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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

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COMMISSIONERS

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

AZ CORP COMMISSION
DOCKET CONTROL

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MM

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") 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; to the Salt River Project Agricultural and Improvement Project ("SRP") on May 11, 2007;¹ to New West Energy ("New West") on July 31, 2007; and to the Arizona Investment Council ("AIC") on August 15, 2007.

A hearing is currently set to commence on the application on February 19, 2008. Prefiled testimony has been filed.

On December 3, 2007, Sempra filed a Motion to Strike Testimony, and various pleadings were filed in response.

On December 20, 2007, a Procedural Order was issued denying the Motion to Strike Testimony.

On January 17, 2008, Air Liquide and RUCO filed Rebuttal Testimony of their witnesses.

¹ On August 29, 2007, SRP filed a Notice of Withdrawal of Intervention. By Procedural Order issued September 28, 2007, SRP was granted leave to withdraw its intervention.

1 Also on January 17, 2008, the Commission's Utilities Division Staff ("Staff") filed Direct
2 Testimony of its witnesses.

3 On February 1, 2008, New West filed a Motion to Dismiss.

4 On February 6, 2008, AIC filed its Joinder in the Motion to Dismiss.

5 Also on February 6, 2008, RUCO filed a Response stating support of the Motion to Dismiss.

6 Also on February 6, 2008, Air Liquide filed a Response stating its opposition to the Motion to
7 Dismiss.

8 On February 7, 2008, RUCO filed Surrebuttal Testimony of its witness.

9 Also on February 7, 2008, Air Liquide filed Rebuttal Testimony of its witness.

10 Also on February 7, 2008, New West filed its Joinder in AIC's request regarding scheduling
11 of oral argument.

12 Also on February 7, 2008, Air Liquide filed its Objection to AIC's Joinder in the Motion to
13 Dismiss and to AIC's request regarding scheduling of oral argument.

14 Also on February 7, 2008, Staff filed a Response supporting the Motion to Dismiss.

15 On February 8, 2008, Sempra filed additional Rebuttal Testimony of its witnesses.

16 Also on February 8, 2008, Sempra filed its Response opposing the Motion to Dismiss.

17 Also on February 8, 2008, Sempra filed its Response to AIC's Joinder in the Motion to
18 Dismiss.

19 On February 11, 2008, New West filed its Reply in Support of its Motion to Dismiss.

20 Also on February 11, 2008, AIC filed its Reply in Support of its Joinder in the Motion to
21 Dismiss.

22 Also on February 11, 2008, Sempra filed its Response to RUCO's Response to the Motion to
23 Dismiss.

24 On February 11, 2008, the parties appeared through counsel for the scheduled Pre-Hearing
25 Conference in this proceeding. At that time, the parties were provided an opportunity to discuss
26 procedural issues raised by the Motion to Dismiss and the related Responses and Replies filed in the
27 docket.

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1 Under the circumstances of this case, it is reasonable to schedule oral argument on the Motion
2 to Dismiss and all related Responsive and Reply filings, to be held on the date currently scheduled for
3 commencement of the evidentiary hearing in this proceeding. It is also reasonable to provide an
4 opportunity for public comment on that date prior to the taking of oral argument.

5 It is reasonable to suspend the evidentiary hearing schedule pending the Commission's
6 determination on the Motion to Dismiss.

7 IT IS THEREFORE ORDERED that **oral argument** shall be heard on the Motion to Dismiss
8 and all related Responsive and Reply filings, on **February 19, 2008, commencing at 10:00 a.m.**, or
9 as soon thereafter as practical, at the Commission's offices, 1200 West Washington Street, Hearing
10 Room 1, Phoenix, Arizona 85007. Public comment will be taken prior to the taking of oral argument.

11 IT IS FURTHER ORDERED that the **evidentiary hearing schedule** in this matter is hereby
12 **suspended pending oral argument on the Motion to Dismiss.**

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

16 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized
17 Communications) continues to apply to this proceeding.

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

20 Dated this 12th day of February, 2008.

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23 
24 TEENA WOLFE
25 ADMINISTRATIVE LAW JUDGE
26
27
28

1 Copies of the foregoing mailed/delivered
this 12th day of February, 2008 to:

2 Gregg Bass
3 SEMPRA ENERGY SOLUTIONS
4 101 Ash Street, HQ09
San Diego, CA 92101-3017

Gary Yaquinto, President & CEO
ARIZONA INVESTMENT COUNCIL
2100 North Central Avenue, Suite 210
Phoenix, AZ 85004

5 Lawrence V. Robertson
6 P.O. Box 1448
Tubac, AZ 85646
Attorney for Sempra Energy Solutions LLC

Scott S. Wakefield
RESIDENTIAL UTILITY CONSUMER OFFICE
1110 West Washington Street, Suite 200
Phoenix, AZ 85007

7 Michael W. Patten
8 J. Matthew Derstine
9 ROSHKA, DEWULF & PATTEN
400 East Van Buren Street, Suite 800
Phoenix, AZ 85004
10 Attorneys for Tucson Electric Power Company

Kenneth C. Sundlof, Jr.
JENNINGS, STROUSS & SALMON
The Collier Center, 11th Floor
201 East Washington Street
Phoenix, AZ 85004-2385
Attorneys for New West Energy Corporation

11 Michelle Livengood
TUCSON ELECTRIC POWER COMPANY
12 One South Church Street, Suite 200
Tucson, AZ 85702

Christopher Kempley, Chief Counsel
Janet Wagner, Senior Staff Attorney
Legal Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, AZ 85007

13 Thomas L. Mumaw
14 Deborah R. Scott
PINNACLE WEST CAPITAL CORPORATION
15 400 North 5th Street
P.O. Box 53999, MS 8695
16 Phoenix, AZ 85072-3999

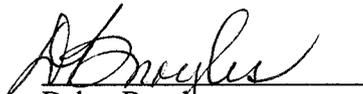
Ernest G. Johnson, Director
Utilities Division
ARIZONA CORPORATION COMMISSION
1200 West Washington
Phoenix, AZ 85007

17 Robert J. Metli
18 Kristoffer P. Kieffer
SNELL & WILMER, LLP
19 One Arizona Center
Phoenix, AZ 85004
Attorneys for Arizona Public Service Company

ARIZONA REPORTING SERVICE, INC.
2200 North Central Avenue, Suite 502
Phoenix, AZ 85004-1481

20 C. Webb Crockett
21 Patrick J. Black
FENNEMORE CRAIG, PC
22 3003 North Central Avenue, Suite 2600
Phoenix, AZ 85012
23 Attorneys for Air Liquide Industrial U.S. LP

24 Michael M. Grant
GALLAGHER & KENNEDY, PA
25 2575 East Camelback Road
Phoenix, AZ 85016-9225
26 Attorneys for Arizona Investment Council

By: 
Debra Broyles
Secretary to Teena Wolfe