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BEFORE THE ARIZONA CORPORATION COMMISSION

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2 COMMISSIONERS

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

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ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

6 IN THE MATTER OF THE APPLICATION OF
7 TRICO ELECTRIC COOPERATIVE, INC., AN
8 ARIZONA NONPROFIT CORPORATION, FOR A
9 PERMANENT RATE INCREASE, FOR A
10 DETERMINATION OF THE FAIR VALUE OF
11 THE COPORATION'S ELECTRIC SYSTEM FOR
12 RATEMAKING PURPOSES, FOR A FINDING OF
13 A JUST AND REASONABLE RATE OF RETURN
14 THEREON, AND FOR APPROVAL OF RATE
15 SCHEDULES DESIGNED TO DEVELOP SUCH
16 RETURN.

DOCKET NO. E-01461A-08-0430

Arizona Corporation Commission

DOCKETED

SEP 22 2008

DOCKETED BY	
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RATE CASE
PROCEDURAL ORDER

13 BY THE COMMISSION:

14 On August 15, 2008, Trico Electric Cooperative, Inc. ("Trico" or "Cooperative") filed with
15 the Arizona Corporation Commission ("Commission") an application for a rate increase.

16 On September 12, 2008, Trico filed an Amendment of Application.

17 On September 12, 2008, the Commission's Utilities Division ("Staff") notified the
18 Cooperative that its application was sufficient under the requirements outlined in A.A.C. R14-2-103,
19 and classified the Cooperative as a Class A utility.

20 Pursuant to A.A.C. R14-3-101, the Commission now issues this Procedural Order to govern
21 the preparation and conduct of this proceeding.

22 IT IS THEREFORE ORDERED that the **hearing** in the above-captioned matter shall
23 commence on **May 20, 2009 at 10:00 a.m.**, or as soon thereafter as is practical, at the Commission's
24 offices, **Room 222, 400 West Congress, Tucson, Arizona 85701.**

25 IT IS FURTHER ORDERED that a **pre-hearing conference** shall be held on **May 18, 2009,**
26 at 10:00 a.m. at the Commission's Tucson offices, Room 218, for the purpose of scheduling
27 witnesses and the conduct of the hearing. The parties may appear telephonically at the pre-hearing
28

1 conference.¹

2 IT IS FURTHER ORDERED that **direct testimony** and associated exhibits (except that
3 related to rate design and cost of service) to be presented at hearing on behalf of Staff shall be
4 reduced to writing and filed on or before **February 27, 2009**.

5 IT IS FURTHER ORDERED that any **direct testimony** and associated exhibits (except that
6 related to rate design and cost of service) to be presented at hearing on behalf of intervenors shall be
7 reduced to writing and filed on or before **February 27, 2009**.

8 IT IS FURTHER ORDERED that **direct testimony** and associated exhibits **related to rate**
9 **design and cost of service** to be presented at hearing on behalf of Staff and intervenors shall be
10 reduced to writing and filed on or before **March 13, 2009**.

11 IT IS FURTHER ORDERED that any **rebuttal testimony** and associated exhibits to be
12 presented at hearing by the Cooperative shall be reduced to writing and filed on or before **April 10,**
13 **2009**.

14 IT IS FURTHER ORDERED that any **surrebuttal testimony** and associated exhibits to be
15 presented by the Staff or intervenors shall be reduced to writing and filed on or before **May 1, 2009**.

16 IT IS FURTHER ORDERED that any **rejoinder testimony and associated exhibits** to be
17 presented at hearing by the Cooperative shall be reduced to writing and filed on or before **May 15,**
18 **2009**.

19 IT IS FURTHER ORDERED that **all filings shall be made by noon on the date the filing is**
20 **due, unless otherwise indicated**.

21 IT IS FURTHER ORDERED that **any objections to any testimony or exhibits** which have
22 been prefiled as of May 15, 2009, shall be made before or at the **May 18, 2009** pre-hearing
23 conference.

24 IT IS FURTHER ORDERED that **each party shall individually prepare, and bring to the**
25 **pre-hearing conference, copies of an issues matrix setting forth all disputed issues in the case.**
26 **Each party's matrix shall indicate the position of each party on each disputed issue and shall**

27 _____
28 ¹ The telephone number for telephonic participation will be available closer to the date of the pre-hearing conference and
may be obtained by contacting the Hearing Division at (602) 542-4250.

1 **indicate whether the disputed issue remains in dispute or has been resolved, in prefiled**
2 **testimony or otherwise.**

3 IT IS FURTHER ORDERED that all testimony filed shall include a table of contents which
4 lists the issues discussed.

5 IT IS FURTHER ORDERED that any substantive corrections, revisions, or supplements to
6 pre-filed testimony shall be reduced to writing and filed no later than five days before the witness is
7 scheduled to testify.

8 IT IS FURTHER ORDERED that the parties shall prepare a brief, written summary of the
9 pre-filed testimony of each of their witnesses and shall file each summary at least two working days
10 before the witness is scheduled to testify.

