004, Arizona Electric Power Cooperative, Inc. ("AEPSCO") and Southwest Transmission Cooperative, Inc. ("SWTC") (collectively "Applicants") filed applications with the Arizona Corporation Commission for rate increases. AEPSCO's Applications indicates it is requesting an approximately 10 percent increase in revenue. SWTC's Application indicates it is requesting an approximate 14 percent revenue increase. The actual percentage rate increase for individual customers will vary depending upon the type and quantity of service provided. The applications have been consolidated for purposes of a hearing. Copies of the applications and proposed tariffs are available at the Commission's offices for public inspection during regular business hours and at the Applicants offices: 1000 S. Highway 80, Benson, Ariz. 85602.

The Commission will hold a hearing on this matter beginning April 14, 2005 at 10:00 a.m. at the Commission's offices, Room 222, 400 West Congress, Tucson, Arizona. Public comments will be taken on the first day of the hearing.

The law provides for an open public hearing at which, under appropriate circumstances, interested parties may intervene. Intervention shall be permitted to any person entitled by law to intervene and having a direct and substantial interest in the matter. Persons desiring to intervene must file a written motion to intervene with the Commission, which

motion should be sent to the Cooperative or its counsel and to all parties of record, and which, at the minimum, shall contain the following:

1. The name, address, and telephone number of the proposed intervenor and of any party upon whom service of documents is to be made if different than the intervenor.
2. A short statement of the proposed intervenor's interest in the proceeding (e.g., a customer of the Cooperative, a stockholder of the Company, etc.).
3. A statement certifying that a copy of the motion to intervene has been mailed to the Cooperative or its counsel and to all parties of record in the case.

The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except that all motions to intervene must be filed on or before February 23, 2005. The granting of intervention, among other things, entitles a party to present sworn evidence at the hearing and to cross-examine other witnesses. However, failure to intervene will not preclude any interested person or entity from appearing at the hearing and providing public comment on the application or from filing written comments in the record of the case. You will not receive any further notice of this proceeding unless you request it.

If you wish to make written comments objecting to, or supporting this application. Mail them to:

Arizona Corporation Commission  
Attention Docket Control

Re: Arizona Electric Power Cooperative, Inc.  
E-01773A-04-0528  
Southwest Transmission Cooperative, Inc.  
E-04100A-04-0527  
1200 W. Washington Street  
Phoenix, Arizona 85007

If you have any questions about this application, or want further information on intervention, you may contact the Consumer Services Section of the Commission at 1200 W. Washington Street, Phoenix, Arizona 85007 or call 1-800-222-7000.

The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request a reasonable accommodation format by contacting Yvonne McFarlin at [YMcFarlin@admin.cc.state.az.us](mailto:YMcFarlin@admin.cc.state.az.us), the ADA Coordinator, voice phone number 602/542-3931. Requests should be made as early as possible to allow time to arrange the accommodation.

**EXHIBIT B**

**PUBLIC NOTICE OF HEARING ON  
THE  
RATE APPLICATIONS OF  
ARIZONA ELECTRIC POWER  
COOPERATIVE, INC.  
DOCKET NO. E-01773A-04-0528  
AND SOUTHWEST TRANSMISSION  
COOPERATIVE, INC.  
DOCKET NO. E-04100A-04-0527**

On July 23, 2004, Arizona Electric Power Cooperative, Inc. ("AEPSCO") and Southwest Transmission Cooperative, Inc. ("SWTC") (collectively "Applicants") filed applications with the Arizona Corporation Commission for rate increases. AEPSCO's Applications indicates it is requesting an approximately 10 percent increase in revenue. SWTC's Application indicates it is requesting an approximate 14 percent revenue increase. The actual percentage rate increase for individual customers will vary depending upon the type and quantity of service provided. The applications have been consolidated for purposes of a hearing. Copies of the applications and proposed tariffs are available at the Commission's offices for public inspection during regular business hours and at the Applicants offices: 1000 S. Highway 80, Benson, Ariz. 85602.

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**EXHIBIT C**

**PUBLIC NOTICE OF HEARING ON THE  
RATE APPLICATIONS OF  
ARIZONA ELECTRIC POWER  
COOPERATIVE, INC.  
DOCKET NO.  
E-01773A-04-0528  
AND SOUTHWEST TRANSMISSION  
COOPERATIVE, INC.  
DOCKET NO.  
E-04100A-04-0527**

On July 23, 2004, Arizona Electric Power Cooperative, Inc. ("AEPKO") and Southwest Transmission Cooperative, Inc. ("SWTC") (collectively "Applicants") filed applications with the Arizona Corporation Commission for rate increases. AEPKO's Applications indicates it is requesting an approximately 10 percent increase in revenue. SWTC's Application indicates it is requesting an approximate 14 percent revenue increase. The actual percentage rate increase for individual customers will vary depending upon the type and quantity of service provided. The applications have been consolidated for purposes of a hearing. Copies of the applications and proposed tariffs are available at the Commission's offices for public inspection during regular business hours and at the Applicants offices: 1000 S. Highway 80, Benson, Ariz. 85602.

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E-04100A-04-0527

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**EXHIBIT D**

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DOCKET NO.  
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