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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

WILLIAM A. MUNDELL  
CHAIRMAN  
JIM IRVIN  
COMMISSIONER  
MARC SPITZER  
COMMISSIONER

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AZ CORP COMMISSION  
DOCUMENT CONTROL

IN THE MATTER OF THE GENERIC  
PROCEEDINGS CONCERNING ELECTRIC  
RESTRUCTURING ISSUES.

DOCKET NO. E-00000A-02-0051

IN THE MATTER OF ARIZONA PUBLIC  
SERVICE COMPANY'S REQUEST FOR  
VARIANCE OF CERTAIN REQUIREMENTS OF  
A.A.C. R14-2-1606.

DOCKET NO. E-01345A-01-0822

IN THE MATTER OF THE GENERIC  
PROCEEDING CONCERNING THE ARIZONA  
INDEPENDENT SCHEDULING  
ADMINISTRATOR.

DOCKET NO. E-00000A-01-0630

IN THE MATTER OF TUCSON ELECTRIC  
POWER COMPANY'S APPLICATION FOR A  
VARIANCE OF CERTAIN ELECTRIC  
COMPETITION RULES COMPLIANCE DATES.

DOCKET NO. E-01933A-02-0069

IN THE MATTER OF THE APPLICATION OF  
TUCSON ELECTRIC POWER COMPANY FOR  
APPROVAL OF ITS STRANDED COST  
RECOVERY.

DOCKET NO. E-01933A-98-0471

**PROCEDURAL ORDER**

**BY THE COMMISSION:**

On October 18, 2001, the Arizona Public Service Company ("APS") filed a Request for a Partial Variance to A.A.C. R14-2-1606(B) and for Approval of a Purchase Power Agreement.

A Procedural Conference was held on March 20, 2002, to hear oral argument on APS' March 13, 2002, Motion for Protective Order<sup>1</sup> and to discuss other procedural issues concerning discovery.

After the conclusion of oral argument, the Motion to Quash the depositions was denied. The parties were instructed to discuss mutually agreeable dates for depositions for the two out of state APS witnesses.<sup>2</sup> Further, the Intervenor requesting the depositions, Panda Gila River, L.P., agreed to appropriate restrictions and agreed to meet/discuss with APS and narrow and identify the specific

<sup>1</sup> The Motion for Extension of Time to file testimony filed by the Arizona Competitive Power Alliance was withdrawn.

<sup>2</sup> The deposition of APS witness, Jack Davis, was confirmed for March 25, 2002.

1 types of documents that it desired to be produced at deposition; indicated that it did not intend to  
2 obtain privileged or confidential material; and that it would comply with the time restrictions  
3 contained in the Arizona Rules of Civil Procedure 30(b) and other provisions of the Rules of Civil  
4 Procedure. Accordingly, APS and Panda shall work together within these parameters to conduct the  
5 depositions. Further, the parties disagreed on the timing of the depositions, as they argue that the  
6 deposition will cut into the testimony preparation time. Taking depositions should decrease the time  
7 spent issuing and responding to other forms of discovery. Both parties will be equally affected and  
8 no extensions of time to file testimony are necessary for any party. However, the depositions should  
9 be held as expeditiously as possible, and no later than April 5, 2002, unless the parties agree  
10 otherwise.

11 IT IS THEREFORE ORDERED that the depositions of APS' witnesses shall be conducted in  
12 accordance with the discussion herein.

13 IT IS FURTHER ORDERED that no extensions of time to file testimony are necessary.

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

16 DATED this 22nd day of March, 2002.

17  
18   
19 LYN FARMER  
CHIEF ADMINISTRATIVE LAW JUDGE

20 Copies of the foregoing mailed/delivered  
21 this 22nd day of March, 2002 to:

22 Service list for E-00000A-02-0051  
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By:   
Molly Johnson  
Secretary to Lyn Farmer