



0000089566

ORIGINAL

ROSHKA HEYMAN & DEWULF

ROSHKA HEYMAN & DEWULF, PLC
ATTORNEYS AT LAW
TWO ARIZONA CENTER
400 NORTH 5TH STREET
SUITE 1000
PHOENIX, ARIZONA 85004-3906
TELEPHONE NO 602-256-6100
FACSIMILE 602-256-6800

RECEIVED

2000 SEP -6 P 3:35

AZ CORP COMMISSION
DOCUMENT CONTROL

September 6, 2000

Mr. Paul Bullis
Chairman
Power Plant and Transmission Line Siting Committee
Arizona Corporation Commission
1200 W. Washington Street
Phoenix, Arizona 85007

Arizona Corporation Commission

DOCKETED

SEP 06 2000

DOCKETED BY	<i>Jm</i>
-------------	-----------

Re: Docket No. L-00000B-00-0105
Case No. 105 (Santan Expansion Project)

Dear Paul:

We represent the Arizona Utility Investors Association, an intervenor in this docket. We have reviewed the other interventions in this docket and note that there is a commonality in the interests of the ten "joint intervenors."¹ To maintain order at the hearing and move this case forward in a reasonable manner, we request that the Committee issue a procedural order that will consolidate the efforts of the joint intervenors. This procedural order could be issued before, or at the beginning of the proceedings on September 14, 2000.

A review of the filings by the joint intervenors reveals that they are members of a single organization, which we understand is called "Citizens Opposed to Santan" or "COST." In accordance with the Arizona Corporation Commission's rules of practice and procedure, the joint intervenors should be treated as one party.² A.A.C. R14-3-202 provides:

The Presiding Officer by notice prior to or during the hearing may require the consolidation of the representation of nongovernmental parties having similar interests.

¹ See: Joint Notice to Intervene as a Party filed August 24, 2000, and the Joint Notice to Intervene as a Party filed August 28, 2000.

² We point out that AUIA has over 6,500 members. It is presenting its case through its counsel and through a single representative, Mr. William Meek.

ROSHKA HEYMAN & DEWULF

Mr. Bullis
September 6, 2000
Page 2

In fact, the joint intervenors requested intervention "individually and collectively." Consolidating the representation of the joint intervenors will provide each individual, as well as the organization, the full right to participate in the proceeding, make statements, and present witnesses. It will also aid the hearing process and the Committee by avoiding the inefficiencies of entertaining ten duplicative opening statements, ten repetitive cross-examinations of each witness, and ten (related) parties presenting witnesses on the same subject.

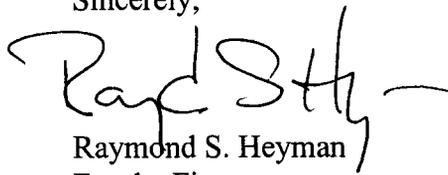
For these reasons we request that the Committee issue a procedural order containing the following provisions:

1. The ten joint intervenors are consolidated for the purpose of representation in this docket. The joint intervenors shall designate a single representative to present opening argument, conduct cross-examination, and present witnesses; and
2. Substantive comments (including public comments) or testimony by the joint intervenors shall be presented as sworn testimony, subject to examination, during the joint intervenors' presentation of witnesses at the hearing.

By making this request we do not wish to deny any person or party the opportunity to present its case. However, we do believe that it is important that the Commission's rules be applied to maintain reasonable order at the hearing in this docket.

We look forward to your ruling and are prepared to address our concerns and any questions that the Committee may have regarding our request.

Sincerely,


Raymond S. Heyman
For the Firm

cc: Docket Control
Parties of Record
Mr. William Meek