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25th

BEFORE THE ARIZONA CORPORATION COMMISSION

RECEIVED

WILLIAM A. MUNDELL
CHAIRMAN
JIM IRVIN
COMMISSIONER
MARC SPITZER
COMMISSIONER

2001 APR 26 A 10:00

AZ CORP COMMISSION
DOCUMENT CONTROL

IN THE MATTER OF THE JOINT APPLICATION
BETWEEN CONTINENTAL DIVIDE ELECTRIC
COOPERATIVE, INC. AND THE NAVAJO
TRIBAL UTILITY AUTHORITY FOR THE
APPROVAL OF THE SALE OF ELECTRIC
UTILITY PROPERTIES AND TRANSFER OF
CERTIFICATE OF CONVENIENCE AND
NECESSITY.

DOCKET NO. E-01824A-00-0504

PROCEDURAL ORDER

BY THE COMMISSION:

On July 14, 2000, Continental Divide Electric Cooperative, Inc. ("CDEC") filed with the Arizona Corporation Commission ("Commission") a joint application for the sale of its electric transmission and distribution systems in the State of Arizona to the Navajo Tribal Utility Authority ("NTUA").

On April 6, 2001, the Utilities Division Staff ("Staff") of the Commission filed its Direct Testimony in the above-captioned matter. In its testimony, Staff recommended approval of the application with a hearing. Accordingly, this matter should be set for hearing.

IT IS THEREFORE ORDERED that the hearing shall commence on June 4, 2001, at 9:00 a.m., or as soon thereafter as is practical, at the Commission's offices, 1200 West Washington, Phoenix, Arizona.

IT IS FURTHER ORDERED that intervention shall be in accordance with A.A.C. R14-3-105, except that all motions to intervene must be filed on or before May 25, 2001.

IT IS FURTHER ORDERED that the Applicants shall provide public notice of the hearing in this matter, in the following form and style, with the heading in no less than 24 point bold type and the body in no less than 10 point regular type:

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...

Arizona Corporation Commission
DOCKETED

APR 26 2001

DOCKETED BY

1 **PUBLIC NOTICE OF THE HEARING**
2 **OF CONTINENTAL DIVIDE ELECTRIC COOPERATIVE, INC.**
3 **FOR PERMISSION TO TRANSFER**
4 **ITS ELECTRIC TRANSMISSION AND DISTRIBUTION ASSETS IN THE**
5 **STATE OF ARIZONA TO**
6 **THE NAVAJO TRIBAL UTILITY AUTHORITY**

7 On July 14, 2000, Continental Divide Electric Cooperative (CDEC) filed a joint
8 application for the sale of its electric transmission and distribution systems in the
9 State of Arizona to the Navajo Tribal Utility Authority (NTUA).

10 The Arizona Corporation Commission will hold a hearing on this matter
11 commencing on June 4, 2001, at 9:00 a.m. at the Commission's offices, 1200 West
12 Washington Street, Phoenix, Arizona. Public comments will be taken on the first
13 day of the hearing.

14 The law provides for an open public hearing in this proceeding. Intervention shall be
15 permitted to any person entitled by law to intervene and having a direct and
16 substantial interest in the matter. Persons desiring to intervene must file a written
17 motion to intervene with the Commission, which motion should be sent to the
18 Applicants or their counsel and to all parties of record, and which, at the minimum,
19 shall contain the following:

- 20 1. The name, address, and telephone number of the proposed intervenor and of
21 any party upon whom service of documents is to be made, if different than the
22 intervenor.
- 23 2. A short statement of the proposed intervenor's interest in the proceeding (e.g.,
24 a customer of Applicants, a shareholder of Applicants, a competitor, etc.).
- 25 3. A statement certifying that a copy of the motion to intervene has been mailed
26 to the Applicants or their counsel and to all parties of record in the case.

27 The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except
28 that all motions to intervene must be filed on or before May 25, 2001. The granting
of intervention, among other things, entitles a party to present sworn evidence at
hearing and to cross-examine other witnesses. However, failure to intervene will not
preclude any customer from appearing at the hearing and making a statement on
such customer's own behalf.

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
such as a sign language interpreter, as well as request this document in an alternative
format, by contacting Shelly Hood, ADA Coordinator, voice phone number 602/542-
3931, E-mail shood@cc.state.az.us. Requests should be made as early as possible to
allow time to arrange the accommodation.

IT IS FURTHER ORDERED that Applicants shall cause the above notice to be published at
least once in a newspaper of general circulation in its service territory, with publication to be
completed no later than May 9, 2001.

IT IS FURTHER ORDERED that CDEC shall mail the above-referenced hearing notice to its
current customers who reside in Arizona by May 9, 2001.

1 IT IS FURTHER ORDERED that the Applicants shall file certification of publication and
2 mailing as soon as practicable after the publication and mailing have been completed.

3 IT IS FURTHER ORDERED that notice shall be deemed complete upon publication of same,
4 notwithstanding the failure of an individual customer to read or receive the notice.

5 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized
6 Communications) applies to this proceeding as the matter is now set for public hearing.

7 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive
8 any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

9 DATED this 26th day of April, 2001.

10 

11 DWIGHT D. NODES
12 ADMINISTRATIVE LAW JUDGE

13 Copies of the foregoing mailed/delivered
14 this 26th day of April, 2001 to:

15 Louis Denetsosie
16 ATTORNEY AT LAW
17 P.O. Box 2544
18 W. Highway 264
19 Window Rock, Arizona 86515-2544
20 Attorneys for Continental Divide Electric Co-op, Inc.

21 Dennis Francisch
22 5400 Lomas NE
23 Albuquerque, New Mexico 87110
24 Attorney for Continental Divide Electric Co-op, Inc.

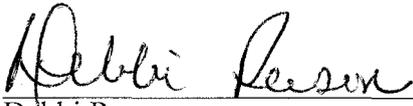
25 Kenneth L. Craig
26 Engineering & Technical Services Division
27 Navajo Tribal Utility Authority
28 Fort Defiance, Arizona 86504

29 Christopher Kempley, Chief Counsel
30 Legal Division
31 ARIZONA CORPORATION COMMISSION
32 1200 West Washington Street
33 Phoenix, Arizona 85007

34 Deborah Scott, Director
35 Utilities Division
36 ARIZONA CORPORATION COMMISSION
37 1200 West Washington Street
38 Phoenix, Arizona 85007

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ARIZONA REPORTING SERVICE, INC.
2627 N. Third Street, Suite Three
Phoenix, Arizona 85004-1003

By: 
Debbi Person
Secretary to Dwight D. Nodes