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BEFORE THE ARIZONA CORPORATION COMMISSION Commission

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COMMISSIONERS

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AUG 29 2006

JEFF HATCH-MILLER, Chairman
WILLIAM A. MUNDELL
MIKE GLEASON
KRISTIN K. MAYES
BARRY WONG

AZ CORP COMMISSION
DOCUMENT CONTROL

DOCKETED BY [Signature]

IN THE MATTER OF THE APPLICATION OF
ARIZONA PUBLIC SERVICE COMPANY FOR
AUTHORIZATION TO ACQUIRE POWER
PLANT.

DOCKET NO. E-01345A-06-0464

PROCEDURAL ORDER

BY THE COMMISSION:

On July 13, 2006, Arizona Public Service Company ("APS") filed with the Arizona Corporation Commission ("Commission") an application for approval to purchase a new generation resource within APS' Yuma load pocket either through direct contracts with vendors and contractors or through a contract with a developer.

On July 28, 2006, Mesquite Power, LLC, Southwestern Power Group II, LLC and Bowie Power Station, LLC ("Mesquite/SWPG/Bowie") filed a joint application to intervene.

On July 28, 2006, Mesquite/SWPG/Bowie also filed a Motion to Dismiss Application, or, in the Alternative, Schedule Procedural Conference; and, Supporting Memorandum of Points and Authorities.

On August 10, 2006, APS filed its Response in Opposition to Application for Leave to Intervene.

On August 10, 2006, Arizona Competitive Power Alliance ("Alliance") filed its Application for Leave to Intervene and Joinder in Motion to Dismiss.

On August 14, 2006, Mesquite/SWPG/Bowie filed their Reply to APS's Response in Opposition to Application For Leave to Intervene and Request For Oral Argument.

On August 17, 2006, APS filed its Response in Opposition to Application of Arizona Competitive Power Alliance for Leave to Intervene.

By Procedural Order issued August 22, 2006, a Procedural Conference was scheduled to hear argument on the Motions and to discuss the appropriate procedure for processing this application.

1 The Procedural Conference was held as scheduled and oral arguments were heard on the
2 motions to intervene and limited oral argument was heard on the Motion to Dismiss/Set Procedural
3 Conference. Mesquite/SWPG/Bowie and the Alliance have shown a direct and substantial interest in
4 APS' compliance with the Settlement Agreement and with Decision No. 67744. Their intervention in
5 this matter will not unduly broaden the issues presented by APS' application. At the Procedural
6 conference, the Motions to Intervene by Mesquite/SWPG/Bowie and by the Alliance were granted,
7 and APS was given until September 1, 2006, to file a written response to the Motion to Dismiss/Set
8 Procedural Conference, and the Intervenors and Staff were given until September 8, 2006 to file any
9 reply to APS' response.

10 IT IS THEREFORE ORDERED that the **Motions to Intervene by Mesquite Power, LLC,**
11 **Southwestern Power Group II, LLC, Bowie Power Station, LLC and the Arizona Competitive**
12 **Power Alliance are hereby granted.**

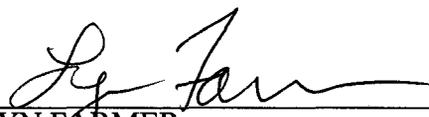
13 IT IS FURTHER ORDERED that **Arizona Public Service Company shall file its written**
14 **Response to the Motion to Dismiss/Set Procedural Conference by September 1, 2006.**

15 IT IS FURTHER ORDERED that **Replies to the Response shall be filed no later than**
16 **September 8, 2006.**

17 IT IS FURTHER ORDERED that the parties shall work together to try to develop a
18 recommended process for handling this matter that would be acceptable to all the parties.

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

21 Dated this 29 day of August, 2006

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23 
24 _____
25 LYN FARMER
26 CHIEF ADMINISTRATIVE LAW JUDGE

26 ...
27 ...
28 ...

1 Copies of the foregoing mailed/delivered
this 20 day of August, 2006 to:

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