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Arizona Corporation Commission
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AZ CORP COMMISSION

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Commissioner
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5 **BEFORE THE ARIZONA CORPORATION COMMISSION**

6 IN THE MATTER OF COMPETITION IN
7 THE PROVISION OF ELECTRIC
8 SERVICES THROUGHOUT THE STATE
9 OF ARIZONA

DOCKET No. U-0000-94-165

**CONSUMERS' MOTION FOR AMENDED
PROCEDURAL ORDER**

10 ASARCO, Incorporated, Cyprus Climax Metals Corporation,
11 and ENRON Corp. (collectively referred to herein as the
12 "Consumers"), hereby move the Arizona Corporation Commission ("the
13 Commission") to amend the Procedural Order dated December 1, 1997,
14 as previously amended by the First Amended Procedural Order dated
15 December 11, 1997, the Second Amended Procedural Order dated
16 December 15, 1997, and the Third Amended Procedural Order dated
17 January 5, 1998 (collectively referred to herein as "the
18 Procedural Order"). It is respectfully requested that the
19 Commission amend the Procedural Order to require that all parties
20 file rebuttal testimony on the same date, February 2, 1998.

21 Pursuant to the Procedural Orders, the Commission has
22 set forth the following deadlines for the filing of direct and
23 rebuttal testimony:

24 DUE DATE	PARTY	DOCUMENT
25 Jan. 9, 1998	Affected Utilities	Direct Testimony
26		

1	Jan. 21, 1998	Other parties	Direct Testimony and
2			Rebuttal Testimony to that
3			already filed (consisting of
			that filed by the Affected
			Utilities)
4	Feb. 2, 1998	Other Parties	Rebuttal Testimony to "other
5			parties'" testimony
6	Feb. 2, 1998	Affected Utilities	Rebuttal Testimony

7 Under this scenario, the "other parties" are placed at
8 a disadvantage for two reasons. First, the other parties must
9 prepare simultaneously both their own direct testimony and their
10 rebuttal testimony to the Affected Utilities. This dual deadline
11 requires the other parties to split their limited time and
12 resources between preparing direct and rebuttal rather than
13 allowing them to focus all of their energies on preparing direct
14 testimony. In contrast, the Affected Utilities are able to focus
15 their energies, first to preparing direct testimony and then to
16 preparing rebuttal testimony.

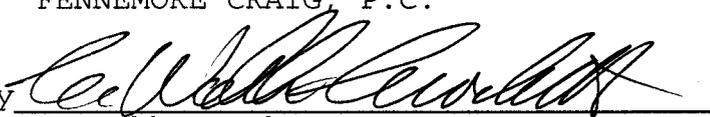
17 Second, and perhaps most importantly, the existing
18 schedule grants the Affected Utilities an unfair advantage on
19 rebuttal. Because the other parties are required to file their
20 rebuttal to the Affected Utilities' direct testimony on January
21 21, 1998, and the Affected Utilities do not file their rebuttal
22 until February 2, 1998, the Affected Utilities now have the
23 opportunity to file rebuttal testimony not only directed at
24 rebutting the other parties' direct testimony, but also at the
25 other parties' rebuttal testimony filed January 21st. In contrast,
26 the other parties will not be given the opportunity to comment on

1 the Affected Utilities' rebuttal testimony. Thus, the Affected
2 Utilities are, in effect, given two bites at the apple.

3 To remedy the procedural inequities created by the
4 existing schedule, it is respectfully requested that the
5 Procedural Order be amended to require that all parties file their
6 rebuttal testimony on February 2, 1998.

7 DATED this 12th day of January, 1998.

8 FENNEMORE CRAIG, P.C.

9
10 By 

C. Webb Crockett

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2 of the foregoing hand-delivered
3 this 12th of January, 1998, to:

3 Arizona Corporation Commission
4 Docket Control
5 1200 West Washington Street
6 Phoenix, Arizona 85007

6 COPY OF THE FOREGOING
7 hand-delivered this 12th
8 of January, 1998 to:

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9 Hearing Division
10 Arizona Corporation Commission
11 1200 West Washington
12 Phoenix, Arizona 85007

11 Utilities Director
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