



ORIGINAL

BEFORE THE ARIZONA CORPORATION COMMISSION

RECEIVED

2 COMMISSIONERS

- 3 MIKE GLEASON - Chairman
- 4 WILLIAM A. MUNDELL
- 5 JEFF HATCH-MILLER
- 6 KRISTIN K. MAYES
- 7 GARY PIERCE

2008 JUL -9 P 2:04

AZ CORP COMMISSION
DOCKET CONTROL

Arizona Corporation Commission

DOCKETED

JUL -9 2008

DOCKETED BY	<i>mn</i>
-------------	-----------

7 IN THE MATTER OF THE APPLICATION OF
 8 ARIZONA PUBLIC SERVICE COMPANY FOR A
 9 HEARING TO DETERMINE THE FAIR VALUE
 10 OF THE UTILITY PROPERTY OF THE
 11 COMPANY FOR RATEMAKING PURPOSES, TO
 12 FIX A JUST AND REASONABLE RATE OF
 13 RETURN THEREON, AND TO APPROVE RATE
 14 SCHEDULES DESIGNED TO DEVELOP SUCH
 15 RETURN.

DOCKET NO. E-01345A-08-0172

PROCEDURAL ORDER

12 **BY THE COMMISSION:**

13 On March 24, 2008, Arizona Public Service Company ("APS") filed with the Arizona
 14 Corporation Commission ("Commission") an application for a rate increase.

15 On April 2, April 8, and April 14, 2008, The Kroger Company ("Kroger"), Freeport-
 16 McMoRan Copper & Gold, Inc. ("FMCG"), Arizonans for Electric Choice and Competition
 17 ("AECC"), and Mesquite Power, L.L.C., Southwestern Power Group II, L.L.C., and Bowie Power
 18 Station, L.L.C. (collectively "Mesquite/SWPG/Bowie"), respectively, filed Motions to Intervene.

19 On April 30, 2008, the Town of Wickenburg filed a Motion to Intervene.

20 On April 25, and May 19, 2008, by Procedural Orders, the Motions to Intervene were granted.

21 On June 2, 2008, APS filed an Amended Application.

22 On June 6, 2008, APS filed a Motion for Approval of Interim Rates and Preliminary Order
 23 ("Motion") and requested a procedural conference be scheduled. In its Motion, APS requested the
 24 Commission approve an "Interim Base Rate Surcharge" of \$.003987 per kWh to be effective upon
 25 the expiration of the \$.003987 per kWh 2007 Power Supply Adjustor charge granted in Decision No.
 26 69663 (June 28, 2007).

27 On June 13, 2008, a Procedural Order was issued scheduling a procedural conference on
 28 APS' Motion for June 19, 2008. Also on June 13, 2008, Western Resource Advocates and Southwest

1 Energy Efficiency Project (“WRA/SWEEP”) filed a Petition for Leave to Intervene.

2 On June 16, 2008, the Residential Utility Consumer Office (“RUCO”) filed an Application to
3 Intervene.

4 On June 19, 2008, the Arizona Investment Council (“AIC”) filed a Motion to Intervene.

5 The June 19, 2008, procedural conference was held as scheduled. Intervention was granted to
6 WRA/SWEEP, RUCO, AIC and the AzAg Group¹ at the procedural conference and by Procedural
7 Order issued June 23, 2008.

8 On July 2, 2008, the Commission’s Utilities Division Staff (“Staff”) filed its Letter of
9 Sufficiency, indicating that the Amended Application received on June 2, 2008, had met the
10 sufficiency requirements as outlined in Arizona Administrative Code R-14-2-103. Accordingly, a
11 procedural conference should be held to discuss the processing and scheduling of this matter.

12 IT IS THEREFORE ORDERED that a **procedural conference** in the above-captioned matter
13 shall be held on **July 21, 2008, at 1:30 p.m.**, or as soon thereafter as is practicable, at the
14 Commission’s offices, 1200 West Washington Street, Hearing Room #1, Phoenix, Arizona 85007.

