

ORIGINAL



0000067189

BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

DOCKETED

FEB 21 2007

2007 FEB 21 P 3:38

AZ CORP COMMISSION
DOCUMENT CONTROL

DOCKETED BY	NR
-------------	----

COMMISSIONERS

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

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 February 15, 2007, the Arizona Corporation Commission ("Commission") convened a Procedural Conference in the above-captioned matter to discuss hearing procedures.

On February 6, 2007, Tucson Electric Power Company ("TEP") and Commission Utilities Division Staff ("Staff") filed a letter in the docket requesting a continuance of the February 20, 2007 hearing to allow the parties to this docket to participate in settlement discussions. No party objected to the proposed continuance, although the Residential Utility Consumer Office ("RUCO") requested that the hearing not be set to reconvene earlier than March 6, 2007. After much discussion concerning witness availability, it appears that the best date to reconvene the hearing if settlement discussions are not successful, would be March 6, 2007.

Pursuant to the discussion and agreement at the February 15, 2007 Procedural Conference, the hearing will convene on February 20, 2007, as scheduled, for the purpose of taking Public Comment only. Following any Public Comment, the hearing will be recessed until March 6, 2007. The parties will meet during the period February 20 - 23, 2007, for the purpose of discussing settlement, and will inform the Commission about the status of settlement discussions at a Procedural Conference to convene on February 26, 2007. If the settlement discussions are successful, the Commission will use the February 26, 2007 Procedural Conference to discuss a timetable and procedures for considering the merits of any settlement proposal. Depending on the outcome of settlement discussions, the March 6, 2007 hearing date may be vacated. If the discussions do not result in a settlement, the February 26, 2007 Procedural Conference will be the time to set a final witness order for the hearing

255P

1 to reconvene on March 6, 2007. Attached hereto as Exhibit A, is a preliminary order of witnesses for
 2 the March 6, 2007 hearing if needed. The order of witnesses may be rearranged at the February 26,
 3 2007 Procedural Conference to accommodate witness availability.

4 IT IS THEREFORE ORDERED that the hearing in this matter will commence on February
 5 20, 2007, for the purpose of taking Public Comment only. Upon the conclusion of Public Comment,
 6 in order to provide time for the parties to participate in settlement discussions, the **hearing** will be
 7 continued until **March 6, 2007**, at 10:00 a.m. at the Commission's Tucson offices, Room 222.

8 IT IS FURTHER ORDERED that a **Procedural Conference** for the purpose of ascertaining
 9 the status of settlement discussions, to discuss procedures for considering any proposed settlement or
 10 partial settlement, and/or to finalize witness order in the event the March 6, 2007 is required, shall
 11 commence on **February 26, 2007**, at **10:00 a.m.**, or as soon thereafter as is practical, at the
 12 **Commission's Tucson offices, Room 222, 400 W. Congress Street, Tucson, Arizona.** The
 13 telephone number for parties who wish to participate telephonically is 602 542-9004.¹

14 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized
 15 Communications) continues to apply to this proceeding and shall remain in effect until the
 16 Commission's Decision in this matter is final and non-appealable.

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

19 DATED this 16th day of February, 2007

20
 21 
 22 JANE L. RODDA
 23 ADMINISTRATIVE LAW JUDGE

24 Copies of the foregoing mailed
 this 16th day of February, 2007 to:

25 Michael W. Patten
 26 ROSHKA DEWULF & PATTEN
 27 400 East Van Buren Street, Suite 800
 Phoenix, Arizona 85004

28 ¹ Depending on the results of settlement discussions, the March 6, 2007 hearing date may be vacated.

