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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

25HC

COMMISSIONERS

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JEFF HATCH-MILLER
KRISTIN K. MAYES
GARY PIERCE

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AZ CORP COMMISSION
DOCKET CONTROL

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

DOCKET NO. E-03964A-06-0168

**PROCEDURAL ORDER SETTING
SECOND AMENDED HEARING
SCHEDULE**

BY THE COMMISSION:

On March 16, 2006, Sempra Energy Solutions¹ ("Sempra" or "Company") filed with the Arizona Corporation Commission ("Commission") an application for a Certificate of Convenience and Necessity to provide competitive retail electric service.

Intervention was granted to Tucson Electric Power Company ("TEP") on April 12, 2006; to Arizona Public Service Company ("APS") on April 26, 2006; to Air Liquide Industrial U.S. LP ("Air Liquide") on June 15, 2006; to the Residential Utility Consumer Office ("RUCO") on April 13, 2007; and to the Salt River Project Agricultural and Improvement Project ("SRP") on May 11, 2007.

By Procedural Order issued April 13, 2007, and as modified by the Procedural Order issued April 30, 2007, a hearing was set for July 21, 2007, and associated procedural deadlines were set. A deadline of May 11, 2007, was set for publication of notice of the application and hearing, and the deadline for intervention was set for May 29, 2007.

By Procedural Order issued June 8, 2007, the deadline for the filing of testimony in this matter by the Commission's Utilities Division Staff ("Staff") was extended to June 19, 2007, and the deadline for the filing of direct testimony by intervenors was extended to July 3, 2007.

On June 19, 2007, Staff filed its direct testimony.

On July 3, 2007, intervenors Air Liquide and RUCO filed their direct testimony.

¹ In its filing of July 5, 2007, Sempra Energy Solutions LLC states that it will be making a filing requesting that its name be substituted for Sempra Energy Solutions.

1 On July 5, 2007, Sempra filed a Request for Revised Publication of Notice of Hearing Date,
2 and if Necessary, Revised Hearing Date ("Request").

3 Also on July 5, 2007, Sempra filed an Amended Application. The Amended Application
4 includes Sempra's notification of the Company's change in name from Sempra Energy Solutions to
5 Sempra Energy Solutions LLC. The Amended Application also includes proposed alternative tariffs,
6 in response to concerns raised by Staff's witness in pre-filed direct testimony.

7 In its July 5, 2007 Request, Sempra states that through inadvertence, notice of the application
8 and hearing has not been published as required by the April 30, 2007 Procedural Order. Sempra
9 requests that a Procedural Order be issued setting a revised date by which notice of the hearing must
10 be published. Sempra states that it can accomplish the required publications during the week of July
11 9, 2007, and expressed a hope that a change in the currently scheduled hearing date will not be
12 necessary.

13 Sempra's request for the issuance of a Procedural Order setting a revised date by which notice
14 of the hearing must be published is reasonable and will be granted. This change in the procedural
15 schedule requires changes in other procedural deadlines, including the hearing date. The currently
16 scheduled deadline for intervenors to file direct testimony has already passed. It is therefore
17 necessary to revise the current procedural schedule to allow adequate time for intervention following
18 publication of notice, to allow adequate time for any new intervenors to prepare and file testimony,
19 and to allow all parties to file rebuttal testimony in response.

20 IT IS THEREFORE ORDERED that the **hearing** in the above-captioned matter previously
21 set to commence on July 31, 2007, at 10:00 a.m., is hereby **continued to October 2, 2007 at 10:00**
22 **a.m.**, or as soon thereafter as is practical, at the Commission's offices, 1200 West Washington Street,
23 Arizona 85007.

24 IT IS FURTHER ORDERED that the **pre-hearing conference** previously set to be held on
25 July 26, 2007, at 2:00 p.m., is hereby **continued to September 28, 2007 at 2:00 p.m.**, at the
26 Commission's Phoenix offices, for the purpose of scheduling witnesses and the conduct of the
27 hearing.
28

1 IT IS FURTHER ORDERED that direct testimony and associated exhibits to be presented at
2 hearing on behalf of intervenors who have not previously filed direct testimony² shall be reduced to
3 writing and filed on or before **August 31, 2007**.

4 IT IS FURTHER ORDERED that rebuttal testimony and associated exhibits to be presented
5 at hearing by **all parties** in response to testimony filed as of August 31, 2007, shall be reduced to
6 writing and filed on or before **September 26, 2007**.

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

9 IT IS FURTHER ORDERED that any objections to any testimony or exhibits which have
10 been pre-filed as of September 26, 2007, shall be made before or at the **September 28, 2007** pre-
11 hearing conference.

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

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

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

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

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

24
25
26 _____
27 ² This new deadline does not generally apply to those parties who were already granted intervention, and therefore had
28 notice of the prior July 3, 2007 deadline for filing their direct testimony. However, if an intervenor wishes to respond to
an issue raised by the July 5, 2007 amended application, the intervenor may file direct testimony relating to that specific
issue by the new deadline for intervenor direct testimony. All parties will have the opportunity to file rebuttal testimony
by the new deadline, on all issues raised by direct testimony.

