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February 5, 2009

Lyn Farmer  
Chief Administrative Law Judge, Hearing Division  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, Arizona 85007

Re: Arizona Public Service Company's Draft Public Notice,  
Docket No. E-01345A-08-0426

Dear Judge Farmer:

Pursuant to your direction at the Procedural Conference of January 30, 2009, enclosed is a proposed Public Notice of the Hearing on the *Application of APS for the Sale and Transition to ED-3 of Certain Electrical Facilities in Pinal County and the Deletion from its Certificate of Convenience and Necessity Certain ("CC&N") Areas in Pinal County*, Docket Number E-01345A-08-0426. The proposed notice was drafted by Arizona Public Service Company ("APS") and Electrical District No. 3, and was reviewed by Arizona Corporation Commission Utilities Division Staff.

Sincerely,

Thomas L. Mumaw

TLM/na  
Enclosure

cc: Docket Control  
John Coyle, Esq.  
Bill Stacy  
Brett Benedict

Arizona Corporation Commission  
DOCKETED

FEB 05 2009

DOCKETED BY

APS • APS Energy Services • SunCor • El Dorado

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**PUBLIC NOTICE OF HEARING ON THE APPLICATION OF**  
**ARIZONA PUBLIC SERVICE COMPANY**  
**OF THE SALE AND TRANSITION TO**  
**ELECTRICAL DISTRICT NO. 3 OF**  
**CERTAIN ELECTRICAL FACILITIES IN PINAL COUNTY**  
**AND THE DELETION FROM ITS CERTIFICATE OF CONVENIENCE AND**  
**NECESSITY CERTAIN AREAS IN PINAL COUNTY**  
**DOCKET NUMBER E-01345A-08-0426**

On August 11, 2008, Arizona Public Service Company, ("APS") filed an application with the Arizona Corporation Commission pursuant to A.R.S. 40-285(A), for the sale of certain electrical facilities in Pinal County to Electrical District No. 3 (ED-3) and for deletion from its Certificate of Convenience and Necessity certain areas in Pinal County. For the sole purpose of this transaction, APS has requested a waiver of certain rules pursuant to Arizona Administrative Code. A waiver was requested for R14-2-212(I), which considers all customer information to be confidential. The waiver requests a one-time approval for APS to provide ED-3, customer-specific information such as customer name, address, billing rate, energy usage, etc. only from those APS customers that will be transferred to ED-3 and only upon approval of this Application. The information will continue to be held on a strictly confidential basis by ED-3 and used only for purposes of providing electrical service. APS also requested a waiver of R14-2-203(A) (2) and specific language authorizing impacted customers to remain eligible to participate in the Commission's Renewable Energy Standards (RES) and the Company's Demand Side Management (DSM) programs up to the date on which the Commission approves the Company's application for the sale of its electrical facilities.

Approximately 4,000 APS customers who reside in the Maricopa and Stanfield areas will be transferred to ED-3 upon approval of this Application. Those customers have been notified of the sale by APS. It is important to note that existing ED-3 customers will NOT be impacted by this transition and their account information will continue to remain confidentially held by ED-3. APS has established a Web site with information regarding this application at ([www.aps.com/ed3](http://www.aps.com/ed3)) or you may call APS at (520) 421-8455 with questions or you may contact ED-3 at its Web site ([www.ed3online.org](http://www.ed3online.org)).

Copies of APS's application is available at its office, 400 N. 5<sup>th</sup> Street, Phoenix, Arizona, and through the contact information listed above, and the Commission's offices at 1200 West Washington, Phoenix, Arizona, for public inspection during regular business hours and on the Internet via the Commission Web site ([www.azcc.gov](http://www.azcc.gov)) using the e-docket function.

The Commission has scheduled a hearing on this matter beginning ----- at the Commission's offices, 1200 West Washington, Phoenix, Arizona. Public comments will be taken on the first day of the hearing. Written public comments may be submitted via e-mail (visit [http://www.azcc.gov/divisions/utilities/forms/public\\_comment.pdf](http://www.azcc.gov/divisions/utilities/forms/public_comment.pdf) for instructions), or by mailing a letter referencing Docket Number E-01345A-08-0426 to: Arizona Corporation Commission, Consumer Services Section, 1200 West Washington, Phoenix, AZ 85007.

The law provides for an open public hearing at which, under appropriate circumstances, interested parties may intervene. Intervention shall be permitted to any person entitled by law to intervene and having a direct and substantial interest in the matter. Persons desiring to intervene must file an original and 13 copies of a written motion to intervene with the Commission, and must send copies of the motion to APS or its counsel and to all parties of record in the case. The motion to intervene must contain the following:

1. The name, address, and telephone number of the proposed intervenor and of any party upon whom service of documents is to be made if different than the intervenor.
2. A short statement of the proposed intervenor's interest in the proceeding (e.g., a customer, shareholder's of company stock, etc.)
3. A statement certifying that a copy of the motion to intervene has been mailed to APS 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 -----. For information about requesting intervention, visit the Arizona Corporation Commission's Web page at <http://www.azcc.gov/divisions/utilities/forms/interven.pdf> The granting of intervention, among other things, entitles a party to present sworn evidence at hearing and to cross-examine other witnesses. However, failure to intervene will not preclude any customer from appearing at the hearing and making a statement on such customer's own behalf.

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