

ORIGINAL



0000077413

BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

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

2007 OCT -4 A 8: 14

AZ CORP COMMISSION
DOCKET CONTROL

Arizona Corporation Commission
DOCKETED

OCT 04 2007

DOCKETED BY
KK NR

IN THE MATTER OF THE CONSIDERATION,
PURSUANT TO A.R.S. § 40-252, TO MODIFY
DECISION NO. 67744 RELATING TO THE SELF-
BUILD OPTION.

DOCKET NO. E-01345A-07-0420

PROCEDURAL ORDER

BY THE COMMISSION:

On June 28, 2007, the Arizona Corporation Commission ("Commission") issued Decision No. 69663¹ which ordered the Hearing Division to conduct a proceeding pursuant to A.R.S. § 40-252 to consider modifying Decision No. 67744 (April 7, 2005) relating to the self-build option.

On September 10, 2007, Arizona Public Service Company ("APS") filed a Request for Procedural Order ("Request"). The Request set forth a proposed procedural schedule that the Commission Staff and other parties generally agreed upon.²

On September 10, 2007, Mesquite Power, L.L.C., Southwestern Power Group II, L.L.C. and Bowie Power Station, L.L.C. (collectively, "Mesquite/SWPG/Bowie") filed Comments on Proposed Procedural Schedule indicating that they would not object to a proposal with dates in the early months of 2008.³

On September 12, 2007, Mesquite/SWPC/Bowie, SWEEP, Gila River, Phelps Dodge, AECC, RUCO, WRA, Kenneth R. Saline, Wickenburg, NEC, MEC, EGA, TEP, UNS, Greg Patterson and DEAA were granted intervention.

On September 25, 2007, the Arizona Investment Council ("AIC") filed a Motion to Intervene ("Motion"), stating that it had been unaware of the July 13, 2007 Procedural Order. The Motion stated that the proposed procedural schedule was acceptable to AIC and that no party would be

¹ Decision in Arizona Public Service Company's rate case, Docket No. E-01345A-05-0816 et al.
² According to APS' filing, it appeared Tucson Electric Power may not agree with the proposed schedule.
³ The Comments also included a procedural schedule with earlier dates.

1 prejudiced by AIC's intervention. Accordingly, for good cause shown, AIC should be granted
2 intervention.

3 No party filed an objection to the proposed procedural schedule filed by APS, and
4 accordingly, it should be adopted with the exception of the proposed hearing date which potentially
5 interferes with the Commission's Open Meeting schedule.

6 IT IS THEREFORE ORDERED that direct testimony by all parties shall be filed on or before
7 **12:00 o'clock noon on January 11, 2008.**

8 IT IS FURTHER ORDERED that rebuttal testimony shall be filed on or before **4:00 p.m. on**
9 **February 4, 2008.**

10 IT IS FURTHER ORDERED that the hearing shall commence on **February 20, 2008, at**
11 **10:00 a.m.**, or as soon thereafter as is practicable, at the Commission's offices, 1200 West
12 Washington Street, Phoenix, Arizona.

13 IT IS FURTHER ORDERED that the Arizona Investment Council is hereby granted
14 intervention.

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

17 IT IS FURTHER ORDERED that all parties must comply with Rules 31 and 38 of the Rules
18 of the Arizona Supreme Court and with A.R.S. § 40-243, with respect to practice of law and
19 admission *pro hac vice*.

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

26 ...

27 ...

28

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 DATED this 4th day of October, 2007.

4
5
6 
7 LYN FARMER
CHIEF ADMINISTRATIVE LAW JUDGE

8 Copies of the foregoing mailed/delivered
9 This 4th day of October, 2007 to:

10 DEBORAH R. SCOTT
11 THOMAS L. MUMAW
12 PATRICK DINKEL
13 BARBARA KLEMSTINE
14 PINNACLE WEST CAPITAL CORPORATION
15 P.O. BOX 53999, MS 8695
16 PHOENIX AZ 85072-3999

17 LAWRENCE V. ROBERTSON, JR
18 ATTORNEY AT LAW
19 P O BOX 1488
20 TUBAC AZ 85646
21 ATTORNEYS FOR MESQUITE/SWPG/BOWIE

22 TIMOTHY M. HOGAN
23 AZ CENTER FOR LAW IN PUBLIC INTEREST
24 202 E MCDOWELL RD, SUITE 153
25 PHOENIX AZ 85004
26 ATTORNEYS FOR SWEEP AND
27 WESTERN RESOURCE ADVOCATES

