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BEFORE THE ARIZONA CORPORATION

IN THE MATTER OF THE PETITION OF	)	DOCKET NO.
THE ARIZONA BOARD OF REGENTS ON	)	E-01461A-08-0300
BEHALF OF THE UNIVERSITY OF	)	
ARIZONA FOR DECLARATORY ORDER	)	
CONFIRMING THE UNIVERSITY'S	)	
AUTHORITY TO SELECT AMONG	)	
ELIGIBLE ELECTRIC SERVICE	)	
PROVIDERS.	)	PROCEDURAL
	)	CONFERENCE

At: Tucson, Arizona  
 Date: December 11, 2008  
 Filed: **DEC 31 2008**

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1 BE IT REMEMBERED that the above-entitled and  
2 numbered matter came on regularly to be heard before the  
3 Arizona Corporation Commission, 400 West Congress Street,  
4 Room, 218, Tucson, Arizona, commencing 10:07 a.m. on the  
5 11th day of December, 2008.

6

7 BEFORE: JANE L. RODDA, Administrative Law Judge

8

9 APPEARANCES:

10 For the Arizona Corporation Commission Staff:

11 Ms. Amanda Ho  
12 Staff Attorney, Legal Division  
13 1200 West Washington Street  
14 Phoenix, Arizona 85007  
15 (Appeared telephonically)

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For the University of Arizona:

15

16 OSBORN MALEDON, P.A.  
17 By: Ms. Joan S. Burke  
18 2929 North Central Avenue, Suite 2100  
19 Phoenix, Arizona 85012  
20 (Appeared telephonically)

18

19 For Trico Electric Cooperative:

20 DWIGHT M. WHITLEY, PLLC  
21 By: Mr. Dwight M. Whitley  
22 2329 North Tucson Boulevard  
23 Tucson, Arizona 85716  
24 (Appeared telephonically)

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1 APPEARANCES: (Cont'd)

2 For Arizona Public Service Company:

3 PINNACLE WEST CAPITAL CORPORATION LAW DEPARTMENT  
4 By: Mr. Thomas L. Mumaw  
5 Mr. Joseph A. D'Aguanno  
6 400 North 5th Street  
7 Phoenix, Arizona 85004  
8 (Appeared telephonically)

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Certificate No. 50192  
(Appeared telephonically)

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1 ALJ RODDA: Let's go on the record, and I'll  
2 start with this is the time set for the procedural  
3 conference in Docket No. E-01461A-08-0300, which is the  
4 petition of the Arizona Board of Regents on behalf of the  
5 University of Arizona for declaratory order confirming the  
6 University's authority to select among eligible service  
7 providers.

8 Good morning, everyone, and welcome to the  
9 Arizona Corporation Commission. My name is Jane Rodda,  
10 and I'm the administrative law judge assigned to this  
11 matter. The first thing I'm going to do this morning is  
12 take appearances. So we'll start with the petitioner, the  
13 University of Arizona.

14 MS. BURKE: This is Joan Burke with the firm  
15 Osborne Maledon on behalf of the University of Arizona.

16 ALJ RODDA: And on behalf of Trico?

17 MR. WHITLEY: This is Dwight Whitley, Your  
18 Honor.

19 ALJ RODDA: And on behalf of APS?

20 MR. MUMAW: Thank you, Your Honor. This is Tom  
21 Mumaw and, also, Joe D'Aguanno on behalf of Arizona Public  
22 Service Company.

23 ALJ RODDA: On behalf of Commission Staff?

24 MS. HO: Good morning. Amanda Ho on behalf of  
25 Commission Staff.

1 ALJ RODDA: So the purpose of this procedural  
2 conference is to determine the status of the complaint,  
3 and I'm taxing my memory. I think the last time we met  
4 the parties had reported they had worked out an agreement,  
5 and I think it was going to go before Trico's board; is  
6 that right? Who wants to update me?

7 MR. WHITLEY: I can give you the executive  
8 summary. The agreement was not completed prior to the  
9 Trico board meeting, and we have recently exchanged  
10 another draft and I think I can say from Trico's  
11 perspective we think we're getting very close. They have  
12 a board meeting on Tuesday, but I'm hoping that we will  
13 have an opportunity to work out any differences, which I  
14 don't at this point anticipate to be anything major, prior  
15 to the board meeting.

16 But my suggestion, I guess, just so we don't  
17 have to do this again, would be to set this for sometime  
18 after the first of the year, and hopefully by then. We  
19 also have to give Staff an opportunity to review the  
20 agreement, and I visited with Amanda about that this  
21 morning. So I guess my recommendation would be that we  
22 schedule this for sometime maybe in mid January.

23 ALJ RODDA: When does the board usually meet?

24 MR. WHITLEY: Well, they meet, I want to say,  
25 like every third Tuesday, but they're meeting early this

1 month. They're meeting on the 16th. So I don't know when  
2 their next regularly scheduled board meeting is, but I'm  
3 anticipating that we will have this agreement on Tuesday,  
4 at least I'm hoping, and unless -- I'm hoping that we can  
5 even have Staff on board by then, but I'm an optimist.

6 ALJ RODDA: Me, too. I always underestimate the  
7 open meeting time.

8 Does anyone else have any other recommendation  
9 or thoughts.

10 MR. MUMAW: This is Tom Mumaw. I think that's a  
11 good one, and I agree with Skip. I'm certainly not aware  
12 of any substantive disagreement. This is probably just  
13 petty lawyering by the three of us at this point.

14 MR. WHITLEY: Welcome aboard, Joe.

15 MR. D'AGUANNO: Thank you.

16 ALJ RODDA: Joan, did you have anything to add?

17 MS. BURKE: No, I agree completely.

18 ALJ RODDA: Then that's what I'll do. I will  
19 set another status conference for the second half of  
20 January to give the Trico board time to review it and,  
21 also, Commission Staff. So we should have --

22 MS. BURKE: Your Honor, this is Joan Burke.  
23 Hopefully, I'm very hopeful, as Skip just mentioned, that  
24 we can get this approved by the Trico board Tuesday,  
25 simply because the agreement anticipates the start of a

1 calendar year in January and we just need to get that  
2 done.

3 ALJ RODDA: So that would still give us time for  
4 Staff to be able to report back at the next status  
5 conference.

6 MS. BURKE: Exactly.

7 ALJ RODDA: And we'll do it telephonically.

8 All right then. Well, good work, you all. I  
9 appreciate the Christmas present, and I'll issue a  
10 procedural order.

11 MR. MUMAW: Your Honor, I'll probably be  
12 talking, communicating with you, Joan and Skip, but maybe  
13 not with Your Honor or Amanda, so I'm going to wish you a  
14 merry Christmas right now.

15 ALJ RODDA: Thank you. All right. Well, thank  
16 you all. Talk to you after the New Year.

17 (The procedural conference concluded at  
18 10:12 a.m.)

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1 STATE OF ARIZONA )  
 ) ss.  
 2 COUNTY OF MARICOPA )

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I, JODY L. LENSCHOW, RMR, CRR, Certified Reporter No. 50192 for the State of Arizona, do hereby certify that the foregoing printed pages constitute a full, true and accurate transcript of the proceedings had in the foregoing matter, all done to the best of my skill and ability.

WITNESS my hand this 22nd day of December, 2008.

  
 JODY L. LENSCHOW, RMR, CRR  
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