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BEFORE THE ARIZONA CORPORATION COMMISSION
Arizona Corporation Commission

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COMMISSIONERS

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

AZ CORP COMMISSION
DOCUMENT CONTROL

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IN THE MATTER OF THE COMPLAINT OF THE
BUREAU OF INDIAN AFFAIRS, UNITED
STATES OF AMERICA, AGAINST MOHAVE
ELECTRIC COOPERATIVE, INC. AS TO
SERVICES TO THE HAVASUPAI AND
HUALAPAI INDIAN RESERVATIONS..

DOCKET NO. E-01750A-05-0579

SETTLEMENT CONFERENCE
PROCEDURAL ORDER

BY THE COMMISSION:

On August 10, 2005, the Bureau of Indian Affairs, United States of America, ("BIA" or "Complainant") filed the above-captioned Complaint against Mohave Electric Cooperative, Inc. ("Mohave" or "Respondent") with the Arizona Corporation Commission ("Commission").

On September 7, 2006, a Pre-Hearing Conference was held in this matter as scheduled by the Procedural Order issued on August 4, 2006. The BIA, Mohave and the Commission's Utilities Division Staff entered appearances through counsel and discussed procedural issues.

During the Pre-Hearing Conference, at the behest of Commissioner Mayes, Mohave agreed to file, by October 9, 2006, an outage response plan as discussed during the Pre-Hearing Conference.

The BIA and Mohave indicated that they had not yet commenced formal discovery in this matter. Mohave indicated that it planned to send data requests to the BIA within a week, and that it could file a proposed discovery schedule within two weeks.

The parties were informed that a settlement judge had been assigned to this case. The BIA and Mohave were informed of the requirement to have representatives of the parties with settlement authority available for a settlement conference, which was set for September 26, 2006. The parties

1 were also informed that a written settlement conference statement would be due on September 21,
2 2006.

3 IT IS THEREFORE ORDERED that a **settlement conference** is hereby scheduled to
4 commence on **September 26, 2006, at 9:30 a.m.**, or as soon as practical thereafter, in Room 100 of
5 the Commission's offices, 1200 W. Washington, Phoenix, Arizona.

6 IT IS FURTHER ORDERED that the purpose of the settlement conference is to provide an
7 opportunity for the parties to discuss the possibility of reaching a resolution without the need for
8 litigation. At the settlement conference, the parties shall be prepared to present a brief synopsis of
9 their case, and in separate consultation with the settlement judge, a candid assessment of the strengths
10 and weaknesses of their case. The parties shall be prepared to discuss settlement of any and all issues
11 in the case and to memorialize any agreements in writing or on the record. The discussions at the
12 settlement conference will not be disclosed to the judge assigned to hear the case, unless otherwise
13 agreed by the parties.
14

15 IT IS FURTHER ORDERED that Complainant and Respondent shall have representatives
16 with settlement authority available at the settlement conference.
17

18 IT IS FURTHER ORDERED that Complainant and Respondent shall submit, by September
19 21, 2006, a written settlement conference statement. The settlement conference statement shall
20 consist of a concise statement of the party's case and any other issues the parties anticipate may arise
21 during the hearing of this matter. The settlement conference statement shall be marked "Confidential
22 - For Settlement Purposes Only" and shall be provided to settlement judge and served on opposing
23 parties, but shall not be docketed. These materials will not be made a part of the case file, but will be
24 maintained separately for reference in future efforts to settle the case.
25

26 IT IS FURTHER ORDERED that the parties are encouraged to bring to the settlement
27 conference a draft settlement proposal.
28

1 IT IS FURTHER ORDERED that if any members of the Commission's Utilities Division
2 Staff choose to attend the settlement conference, review the settlement conference statements, or
3 review any draft settlement proposals, those Staff members shall not disclose the contents of
4 discussions during the settlement conference, settlement conference statements, or draft settlement
5 proposals, and shall be precluded from participating in any hearing on the merits of this case.

6 IT IS FURTHER ORDERED that Respondent shall file, by September 21, 2006, a discovery
7 schedule proposal.

8 IT IS FURTHER ORDERED that Complainant shall file any objections to Respondent's
9 September 21, 2006 discovery schedule proposal by October 5, 2006.

10 IT IS FURTHER ORDERED that Mohave Electric Cooperative, Inc. shall file, by October 9,
11 2006, an outage response plan as discussed during the Pre-Hearing Conference.

12 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized
13 Communications) remains in effect.

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

16 DATED this 11th day of September, 2006.

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22 TEENA WOLFE
23 ADMINISTRATIVE LAW JUDGE
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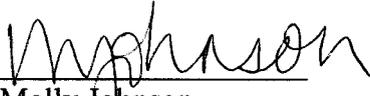
1 Copies of the foregoing mailed/delivered/faxed
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By: 
Molly Johnson
Secretary to Teena Wolfe

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