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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

COMMISSIONERS

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DOCKETED

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

AZ CORP COMMISSION DOCUMENT CONTROL

APR 13 2007

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IN THE MATTER OF THE THE APPLICATION OF SEMPRA ENERGY SOLUTIONS FOR A CERTIFICATE OF CONVENIENCE AND NECESSITY FOR COMPETITIVE RETAIL ELECTRIC SERVICE

DOCKET NO. E-03964A-06-0168

PROCEDURAL ORDER

BY THE COMMISSION:

On March 16, 2006, Sempra Energy Solutions ("Sempra" or "Company") filed with the Arizona Corporation Commission an application for a Certificate of Convenience and Necessity to provide competitive retail electric service.

On March 29, 2006, Tucson Electric Power Company ("TEP") filed a Motion to Intervene, which was granted by Procedural Order issued April 12, 2006.

On April 14, 2006, Sempra filed revisions to its application to correct typographical errors.

Also on April 14, 2006, Arizona Public Service Company ("APS") filed a Motion to Intervene, which was granted by Procedural Order issued April 26, 2006.

On June 1, 2006, Air Liquide Industrial U.S. LP ("Air Liquide") filed a Motion to Intervene, which was granted by Procedural Order issued June 15, 2006.

On July 28, 2006, Sempra filed the Prepared Supplemental Direct Testimony of Greg Bass.

On February 5, 2007, Sempra Energy Solutions filed a Motion/Request for Procedural Conference to Establish Procedural Schedule.

On March 27, 2007, the Residential Utility Consumer Office ("RUCO") filed an Application to Intervene. No objection has been filed.

On April 2, 2006, the Commission's Utilities Division Staff ("Staff") filed a Request for Procedural Order. Staff requested that the following dates be established for filing testimony and conducting the hearing on the application:

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Staff and Intervener Direct	
Testimony	May 11, 2007
Company Responsive Testimony	June 1, 2007
Hearing Date	No earlier than June 20, 2007

Counsel for Staff indicated in its Request that it has conferred with Sempra, TEP, APS, Air Liquide and RUCO, and that the above dates are acceptable to each party.

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

IT IS THEREFORE ORDERED that the Residential Utility Consumer Office's Application to Intervene is hereby granted.

IT IS FURTHER ORDERED that the **hearing** in the above-captioned matter shall commence on **June 28, 2007, at 10:00 a.m.**, or as soon thereafter as is practical, at the Commission's offices, 1200 West Washington Street, Arizona 85007.

IT IS FURTHER ORDERED that a **pre-hearing conference** shall be held on **June 22, 2007, at 2:00 p.m.**, at the Commission's Phoenix offices, for the purpose of scheduling witnesses and the conduct of the hearing.

IT IS FURTHER ORDERED that direct testimony and associated exhibits to be presented at hearing on behalf of Staff and intervenors shall be reduced to writing and filed on or before **May 11, 2007**.

IT IS FURTHER ORDERED that rebuttal testimony and associated exhibits to be presented at hearing by the Company shall be reduced to writing and filed on or before **June 1, 2007**.

IT IS FURTHER ORDERED that **all filings shall be made by 4:00 p.m. on the date the filing is due, unless otherwise indicated above.**

IT IS FURTHER ORDERED that any objections to any testimony or exhibits which have been prefiled as of June 1, 2007, shall be made before or at the **June 22, 2007** pre-hearing conference.

IT IS FURTHER ORDERED that all testimony filed shall include a table of contents which lists the issues discussed.

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

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

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

9 IT IS FURTHER ORDERED that intervention shall be in accordance with A.A.C. R14-3-105,
10 except that all motions to intervene must be filed on or before **May 7, 2007**.

11 IT IS FURTHER ORDERED that discovery shall be as permitted by law and the rules and
12 regulations of the Commission, except that until April 30, 2007, any objection to discovery requests
13 shall be made within 7 days¹ of receipt and responses to discovery requests shall be made within 10
14 days of receipt; thereafter objections to discovery requests shall be made within 5 days and responses
15 shall be made within 7 days of receipt. The response time may be extended by mutual agreement of
16 the parties involved if the request requires an extensive compilation effort. No discovery requests
17 shall be served after June 14, 2007.

18 IT IS FURTHER ORDERED that discovery requests, objections, and answers may be served
19 electronically.²

20 IT IS FURTHER ORDERED that, in the alternative to filing a written motion to compel
21 discovery, any party seeking resolution of a discovery dispute may telephonically contact the
22 Commission's Hearing Division to request a date for a procedural hearing to resolve the discovery
23 dispute; that upon such a request, a procedural hearing will be convened as soon as practicable; and
24 that the party making such a request shall forthwith contact all other parties to advise them of the
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27 ¹ "Days" means calendar days. The date of receipt of discovery requests is not counted as a day, and requests
received after 4:00 p.m. MST will be considered as received the next business day.

28 ² If requested by the receiving party, and the sending party has the technical capability, service electronically is
mandatory.

1 hearing date and shall at the hearing provide a statement confirming that the other parties were
2 contacted.³

3 IT IS FURTHER ORDERED that any motions which are filed in this matter and which are
4 not ruled upon by the Commission within 20 days of the filing date of the motion shall be deemed
5 denied.

6 IT IS FURTHER ORDERED that any responses to motions shall be filed within five days of
7 the filing date of the motion.

