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AZ CORP COMMISSION
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Arizona Corporation Commission
DOCKETED

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Attorneys for Respondent Arizona Public Service Company

BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

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

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

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

**ARIZONA PUBLIC SERVICE'S
RESPONSE TO STAFF'S
MOTION TO EXTEND FILING
DEADLINE**

Arizona Public Service Company ("APS") files its Response to the Arizona
Corporation Commission Staff's ("Staff") motion to extend the date by which Staff is

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1 to file its report in this matter. In its Motion, filed on December 17, 2004, Staff
2 requests that the Administrative Hearing Officer grant Staff an eleven-day extension
3 to file the Staff Report here. If the motion is granted, Staff's Report, which was due
4 on Friday, December 17, 2004, would be due on December 28, 2004.

5 APS takes no position on the merits of Staff's Motion to Extend the Filing
6 Deadline. Staff needs to take whatever time is reasonably necessary to complete its
7 analysis and finalize its Report. If the Administrative Law Judge is inclined to grant
8 Staff's Motion for an eleven-day extension, however, APS requests that the remaining
9 dates set forth in November 17, 2004 Procedural Order also be continued for
10 approximately the same amount so that APS has an adequate opportunity to respond
11 to the Staff Report.

12 If the Staff motion was granted, without further modification to the present
13 scheduling order, Staff's Report would be due on December 28, 2004, and APS'
14 testimony responsive to the Staff Report would be due on January 13, 2005. Given
15 the intervening holidays, this period does not give APS sufficient time to analyze the
16 Staff Report and prepare responsive testimony, particularly from APS' consultants.
17 Staff's Report is particularly critical to APS because Complainant Reed did not file
18 any affirmative testimony with the Commission. The Staff Report will likely include
19 not only Staff's recommendations, but also the report of Staff's consultants, who have
20 been meeting over the last month with various APS employees, conducting on-site
21 visits, and reviewing the large volume of documents requested of and provided by
22 APS. Thus, APS expects that most of the issues that will be of importance to the
23 Commission will be raised in the Staff Report. It is simply impossible for APS to
24 review what is expected to be a lengthy report from Staff, meet with APS'
25 consultants, and draft and finalize responsive testimony in what is basically a ten-day
26 period.

27 Accordingly, and given the delay in filing the Staff Report, which has now
28 occurred irrespective of whether Staff's Motion is granted, APS requests that the

1 other deadlines set forth in the ALJ's November 17, 2004 Procedural Order also be
2 extended as follows:

- 3 1. Assuming that the Staff Report is filed December 28, 2004, as
4 requested in the Motion, Complainant and APS would file any
5 testimony and exhibits in response to the direct testimony or
6 exhibits filed by each other on November 23, 2004 and any
7 response to Staff's Report on or before January 24, 2005, which
8 would also be the new date for the filing of Staff's initial
9 testimony and any revisions to the Staff Report;
- 10 2. Complainant and APS shall file any testimony and exhibits
11 related to Staff's direct testimony and exhibits on or before
12 January 31, 2005, which would also be the rescheduled date for
13 the pre-hearing conference;¹ and
- 14 3. The hearing in this matter shall commence on February 2, 2005.

15 APS, like Staff, understands the importance of the Staff's Report to these
16 proceedings. See Staff Motion at 1. Thus, as regrettable as this delay in the schedule
17 may be, it is also essential to the full development of the record upon which the
18 Commission must make its decision and to the protection of the Company's due
19 process rights.

20 DATED this 21st day of December, 2004.

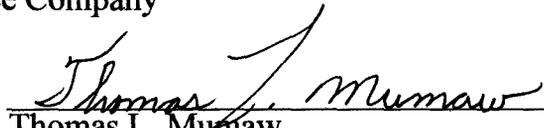
21 William J. Maledon
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-and-

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Attorneys for Respondent Arizona Public
Service Company

By


Thomas L. Mumaw

25 ¹ An eleven-day extension of the present January 18, 2005 deadline falls on Saturday,
26 January 29, 2005. Moving that deadline up to January 28th makes an incredibly tight
27 schedule for APS to respond to the first testimony it would have actually seen from
28 Staff and possibly Complainant. Thus, APS proposes that this deadline, along with the
pre-hearing conference, be scheduled for the next Monday, January 31, 2005, and the
hearing begin two days later-- as originally contemplated by the November 17th
Procedural Order-- on February 2, 2005.

1 Copies of the foregoing was hand-delivered/
2 mailed/faxed or e-mailed this 21st day of December, 2004,
3 to:

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4 Chief Administrative Law Judge
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