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BEFORE THE ARIZONA CORPORATION COMMISSION

RECEIVED

2 COMMISSIONERS

- 3 KRISTIN K. MAYES - Chairman
- 4 GARY PIERCE
- 5 PAUL NEWMAN
- 6 SANDRA D. KENNEDY
- 7 BOB STUMP

2009 SEP -1 A 10: 35
ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

7 IN THE MATTER OF THE APPLICATION OF
8 GRAHAM CUNTY ELECTRIC COOPERATIVE,
9 INC. TO AMEND ITS CERTIFICATE OF
CONVENIENCE AND NECESSITY AND TO
TRANSFER CERTAIN OF ITS ASSETS TO THE
CITY OF SAFFORD.

DOCKET NO. E-01749A-09-0185

PROCEDURAL ORDER

10 **BY THE COMMISSION:**

11
12 On July 16, 2009, the Arizona Corporation Commission ("Commission") convened a
13 Procedural Conference in this matter to discuss governing procedures in general, and notice of the
14 proceeding in particular. At that time, the Hearing Division directed the applicant, Graham County
15 Electric Cooperative, Inc. ("GCEC" or "Cooperative") and the Commission's Utilities Division
16 ("Staff") to discuss and agree on a form, or forms, of public notice.

17 On August 13, 2009, GCEC filed a "Request for Procedural Order and Filing of Proposed
18 Notice Forms." GCEC submitted for the approval two forms of notice, one to be published in the
19 Safford newspaper and a second that would be mailed to the customers and property owners who
20 would be directly affected by the agreement between GCEC and the City of Safford.

21 The forms of notice were agreed to by GCEC and Staff and are sufficient to give meaningful
22 notice to the public of the nature of the proceeding. Consequently, the proposed forms of notice will
23 be adopted in this proceeding, except that they will be modified to include the details of the hearing
24 in this matter and to conform to typical commission notices.

25 The matter is ready to be set for hearing, and the Commission now issues this Procedural
26 Order to govern the preparation and conduct of this proceeding.

Arizona Corporation Commission
DOCKETED

SEP -1 2009

DOCKETED BY

1 IT IS THEREFORE ORDERED that the **hearing** in the above-captioned matter shall be held
 2 on **November 17, 2009, at 10:00 a.m.** or as soon thereafter as is practical, at the Commission's
 3 offices, **Room 222**, 400 West Congress St., Tucson, Arizona 85701.

4 IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-
 5 105, except that all motions to intervene must be filed on or before **October 23, 2009**.

6 IT IS FURTHER ORDERED that GCECs shall provide notice of the hearing in this matter by
 7 mailing a copy of the following notice to all GCEC members who are actively receiving service in
 8 the Safford Service Area as set forth in Exhibit 3 to the Application and to the 20 property owners
 9 who hold 40 larger, undeveloped land parcels within the Safford Service Area, in the following form
 10 and style, with the heading in no less than 14 point bold type and the body in no less than 10 point
 11 regular type:

12 **NOTICE OF APPLICATION BY**
 13 **GRAHAM COUNTY ELECTRIC COOPERATIVE, INC.**
 14 **TO TRANSFER CERTAIN ASSETS TO THE CITY OF SAFFORD**
 15 **AND AMEND ITS CERTIFICATE OF CONVENIENCE AND NECESSITY**
 16 **DOCKET NO. E-01749A-09-0185**

16 Graham County Electric Cooperative, Inc. ("GCEC"), your electric service provider,
 17 and the City of Safford have entered into an agreement which involves the transfer of
 18 certain electric service territory – including the area where you currently receive or
 19 may receive electric service – and the right to supply electricity to that area from the
 20 Cooperative to the City. A map outlining the boundaries of that area is attached.

19 In general, what this means is that the City will supply electricity to any new
 20 customers wanting to establish service in this area. However, if you currently receive
 21 electric service from the Cooperative, you will continue to be GCEC's customer until
 22 January 1, 2016.

