



BEFORE THE ARIZONA CORPORATION COMMISSION

25

COMMISSIONERS

2006 APR 24 P 12: 53

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

AZ CORP COMMISSION  
DOCUMENT CONTROL

IN THE MATTER OF THE FILING BY TUCSON  
ELECTRIC POWER COMPANY TO AMEND  
DECISION NO. 62103

DOCKET NO. E-01933A-05-0650

PROCEDURAL ORDER

BY THE COMMISSION:

On September 12, 2005, Tucson Electric Power Company ("TEP" or the "Company") filed a Motion with the Arizona Corporation Commission ("Commission"), pursuant to A.R.S. § 40-252, to amend Decision No. 62103 (November 30, 1999).

On April 20, 2006, the Commission issued Decision No. 68669 which reopened Decision No. 62103 and the 1999 Settlement Agreement pursuant to A.R.S. §40-252. In Decision No. 68669, the Commission directed the Hearing Division to schedule a hearing to consider amending Decision No. 62103, and that at a minimum, "the hearing should address the following issues, including but not limited to: the viability of the 1999 Settlement in light of the Track A, Track B and the *Phelps Dodge*<sup>1</sup> decisions, (including a discussion and presentation of evidence regarding the individual parties' opinions of whether TEP will be able to charge market-based rates or cost-of-service rates after 2008), the proposals outlined in TEP's original application, Demand Side Management, Renewable Energy Standards, and Time of Use tariffs."

On April 18, 2006, Commission's Utilities Division Staff ("Staff") filed a Request for Procedural Order. Staff outlined its proposed procedure for complying with the Commission's directive set forth in Decision No. 68669.

IT IS THEREFORE ORDERED that a **Procedural Conference** for the purpose of determining a process for fulfilling the directives in Decision No. 68669 shall commence on **May 10, 2006, at 1:30 p.m.**, or as soon thereafter as is practical, at the **Commission's Tucson offices, Room**

<sup>1</sup> *Phelps Dodge Corp. v. Arizona Electric Power Co-op, Inc.*, 207 Ariz. 95, 83 P.3d 573 (App. 2004).

1 222, 400 W. Congress Street, Tucson, Arizona. The telephone number for parties who need to  
2 participate telephonically is 602 542-9002.

3 IT IS FURTHER ORDERED that TEP and intervenors shall file any Responses to Staff's  
4 Request for Procedural Order by May 5, 2006.

5 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized  
6 Communications) continues to apply to this proceeding.

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 24<sup>th</sup> day of April, 2006.

10   
11 JANE L. RODDA  
ADMINISTRATIVE LAW JUDGE

12 Copies of the foregoing mailed  
13 this 24 day of April, 2006 to<sup>2</sup>:

14 Michael W. Patten  
15 ROSHKA DEWULF & PATTEN  
16 400 East Van Buren Street, Suite 800  
Phoenix, Arizona 85004

Walter W. Meek, President  
AUIA  
2100 N. Central Avenue, Suite 210  
Phoenix, AZ 85004

17 Raymond S. Heyman  
18 UNISOURCE ENERGY CORPORATION  
One South Church Avenue, Suite 1820  
Tucson, Arizona 85701

Peter Q. Nyce, Jr.  
General Attorney, Regulatory Law Office  
Office of the Judge Advocate General  
DEPARTMENT OF THE ARMY  
901 North Stuart Street, Room 713  
Arlington, VA 22203-1644

19 Michelle Livengood  
20 TUCSON ELECTRIC POWER COMPANY  
One South Church Avenue, Suite 200  
Tucson, Arizona 85701

Dan Neidlinger  
NEIDLINGER & ASSOC.  
3020 N. 17<sup>th</sup> Drive  
Phoenix, Arizona 85015

21 Scott S. Wakefield, Chief Counsel  
22 RUCO  
1110 West Washington, Suite 220  
23 Phoenix, Arizona 85007

C. Webb Crockett  
FENNEMORE CRAIG, PC  
3003 North Central Avenue  
Suite 2600  
Phoenix, Arizona 85012-2913  
Attorneys for AECC, Phelps Dodge  
And ASARCO

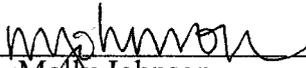
24  
25  
26  
27 <sup>2</sup> TEP sent its Motion to the parties to the 1999 Settlement Agreement. Because of the relationship between TEP's recent  
28 2004 rate review docket (E-01933A-04-0408) and the current Motion, this Procedural Order is being sent to all parties of  
record in Docket No. E-01933A-04-0408.

1 Nicholas J. Enoch  
LUBIN & ENOCH, PC  
2 349 North Fourth Avenue  
Phoenix, Arizona 85003  
3 Attorneys for IBEW Local 1116  
4 Timothy M. Hogan  
ARIZONA CENTER FOR LAW IN THE  
5 PUBLIC INTEREST  
202 E. McDowell Road, Suite 153  
6 Phoenix, AZ 85004  
7 David Berry  
WESTERN RESOURCE ADVOCATES  
8 P.O. Box 1064  
Scottsdale, AZ 85252-1064  
9 Eric Guidry  
10 Energy Program Staff Attorney  
WESTERN RESOURCE ADVOCATES  
11 2260 Baseline Road, Suite 200  
Boulder, Colorado 80302  
12 Jeff Schlegel  
13 SWEEP  
1167 W. Samalayuca Dr.  
14 Tucson, AZ 85704-3224  
15 Thomas L. Mumaw  
Karilee S. Ramaley  
16 APS  
400 North 5<sup>th</sup> Street, MS 8695  
17 Phoenix, Arizona 85004  
18 Kimberly A. Grouse  
Snell & Wilmer LLP  
19 One Arizona Center  
Phoenix, Arizona 85004-2202  
20 Attorneys for APS  
21 Lawrence Robertson  
P.O. Box 1448  
22 Tubac, Arizona 85646  
Attorney for Sempra Energy Resources and  
23 Southwestern Power Group II

Mr. Christopher Kempley, Chief Counsel  
Legal Division  
ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, Arizona 85007

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

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

By   
Molly Johnson  
Secretary to Jane Rodda

24  
25  
26  
27  
28