11 IT IS FURTHER ORDERED that copies of summaries should be served upon the Presiding
12 Officer, the Commissioners, and the Commissioners' aides as well as the parties of record.

13 IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-
14 105, except that **all motions to intervene must be filed on or before February 13, 2009.**

15 IT IS FURTHER ORDERED that discovery shall be as permitted by law and the rules and
16 regulations of the Commission, except that: until April 14, 2009, any objection to discovery requests
17 shall be made within 7 days² of receipt and responses to discovery requests shall be made within 10
18 days of receipt; thereafter, objections to discovery requests shall be made within 5 days and responses
19 shall be made in 7 days¹; the response time may be extended by mutual agreement of the parties
20 involved if the request requires an extensive compilation effort.

21 IT IS FURTHER ORDERED that for discovery requests, objections, and answers, if a
22 receiving party requests service to be made electronically, and the sending party has the technical
23 capability to provide service electronically, service to that party shall be made electronically.

24 IT IS FURTHER ORDERED that in the alternative to filing a written motion to compel
25 discovery, any party seeking discovery may telephonically contact the Commission's Hearing
26 Division to request a date for a procedural hearing to resolve the discovery dispute; that upon such a
27

28 ² "Days" means calendar days.

1 request, a procedural hearing will be convened as soon as practicable; and that the party making such
 2 a request shall forthwith contact all other parties to advise them of the hearing date and shall at the
 3 hearing provide a statement confirming that the other parties were contacted.³

4 IT IS FURTHER ORDERED that any motions which are filed in this matter and which are
 5 not ruled upon by the Commission within 20 days of the filing date of the motion shall be deemed
 6 denied.

7 IT IS FURTHER ORDERED that any responses to motions shall be filed within five days of
 8 the filing date of the motion.

9 IT IS FURTHER ORDERED that any replies shall be filed within five days of the filing date
 10 of the response.

11 IT IS FURTHER ORDERED that the Cooperative shall provide public notice of the hearing
 12 in this matter, in the following form and style with the heading in no less than 14 point bold type and
 13 the body in no less than 10-point regular type:

14
 15 **PUBLIC NOTICE OF HEARING ON THE**
 16 **RATE APPLICATION OF**
 17 **TRICO ELECTRIC COOPERATIVE, INC.**
 18 **DOCKET NO. E-01461A-08-0430**

19 On August 15, 2008, Trico Electric Cooperative, Inc. ("Trico" or "Cooperative") filed
 20 an application with the Arizona Corporation Commission for an increase in annual
 21 revenues of \$6,542,728, an approximate 8.81 percent increase in annual revenue over
 22 its current revenues. In addition to an increase and modification to its rates and
 23 charges, Trico is requesting among other things, the Commission to approve a revision
 24 to its Power Cost Adjustment mechanism; a revision to its Rules, Regulations and Line
 25 Extension Policies; and a Demand Side Management Portfolio. Under the rates
 26 proposed by the Cooperative a residential customer using an average of 916 kWh per
 27 month would experience a monthly increase of \$11.07, or 9.47 percent, from \$116.89
 28 to \$127.96. **Residential customers using less or more than the average 916 kWh
 per month will experience a lower or higher percent increase depending on their
 usage.** Under the Cooperative's proposal, other rate class customers would experience
 varying percentage increases depending on their class and usage.

If you have any questions concerning how the Cooperative's rate proposal will affect
 your bill or have other substantive questions about this application, you may contact

³ The parties are encouraged to attempt to settle discovery disputes through informal, good-faith negotiations
 before seeking Commission resolution of the controversy.

1 the Cooperative at: [COMPANY SHOULD INSERT NAME, ADDRESS,
2 TELEPHONE NUMBER, AND E-MAIL ADDRESS FOR CUSTOMER
3 CONTACTS CONCERNING THE APPLICATION].

4 The Commission's Utilities Division Staff has not yet made a recommendation
5 regarding the Cooperative's rate increase proposal, and the Commission will
6 determine the appropriate rate relief to be granted based on the evidence of record in
7 this proceeding. The Commission is not bound by the proposals made by the
8 Cooperative, Staff, or any intervenors and, therefore, the final rates approved in this
9 docket may be lower or higher than the rates described above.

7 **How You Can View or Obtain a Copy of the Rate Proposal**

8 Copies of the application and proposed tariffs are available at the Cooperative's
9 offices [INSERT ADDRESS] and at the Commission's Docket Control Center at
10 1200 West Washington, Phoenix, Arizona and its Tucson offices, 400 West Congress,
11 Suite 218, Tucson, Arizona and on the internet via the Commission website
12 ([/www.azcc.gov/](http://www.azcc.gov/)) using the e-docket function.

11 **Public Hearing Information**

12 The Commission will hold a **hearing** on this matter beginning **May 20, 2009, at 10:00**
13 **a.m.**, at the Commission's offices, Room 222, 400 West Congress, Tucson, Arizona.

