



0000055253

ORIGINAL

25H

BEFORE THE ARIZONA CORPORATION COMMISSION

DOCKETED

RECEIVED

1
2 WILLIAM A. MUNDELI,
CHAIRMAN
3 JIM IRVIN
COMMISSIONER
4 MARC SPITZER
COMMISSIONER

SEP 12 2002

2002 SEP 12 P 1:39

DOCKETED BY *CAR*

AZ CORP COMMISSION
DOCUMENT CONTROL

5
6 IN THE MATTER OF THE APPLICATION OF
SOUTHWEST GAS CORPORATION FOR
7 APPROVAL OF ACQUISITION PLAN AND, IF
APPROPRIATE, WAIVER OF SELECTED
8 PROVISION OF THE AFFILIATE RULES.

DOCKET NO. G-01551A-02-0425

PROCEDURAL ORDER

9 **BY THE COMMISSION:**

10 On June 6,2002, Southwest Gas Corporation ("Southwest") filed with the Arizona corporation
11 Commission ("Commission") an Application for Approval of Acquisition Plan, and if Appropriate
12 Waiver of Selected Provisions of the Affiliate Rules.

13 On August 26, 2002, Commission Staff filed a Procedural Request. Staff requested the
14 following procedural schedule be established int his case:

15 Black Mountain Gas give notice to its customers in the October billing cycle;

16 Staff files direct testimony by December 20, 2002;

17 Southwest files rebuttal testimony by February 6, 2003; and

18 Hearing commences on February 24, 2003.

19 Staff reports that it contacted counsel for Black Mountain Gas Corporation and for the Intervenors,
20 the IBEW and RUCO, and no party expressed an objection to the proposed procedural schedule.

21 Pursuant to A.A.C. R14-3-101, the Commission now issues this Procedural Order to govern
22 the preparation and conduct of this proceeding.

23 IT IS THEREFORE ORDERED that the hearing in the above-captioned matter shall
24 commence on **February 24, 2003** at 10:00 a.m., or as soon thereafter as is practical, at the
25 Commission's offices, 1200 West Washington, Phoenix, Arizona 85007.

26 IT IS FURTHER ORDERED that a pre-hearing conference shall be held on **February 20,**
27 **2003,** at 10:00 a.m. at the Commission's Phoenix offices, for the purpose of scheduling witnesses and
28

1 the conduct of the hearing.

2 IT IS FURTHER ORDERED that any testimony and associated exhibits to be presented at
3 hearing on behalf of Staff shall be reduced to writing and filed on or before **December 20, 2002**.

4 IT IS FURTHER ORDERED that any testimony and associated exhibits to be presented at
5 hearing on behalf of intervenors shall be reduced to writing and filed on or before **December 20,**
6 **2002**.

7 IT IS FURTHER ORDERED that any rebuttal testimony and associated exhibits to be
8 presented at hearing on behalf of SWG shall be reduced to writing and filed on or before **February 6,**
9 **2002**.

10 IT IS FURTHER ORDERED that any objections to any testimony or exhibits which have
11 been pre-filed shall be made before or at the February 20, 2003 pre-hearing conference.

12 IT IS FURTHER ORDERED that any substantive corrections, revisions, or supplements to
13 pre-filed testimony shall be reduced to writing and filed no later than five days before the witness is
14 scheduled to testify.

15 IT IS FURTHER ORDERED that the parties shall prepare a brief, written summary of the
16 pre-filed testimony of each of their witnesses and shall file each summary at least two working days
17 before the witness is scheduled to testify.

18 IT IS FURTHER ORDERED that copies of summaries should be served upon the Presiding
19 Officer, the Commissioners, and the Commissioners' aides as well as the parties of record.

20 IT IS FURTHER ORDERED that discovery shall be as permitted by law and the rules and
21 regulations of the Commission, except that any objection to discovery requests shall be made within
22 7 days¹ of receipt and responses to discovery requests shall be made within 10 days of receipt.

23 IT IS FURTHER ORDERED that, in the alternative to filing a written motion to compel
24 discovery, any party seeking discovery may telephonically contact the Commission's Hearing
25 Division to request a date for a procedural hearing to resolve the discovery dispute; that upon such a
26 request, a procedural hearing will be convened as soon as practicable; and that the party making such
27

28 ¹ "Days" means calendar days.

1 a request shall forthwith contact all other parties to advise them of the hearing date and shall at the
2 hearing provide a statement confirming that the other parties were contacted.²

3 IT IS FURTHER ORDERED that any responses to motions shall be filed within ten days of
4 the filing date of the motion.

5 IT IS FURTHER ORDERED that any replies shall be filed within five days of the filing date
6 of the response.

7 IT IS FURTHER ORDERED that intervention shall be in accordance with A.A.C. R14-3-105,
8 except that all motions to intervene must be filed on or before February 10, 2003.

