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BEFORE THE ARIZONA CORPORATION COMMISSION

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DOCKETED BY 

ARIZONA CORPORATION COMMISSION  
STATE OF ARIZONA

5  
6 IN THE MATTER OF THE GENERIC  
PROCEEDINGS CONCERNING ELECTRIC  
7 RESTRUCTURING ISSUES.

DOCKET NO. E-00000A-02-0051

8  
9 IN THE MATTER OF ARIZONA PUBLIC  
SERVICE COMPANY'S REQUEST FOR  
VARIANCE OF CERTAIN REQUIREMENTS OF  
A.A.C. R14-2-1606.

DOCKET NO. E-01345A-01-0822

10  
11 IN THE MATTER OF THE GENERIC  
PROCEEDING CONCERNING THE ARIZONA  
INDEPENDENT SCHEDULING  
12 ADMINISTRATOR.

DOCKET NO. E-00000A-01-0630

13  
14 IN THE MATTER OF TUCSON ELECTRIC  
POWER COMPANY'S APPLICATION FOR A  
VARIANCE OF CERTAIN ELECTRIC  
15 COMPETITION RULES COMPLIANCE DATES.

DOCKET NO. E-01933A-02-0069

16  
17 IN THE MATTER OF THE APPLICATION OF  
TUCSON ELECTRIC POWER COMPANY FOR  
APPROVAL OF ITS STRANDED COST  
18 RECOVERY.

DOCKET NO. E-01933A-98-0471

**PROCEDURAL ORDER**

**BY THE COMMISSION:**

19 On December 4, 2001, Tucson Electric Power Company ("TEP" or "Company") filed in  
20 Docket No. E-01933A-98-0471 a Motion for Approval of Clarification of Settlement Agreement, in  
21 which TEP is requesting an amendment of its market generation credit calculation ("TEP MGC  
22 Motion").

23 On January 28, 2002, TEP filed in Docket No. E-01933A-02-0069 an Application for a  
24 Variance of Certain Electric Competition Rules Compliance Dates, in which it is requesting an  
25 extension of the compliance dates in A.A.C. R14-2-1606(B) and A.A.C. R14-2-1615(A) ("TEP  
26 Variance Request").

27 On February 19, 2002, by Amended Procedural Order, Panda Gila River, L.P. ("Panda"), the  
28 Arizona Competitive Power Alliance ("Alliance"), the Residential Utility Consumer Office

1 (“RUCO”), and the Land and Water Fund of the Rockies (“LAW Fund”) were granted intervention in  
2 the TEP Variance Request.

3 A Procedural Conference was held on March 4, 2002, to discuss procedural issues for the TEP  
4 MGC Motion and the TEP Variance Request.

5 At the Procedural Conference, those parties with an interest in the issues raised by the MGC  
6 Motion stated that in all probability, they will soon reach an agreement on those issues. They plan to  
7 file a stipulated agreement on those issues for Commission consideration.

8 TEP stated that if a hearing is held on the TEP Variance Request, it plans to have one witness  
9 testify as to the cost and impact of TEP’s compliance with the rules from which it is requesting a  
10 variance, and possibly as to the regulatory consequences of compliance with those rules.

11 Panda, the Alliance, Sempra Energy Resources, and Southwestern Power Group II all were in  
12 agreement that because there are factual questions common to both the TEP Variance Request and  
13 the consolidated Arizona Public Service Company (“APS”) variance matter (in Docket No. E-  
14 01345A-01-0822), and that much of the testimony on both matters will be the same, that the TEP  
15 Variance should be consolidated with the APS matter for purposes of hearing. They also requested  
16 that with the consolidation, the hearing on the APS matter should be continued for an additional 30  
17 days to allow the parties adequate time to prepare for the hearing.

18 RUCO, the Commission’s Utilities Division Staff (“Staff”), the Arizona Utility Investors  
19 Association, APS, and TEP stated their belief that a consolidated hearing with the APS variance  
20 matter is not necessary, as there are some significant differences in the two filings. In addition, APS  
21 objected to the request being made in this TEP proceeding for a delay in the APS proceeding.

22 At this time, it is not necessary to schedule the TEP MGC Motion for hearing. However, the  
23 parties should file a status report on their progress in reaching an agreement to be submitted for  
24 Commission consideration.

25 Although the TEP Variance Request and the APS matter may share some common issues, the  
26 facts in these matters are dissimilar enough to merit separate hearings. The current hearing schedule  
27 for the APS matter need not be delayed for the purpose of scheduling the proceedings on the TEP  
28 Variance Request.

1 Pursuant to A.A.C. R14-3-101, the Commission now issues this Procedural Order to govern  
2 the preparation and conduct of this proceeding.

3 **IT IS THEREFORE ORDERED that a hearing on the TEP Variance Request shall**  
4 **commence on June 10, 2002 at 10:00 a.m.**, or as soon thereafter as is practical, at the Commission's  
5 offices, 1200 West Washington Street, Phoenix, Arizona 85007.

6 IT IS FURTHER ORDERED that public comments will be taken on the first day of hearing.

7 IT IS FURTHER ORDERED that a **pre-hearing conference on the TEP Variance Request**  
8 **shall be held on June 7, 2002 at 1:30 p.m.**, at the Commission's Phoenix offices, for the purpose of  
9 scheduling witnesses and the conduct of the hearing.

10 IT IS FURTHER ORDERED that intervention in the TEP Variance Request matter shall be  
11 accordance with A.A.C. R14-3-105, except that all motions to intervene must be filed on or before  
12 May 2, 2002.

13 IT IS FURTHER ORDERED that the Company shall reduce to writing and file its direct  
14 testimony and associated exhibits to be presented at the hearing on the TEP Variance Request on or  
15 before noon on April 2, 2002.