15 IT IS FURTHER ORDERED that APS, Staff, and RUCO shall file with the Commission’s
16 Docket Control either a joint proposed procedural schedule or individual proposed procedural
17 schedules and any other party may file a proposed procedural schedule, **no later than noon on July**
18 **18, 2008.**

19 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized
20 Communications) continues to apply to this proceeding and shall remain in effect until the
21 Commission’s Decision in this matter is final and non-appealable.

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

25 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance
26 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the
27

28 ¹ Counsel for AzAg Group orally requested intervention during the procedural conference and filed a Notice of Appearance on June 26, 2008.

1 Rules of Arizona Supreme Court). Representation before the Commission includes the obligation to
2 appear at all hearings and procedural conferences, as well as all Open Meetings for which the matter
3 is scheduled for discussion, unless counsel has previously been granted permission to withdraw by
4 the Administrative Law Judge or the Commission.

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

7 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend,
8 or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at
9 hearing.

10 DATED this 9th day of July, 2008.

11
12
13 
14 LYN FARMER
CHIEF ADMINISTRATIVE LAW JUDGE

15 Copies of the foregoing mailed/delivered
16 this 9th day of July, 2008 to:

17 Thomas Mumaw
18 ARIZONA PUBLIC SERVICE COMPANY
19 P.O. Box 53999
Phoenix, Arizona 85072-3999

Lawrence V. Robertson, Jr.
ATTORNEY AT LAW
P.O. Box 1448
Tubac, AZ 85646
Attorneys for Mesquite/SWPG/Bowie

20 Michael L. Kurtz
21 Kurt J. Boehm
22 BOEHM, KURTZ & LOWRY
36 East Seventh Street, Suite 1510
Cincinnati, OH 45202
Attorneys for The Kroger Company

Michael A. Curtis
William P. Sullivan
CURTIS, GOODWIN, SULLIVAN,
UDALL & SCHWAB, P.L.C.
501 East Thomas Road
Phoenix, AZ 85012-3205
Attorneys for the Town of Wickenburg

23 C. Webb Crockett
24 Patrick J. Black
25 FENNEMORE CRIAG P.C.
3003 North Central Avenue, Suite 2600
26 Phoenix, AZ 85012-2913
Attorneys for Freeport-McMoRan Copper
27 & Gold, Inc. and AECC

Timothy M. Hogan
ARIZONA CENTER FOR LAW
IN THE PUBLIC INTEREST
202 East McDowell Road, Suite 153
Phoenix, Arizona 85004
Attorney for Western Resource Advocates
and Southwest Energy Efficiency Project

1 Daniel W. Pozefsky, Chief Counsel
2 RUCO
3 1110 W. Washington St., Suite 220
4 Phoenix, AZ 85007

5 Michael M. Grant
6 GALLAGHER & KENNEDY
7 2575 E. Camelback Road
8 Phoenix, AZ 85016-9225
9 Attorney for Arizona Investment Council

10 Gary Yaquinto
11 ARIZONA INVESTMENT COUNCIL
12 2100 N. Central Ave., Suite 210
13 Phoenix, AZ 85004

14 Jay Moyes
15 Karen e. Nally
16 MOYES STOREY
17 1850 N. Central Ave., Suite 1100
18 Phoenix, AZ 85004-0001
19 Attorneys for Az-Ag Group

20 Jeffrey J. Woner
21 K.R. SALINE & ASSOC., PLC
22 160 N. Pasadena, Suite 101
23 Mesa, AZ 85201

24 Janice Alward, Chief Counsel, Legal Division
25 ARIZONA CORPORATION COMMISSION
26 1200 West Washington Street
27 Phoenix, Arizona 85007-2927

28 Ernest Johnson, Director, Utilities Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007-2927

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

23 By: 
24 Debbi Person
25 Assistant to Lyn Farmer
26
27
28