

ORIGINAL



0000037369

BEFORE THE ARIZONA CORPORATION COMMISSION RECEIVED

1  
2 WILLIAM A. MUNDELL  
CHAIRMAN  
3 JIM IRVIN  
COMMISSIONER  
4 MARC SPITZER  
COMMISSIONER  
5

2001 JUN 25 A 11: 28

AZ CORP COMMISSION  
DOCUMENT CONTROL

6 IN THE MATTER OF THE JOINT APPLICATION  
7 OF TUCSON ELECTRIC POWER COMPANY  
8 AND TRICO ELECTRIC COOPERATIVE, INC  
9 FOR ORDERS APPROVING THE EXCHANGE OF  
10 PORTIONS OF OPERATING RIGHTS AND THE  
TRANSFER OF RELATED PORTIONS OF  
CERTIFICATES OF CONVENIENCE AND  
NECESSITY IN PIMA COUNTY, ARIZONA.

DOCKET NO. E-01461A-01-0202  
Arizona Corporation Commission  
DOCKET NO. E-01461A-01-0202

DOCKETED

JUN 25 2001

DOCKETED BY

PROCEDURAL ORDER

11 **BY THE COMMISSION:**

12 On March 6, 2001, Tucson Electric Power Company ("TEP") and Trico Electric Cooperative,  
13 Inc. ("Trico") (collectively "Applicants") filed a Joint Application to modify their Certificates of  
14 Convenience and Necessity ("CC&N" or "Certificate"), by exchanging portions of their service  
15 territories located near Sahuarita, Pima County, Arizona.

16 On June 12, 2001, the Arizona Corporation Commission ("Commission") Utilities Division  
17 ("Staff") filed its Staff Report, recommending approval of the application following a hearing.  
18 Accordingly, the matter should be set for hearing.

19 IT IS THEREFORE ORDERED that the hearing in the above-captioned matter shall be held  
20 on **August 21, 2001, at 10:00 a.m.** or as soon thereafter as is practical, at the Commission's offices,  
21 Room 222, 400 W. Congress Street, Tucson, Arizona.

22 IT IS FURTHER ORDERED that intervention shall be in accordance with A.A.C. R14-3-105,  
23 except that all motions to intervene must be filed on or before **August 10, 2001 by 12 noon.**

24 IT IS FURTHER ORDERED that Applicants shall serve public notice of the hearing in this  
25 matter, in the following form and style:  
26  
27  
28

1  
2  
3  
4  
5

**PUBLIC NOTICE OF HEARING ON JOINT APPLICATION BY  
TUCSON ELECTRIC POWER COMPANY AND  
TRICO ELECTRIC COOPERATIVE, INC. FOR  
APPROVAL TO TRANSFER PORTIONS OF THEIR  
CERTIFICATES OF CONVENIENCE AND NECESSITY**

6  
7  
8  
9

On March 6, 2001, Tucson Electric Power Company ("TEP") and Trico Electric Cooperative, Inc. ("Trico") filed a joint application for approval to transfer portions of their Certificates of Convenience and Necessity ("Certificate") to provide electric power in Pima County, Arizona. If the application is granted, TEP would be the exclusive distribution company for electric power for a portion of Trico's existing service territory and Trico would become the exclusive distributor of electricity for a portion of TEP's current service territory near Sahuarita, in Pima County, Arizona.

10  
11

The joint application is available for inspection during regular business hours at the offices of the Commission in Phoenix, at 1200 West Washington Street, Phoenix, Arizona or in Tucson at 400 West Congress Street, Suite 218, and at TEP's and Trico's offices, [insert applicants' addresses].

12  
13  
14  
15  
16  
17

The Commission will hold a hearing on this matter on **August 21, 2001 at 10:00 a.m.**, or as soon thereafter as is practical, at the Commission's offices, Room 222, 400 West Congress Street, Tucson, Arizona. As a property owner or customer you may have the right to intervene in the proceeding. If you do not want to intervene, you may appear at the hearing and make a statement on your own behalf. 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 notice to intervene with the Commission, which motion should be sent to the Applicants or their counsel and to all parties of record, and which, at the minimum, shall contain the following:

- 18  
19  
20  
21  
22  
23
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 intervenors interest in the proceeding (e.g., a customer of the Applicants, a shareholder or member of the Applicants, etc.)
  3. A statement certifying that a copy of the motion to intervene has been mailed to the Company or its counsel and to all parties of record in the case.

24  
25  
26  
27

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 August 10, 2001 by 12 noon. 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. However, you will not receive any further notice of the proceeding unless requested by you.

28

If you have any questions or concerns about this application or have any objections to its approval, or wish to make a statement in support of it, you may write

1 the Consumer Services Section of the Commission at 1200 West Washington Street,  
2 Phoenix, Arizona 85007 or call 1-800-222-7000 or appear at the hearing and make  
3 comment.

4 The Commission does not discriminate on the basis of disability in admission to  
5 its public meetings. Persons with a disability may request a reasonable accommodation  
6 such as a sign language interpreter, as well as request this document in an alternative  
7 format, by contacting Shelly Hood, ADA Coordinator, voice phone number 602/542-  
8 3931, E-mail *shood@cc.state.az.us*. Requests should be made as early as possible to  
9 allow time to arrange the accommodation.

10 IT IS FURTHER ORDERED that Applicants shall publish in a newspaper of general  
11 circulation in their service areas, and shall mail to all property owners or customers the service areas  
12 to be transferred, a copy of this notice by first-class U.S. Mail, to begin as soon as possible and to be  
13 completed on or before **July 27, 2001**.

14 IT IS FURTHER ORDERED that Applicants shall file certifications of publication and  
15 mailing as soon as practicable after the publication and mailing has been completed.

16 IT IS FURTHER ORDERED that notice shall be deemed complete upon publication and  
17 mailing, notwithstanding the failure of an individual property owner or customer to read or receive  
18 the notice.

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

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

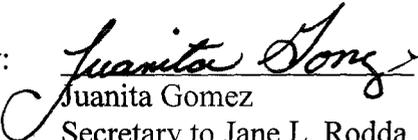
23 DATED this 22nd day of June, 2001.

24   
25 JANE L. RODDA  
26 ACTING ASSISTANT CHIEF ADMINISTRATIVE  
27 LAW JUDGE

28 Copies of the foregoing mailed  
this 22nd day of June, 2001 to:

Raymond S. Heyman  
Roshka, Heyman & DeWulf, PLC  
Two Arizona Center  
400 N. 5<sup>th</sup> St., Suite 1000  
Phoenix, Arizona 85004  
Attorneys for TEP

1 Russell E. Jones  
2 Waterfall Economidis et al  
3 5210 E. Williams Circle  
4 Suite 800  
5 Tucson, Arizona 85701  
6 Attorneys for Trico  
7  
8 Mr. Christopher Kempley, Chief Counsel  
9 Legal Division  
10 ARIZONA CORPORATION COMMISSION  
11 1200 West Washington Street  
12 Phoenix, Arizona 85007  
13  
14 Ms. Deborah Scott, Director  
15 Utilities Division  
16 ARIZONA CORPORATION COMMISSION  
17 1200 West Washington Street  
18 Phoenix, Arizona 85007  
19  
20 ARIZONA REPORTING SERVICE, INC.  
21 2627 N. Third Street, Suite Three  
22 Phoenix, Arizona 85004-1104  
23  
24  
25  
26  
27  
28

By:   
Juanita Gomez  
Secretary to Jane L. Rodda