1 IT IS FURTHER ORDERED that discovery shall be as permitted by law and the rules and
2 regulations of the Commission, except that until August 20, 2007, any objection to discovery requests
3 shall be made within 7 days³ of receipt and responses to discovery requests shall be made within 10
4 days of receipt; thereafter objections to discovery requests shall be made within 5 days and responses
5 shall be made within 7 days of receipt. The response time may be extended by mutual agreement of
6 the parties involved if the request requires an extensive compilation effort. No discovery requests
7 shall be served after September 21, 2007.

8 IT IS FURTHER ORDERED that discovery requests, objections, and answers may be served
9 electronically.⁴

10 IT IS FURTHER ORDERED that, in the alternative to filing a written motion to compel
11 discovery, any party seeking resolution of a discovery dispute may telephonically contact the
12 Commission's Hearing Division to request a date for a procedural hearing to resolve the discovery
13 dispute; that upon such a request, a procedural hearing will be convened as soon as practicable; and
14 that the party making such a request shall forthwith contact all other parties to advise them of the
15 hearing date and shall at the hearing provide a statement confirming that the other parties were
16 contacted.⁵

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

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

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

24 IT IS FURTHER ORDERED that the Company shall provide public notice of the hearing in
25

26 ³ "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.

27 ⁴ If requested by the receiving party, and the sending party has the technical capability, service electronically is
mandatory.

28 ⁵ The parties are encouraged to attempt to settle discovery disputes through informal, good-faith negotiations
before seeking Commission resolution of the controversy.

1 this matter, in the following form and style, with the heading in no less than 24 point bold type and
2 the body in no less than 10 point regular type:

3 **PUBLIC NOTICE OF HEARING ON THE APPLICATION OF SEMPRA ENERGY**
4 **SOLUTIONS LLC FOR A CERTIFICATE OF CONVENIENCE AND NECESSITY FOR**
5 **COMPETITIVE RETAIL ELECTRIC SERVICE**
6 **DOCKET NUMBER E-03964A-06-0168**

7 On March 16, 2006, Sempra Energy Solutions LLC ("Company") filed with the
8 Arizona Corporation Commission ("Commission") an application for a Certificate of
9 Convenience and Necessity to provide competitive retail electric service in Arizona in
10 the service territories of Arizona Public Service Company, Salt River Project, and
11 Tucson Electric Power Company. The Company is an affiliate of San Diego Gas and
12 Electric, Southern California Gas, Sempra Energy Trading, Inc. and Sempra
13 Generation. The Commission will determine the appropriate relief to be granted based
14 on the evidence of record in this proceeding. The Commission is not bound by the
15 proposals made by the Company, Staff, or any intervenors. Copies of the application,
16 the Company's proposed Competitive Electricity Tariff, and the initial
17 recommendations of the Commission's Utilities Division Staff, the Residential Utility
18 Consumer Office, and Air Liquide Industrial U.S. LP are available at the Company's
19 offices [insert address] and the Commission's offices at 1200 West Washington,
20 Phoenix, Arizona, for public inspection during regular business hours and on the
21 internet via the Commission website (www.azcc.gov) using the e-docket function.

22 The Commission will hold a hearing on this matter beginning **October 2, 2007**
23 **at 10:00 a.m.** at the Commission's offices, 1200 West Washington, Phoenix,
24 Arizona. Public comments will be taken on the first day of the hearing. Written
25 public comments may be submitted via email, or by mailing a letter referencing
26 Docket Number E-03964A-06-0168 to: Arizona Corporation Commission,
27 Consumer Services Section, 1200 West Washington, Phoenix, AZ 85007 (visit
28 http://www.azcc.gov/divisions/util/forms/public_comment.pdf for a form
and instructions). If you require assistance, you may contact the Consumer
Services Section of the Commission at 1-800-222-7000.

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

1. Your name, address, and telephone number, and the name, address, and telephone number of any party upon whom documents are to be served in your place, if desired.
2. A short statement of your interest in the proceeding (e.g., a customer of the Company, a shareholder of the Company, a competitor of the Company, etc.).
3. A statement certifying that a copy of your motion to intervene has been

1 mailed to the Company or its counsel and to all parties of record in the
2 case.

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

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

15 IT IS FURTHER ORDERED that Sempra Energy Solutions LLC shall cause the above notice
16 to be published at least twice in a newspaper of general circulation in all its proposed service
17 territories, with publication to be completed no later than **July 20, 2007.**

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

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

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

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

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

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

...

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

3
4 Dated this 5th day of July, 2007

5
6 
7 TEENA WOLFE
ADMINISTRATIVE LAW JUDGE

8 Copies of the foregoing mailed/delivered
this 5th day of July, 2007 to:

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Secretary to Teena Wolfe
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