22 On April 17, 2009, GCEC filed an application with the Arizona Corporation
 23 Commission ("Commission") to amend its Certificate of Convenience and Necessity
 24 to reflect this change in service territory. The Commission's docket number for this
 25 Application is E-01749A-09-0185. If you have any question about the Application,
 26 please contact the Cooperative at (928) 485-2451 and ask for _____ [GCEC TO
 27 SUPPLY CONTACT NAME]. The application is also available for review at the
 28 Cooperative's offices at 9 West Center, Pima, Arizona and at the offices of the
 Commission in Tucson at 400 West Congress Street, Suite 218, Tucson and in
 Phoenix at 1200 West Washington Street and on the Commission's website,
www.azcc.gov, by using the eDocket function.

1 The Commission will hold a hearing on this matter on **November 17, 2009**, at **10:00**
 2 **a.m.**, or as soon thereafter as is practical, at the Commission's Tucson offices, **Room**
 3 **222, 400 West Congress Street, Tucson, Arizona 85701.**

4 You may have the right to intervene in the proceeding and participate as a party.
 5 Intervention will be in accordance with A.A.C. R14-3-105, except that all motions to
 6 intervene must be filed by **October 23, 2009**. Persons desiring to intervene must file a
 7 written motion with the Commission and send such motion to the Applicant or its
 8 counsel. The motion must, at a minimum, contain the name, address and telephone
 9 number of the proposed intervenor, a short statement of the proposed intervenor's
 10 interest in the proceeding, and a statement certifying that a copy of the motion to
 11 intervene has been mailed to the Applicant or its counsel and to all parties of record in
 12 this case.

13 Comments may also be made by writing to the Commission in care of Docket Control,
 14 1200 West Washington Street, Phoenix, Arizona 85007. All correspondence should
 15 contain the Docket No. E-01749A-09-0185. If you want further information on
 16 intervention or have questions on how to file comments, you may contact the
 17 Consumer Service Section of the Commission at 400 West Congress Street, Suite 218,
 18 Tucson, Arizona 85701 (1-800-535-0148), or 1200 West Washington Street, Phoenix,
 19 Arizona 85007 (1-800-222-7000).

20 The Commission does not discriminate on the basis of disability in admission to its
 21 public meetings. Persons with a disability may request a reasonable accommodation
 22 such as a sign language interpreter, as well as request this document in an alternative
 23 format, by contacting Shaylin Bernal, ADA Coordinator, voice phone number 602-
 24 542-3931, E-mail SBernal@azcc.gov. Requests should be made as early as possible
 25 to allow time to arrange the accommodation.

26 IT IS FURTHER ORDERED that GCEC shall append the map attached hereto as Exhibit A
 27 to the above notice.

28 IT IS FURTHER ORDERED that CEC shall have the following notice published in a
 newspaper of local circulation in the affected service area in the following form and style, with the
 heading in no less than 14 point bold type and the body in no less than 10 point regular type:

NOTICE OF APPLICATION BY
GRAHAM COUNTY ELECTRIC COOPERATIVE, INC.
TO TRANSFER CERTAIN ASSETS TO THE CITY OF SAFFORD
AND AMEND ITS CERTIFICATE OF CONVENIENCE AND NECESSITY
DOCKET NO. E-01749A-09-0185

On April 17, 2009 Graham County Electric Cooperative, Inc. ("GCEC") filed an application with the Arizona Corporation Commission ("Commission") to transfer

1 certain assets to the City of Safford and to amend its Certificate of Convenience and
2 Necessity. The Application is available for inspection during regular business hours at
3 the offices of the Commission in Tucson at 400 West Congress Street, Suite 218,
4 Tucson, Arizona, in Phoenix at 1200 West Washington Street, Phoenix, Arizona or on
5 the Commission's website, www.azcc.gov, by using the eDocket link, as well as at the
6 offices of GCEC, 9 West Center, Pima, Arizona.

7 The application concerns an agreement reached between GCEC and the City of
8 Safford which involves the transfer of certain electric service territory and the right to
9 supply electricity to that area from GCEC to the City. A mailing of notice will be
10 made to persons currently receiving service from GCEC in this area. In general, what
11 the agreement provides is that the City of Safford will supply electricity to any new
12 customers wanting to establish service in this area. However, if you currently receive
13 electric service in this area from GCEC, you will continue to be a GCEC customer
14 until January 1, 2016.

