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BEFORE THE ARIZONA CORPORATION COMMISSION

RECEIVED

COMMISSIONERS

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

2009 AUG -5 P 3: 17

Arizona Corporation Commission

DOCKETED

AZ CORP COMMISSION  
DOCKET CONTROL

AUG - 5 2009

DOCKETED BY *MS*

IN THE MATTER OF THE APPLICATION OF ARIZONA PUBLIC SERVICE COMPANY FOR A HEARING TO DETERMINE THE FAIR VALUE OF THE UTILITY PROPERTY OF THE COMPANY FOR RATEMAKING PURPOSES, TO FIX A JUST AND REASONABLE RATE OF RETURN THEREON, AND TO APPROVE RATE SCHEDULES DESIGNED TO DEVELOP SUCH RETURN.

DOCKET NO. E-01345A-08-0172

PROCEDURAL ORDER

**BY THE COMMISSION:**

On March 24, 2008, Arizona Public Service Company ("APS") filed with the Arizona Corporation Commission ("Commission") an application for a rate increase.

By Procedural Order issued July 29, 2008, the hearing on the permanent rate application was scheduled to commence on April 2, 2009.

On January 23, 2009, APS filed a Notice of Settlement Discussions.

On May 4, 2009, a Term Sheet containing the major provisions of the Settlement Agreement was filed along with a Request for Procedural Order ("Request"). The Request proposed a procedural schedule for filing testimony and a hearing date on the contemplated Settlement Agreement.

On May 11, 2009, a Procedural Order was issued establishing procedural dates and setting the matter for hearing to commence on August 19, 2009.

On June 12, 2009, the Proposed Settlement Agreement and the Joint Form of Proposed Notice were docketed.

On July 31, 2009, the Commission's Utilities Division Staff ("Staff") filed a Request for Extension of Filing Deadline ("Extension Request"). The Extension Request stated that due to changes in Staff's witnesses and because a deposition was to be held on August 3, 2009, Staff needed

1 additional time to file its reply testimony and exhibits. Staff requested a one week extension, from  
2 August 6 to August 13, 2009.

3 On August 3, 2009, the Residential Utility Consumer Office (RUCO") filed its Motion to Join  
4 in Staff's Request for Extension of Time ("Motion"). In its Motion, RUCO stated that it attended the  
5 deposition and needed additional time to review the transcript for possible use in RUCO's responsive  
6 testimony. RUCO also requested that its filing deadline be extended by one week and stated that  
7 such an extension would not prejudice any party or delay the proceedings.

8 No objection has been received to either the Extension Request or Motion, and accordingly,  
9 they should be granted.

10 IT IS THEREFORE ORDERED that Staff's Extension Request and RUCO's Motion are  
11 hereby granted and Staff and RUCO shall file their reply testimony and associated exhibits no later  
12 than **12:00 noon on August 13, 2009.**

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

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

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

21 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance  
22 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the  
23 Rules of Arizona Supreme Court). Representation before the Commission includes the obligation to  
24 appear at all hearings and procedural conferences, as well as all Open Meetings for which the matter  
25 is scheduled for discussion, unless counsel has previously been granted permission to withdraw by  
26 the Administrative Law Judge or the Commission.

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

4 DATED this 5th day of August, 2009.

5  
6   
7 LYN FARMER  
CHIEF ADMINISTRATIVE LAW JUDGE

8 Copies of the foregoing mailed/delivered  
9 This 5th day of August, 2009 to:

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