1 Raymond S. Heyman
UNISOURCE ENERGY CORPORATION
2 One South Church Avenue, Suite 1820
Tucson, Arizona 85701
3

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

6 Scott S. Wakefield, Chief Counsel
RUCO
7 1110 West Washington, Suite 220
Phoenix, Arizona 85007
8

9 Michael Grant
Gallagher & Kennedy, PA
2575 East Camelback Road
10 Phoenix, AZ 85016-9225
Attorneys for AUIA
11

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

14 Peter Q. Nyce, Jr.
General Attorney, Regulatory Law Office
15 Office of the Judge Advocate General
DEPARTMENT OF THE ARMY
16 901 North Stuart Street, Room 713
Arlington, VA 22203-1644
17

18 Dan Neidlinger
NEIDLINGER & ASSOC.
3020 N. 17th Drive
19 Phoenix, Arizona 85015

20 Daniel D. Haws
OSJA, ATTN: ATZS-JAD
21 USA Intelligence Center and
Ft. Huachuca
22 Ft. Huachuca, AZ 85613-6000

23 C. Webb Crockett
FENNEMORE CRAIG, PC
24 3003 North Central Avenue
Suite 2600
25 Phoenix, Arizona 85012-2913
Attorneys for AECC, Phelps Dodge
26 And ASARCO
27
28

- 1 Nicholas J. Enoch
LUBIN & ENOCH, PC
349 North Fourth Avenue
2 Phoenix, Arizona 85003
Attorneys for IBEW Local 1116
3
- 4 Timothy M. Hogan
ARIZONA CENTER FOR LAW IN THE PUBLIC INTEREST
202 E. McDowell Road, Suite 153
5 Phoenix, AZ 85004
Attorneys for SWEEP and WRA
6
- 7 David Berry
WESTERN RESOURCE ADVOCATES
P.O. Box 1064
8 Scottsdale, AZ 85252-1064
- 9 Eric Guidry
Energy Program Staff Attorney
10 WESTERN RESOURCE ADVOCATES
2260 Baseline Road, Suite 200
11 Boulder, Colorado 80302
- 12 Jeff Schlegel
SWEEP
13 1167 W. Samalayuca Dr.
Tucson, AZ 85704-3224
14
- 15 Thomas L. Mumaw
APS
PO Box 53999
16 Mail Station: 8695
Phoenix, Arizona 85072-3999
17
- 18 Barbara A. Klemstine
Brian Brumfield
Arizona Public Service
19 PO Box 53999
Mail Station 9708
20 Phoenix, Arizona 85072-3999
- 21 Deborah R. Scott
Robert J. Metli
22 SNELL & WILMER LLP
One Arizona Center
23 400 East Van Buren
Phoenix, Arizona 85004-2202
24 Attorneys for APS
- 25 Lawrence Robertson
P.O. Box 1448
26 Tubac, Arizona 85646
Attorney for Sempra Energy Resources and Southwestern Power Group II
27
28

1 Greg Patterson
2 916 West Adams, Suite 3
3 Phoenix, Arizona 85007

4 S. David Childers
5 LOW&CHILDERS, PC
6 2999 North 44th Street, Suite 250
7 Phoenix, Arizona 85018
8 Attorneys for the Alliance

9 Christopher Kempley, Chief Counsel
10 Legal Division
11 ARIZONA CORPORATION COMMISSION
12 1200 West Washington Street
13 Phoenix, Arizona 85007

14 Ernest Johnson, Director
15 Utilities Division
16 ARIZONA CORPORATION COMMISSION
17 1200 West Washington Street
18 Phoenix, Arizona 85007

19 ARIZONA REPORTING SERVICE
20 2627 N. Third Street, Ste. Three
21 Phoenix, AZ 85004-1003

22
23
24
25
26
27
28
By 
Juanita Gomez
Secretary to Jane Rodda

EXHIBIT A

Preliminary Order of Witnesses
March 6, 2007 Hearing

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

TEP:

James Pignatelli

James Pyers

DOD:

Dan Neidingler

SWEEP:

Jeffrey Schlegel

IBEW Local:

Ryle J. Carl III (not available on March 6)

AECC and Phelps Dodge:

Kevin Higgins

RUCO:

Marylee Diaz Cortez

Staff:

Michael Ileo

Barbara Keene