28 JEFF SCHLEGEL
SWEEP ARIZONA REPRESENTATIVE
1167 W SAMALAYUCA DR
TUCSON AZ 85704-3224

DAVID BERRY
WESTERN RESOURCE ADVOCATES
P O BOX 1064
SCOTTSDALE AZ 85251-1064

STEVEN MICHEL
WESTERN RESOURCE ADVOCATES
2260 BASELINE RD., SUITE 200
BOULDER CO 80302

PATRICK J. BLACK
FENNEMORE CRAIG
3003 N CENTRAL AVE, SUITE 2600
PHOENIX AZ 85012
ATTORNEYS FOR GILA RIVER POWER, LP

C. WEBB CROCKETT
FENNEMORE CRAIG
3003 N CENTRAL AVE, SUITE 2600
PHOENIX AZ 85012
ATTORNEYS FOR PHELPS DODGE MINING CO.
AND AECC

SCOTT WAKEFIELD
RUCO
1110 W WASHINGTON, SUITE 220
PHOENIX AZ 85007

KENNETH R. SALINE
K R SALINE & ASSOCIATES, PLC
160 N PASADENA, SUITE 101
MESA AZ 85201-6764

MICHAEL A CURTIZ
WILLIAM P SULLIVAN
LARRY K UDALL
CURTIS GOODWIN SULLIVAN
UDALL & SCHWAB, P.L.C.
501 E THOMAS RD
PHOENIX AZ 85012-3205
ATTORNEYS FOR TOWN OF WICKENBURG,
NAVOPACHE ELECTRIC COOPERATIVE; AND
MOHAVE ELECTRIC COOPERATIVE

1 JAY I MOYES
2 MOYES STOREY LTD
3 1850 N CENTRAL AVE, SUITE 1100
4 PHOENIX AZ 85004
5 ATTORNEYS FOR ELECTRIC GENERATION
6 ALLIANCE

4 JOSEPH M PAL
5 SYNEGY
6 4140 DUBLIN BLVD, SUITE 100
7 DUBLIN CA 94568

7 MICHELLE LIVENGOOD
8 TUCSON ELECTRIC POWER CO
9 ONE SOUTH CHURCH AVE, SUITE 200
10 TUCSON AZ 85701

9 MICHAEL W PATTEN
10 J. MATTHEW DERSTINE
11 ROSKHA, DEWULF & PATTEN PLC
12 400 E VAN BUREN, SUITE 800
13 PHOENIX AZ 85004
14 ATTORNEYS FOR TEP AND UNS

13 GREG PATTERSON
14 13358 E DEL TIMBRE
15 SCOTTSDALE AZ 85259

15 DANIEL A MUSGROVE
16 DEAA
17 C/O UNIVERSAL ENTECH LLC
18 3330 W BROADWAY RD
19 PHOENIX AZ 85041-1808

18 DOUGLAS V FANT
19 LAW OFFICES OF DOUGLAS V FANT
20 3655 W ANTHEM WAY, SUITE A-109, PMB 411
21 ANTHEM AZ 85068

20 GARY YAQUINTO
21 ARIZONA UTILITY INVESTORS ASSOCIATION
22 2100 N. CENTRAL AVENUE, STE. 210
23 PHOENIX, AZ 85004

23 MICHAEL GRANT
24 GALLAGHER & KENNEDY
25 2575 E CAMELBACK RD.
26 PHOENIX AZ 85016

25 CHRISTOPHER KEMPLEY, CHIEF COUNSEL
26 LEGAL DIVISION
27 ARIZONA CORPORATION COMMISSION
28 1200 WEST WASHINGTON STREET
PHOENIX, AZ 85007

ERNEST G. JOHNSON, DIRECTOR
UTILITIES DIVISION
ARIZONA CORPORATION COMMISSION
1200 WEST WASHINGTON
PHOENIX, AZ 85007

ARIZONA REPORTING SERVICE INC
2200 N CENTRAL AVE, SUITE 502
PHOENIX AZ 85004-1481

By: 
Debbi Person
Secretary to Lyn Farmer