

ORIGINAL



0000021162

RECEIVED

BEFORE THE ARIZONA CORPORATION COMMISSION

25FD

COMMISSIONERS

2005 JUN -7 P 1:49

Arizona Corporation Commission

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

AZ CORP COMMISSION
DOCUMENT CONTROL

DOCKETED

JUN - 7 2005

DOCKETED BY [Signature]

IN THE MATTER OF THE COMPLAINT OF
MOHAVE ELECTRIC COOPERATIVE, INC.
AGAINST UNISOURCE ENERGY
CORPORATION AND UNS ELECTRIC, INC.

DOCKET NO. E-01750A-04-0798
DOCKET NO. E-04204A-04-0798
DOCKET NO. E-04230A-04-0798

IN THE MATTER OF THE APPLICATION OF
UNS ELECTRIC, INC. FOR AN ORDER
APPROVING A TRANSFER OF A PORTION OF
A CERTIFICATE OF CONVENIENCE AND
NECESSITY FROM MOHAVE ELECTRIC
COOPERATIVE, INC.

DOCKET NO. E-01750A-04-0824
DOCKET NO. E-04204A-04-0824

PROCEDURAL ORDER

BY THE COMMISSION:

On November 5, 2004, Mohave Electric Cooperative, Inc. ("Mohave") filed with the Arizona Corporation Commission ("Commission") a Complaint against UniSource Energy Corporation ("UniSource") alleging, among other things, that UniSource has improperly refused to provide wholesale service to Mohave under an Open Access Transmission Tariff, and that UniSource has refused to negotiate in good faith a system-wide border area agreement with Mohave.

On November 15, 2004, UNS Electric, Inc. ("UNS") filed with the Commission an application seeking to have territory that was previously within the certificated service territory of UNS' predecessor, Citizens Utilities Company ("Citizens"), "revert" to UNS.

On January 31, 2005, the Commission issued an Emergency Order for Provision of Electric Service ("Emergency Order") (Decision No. 67535). In the Emergency Order, the Commission directed UNS to immediately provision electric service to CTI, on an interim basis, until the issues raised in these dockets have been resolved. Decision No. 67535 made clear that the provision of interim service by UNS would not prejudice any claims or arguments that either UNS or Mohave may have in the pending cases.

By Procedural Order issued February 18, 2005, a hearing was scheduled for August 2, 2005

1 and dates were established for filing testimony.

2 On April 18, 2005, Staff filed its Staff Report in this matter.

3 On May 9, 2005, Roger Chantel filed a Motion to Intervene. Mr. Chantel states that he has “a
4 vested interest in these proceedings because I am a member and a paying customer of Mohave.”
5 Pursuant to Arizona Administrative Code, R14-3-105, persons “who are directly and substantially
6 affected by the proceedings” must secure an order from the Commission before being allowed to
7 participate as an intervenor. Mr. Chantel’s status as a customer/member of Mohave Electric
8 Cooperative does not meet the criteria established under the Commission’s rules. There is no
9 showing in Mr. Chantel’s Motion how he would be “directly and substantially affected” by a
10 proceeding involving a boundary dispute regarding a specific piece of property owned by Central
11 Trucking, Inc.

12 On May 10, 2005, Mohave filed a Proposal to Resolve Dockets and requested a response from
13 Staff and UNS.

14 On May 20, 2005, UNS filed a Response to Mohave’s Proposal stating that it believes the
15 dockets may be able to be resolved.

16 On May 31, 2005, the Administrative Law Judge conducted a telephonic procedural
17 conference with counsel for Mohave, UNS, and Staff. The parties requested a revision of the
18 testimony filing dates in order to pursue settlement discussions. They were directed to file a written
19 request for such an extension with proposed alternative dates.

20 On June 1, 2005, Staff filed a Notice of Settlement Negotiations.

21 On June 3, 2005, Mohave filed a Motion for Revised Procedural Order. Mohave indicated
22 that UNS and Staff have agreed to the proposed alternative filing dates, and the hearing date shall
23 remain August 2, 2005.

24 The proposed alternative dates are reasonable and shall be adopted.

25 IT IS THEREFORE ORDERED that any proposed resolution of the issues raised in the
26 above-captioned dockets shall be filed by **June 15, 2005**.

27 IT IS FURTHER ORDERED that a telephonic status conference shall be conducted on **June**
28 **17, 2005, at 9:00 a.m.** Parties may call (602) 542-9008 at the designated time to participate.

1 IT IS FURTHER ORDERED that any direct testimony and associated exhibits to be presented
2 at hearing on behalf of Mohave, UNS, and any intervenors shall be reduced to writing and filed on or
3 before **June 24, 2005**.

4 IT IS FURTHER ORDERED that any Supplemental Staff Report and/or associated exhibits
5 and testimony to be presented at hearing shall be filed on or before **July 22, 2005**.

6 IT IS FURTHER ORDERED that any rebuttal testimony and associated exhibits to be
7 presented at hearing on behalf of Mohave, UNS, and any intervenors shall be reduced to writing and
8 filed on or before **July 29, 2005**.

9 IT IS FURTHER ORDERED that all filings shall be made by 4:00 p.m. on the date the filing
10 is due, unless otherwise ordered.

11 IT IS FURTHER ORDERED that any objections to testimony or exhibits shall be filed by
12 **August 1, 2005**.

13 IT IS FURTHER ORDERED that the hearing date of **August 2, 2005, at 10:00 a.m.**, shall
14 remain as previously scheduled.

15 IT IS FURTHER ORDERED that the pre-hearing conference date of **July 25, 2005, at 1:30**
16 **p.m.**, shall also remain as previously scheduled.

17 IT IS FURTHER ORDERED that the Motion to Intervene filed by Roger Chantel is denied.

18 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend,
19 or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at
20 hearing.

21 Dated this 7th day of June, 2005

22
23 

24 DWIGHT D. NODES
25 ASSISTANT CHIEF ADMINISTRATIVE LAW JUDGE

26 ...
27 ...
28 ...

1 The foregoing was mailed/delivered
this 7 day of June, 2005 to:

2 Michael A. Curtis
3 William P. Sullivan
4 CURTIS, GOODWIN, SULLIVAN, UDALL & SCHWAB, P.L.C.
5 2712 North Seventh Street
6 Phoenix, AZ 85006-1090

7 Thomas H. Campbell
8 LEWIS & ROCA LLP
9 40 N. Central Avenue
10 Phoenix, AZ 85004

11 Michelle Livengood
12 Legal Department
13 Tucson Electric Power Company
14 One South Church Avenue
15 P.O. Box 711
16 Tucson, AZ 85702-3664
17 Attorneys for UNS Electric, Inc.

18 Terrence G. O'Hara
19 Central Trucking, Inc.
20 11930 N. Hartman Dr.
21 Edinburgh, IN 46124

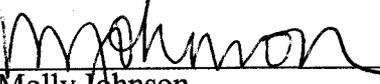
22 Roger Chantel
23 10001 E. Hwy. 66
24 Kingman, AZ 86401

25 Christopher Kempley, Chief Counsel
26 Legal Division
27 ARIZONA CORPORATION COMMISSION
28 1200 West Washington Street
Phoenix, AZ 85007

Ernest G. Johnson, Director
Utilities Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, AZ 85007

ARIZONA REPORTING SERVICE
2627 N. Third Street, Ste. Three
Phoenix, AZ 85004-1003

By:


Molly Johnson
Secretary to Dwight D. Nodes