15 The Commission will hold a hearing on this matter on **November 17, 2009, at 10:00**
16 **a.m.**, or as soon thereafter as is practical, at the Commission's Tucson offices, **Room**
17 **222, 400 West Congress Street, Tucson, Arizona 85701.**

18 You may have the right to intervene in the proceeding and participate as a party.
19 Intervention will be in accordance with A.A.C. R14-3-105, except that all motions to
20 intervene must be filed by October 23, 2009. Persons desiring to intervene must file a
21 written motion with the Commission and send such motion to the Applicant or its
22 counsel. The motion must, at a minimum, contain the name, address and telephone
23 number of the proposed intervenor, a short statement of the proposed intervenor's
24 interest in the proceeding, and a statement certifying that a copy of the motion to
25 intervene has been mailed to the Applicant or its counsel and to all parties of record in
26 this case.

27 If you have questions about this application, you may contact GCEC at (928) 485-
28 2451. Comments may also be made by writing to the Commission in care of Docket
Control, 1200 West Washington Street, Phoenix, Arizona 85007. All correspondence
should contain the Docket No. E-01749A-09-0185. If you want further information
on intervention or have questions on how to file comments, you may contact the
Consumer Service Section of the Commission at 400 West Congress Street, Suite 218,
Tucson, Arizona 85701 (1-800-535-0148), or 1200 west Washington Street, Phoenix,
Arizona 85007 (1-800-222-7000).

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 Shaylin Bernal, ADA Coordinator, voice phone number 602-
542-3931, E-mail SBernal@azcc.gov. Requests should be made as early as possible
to allow time to arrange the accommodation.

1 IT IS FURTHER ORDERED that **GCEC shall mail and publish** the notices as directed
2 herein, no later than **September 30, 2009**.

3 IT IS FURTHER ORDERED that notice shall be deemed complete upon mailing and
4 publication notwithstanding the failure of an individual customer to read or receive the notice.

5 IT IS FURTHER ORDERED that GCEC shall file affidavits of mailing and publication as
6 soon as practical after mailing and publication are complete.

7 IT IS FURTHER ORDERED that Staff shall **file its testimony or Staff Report** and any
8 exhibits to be used at the hearing in this matter no later than **October 19, 2009**.

9 IT IS FURTHER ORDERED that Applicants and Intervenors shall **file any Responses to the**
10 **Staff Report** and associated exhibits to be presented at the hearing on or before **November 3, 2009**.

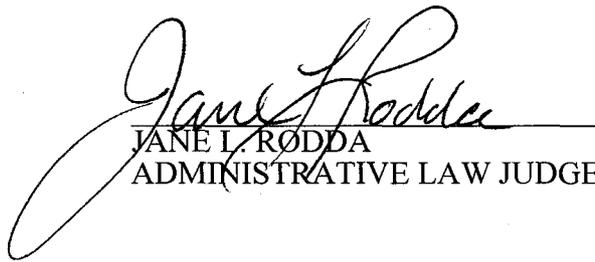
11 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized
12 Communications) applies to this proceeding as the matter is now set for public hearing.

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

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

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

20 Dated this 31st day of August, 2009.


JANE L. RODDA
ADMINISTRATIVE LAW JUDGE

21
22
23
24 Copies of the foregoing mailed
25 this 31st day of August, 2009 to:

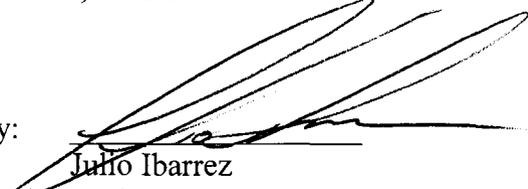
26 Michael M. Grant
27 Mark Deatherage
28 Gallagher & Kennedy, PA
2575 East Camelback Road
Phoenix, Arizona 85016-9225
Attorneys for GCEC

