

ORIGINAL



0000066163

BEFORE THE ARIZONA CORPORATION COMMISSION

25FD

COMMISSIONERS

Arizona Corporation Commission

DOCKETED

2007 JAN 30 P 1:25

- JEFF HATCH-MILLER, Chairman
- WILLIAM A. MUNDELL
- MIKE GLEASON
- KRISTIN K. MAYES
- GARY PIERCE

JAN 30 2007

AZ CORP COMMISSION  
DOCUMENT CONTROL

DOCKETED BY	nr
-------------	----

IN THE MATTER OF THE APPLICATION OF ARIZONA PUBLIC SERVICE COMPANY FOR A HEARING TO DETERMINE THE FAIR VALUE OF THE UILITY PROPERTY OF THE COMPANY FOR RATEMAKING PURPOSES, TO FIX A JUST AND REASONABLE RATE OF RETURN THEREON, TO APPROVE RATE SCHEDULES DESIGNED TO DEVELOP SUCH RETURN, AND TO AMEND DECISION NO. 67744.

DOCKET NO. E-01345A-05-0816

IN THE MATTER OF THE INQUIRY INTO THE FREQUENCY OF UNPLANNED OUTAGES DURING 2005 AT PALO VERDE NUCLEAR GENERATING STATION, THE CAUSES OF THE OUTAGES, THE PROCUREMENT OF REPLACEMENT POWER AND THE IMPACT OF THE OUTAGES ON ARIZONA PUBLIC SERVICE COMPANY'S CUSTOMERS.

DOCKET NO. E-01345A-05-0826

IN THE MATTER OF THE AUDIT OF THE FUEL AND PURCHASED POWER PRACTICES AND COSTS OF THE ARIZONA PUBLIC SERVICE COMPANY.

DOCKET NO. E-01345A-05-0827

**PROCEDURAL ORDER**

**BY THE COMMISSION:**

On November 4, 2005, the Arizona Public Service Company ("APS") filed an application with the Arizona Corporation Commission ("Commission") for a rate increase and to amend Decision No. 67744 (April 7, 2005).

On November 9, 2005, the Commission opened a docket to investigate the unplanned outages during 2005 at the Palo Verde Nuclear Power Generating Station. The Commission also opened a docket to audit the fuel and purchased power practices and costs of APS.

On January 31, 2006, APS filed an Amended Application.

By Procedural Order issued September 18, 2006, the above-referenced matters were consolidated.

1 At the conclusion of the hearing, the parties were ordered to submit their initial briefs by  
2 January 22, 2007, and reply briefs by February 5, 2007.

3 On January 22, 2007, the parties filed their initial briefs.

4 On January 23, 2007, Staff filed a Motion to Extend Due Date for Responsive Briefs  
5 (“Motion”) from February 5, 2007 to February 16, 2007. Staff’s Motion stated that the opening  
6 briefs filed in this proceeding were somewhat longer than usual, and that responding to the briefs in  
7 the current time frame would be very difficult given the Commission’s Legal Division’s current work  
8 load and resource constraints.

9 On January 29, 2007, Staff filed its Supplement to Motion to Extend Due Dates For  
10 Responsive Briefs (“Supplement”). The Supplement stated that Staff had attempted to contact each  
11 party to determine whether any party opposed Staff’s Motion. According to the Supplement, Arizona  
12 Public Service Company, Residential Utility Consumer Office, Southwest Energy Efficiency Project,  
13 Western Resource Advocates, and the Arizona Utility Investors Association do not oppose the  
14 Motion, and Arizonans for Electric Choice and Competition, Mesquite Power L.L.C., Southwestern  
15 Power Group II, L.L.C., and Bowie Power Station, L.L.C. support Staff’s Motion.

16 Good cause has been shown and accordingly, Staff Motion should be granted.

17 IT IS THEREFORE ORDERED that Staff’s Motion is hereby granted and **reply briefs shall**  
18 **be filed no later than noon on February 16, 2007.**