16 IT IS FURTHER ORDERED that Staff and Intervenor direct testimony and associated  
17 exhibits to be presented at the hearing on the TEP Variance Request shall be reduced to writing and  
18 filed on or before noon on May 7, 2002.

19 IT IS FURTHER ORDERED that Company rebuttal testimony and associated exhibits to be  
20 presented at hearing on the TEP Variance Request shall be reduced to writing and filed on or before  
21 noon on June 4, 2002.

22 IT IS FURTHER ORDERED that any objections to any testimony or exhibits that have been  
23 pre-filed as of June 7, 2002, shall be made before or at the June 7, 2002 pre-hearing conference.

24 IT IS FURTHER ORDERED that all testimony filed shall include a table of contents that lists  
25 the issues discussed.

26 IT IS FURTHER ORDERED that any substantive corrections, revisions, or supplements to  
27 pre-filed testimony shall be reduced to writing and filed no later than five days before the witness is  
28 scheduled to testify.

1 IT IS FURTHER ORDERED that the parties shall prepare a brief, written summary of the  
2 pre-filed testimony of each of their witnesses and shall file each summary at least two working days  
3 before the witness is scheduled to testify.

4 IT IS FURTHER ORDERED that copies of summaries should be served upon the Presiding  
5 Officer, the Commissioners, and the Commissioners' aides as well as the parties of record.

6 IT IS FURTHER ORDERED that TEP shall provide public notice of the hearing in this  
7 matter, in the following form and style, with the heading in no less than 24 point bold type and the  
8 body in no less than 10 point regular type:

9  
10 **PUBLIC NOTICE OF TUCSON ELECTRIC POWER COMPANY'S REQUEST FOR**  
11 **VARIANCE OF CERTAIN ELECTRIC COMPETITION RULES COMPLIANCE DATES**  
12 **AND FOR COMMISSION APPROVAL OF ANY NECESSARY MODIFICATION TO THE**  
13 **SETTLEMENT AGREEMENT APPROVED IN DECISION NO. 62103.**  
14 **DOCKET NO. E-01933A-02-0069.**

15 On January 28, 2002, Tucson Electric Power Company ("TEP" or  
16 "Company"), filed an application requesting an extension of the  
17 compliance dates in certain of the Arizona Corporation Commission's  
18 ("Commission") Electric Competition Rules, and for any modification to  
19 the Settlement Agreement approved in Commission Decision No. 62103  
20 deemed necessary in connection with its request. The Commission will  
21 hold a hearing on this matter beginning **June 10, 2002**, at 10:00 a.m. at the  
22 Commission's offices, 1200 West Washington Street, Phoenix, Arizona  
23 85007. Public Comments will be taken in Phoenix on the first day of  
24 hearing.

25 The law provides for an open public hearing at which, under appropriate  
26 circumstances, interested parties may intervene. Intervention shall be  
27 permitted to any person entitled by law to intervene and having a direct  
28 and substantial interest in the matter. Persons desiring to intervene must  
file a written motion to intervene with the Commission. That motion must  
be sent to the Company or its counsel and to all parties of record, and  
must, at the minimum, 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 of the Company, a shareholder of the  
Company, etc.)

1 3. A statement certifying that a copy of the motion to intervene has  
2 been mailed to the Company or its counsel and to all parties of record in  
the case.

3 The granting of motions to intervene shall be governed by A.A.C.R14-3-  
4 105, except that all motions to intervene must be filed on or before May 2,  
5 2002. The granting of intervention, among other things, entitles a party to  
6 present sworn evidence at hearing and to cross-examine other witnesses.  
However, failure to intervene will not preclude any person from appearing  
at the hearing and making a statement on such person's own behalf.

7  
8 The Commission does not discriminate on the basis of disability in  
9 admission to its public meetings. Persons with a disability may request a  
10 reasonable accommodation such as a sign language interpreter, as well as  
11 request this document in an alternative format, by contacting Shelly Hood,  
ADA Coordinator, voice phone number 602/542-3931, E-mail  
shood@cc.state.az.us. Requests should be made as early as possible to  
allow time to arrange the accommodation.

12 IT IS FURTHER ORDERED that the Company shall cause the above notice to be published  
13 at least two days in a daily newspaper of general circulation in its service territory, with publication to  
14 be completed as soon as possible but not later than April 2, 2002, and shall provide copies of the  
15 above notice to its customers by mailing either in bill inserts or other mailing, no later than April 12,  
16 2002.

17 IT IS FURTHER ORDERED that the Company shall file certification of mailing and  
18 publication as soon as practicable after the mailing and publication have been completed but not later  
19 than April 30, 2002.

20 IT IS FURTHER ORDERED that notice shall be deemed complete upon mailing and  
21 publication of same, notwithstanding the failure of an individual to read or receive the notice.

22 IT IS FURTHER ORDERED that in the event that a stipulated agreement on the issues raised  
23 in the TEP MGC Motion has not been filed with the Commission by April 10, 2002, TEP shall file a  
24 report on the status of a stipulated agreement among the parties on those issues on or before April 12,  
25 2002.

26 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized  
27 Communications) applies to this proceeding and shall remain in effect until the Commission's  
28 Decision in this matter is final and non-appealable.

1 IT IS FURTHER ORDERED that the time periods specified herein shall not be extended  
2 pursuant to Rule 6(a) or (e) of the Rules of Civil Procedure.

3 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive  
4 any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

5 DATED this 14th day of March, 2002.

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TEENA WOLFE  
ADMINISTRATIVE LAW JUDGE

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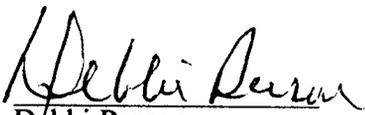
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