14 Public comments will be taken at the beginning of the first day of the hearing. Written
15 public comments may be submitted by mailing a letter referencing Docket No. E-
16 01461A-08-0430 to Arizona Corporation Commission, Consumer Services Section,
17 1200 West Washington, Phoenix, AZ 85007, or by email. For a form to use and
18 instructions on how to e-mail comments to the Commission, go to
19 http://www.azcc.gov/divisions/utilities/forms/public_comment.pdf. If you require
20 assistance, you may contact the Consumer Services Section at 1-800-222-7000 or
21 (520) 628-6550.

17 **About Intervention**

18 The law provides for an open public hearing at which, under appropriate
19 circumstances, interested parties may intervene. Any person or entity entitled by law
20 to intervene and having a direct and substantial interest in the matter will be permitted
21 to intervene. If you wish to intervene, you must file an original and 13 copies of a
22 written motion to intervene with the Commission no later than **February 13, 2009**,
23 and a copy of the motion to Trico or its counsel and to all parties of record. Your
24 motion must contain the following:

- 22 1. Your name, address, and telephone number and the name, address and
23 telephone number of any party upon whom service of documents is to
24 be made, if not yourself.
- 25 2. A short statement of your interest in the proceeding (e.g., a customer of
26 the Company, a member of the Cooperative, etc.).
- 27 3. A statement certifying that you have mailed a copy of the motion to
28 intervene to the Cooperative or its counsel and to all parties of record in
the case.

The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except
that all motions to intervene must be filed on or before February 13, 2009. If

1 representation by counsel is required by Rule 31 of the Rules of the Arizona Supreme
2 Court, intervention will be conditioned upon the intervenor obtaining counsel to
3 represent the intervenor. For information about requesting intervention, visit the
4 Commission's website at <http://www.azcc.gov/divisions/utilities/forms/iinterven.pdf>.
5 The granting of intervention, among other things, entitles a party to present sworn
6 evidence at the hearing and to cross-examine other witnesses. However, failure to
7 intervene will not preclude any interested person or entity from appearing at the
8 hearing and providing public comment on the application or from filing written
9 comments in the record of the case.

6 **ADA/Equal Access Information**

7 The Commission does not discriminate on the basis of disability in admission to its
8 public meetings. Persons with a disability may request a reasonable accommodation
9 such as a sign language interpreter, as well as request this document in an alternative
10 format, by contacting the ADA Coordinator Linda Hogan, E-mail Lhogan@azcc.gov,
11 voice phone number 602/542-3931. Requests should be made as early as possible to
12 allow time to arrange the accommodation.

10 IT IS FURTHER ORDERED that the Cooperative shall **mail** to each of its customers a copy
11 of the above notice by **November 17, 2008**, and shall cause a copy of such notice to be published at
12 least once in a newspaper of general circulation in its service territory, with publication to be
13 completed no later than **November 28, 2008**.

14 IT IS FURTHER ORDERED that the Company shall file certification of mailing and
15 publication as soon as practicable after they have been completed.

16 IT IS FURTHER ORDERED that notice shall be deemed complete upon mailing and
17 publication of same, notwithstanding the failure of an individual customer to read or receive the
18 notice.

19 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized
20 Communications) applies to this proceeding as the matter is now set for public hearing, and shall
21 remain in effect until the 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 the practice of law and admission
24 pro had vice.

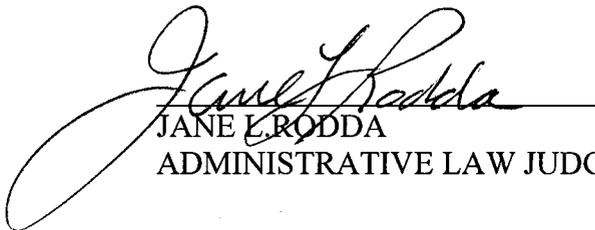
25 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance
26 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the
27 Rules of the Arizona Supreme Court). Representation before the Commission includes the obligation
28 to appear at all hearings and procedural conferences, as well as all Open Meetings for which the

1 matter is scheduled for discussion, unless counsel has previously been granted permission to
2 withdraw by the Administrative Law Judge.

3 IT IS FURTHER ORDERED that the time periods specified herein shall not be extended
4 pursuant to Rule 6(a) or (3) of the Rules of Civil Procedure.

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

7
8 DATED this 18th day of September, 2008.

9
10 
11 JANE L. RODDA
ADMINISTRATIVE LAW JUDGE

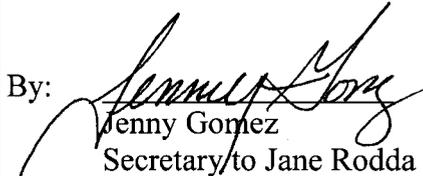
12 Copies of the foregoing mailed
13 this 18th day of September, 2008 to:

14 Russell E. Jones
15 D. Michael Mandig
16 Waterfall, Economidis, Caldwell, Hanshaw
& Villamana, PC
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23 Arizona Reporting Service, Inc.
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25 Phoenix, Arizona 85004-1481

26
27 By: 
28 Jenny Gomez
Secretary to Jane Rodda