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

10 IT IS FURTHER ORDERED that the Company shall provide public notice of the hearing in
11 this matter, in the following form and style, with the heading in no less than 24 point bold type and
12 the body in no less than 10 point regular type:

13
14 **PUBLIC NOTICE OF HEARING ON THE APPLICATION OF SEMPRA ENERGY**
15 **SOLUTIONS FOR A CERTIFICATE OF CONVENIENCE AND NECESSITY FOR**
16 **COMPETITIVE RETAIL ELECTRIC SERVICE**
DOCKET NUMBER E-03964A-06-0168

17 On March 16, 2006, Sempra Energy Solutions ("Company") filed with the Arizona
18 Corporation Commission an application for a Certificate of Convenience and
19 Necessity to provide competitive retail electric service in Arizona in the service
20 territories of Arizona Public Service Company, Salt River Project, and Tucson Electric
21 Power Company. The Company is an affiliate of San Diego Gas and Electric,
22 Southern California Gas, Sempra Energy Trading, Inc. and Sempra Generation. The
23 Commission's Utilities Division Staff has not yet made a recommendation regarding
24 the application the Company's proposed Competitive Electricity Tariff, and the
25 Commission will determine the appropriate relief to be granted based on the evidence
26 of record in this proceeding. The Commission is not bound by the proposals made by
27 the Company, Staff, or any intervenors. Copies of the application and the Company's
28 proposed Competitive Electricity Tariff are available at the Company's offices [insert
address] and the Commission's offices at 1200 West Washington, Phoenix, Arizona,
for public inspection during regular business hours and on the internet via the
Commission website (www.azcc.gov) using the e-docket function.

³ The parties are encouraged to attempt to settle discovery disputes through informal, good-faith negotiations before seeking Commission resolution of the controversy.

1 The Commission will hold a hearing on this matter beginning **June 28, 2007 at 10:00**
 2 **a.m.** at the Commission's offices, 1200 West Washington, Phoenix, Arizona. Public
 3 comments will be taken on the first day of the hearing. Written public comments may
 4 be submitted via email (visit <http://www.azcc.gov/utility/cons/index.htm> for
 5 instructions), or by mailing a letter referencing Docket Number E-04204A-06-0783 to:
 6 Arizona Corporation Commission, Consumer Services Section, 1200 West
 7 Washington, Phoenix, AZ 85007.

8 The law provides for an open public hearing at which, under appropriate circumstances,
 9 interested parties may intervene. Any person or entity entitled by law to intervene and
 10 having a direct and substantial interest in the matter will be permitted to intervene. If you
 11 would like to intervene, you must file a written motion to intervene with the Commission,
 12 and you must send copies of the motion to the Company or its counsel, and to all parties
 13 of record in the case. Your motion to intervene must contain the following:

- 14 1. Your name, address, and telephone number, and the name, address, and
 15 telephone number of any party upon whom documents are to be served in
 16 your place, if desired.
- 17 2. A short statement of your interest in the proceeding (e.g., a customer of
 18 the Company, a shareholder of the Company, a competitor of the
 19 Company, etc.).
- 20 3. A statement certifying that a copy of your motion to intervene has been
 21 mailed to the Company or its counsel and to all parties of record in the
 22 case.

23 The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except
 24 that all motions to intervene must be filed on or before **May 7, 2007**. The granting of
 25 intervention, among other things, entitles a party to present sworn evidence at hearing
 26 and to cross-examine other witnesses. However, failure to intervene will not preclude
 27 any customer from appearing at the hearing and making a statement on such
 28 customer's own behalf.

If you have any questions about this application, you may contact the Company at [**insert
 telephone number**]. If you wish to file written comments on the application or want
 further information on intervention you may contact the Consumer Services Section of
 the Commission at 1200 W. Washington St., Phoenix, AZ 85007, or call 1-800-222-
 7000.

The Commission does not discriminate on the basis of disability in admission to its
 public meetings. Persons with a disability may request a reasonable accommodation
 such as a sign language interpreter, as well as request this document in an alternative
 format, by contacting the ADA Coordinator Linda Hogan, E-mail Lhogan@azcc.gov,
 voice phone number 602/542-3931. Requests should be made as early as possible to
 allow time to arrange the accommodation.

IT IS FURTHER ORDERED that Sempra Energy Solutions shall cause the above notice to be
 published at least twice in a newspaper of general circulation in all its proposed service territories,
 with publication to be completed no later than **April 23, 2007**.

1 IT IS FURTHER ORDERED that Sempra Energy Solutions shall file certification of
2 mailing/publication as soon as practicable after the mailing/publication has been completed.

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

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

7 IT IS FURTHER ORDERED that the time periods specified herein shall not be extended
8 pursuant to Rule 6(a) or (e) of the Rules of Civil Procedure.

9 IT IS FURTHER ORDERED that all parties must comply with Rule 33(c) and 38(a) of the
10 Rules of the Arizona Supreme Court with respect to practice of law and admission *pro hac vice*.

11 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance
12 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the
13 Rules of Arizona Supreme Court). Representation before the Commission includes the obligation to
14 appear at all hearings and procedural conferences, as well as all Open Meetings for which the matter
15 is scheduled for discussion, unless counsel has previously been granted permission to withdraw by
16 the Administrative Law Judge or the Commission.

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 13th day of April, 2007

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TEENA WOLFE
ADMINISTRATIVE LAW JUDGE

Copies of the foregoing mailed/delivered
this 13th day of April, 2007 to:

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27 By: 
28 Debbi Person
Secretary to Teena Wolfe