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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

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WILLIAM A. MUNDELL
CHAIRMAN
JIM IRVIN
COMMISSIONER
MARC SPITZER
COMMISSIONER

JUL - 9 2002

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DOCKETED BY [Signature]

AZ 0002 COMMISSION
EMPLOYMENT CONTROL

IN THE MATTER OF THE APPLICATION OF
DYNEGY ENERGY SERVICES, INC. FOR A
CERTIFICATE OF CONVENIENCE AND
NECESSITY TO PROVIDE COMPETITIVE
RETAIL ELECTRIC SERVICES AS AN
ELECTRIC SERVICE PROVIDER PURSUANT
TO A.A.C. R14-2-1601 *ET SEQ.*

DOCKET NO. E-04072A-01-0988

IN THE MATTER OF THE APPLICATION OF
ILLINOVA ENERGY PARTNERS, INC. FOR
CANCELLATION OF ITS A CERTIFICATE OF
CONVENIENCE AND NECESSITY TO
PROVIDE COMPETITIVE RETAIL ELECTRIC
SERVICES AS AN ELECTRIC SERVICE
PROVIDER PURSUANT TO A.A.C. R14-2-1601
ET SEQ.

DOCKET NO. E-03662A-02-0319

PROCEDURAL ORDER

BY THE COMMISSION:

On December 18, 2001, Dynegy Energy Services, Inc. ("Dynegy" or "Applicant") filed with the Arizona Corporation Commission ("Commission") an application for Certificate of Convenience and Necessity ("CC&N" or "Certificate") to provide retail electric services as a load serving entity in all areas in the State of Arizona that the Commission has designated as open to retail competition.

On April 11, 2002, the Commission's Utilities Division Staff ("Staff") filed a letter informing Dynegy that its application was administratively complete.

On April 26, 2002, Dynegy filed in Docket No. E-03662A-02-0319 an application to cancel the CC&N of Illinova Energy Partners, Inc. ("IEP"), that was granted in Decision No. 61707 (May 13, 1999). Dynegy stated that it absorbed IEP into its organization with the merger of Dynegy and the parent company of IEP in February of 2000, and that IEP is no longer doing business.

On May 3, 2002, Staff filed a consolidated Staff Report in these dockets, recommending approval of Dynegy's application after a hearing, and recommending approval of IEP's request for cancellation of its CC&N.

On May 6, 2002, by Procedural Order, the above-referenced matters were consolidated and

1 set for hearing on July 11, 2002. The May 6, 2002 Procedural Order required Dynegy to publish
2 notice of the hearing by June 7, 2002 and to file certification of publishing by June 21, 2001.

3 As of this date, Dynegy has not filed the ordered certification of publishing.

4 On July 2, 2002, Staff filed a Motion for Procedural Order Vacating Hearing ("Motion"). In
5 its Motion, Staff asserts that, subsequent to the filing of the Staff Report, certain events related to
6 Dynegy have transpired that raise important issues concerning whether, and under what conditions,
7 the Commission should grant Dynegy a CC&N. In its Motion, Staff requests the opportunity to
8 conduct discovery on those events and to file a revised Staff Report, and further requests that the
9 hearing scheduled for July 11, 2002 be vacated. Staff states that based on its understanding that
10 Dynegy did not intend to begin offering services in Arizona in the near future, that vacating the July
11 11, 2002 hearing date would not appear to prejudice Dynegy.

12 Staff's Motion also states its belief that if the Motion is granted, that it would no longer be
13 appropriate for IEP's application to be consolidated with Dynegy's application.

14 Dynegy has not filed a response to the Motion.

15 Staff's request that it be allowed an opportunity to conduct further discovery and file a revised
16 Staff Report is reasonable. Given that Dynegy has not filed certification of public notice of the
17 hearing, it is also reasonable that the hearing in this matter be continued, despite the fact that Dynegy
18 has not filed a response to the Motion. However, the continuance of the hearing in this matter does
19 not in itself provide a basis for these consolidated matters to be separated at this time.

20 The continuance of the hearing date in this matter necessitates a tolling of the timeframe rules.

21 IT IS THEREFORE ORDERED that the hearing currently scheduled for July 11, 2002 is
22 hereby continued, with a new hearing date to be set by subsequent Procedural Order following the
23 filing of a revised Staff Report.

24 IT IS FURTHER ORDERED that the timeframe rules applicable to this matter are hereby
25 tolled for the duration of the continuance ordered herein.

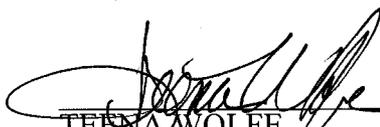
26 IT IS FURTHER ORDERED that Staff shall file a revised Staff Report on or before
27 November 15, 2002.
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IT IS FURTHER ORDERED that Dynegy Energy Services, Inc. shall file any objections to the recommendations in the revised Staff Report on or before December 20, 2002.

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

DATED this 9th day of July, 2002.


TEENA WOLFE
ADMINISTRATIVE LAW JUDGE

Copies of the foregoing mailed/delivered this 9th day of July, 2002 to:

Electric Competition Service List – Docket No. RE-00000C-94-0165

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By: 
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Secretary to Teena Wolfe