9 IT IS FURTHER ORDERED that Southwest and Black Mountain Gas Company ("Black
10 Mountain") shall provide public notice of the hearing in this matter, in the following form and style,
11 with the heading in no less than 24 point bold type and the body in no less than 10 point regular type:

PUBLIC NOTICE OF HEARING ON APPLICATION BY
SOUTHWEST GAS CORPORATION FOR APPROVAL OF
STOCK ACQUISITION PLAN
FOR BLACK MOUNTAIN GAS COMPANY
AND WAIVER OF AFFILIATE RULES
DOCKET NO. G-01551A-02-0425

12
13
14
15
16 On June 7, 2002, Southwest Gas Corporation ("SWG") filed an application
17 with the Arizona Corporation Commission ("Commission") for approval of an
18 acquisition plan under which SWG would acquire the stock of Black Mountain Gas
19 Company ("Black Mountain"), and for waiver of select affiliate rules. If the
20 application is granted SWG would succeed to ownership of the assets of Black
21 Mountain used to provide natural gas and propane service within the State of Arizona.

22 The application is available for inspection during regular business hours at the
23 offices of the Commission in Phoenix, at 1200 West Washington Street, Phoenix,
24 Arizona or in Tucson at 400 West Congress Street, Suite 218, and at SWG's and Black
25 Mountain's offices, [insert applicants' addresses].

26 The Commission will hold a hearing on this matter on February 24, 2003 at
27 10:00 a.m., or as soon thereafter as is practical, at the Commission's offices, 1200
28 West Washington, Phoenix, Arizona, 85007. 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:

² The parties are encouraged to attempt to settle discovery disputes through informal, good-faith negotiations before seeking Commission resolution of the controversy.

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

7 The granting of motions to intervene shall be governed by A.A.C. R14-3-105,
8 except that all motions to intervene must be filed on or before February 10, 2003.
9 The granting of intervention, among other things, entitles a party to present sworn
10 evidence at hearing and to cross-examine other witnesses. However failure to
11 intervene will not preclude any customer from appearing at the hearing and making a
12 statement on such customer's own behalf. However, you will not receive any further
13 notice of the proceeding unless requested by you.

14 If you have any questions or concerns about this application or have any
15 objections to its approval, or wish to make a statement in support of it, you may write
16 the Consumer Services Section of the Commission at 1200 West Washington Street,
17 Phoenix, Arizona 85007 or call 1-800-222-7000 or appear at the hearing and make
18 comment. Please include the Docket Number on all correspondence: G-01551A-02-
19 0425.

20 The Commission does not discriminate on the basis of disability in admission to
21 its public meetings. Persons with a disability may request a reasonable accommodation
22 such as a sign language interpreter, as well as request this document in an alternative
23 format, by contacting Shelly Hood, ADA Coordinator, voice phone number 602/542-
24 0838, E-mail *shood@cc.state.az.us*. Requests should be made as early as possible to
25 allow time to arrange the accommodation.

26 IT IS FURTHER ORDERED that Black Mountain shall mail to its customers a copy of this
27 notice by first-class U.S. Mail, to begin as soon as possible and to be completed on or before
28 **November 15, 2002.**³

IT IS FURTHER ORDERED that Southwest shall publish a copy of the notice in a newspaper
of general circulation in each county in Arizona in which it provides service.

IT IS FURTHER ORDERED that Southwest and Black Mountain shall file certifications of
mailing or publication as soon as practicable after the mailing and publication have been completed.

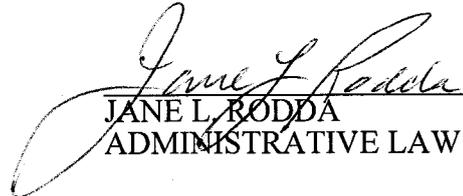
IT IS FURTHER ORDERED that notice shall be deemed complete upon mailing and
publication, notwithstanding the failure of an individual customer to read or receive the notice.

³ Black Mountain may include the notice with its October billing cycle.

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

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

5 DATED this 11th day of September, 2002.

6
7 
8 JANE L. RODDA
ADMINISTRATIVE LAW JUDGE

9
10 Copies of the foregoing mailed/delivered
this 11th day of September, 2002 to:

11 Andrew W. Bettwy
12 Southwest Gas Corporation
13 P.O. Box 98510
Las Vegas, NV 89193-8510

14 Edward S. Zub
15 Southwest Gas Corporation
16 P.O. Box 89510
Las Vegas NV 89193-8510

17 John Reiber
18 Black Mountain Gas Company
19 P.O. Box 427
Cave Creek, AZ 85327

20 Timothy Berg
21 Theresa Dwyer
22 Fennemore Craig, P.C.
3003 North Central Avenue
Suite 2600
Phoenix, AZ 85012
Attorneys for Black Mountain Gas

23 Nicholas, J. Enoch
24 Lubin & Enoch, P.C.
349 North Fourth Avenue
Phoenix, Arizona 85003
Attorneys for IBEW Local 769

25
26 Scott S. Wakefield, Chief Counsel
Residential Utility Consumer Office
1110 West Washington, suite 220
27 Phoenix, Arizona 85007
28

1 Christopher Kempley, Chief Counsel
2 Legal Division
3 ARIZONA CORPORATION COMMISSION
4 1200 West Washington Street
5 Phoenix, Arizona 85007

6 Ernest Johnson, Director
7 Utilities Division
8 ARIZONA CORPORATION COMMISSION
9 1200 West Washington Street
10 Phoenix, Arizona 85007

11 ARIZONA REPORTING SERVICE, INC.
12 2627 N. Third Street, Suite Three
13 Phoenix, Arizona 85004-1104

14 By: 
15 Juanita Gomez
16 Secretary to Jane Rodda
17
18
19
20
21
22
23
24
25
26
27
28