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OPEN MEETING

MEMORANDUM

Arizona Corporation Commission
DOCKETED

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AZ CORP COMMISSION
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TO: THE COMMISSION

FROM: Utilities Division

DATE: March 2, 2001

DOCKETED BY 

RE: IN THE MATTER OF THE NOTICE OF PROPOSED RULEMAKING FOR THE ENVIRONMENTAL PORTFOLIO STANDARD (DOCKET NO. RE-00000C-00-0377)

On February 8, 2001, the Commission entered Decision No. 63364, adopting the Environmental Portfolio Standard Rules. By statute, any application requesting rehearing of Decision No. 63364 had to be filed by February 28, 2001. Timely requests for rehearing of Decision No. 63364 have been filed by Arizona Electric Power Cooperative ("AEPSCO"), Arizona Public Service Company, the Residential Utility Consumer Office, Sulphur Springs Valley Electric Cooperative, and the parties collectively referred to as AECC (Phelps Dodge Corporation, ASARCO, and Arizonans for Electric Choice and Competition). AEPSCO has also requested a stay of the rules. By statute, the Commission has twenty days from the date an application for rehearing is filed to determine whether to grant the application. Otherwise, the application is deemed denied by operation of law.

Because of the statutory time limits, Staff has not had a sufficient opportunity to review the applications and make recommendations to the Commission on the merits of the applications. Therefore, Staff recommends that the Commission grant the requests for rehearing for the purpose of permitting Staff time to review the requests and prepare recommendations to the Commission for its consideration and possible action on the requests. Staff further recommends that it be directed to file its recommendations by March 15, 2001.


Deborah R. Scott
Director
Utilities Division

DRS:RTW:BEK:lhmvJMAJFW

ORIGINATORS: Ray Williamson and Barbara Keene

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 WILLIAM A. MUNDELL
Chairman
3 JIM IRVIN
Commissioner
4 MARC SPITZER
Commissioner
5

6 IN THE MATTER OF THE NOTICE OF)
PROPOSED RULEMAKING FOR THE)
7 ENVIRONMENTAL PORTFOLIO STANDARD)
8 _____)

DOCKET NO. RE-00000C-00-0377
DECISION NO. _____
ORDER

9 Open Meeting
March 6 and 7, 2001
10 Phoenix, Arizona

11 BY THE COMMISSION:

12 FINDINGS OF FACT

13 1. On February 8, 2001, the Commission entered Decision No. 63364, adopting the
14 Environmental Portfolio Standard Rules. By statute, any application requesting rehearing of Decision
15 No. 63364 had to be filed by February 28, 2001. Timely requests for rehearing of Decision No. 63364
16 have been filed by Arizona Electric Power Cooperative ("AEPSCO"), Arizona Public Service Company,
17 the Residential Utility Consumer Office, Sulphur Springs Valley Electric Cooperative, and the parties
18 collectively referred to as AECC (Phelps Dodge Corporation, ASARCO, and Arizonans for Electric
19 Choice and Competition). AEPSCO has also requested a stay of the rules. By statute, the Commission
20 has twenty days from the date an application for rehearing is filed to determine whether to grant the
21 application. Otherwise, the application is deemed denied by operation of law.

22 2. Because of the statutory time limits, Staff has not had a sufficient opportunity to review
23 the applications and make recommendations to the Commission on the merits of the applications.
24 Therefore, Staff has recommended that the Commission grant the requests for rehearing for the
25 purpose of permitting Staff time to review the requests and prepare recommendations to the
26 Commission for its consideration and possible action on the requests. Staff has further recommended
27 that it be directed to file its recommendations by March 15, 2001.

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CONCLUSIONS OF LAW

1. Pursuant to the Arizona Constitution, Article XV, Section 3 and the Arizona Revised Statutes, Title 40 generally, the Commission has jurisdiction over this matter.

2. The Commission, having reviewed the applications and Staff's Memorandum dated March 1, 2001, concludes that it is in the public interest to grant the requests for rehearing to provide Staff an opportunity to review the requests and prepare recommendations to the Commission for its consideration and possible action on the requests.

ORDER

THEREFORE, IT IS ORDERED that the requests for rehearing be and hereby are granted for the purposes stated herein.

IT IS FURTHER ORDERED that Staff file its recommendations by March 15, 2001.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION

CHAIRMAN

COMMISSIONER

COMMISSIONER

IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive Secretary of the Arizona Corporation Commission, have hereunto, set my hand and caused the official seal of this Commission to be affixed at the Capitol, in the City of Phoenix, this _____ day of _____, 2001.

BRIAN C. McNEIL
Executive Secretary

DISSENT: _____

DRS:BEK:lmh

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