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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

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COMMISSIONERS

KRISTIN K. MAYES, Chairman
GARY PIERCE
PAUL NEWMAN
SANDRA D. KENNEDY
BOB STUMP

LYDIA TSOSIE,
Complainant,
v.
ARIZONA PUBLIC SERVICE COMPANY.
Respondent.

DOCKET NO. E-01345A-09-0049

PROCEDURAL ORDER

BY THE COMMISSION:

On February 6, 2009, Lydia Tsosie ("Complainant") filed with the Arizona Corporation Commission ("Commission") a formal complaint ("Complaint") against Arizona Public Service Company ("APS" or "Respondent").

On February 26, 2009, APS filed an Answer to the Formal Complaint and a Motion to Dismiss.

On April 7, 2009, by Procedural Order, a Procedural Conference was scheduled for April 30, 2009, to discuss the procedural schedule for this matter. The Procedural Order also directed Complainant to file a Response to APS' Motion to Dismiss.

On April 20, 2009, Complainant docketed a Response to APS' Answer.

On April 30, 2009, the Procedural Conference was held as scheduled before a duly authorized Administrative Law Judge ("ALJ") of the Commission. Respondent appeared through counsel. Complainant failed to appear. Subsequent to the Procedural Conference, the Hearing Division was informed that Complainant arrived for the Procedural Conference after the matter had concluded.

On the same date, by Procedural Order, the Procedural Conference was rescheduled for May 11, 2009.

1 On May 11, 2009, a Procedural Conference was held as scheduled. Complainant appeared on
2 her own behalf and APS appeared through counsel. During the Procedural Conference the parties
3 were asked to participate in settlement discussions. Complainant would not agree to participate in
4 settlement discussions.

5 Therefore, this matter should be set for hearing.

6 IT IS THEREFORE ORDERED that APS' Motion to Dismiss the Complaint is hereby
7 denied.

8 IT IS FURTHER ORDERED that the **hearing** shall be held on **June 8, 2009 at 10:00 a.m.** at
9 the Commission's offices, 1200 West Washington Street, Room 100, Phoenix, Arizona.

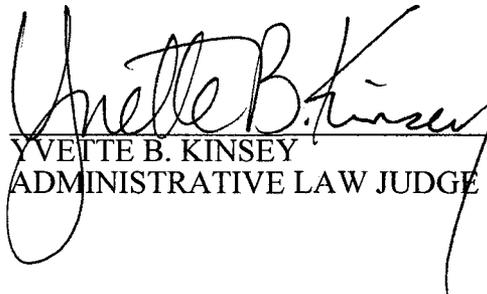
10 IT IS FURTHER ORDERED that **each** party shall bring to the hearing three copies of any
11 exhibits to be used during the hearing.

12 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized
13 Communications) applies to this proceeding.

14 IT IS FURTHER ORDERED that all parties must comply with Rules 31 and 38 of the Rules
15 of the Arizona Supreme Court and A.R.S. § 40-243 with respect to practice of law and admission *pro*
16 *hac vice*.

17 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend,
18 or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at
19 hearing.

20 DATED this 13th day of May, 2009.

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24 YVETTE B. KINSEY
25 ADMINISTRATIVE LAW JUDGE
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1 Copies of the foregoing mailed/delivered
this 13th day of May, 2009 to:

2 Lydia Tsosie
3 23830 West La Vista Drive
4 Buckeye, AZ 85396

4 Thomas L. Mumaw
5 Meghan H. Grabel
6 Joseph A. D'Aguanno
7 PINNACLE WEST CAPITAL CORPORATION
8 LAW DEPARTMENT
9 Mail Station 8695
10 P.O. Box 53999
11 Phoenix, AZ 85072
12 Attorneys for Arizona Public Service Company

9 Janice Alward, Chief Counsel
10 Legal Division
11 ARIZONA CORPORATION COMMISSION
12 1200 West Washington Street
13 Phoenix, Arizona 85007

12 Ernest Johnson, Director
13 Utilities Division
14 ARIZONA CORPORATION COMMISSION
15 1200 West Washington Street
16 Phoenix, Arizona 85007

14 ARIZONA REPORTING SERVICE, INC.
15 2200 North Central Avenue, Suite 502
16 Phoenix, Arizona 85004

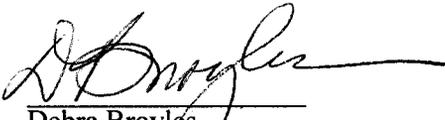
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By:


Debra Broyles
Secretary to Yvette B. Kinsey

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