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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

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

2008 FEB 25 A 10:38

AZ CORP COMMISSION
DOCKET CONTROL

RATTLESNAKE PASS, LLC,

Complainant,

Vs.

TUCSON ELECTRIC POWER COMPANY,

Respondent.

DOCKET NO. E-01933A-06-0398

Arizona Corporation Commission
DOCKETED

FEB 25 2008

DOCKETED BY
nr

PROCEDURAL ORDER

BY THE COMMISSION:

On June 14, 2006, Rattlesnake Pass, LLC ("Rattlesnake" or "Complainant") filed a formal complaint with the Arizona Corporation Commission ("Commission") against Tucson Electric Power Company ("TEP"). Rattlesnake alleged that TEP violated A.A.C. R14-2-208, Provision of Service, by not providing safe transmission and distribution of electricity to Rattlesnake's well site.

On July 11, 2006, TEP filed an Answer. TEP denied the allegations and stated it is providing service in accordance with its obligations.

By Procedural Orders dated July 17, 2006, and August 2, 2006, a Procedural Conference convened on August 7, 2006, for the purpose of setting the matter for hearing and determining if additional Commission mediation would be beneficial to its resolution.

By Procedural Order dated August 8, 2006, the matter was set for hearing and Commission Utilities Division Staff ("Staff") was directed to contact the parties to arrange a mutually convenient time when a Staff electrical engineer, acting as an independent party, could participate in a joint inspection of the facilities in an attempt to locate and correct the source of the alleged problem.

By Procedural Order dated September 8, 2006, the hearing was continued indefinitely pending the joint inspection with the Commission engineer. The September 8, 2006, Procedural

1 Order provided that following the inspection and filing of the Staff Report, the parties shall either file
2 a Joint Stipulation to Dismiss the Formal Complaint or an alternative recommendation, or in the
3 event a dispute remains, shall file a request to reset the matter for hearing, including dates when the
4 parties would be available.

5 On August 9, 2007, Staff filed its report on the result of its investigation. Staff did not
6 identify any TEP violations in connection with the service provided to the Complainant.

7 By Procedural Order dated October 9, 2007, the Administrative Laws Judge requested that
8 pursuant to the August 8, 2006 Procedural Order, the parties make procedural recommendations. The
9 Administrative Law Judge mailed a copy of the October 9, 2007 Procedural Order and the Staff
10 Report to the Complainant at the address of record in this proceeding. The mail was returned as
11 undeliverable. By Procedural Order dated November 15, 2007, the Hearing Division mailed the Staff
12 Report to the Complainant to an updated address and directed the parties to file procedural
13 recommendations by December 14, 2007.

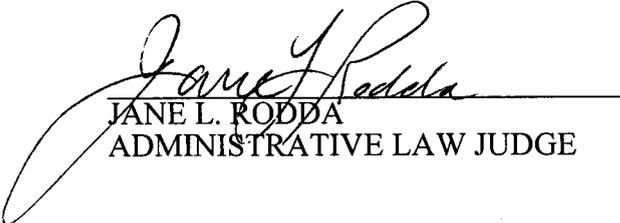
14 Complainant has not filed procedural recommendations.

15 On October 31, 2007, and December 14, 2007, TEP filed its Procedural Recommendation in
16 this matter. TEP states that based on Staff's investigation, TEP is not in violation of A.A.C. R14-2-
17 208, and TEP requests that the Commission dismiss the Complaint.

18 Complainant has not responded to the directive to file procedural recommendations for further
19 action, nor did he file a response to TEP's recommendation. Complainant has not requested the
20 hearing be re-set in the matter, nor made any filing in this case in over a year. Consequently, the
21 complaint should be dismissed without prejudice.

22 IT IS THEREFORE ORDERED that the above-captioned **Complaint** should be **dismissed**
23 without prejudice and the file **administratively closed**.

24 Dated this 22nd day of February, 2008

25
26 
27 JANE L. RODDA
28 ADMINISTRATIVE LAW JUDGE

1 The foregoing was mailed
2 this ZZND day of February, 2008 to:

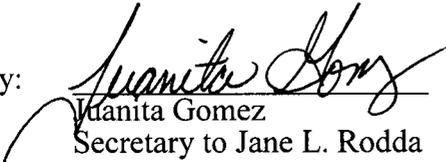
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By:


Juanita Gomez
Secretary to Jane L. Rodda