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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

2003 JUN 18 A 8:46

MARC SPITZER, Chairman  
JIM IRVIN  
WILLIAM A. MUNDELL  
JEFF HATCH-MILLER  
MIKE GLEASON

DOCKETED

JUN 18 2003

ARIZONA CORPORATION COMMISSION  
DOCUMENT CONTROL

DOCKETED BY *MA*

IN THE MATTER OF THE GENERIC  
PROCEEDING CONCERNING ELECTRIC  
RESTRUCTURING ISSUES.

DOCKET NO. E-00000A-02-0051

IN THE MATTER OF ARIZONA PUBLIC  
SERVICE COMPANY'S REQUEST FOR A  
VARIANCE OF CERTAIN REQUIREMENTS OF  
A.A.C. R14-2-1606.

DOCKET NO. E-01345A-01-0822

IN THE MATTER OF THE GENERIC  
PROCEEDING CONCERNING THE ARIZONA  
INDEPENDENT SCHEDULING  
ADMINISTRATOR.

DOCKET NO. E-00000A-01-0630

IN THE MATTER OF TUCSON ELECTRIC  
POWER COMPANY'S APPLICATION FOR A  
VARIANCE OF CERTAIN ELECTRIC  
COMPETITION RULES COMPLIANCE DATES.

DOCKET NO. E-01933A-02-0069

IN THE MATTER OF THE APPLICATION OF  
TUCSON ELECTRIC POWER COMPANY FOR  
APPROVAL OF ITS STRANDED COST  
RECOVERY.

DOCKET NO. E-01933A-98-0471

**AISA HEARING  
PROCEDURAL ORDER**

**BY THE COMMISSION:**

On March 14, 2003, the Commission issued Decision No. 65743 in these consolidated dockets. Decision No. 65743 directed the Commission's Utilities Division Staff ("Staff") to file an update to its November 2001 Staff Report in the Arizona Independent Scheduling Administrator ("AISA") Docket No. E-00000A-01-0630, and directed the Commission's Hearing Division to notice a proceeding in compliance with A.R.S. § 40-252 with notice and an opportunity to be heard to the affected parties concerning the continuation of the AISA.

Staff filed a Staff Report in the AISA docket on May 30, 2003 that included four options for

1 Commission consideration regarding the AISA, and a recommendation that consideration of the  
2 AISA be combined with a rulemaking to review the Commission's Retail Electric Competition Rules.

3 Pursuant to Decision No. 65743, the Commission now issues this Procedural Order to govern  
4 the preparation and conduct of this proceeding.

5 IT IS THEREFORE ORDERED that the parties are hereby put on notice that the Commission  
6 may, pursuant to A.R.S. § 40-252, after hearing, enter such orders as may be appropriate relating to  
7 electric restructuring. Such orders may include variances from Commission rules or prior  
8 Commission Decisions, and/or modifications to prior Commission Decisions pursuant to A.R.S. § 40-  
9 252.

10 IT IS FURTHER ORDERED that the hearing in the above-captioned matter shall commence  
11 on **September 11, 2003 at 10:00 a.m.**, or as soon thereafter as is practical, at the Commission's  
12 offices, 1200 West Washington, Phoenix, Arizona 85007.

13 IT IS FURTHER ORDERED that a pre-hearing conference shall be held on **September 5,**  
14 **2003, at 1:30 p.m.** at the Commission's Phoenix offices, for the purpose of scheduling witnesses and  
15 the conduct of the hearing.

16 IT IS FURTHER ORDERED that direct testimony and associated exhibits to be presented at  
17 hearing on behalf of parties other than Staff shall be reduced to writing and filed on or before **July**  
18 **28, 2003.** The direct testimony shall address, in addition to those issues raised in the May 30, 2003  
19 Staff Report, all other issues associated with the continuation of the AISA that a party wishes to raise  
20 in this proceeding.

21 IT IS FURTHER ORDERED that rebuttal testimony and associated exhibits to be presented  
22 at hearing by any party, including Staff, shall be reduced to writing and filed on or before **August 29,**  
23 **2003.**

24 IT IS FURTHER ORDERED that any objections to any testimony or exhibits which have  
25 been prefiled as of August 29, 2003, shall be made before or at the September 5, 2003 pre-hearing  
26 conference.  
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28

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

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

6 IT IS FURTHER ORDERED that the parties shall prepare a brief, written summary of the  
7 pre-filed testimony of each of their witnesses and shall file each summary by 1:30 p.m. on  
8 **September 9, 2003.**

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

11 IT IS FURTHER ORDERED that intervention shall be in accordance with A.A.C. R14-3-105,  
12 except that all motions to intervene must be filed on or before **July 21, 2003.** Parties who have  
13 previously requested and been granted intervention in any of these consolidated proceedings need not  
14 request intervention, as they are already parties to this proceeding.

15 IT IS FURTHER ORDERED that discovery shall be as permitted by law and the rules and  
16 regulations of the Commission, except that: until August 15, 2003, any objection to discovery  
17 requests shall be made within 7 days<sup>1</sup> of receipt and responses to discovery requests shall be made  
18 within 10 days of receipt; thereafter, objections to discovery requests shall be made within 5 days and  
19 responses shall be made in 7 days;<sup>1</sup> the response time may be extended by mutual agreement of the  
20 parties involved if the request requires an extensive compilation effort; and no discovery requests  
21 shall be served after September 3, 2003.

