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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

COMMISSIONERS

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2007 SEP 14 P 3: 35

SEP 14 2007

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

AZ CORP COMMISSION  
DOCKET CONTROL

DOCKETED BY [Signature]

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

BY THE COMMISSION:

On March 16, 2006, Sempra Energy Solutions LLC ("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.

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

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

5 On July 5, 2007, a Procedural Order was issued setting an amended procedural schedule. The  
6 amended procedural schedule includes, among other deadlines, a due date of September 26, 2007, for  
7 the filing of rebuttal testimony by all parties.

8 On July 20, 2007, New West Energy ("New West") filed a Motion to Intervene, which was  
9 granted by Procedural Order issued July 31, 2007.

10 On August 2, 2007, the Arizona Investment Council filed a Motion to Intervene, which was  
11 granted by Procedural Order issued August 15, 2007.

12 On August 8, 2007, Sempra filed a copy of the public notice publications required by the July  
13 5, 2007, Procedural Order.

14 On August 29, 2007, SRP filed a Notice of Withdrawal of Intervention.

15 On August 31, 2007, New West docketed the direct testimony of its witness.

16 On September 6, 2007, Staff filed a Motion to Continue, in which Staff requested a  
17 continuance of approximately ninety days for the hearing in this matter, and suggested a new hearing  
18 date of January 16, 2008, along with associated changes in remaining procedural deadlines. Staff  
19 stated that its witness in this matter recently resigned from his position at the Commission, and for  
20 personal reasons, will not be available to testify in the hearing on the application. Staff stated that  
21 under these circumstances, it would be extremely difficult in this case for a replacement witness to  
22 meet the current deadline of drafting rebuttal testimony by September 26, 2007, and to adequately  
23 prepare for the current hearing date of October 2, 2007.

24 On September 11, 2007, New West filed its Response to Staff's Motion to Continue, stating  
25 that it has no objection.

26 A Telephonic Procedural Conference was held on September 13, 2007. Representatives for  
27 Sempra, TEP, APS, Air Liquide, New West, RUCO, and Staff attended, and discussed Staff's Motion  
28 to Continue.

1 IT IS THEREFORE ORDERED that the **hearing** in the above-captioned matter previously  
2 set to commence on July 31, 2007, at 10:00 a.m., and all remaining **procedural deadlines are**  
3 **hereby continued pending the issuance of a subsequent Procedural Order.**

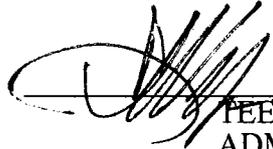
4 IT IS FURTHER ORDERED that the parties shall meet and confer and attempt to come to  
5 agreement on a proposed procedural schedule for the hearing date and associated procedural  
6 deadlines.

7 IT IS FURTHER ORDERED that the parties shall file, either jointly or individually, by  
8 September 21, 2007, a proposed procedural schedule for the hearing date and associated procedural  
9 deadlines.

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

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

14 Dated this 14<sup>th</sup> day of September, 2007

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18 FEENA WOLFE  
ADMINISTRATIVE LAW JUDGE

19 Copies of the foregoing mailed/delivered  
20 this 14<sup>th</sup> day of September, 2007 to:

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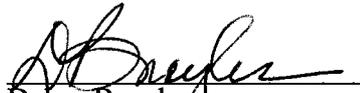
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11 Secretary to Teena Wolfe

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