19 IT IS FURTHER ORDERED that the timeclock for processing this matter is extended  
20 accordingly.

21 DATED this 30<sup>th</sup> day of January, 2007.

22  
23  
24   
25 LYN FARMER  
26 CHIEF ADMINISTRATIVE LAW JUDGE  
27  
28

1 Copies of the foregoing mailed/delivered  
 1 this Son day of January, 2007 to:

- |   |  |
|---|--|
| <p>2 Jana Van Ness<br/>         3 Arizona Public Service Company<br/>         4 400 N. 5<sup>th</sup> Street, MS 8695<br/>         Phoenix, AZ 85004</p> <p>5 Thomas L. Mumaw<br/>         Karilee S. Ramaley<br/>         PINNACLE WEST CAPITAL CORPORATION<br/>         6 P.O. Box 53999<br/>         Phoenix AZ 85072-3999</p> <p>7 Brian Brumfield<br/>         8 Supervisor of Regulatory Affairs<br/>         Arizona Public Service Company<br/>         9 Mail Station 9708<br/>         PO Box 53999<br/>         10 Phoenix, Arizona 85072-3999</p> <p>11 Deborah R. Scott<br/>         Kimberly A. Grouse<br/>         SNELL &amp; WILMER<br/>         12 One Arizona Center<br/>         400 E. Van Buren Street<br/>         13 Phoenix AZ 85004-2202</p> <p>14 Dan Austin<br/>         Comverge, Inc.<br/>         6509 W. Frye Road, Ste. 4<br/>         15 Chandler, AZ 85226</p> <p>16 Jim Nelson<br/>         12621 N. 17<sup>th</sup> Place<br/>         17 Phoenix, AZ 85022</p> <p>18 Scott S. Wakefield<br/>         RUCO<br/>         1110 W. Washington, Ste. 220<br/>         19 Phoenix, AZ 85007</p> <p>20 Bill Murphy<br/>         Murphy Consulting<br/>         5401 N. 25<sup>th</sup> Street<br/>         21 Phoenix, AZ 85016</p> <p>22 Douglas V. Fant<br/>         3655 W. Anthem Drive, Ste. A109<br/>         23 PMB 411<br/>         Anthem, AZ 85086</p> <p>24 Amanda Ormond<br/>         INTERWEST ENERGY ALLIANCE<br/>         25 7650 S. McClintock, Ste. 103-282<br/>         Tempe, AZ 85284</p> <p>26 Michael W. Patten<br/>         ROSHKA, DeWULF &amp; PATTEN<br/>         27 One Arizona Center<br/>         400 East Van Curen Street, Ste. 800<br/>         28 Phoenix, AZ 85004</p> | <p>Michelle Livengood<br/>         UniSource Energy Services<br/>         One South Church Street, Ste. 200<br/>         Tucson, AZ 85702</p> <p>Timothy M. Hogan<br/>         Arizona Center for Law in the Public Interest<br/>         202 E. McDowell Road, Ste. 153<br/>         Phoenix, AZ 85004</p> <p>Tracy Spoon<br/>         Sun City Taxpayers Association<br/>         12630 N. 103<sup>rd</sup> Avenue, Ste. 144<br/>         Sun City, AZ 85351</p> <p>Gary Yaquinto<br/>         Arizona Utility Investors Association<br/>         2100 N. Central Avenue, Ste. 210<br/>         Phoenix, AZ 85004</p> <p>Michael L. Kurtz<br/>         Kurt J. Boehm<br/>         BOEHM, JURTZ &amp; LOWRY<br/>         36 East Seventh Street, Ste. 1510<br/>         Cincinnati, OH 45202<br/>         Attorneys for The Kroger Co.</p> <p>C. Webb Crockett<br/>         Patrick J. Black<br/>         FENNEMORE CRAIG<br/>         3003 North Central Avenue, Ste. 2600<br/>         Phoenix, AZ 85012-2913<br/>         Attorneys for Phelps Dodge Mining Company and Arizonans<br/>         for Electric Choice and Competition</p> <p>Steven B. Bennett<br/>         Deputy City Attorney<br/>         3939 N. Drinkwater Blvd.<br/>         Scottsdale, AZ 85251</p> <p>Robert W. Geake<br/>         ARIZONA WATER COMPANY<br/>         P.O. Box 29006<br/>         Phoenix, AZ 85038</p> <p>Lieutenant Colonel Karen S. White<br/>         Chief, Air Force Utility Litigation Team<br/>         AFLSA/JACL-ULT<br/>         139 Barnes Drive<br/>         Tyndall AFB, FL 32403</p> |
|---|--|

- 1 Greg Patterson  
916 West Adams, Ste. 3  
Phoenix, AZ 85007
- 2
- 3 Lawrence V. Robertson, Jr.  
MUNGER CHADWICK  
P.O. Box 1448  
4 Tubac, AZ 85646  
Attorneys for Mesquite Power, LLC,  
5 Southwestern Power Group, II, LLC and  
6 Bowie Power Station, LLC
- 7 George Bien-Willner  
3641 N. 39<sup>th</sup> Avenue  
Phoenix, AZ 85014
- 8
- 9 Sean Seitz  
3008 N. Civic Center Plaza  
Scottsdale, AZ 85251  
10 Arizona Solar Energy Industries Association
- 11 Jay I. Moyes  
MOYES STOREY  
12 1850 N. Central Avenue, Ste. 1100  
Phoenix, AZ 85004
- 13
- 14 Kenneth R. Saline  
K.R. SALINE & ASSOCIATES, PLC  
160 N. Pasadena, Ste. 101  
15 Mesa, AZ 85201
- 16 Andrew W. Bettwy  
Karen S. Haller  
17 Debra S. Jacobson  
Legal Affairs Department  
18 SOUTHWEST GAS CORPORATION  
5241 Spring Mountain Road  
19 Las Vegas, NV 89150
- 20 Tammie Woody  
10825 W. Laurie Lane  
21 Peoria, AZ 85345
- 22 David Kennedy  
818 E. Osborn Road, Ste. 103  
23 Phoenix, AZ 85014  
Attorney for Arizona Interfaith Coalition on Energy
- 24
- 25 Joseph Knauer, President  
Jewish Community of Sedona  
100 Meadowlark Drive  
26 P.O. Box 10242  
Sedona, AZ 86339
- 27
- 28

Michael F. Healy  
MORGAN, LEWIS & BOCKIUS  
1111 Pennsylvania Avenue, NW  
Washington, DC 20004

Gary L. Nakarado  
24657 Foothills Drive N  
Golden, CO 80401

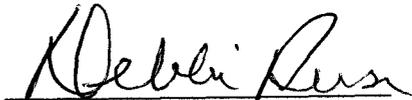
Jon Poston  
AARP Electric Rate Project  
6733 E. Dale Lane  
Cave Creek, AZ 85331

Coralette Hannon  
AARP Govt Relations & Advocacy  
6705 Reedy Creek Road  
Charlotte, NC 85331

Michael Grant  
GALLAGHER & KENNEDY  
2575 E. Camelback Road  
Phoenix, AZ 85016

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

Ernest G. Johnson, Director  
Utilities Division  
ARIZONA CORPORATION COMMISSION  
1200 West Washington  
Phoenix, AZ 85007

By:   
Debbi Person  
Secretary to Lyn Farmer