22 IT IS FURTHER ORDERED that, in the alternative to filing a written motion to compel  
23 discovery, any party seeking discovery may telephonically contact the Commission's Hearing  
24 Division to request a date for a procedural hearing to resolve the discovery dispute; that upon such a  
25 request, a procedural hearing will be convened as soon as practicable; and that the party making such  
26  
27

28 <sup>1</sup> "Days" means calendar days.

1 a request shall forthwith contact all other parties to advise them of the hearing date and shall at the  
2 hearing provide a statement confirming that the other parties were contacted.<sup>2</sup>

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

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

7 IT IS FURTHER ORDERED that public notice of the hearing in this matter shall be provided  
8 in the following form and style:

9 **PUBLIC NOTICE OF HEARING PURSUANT TO A.R.S. § 40-252**  
10 **CONCERNING THE CONTINUATION OF**  
11 **THE ARIZONA INDEPENDENT SYSTEM ADMINISTRATOR (AISA)**  
**Docket No. E-00000A-02-0051, E-00000A-01-0630 et al.**

12 The Arizona Corporation Commission, in Decision No. 65743 (March 14, 2003)  
13 directed that a proceeding be noticed and held in compliance with A.R.S. § 40-252 to  
14 allow notice and an opportunity to be heard to affected parties concerning the  
15 continuation of the AISA. The Commission may, pursuant to A.R.S. § 40-252, after  
16 hearing, enter such orders as may be appropriate relating to electric restructuring.  
Such orders may include variances from Commission rules or prior Commission  
Decisions, and/or modifications to prior Commission Decisions pursuant to A.R.S. §  
40-252. Copies of the report of the Commission's Staff on this matter, as well as the  
pre-filed testimony of parties, will be available at the Commission's offices for public  
inspection during regular business hours.

17 The Commission will hold a public hearing on this matter beginning **September 11,**  
18 **2003 at 10:00 a.m.** at the Commission's offices, 1200 West Washington Street,  
Phoenix, Arizona. Public comments will be taken on the first day of the hearing.

19 The law provides for an open public hearing at which, under appropriate  
20 circumstances, interested parties may intervene. Intervention shall be permitted to any  
21 person entitled by law to intervene and having a direct and substantial interest in the  
22 matter. Persons desiring to intervene must file a written motion to intervene with the  
Commission no later than **July 21, 2003**. The motion to intervene must be sent to all  
parties of record, and shall contain the following:

- 23 1. The name, address, and telephone number of the proposed intervenor  
24 and of any party upon whom service of documents is to be made if  
different than the intervenor;
- 25 2. A short statement of the proposed intervenor's interest in the  
26 proceeding; and

27 \_\_\_\_\_  
28 <sup>2</sup> The parties are encouraged to attempt to settle discovery disputes through informal, good-faith negotiations  
before seeking Commission resolution of the controversy.

1 3. A statement certifying that a copy of the motion to intervene has been  
2 mailed to all parties of record in the proceeding.

3 The granting of intervention, among other things, entitles a party to present sworn  
4 evidence at the hearing and to cross-examine other witnesses. However, failure to  
5 intervene will not preclude any interested person or entity from appearing at the  
6 hearing and providing public comment or from filing written comments in the record  
7 of the case. You will not receive any further notice of this proceeding unless you  
8 request it.

9 If you have any questions about this application, or want further information on  
10 intervention, you may contact the Consumer Services Section of the Commission at  
11 1200 W. Washington Street, Phoenix, Arizona 85007 or call 1-800-222-7000.

12 The Commission does not discriminate on the basis of disability in admission to its  
13 public meetings. Persons with a disability may request a reasonable accommodation  
14 such as a sign language interpreter, as well as request this document in an alternative  
15 format, by contacting Shelly Hood, ADA Coordinator, voice phone number 602/542-  
16 3931, E-mail [shood@cc.state.az.us](mailto:shood@cc.state.az.us) Requests should be made as early as possible to  
17 allow time to arrange the accommodation.

18 IT IS FURTHER ORDERED that the Affected Utilities as defined in A.A.C. R14-2-1601(1)  
19 that own or operate Arizona transmission facilities shall jointly cause a copy of the above-ordered  
20 notice to be published in newspapers of statewide circulation no later than **July 7, 2003**, and shall file  
21 certification of publication as soon as practicable after publication has been completed.

22 IT IS FURTHER ORDERED that notice shall be deemed complete upon publication of same,  
23 notwithstanding the failure of an individual to read the notice.

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

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

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

24 ...  
25 ...  
26 ...  
27 ...  
28 ...

1 IT IS FURTHER ORDERED that any party who no longer wishes to receive copies of filings  
2 in these dockets shall file a request to be removed from the service list. Removal shall be effective  
3 upon the filing of the request.

4 DATED this 18<sup>th</sup> day of June, 2003.

5  
6  
7   
8 TEENA WOLFE  
ADMINISTRATIVE LAW JUDGE

9 Copies of the foregoing mailed/delivered  
10 this 18<sup>th</sup> day of June, 2003 to:

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