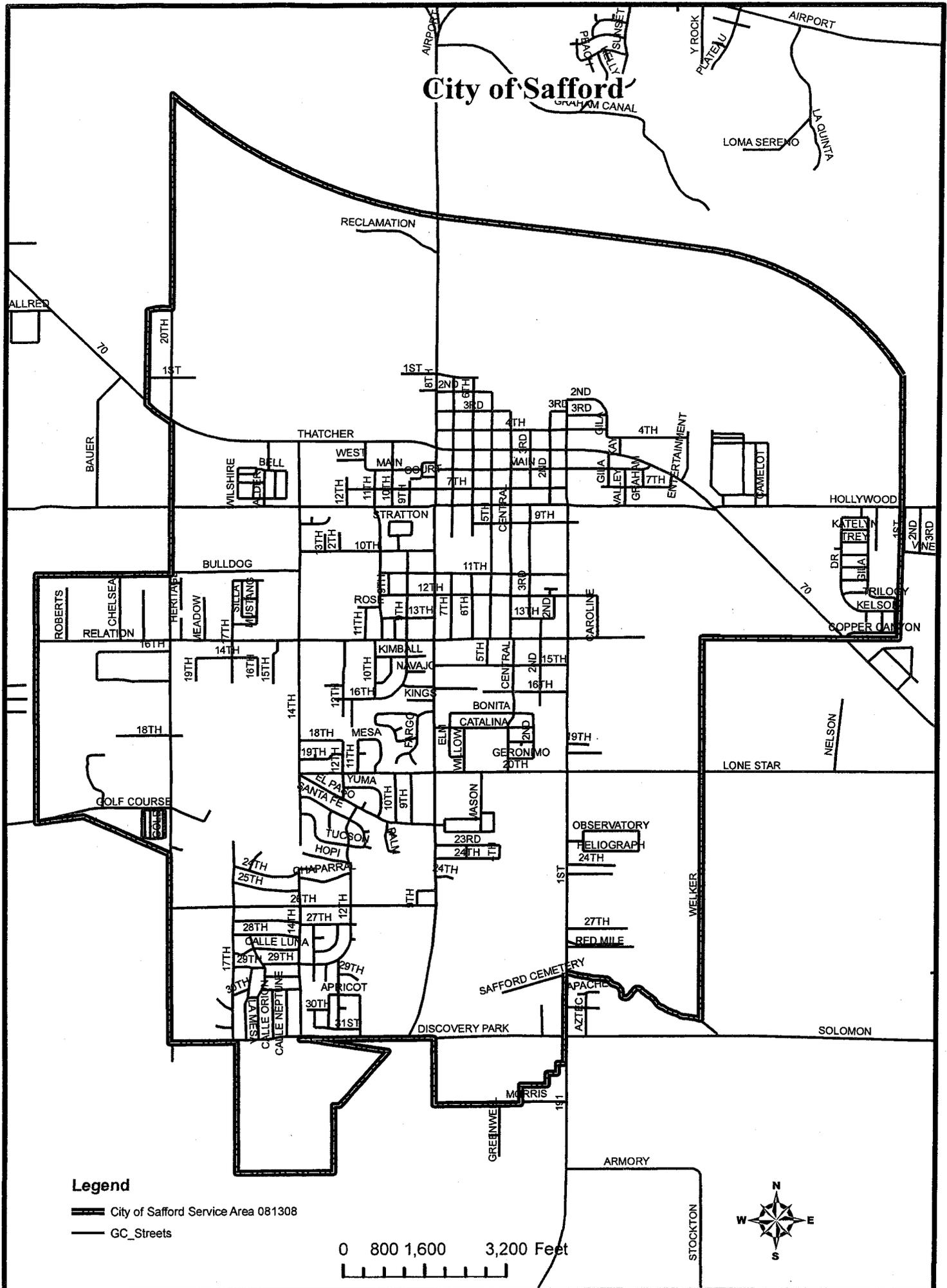
1 Jeffrey C. Zimmerman
2 Moyes, Sellers & Sims
3 1850 Norht Central Avenue
4 Suite 1100
5 Phoenix, Arizona 85004
6 Attorneys for the City of Safford

7 Janice Alward, Chief Counsel
8 LEGAL DIVISION
9 Arizona Corporation Commission
10 1200 W. Washington Street
11 Phoenix, Arizona 85007

12 Steven Olea, Director
13 Utilities Division
14 Arizona Corporation Commission
15 1200 W. Washington Street
16 Phoenix, Arizona 85007

17 Arizona Reporting Service, Inc.
18 2200 N. Central Avenue, Suite 502
19 Phoenix, Arizona 85004-1481

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21
22
23
24
25
26
27
28
By: 
Julio Ibarrez
Assistant to Jane Rodda



City of Safford

Legend

- City of Safford Service Area 081308
- GC Streets

0 800 1,600 3,200 Feet

