



1 BE IT REMEMBERED that the above-entitled and  
2 numbered matter came on regularly to be heard before  
3 the Arizona Corporation Commission, 1200 West  
4 Washington Street, Phoenix, Arizona, commencing at  
5 10:00 a.m. on the 30th day of September, 2004.

6  
7 BEFORE: TEENA WOLFE, Administrative Law Judge

8 APPEARANCES:

9 For the Arizona Corporation Commission Staff:

10 JANET WAGNER  
11 Staff Attorney, Legal Division  
12 1200 West Washington Street  
13 Phoenix, Arizona 85007

14 For Arizona Public Service Company:

15 PINNACLE WEST CAPITAL CORPORATION  
16 By: Ms. Karilee S. Ramaley  
17 P.O. Box 53999, MS 8695  
18 Phoenix, Arizona 85072

19 - and -

20 SNELL & WILMER, L.L.P.  
21 By: Mr. Jeffrey B. Guldner  
22 Ms. Kimberly A. Grouse  
23 One Arizona Center  
24 400 East Van Buren  
25 Phoenix, Arizona 85004

For PPL Sundance Energy, LLC:

MOYES STOREY  
By: Mr. Jay I. Moyes  
1850 North Central Avenue, Suite 1100  
Phoenix, Arizona 85004

1 APPEARANCES (Con't):

2 For the Arizona Utility Investors Association:

3 Arizona Utility Investors Association  
4 By: Mr. Walter M. Meek, President  
5 2100 North Central Avenue, Suite 210  
6 Phoenix, Arizona 85004

7 For the Residential Utility Consumer Office:

8 Residential Utility Consumer Office  
9 By: Mr. Daniel Pozefsky  
10 1110 West Washington Street, Suite 200  
11 Phoenix, Arizona 85007

12 For Sempra Energy Resources and Mesquite Power, LLC,  
13 Southwestern Power Group II, LLC, and Bowie Power  
14 Station, LLC.

15 MUNGER CHADWICK, P.L.C.  
16 By: Mr. Lawrence V. Robertson, Jr.  
17 333 North Wilmot, Suite 300  
18 Tucson, Arizona 85711  
19 (Appeared telephonically)

20 For Tucson Electric Power Company:

21 ROSHKA, HEYMAN & DeWULF  
22 By: Ms. Laura Sixkiller  
23 One Arizona Center  
24 400 East Van Buren, Suite 800  
25 Phoenix, Arizona 85004

MICHELE E. BALMER  
Certified Court Reporter  
Certificate No. 50489

1 ALJ WOLFE: Good morning. Welcome to the  
2 Arizona Corporation Commission.

3 The Commission has set for prehearing  
4 conference at this time and place consolidated Docket  
5 Numbers E-01345A-04-0407 and L-00000W-00-107. The  
6 dockets are in the matter of the application of Arizona  
7 Public Service Company for (1) approval of the purchase  
8 of generating assets from PPL Sundance Energy, LLC, and  
9 for (2) an accounting order and determination of  
10 ratemaking treatment; and in the matter of the  
11 application of Sundance Energy in conformance with the  
12 requirements of Arizona Revised Statutes 40-360.03 and  
13 40-360.06 for a certificate of environmental  
14 compatibility authorizing the construction of a nominal  
15 600 megawatt natural gas-fired, simple cycle, peaking  
16 power generating facility in Pinal County, Arizona  
17 southwest of Coolidge, Arizona.

18 My name is Teena Wolfe. I'm the Administrative  
19 Law Judge assigned to this proceeding.

20 I'll start this morning by taking appearances  
21 on behalf of the parties.

22 APS?

23 MR. GULDNER: Good morning, Ms. Wolfe. Jeff  
24 Guldner and Kim Grouse of Snell & Wilmer, and Tom Mumaw  
25 and Karilee Ramaley of the Pinnacle West Law Department

1 on behalf of the joint applicant Arizona Public Service  
2 Company.

3 ALJ WOLFE: Thank you. And for PPL Sundance?

4 MR. MOYES: Good morning, Judge Wolfe. Jay  
5 Moyes of the local firm of Moyes Storey on behalf of  
6 PPL Sundance Energy, LLC.

7 In addition, Mr. Jesse A. Dillon of PPL  
8 Services, in-house counsel of PPL, is planning to  
9 participate. He will be here in person for the  
10 hearing, but I'm not sure if he's been able to call in  
11 yet, but he might at some point, or at least on the  
12 Listen Line. But he has been admitted pro hac vice for  
13 this proceeding.

14 ALJ WOLFE: And Mr. Moyes, I want to apologize.  
15 You mentioned having been left off the service list,  
16 and we will be correcting that.

17 MR. MOYES: Thank you. No problem.

18 ALJ WOLFE: AUIA?

19 MR. MEEK: Thank you, Your Honor. Walter Meek,  
20 President of the Arizona Utility Investors Association.

21 ALJ WOLFE: And RUCO?

22 MR. POZEFSKY: Good morning, Your Honor.  
23 Daniel Pozefsky on behalf of RUCO.

24 ALJ WOLFE: And Staff?

25 MS. WAGNER: Good morning, Your Honor. Janet

1 Wagner appearing on behalf of Commission Staff.

2 ALJ WOLFE: Okay. The purpose of the  
3 prehearing conference today is to schedule witnesses  
4 and the conduct of the proceeding.

5 The hearing is scheduled to begin Monday,  
6 October 4 at 9:00 a.m. I plan to go from 9:00 to 5:00  
7 each day. I would like not to go over 5:00, if  
8 possible, by much. But that's why I set it to begin at  
9 9:00 in the morning.

10 I figured at an average rate of two witnesses a  
11 day, including rejoinder witnesses, we hopefully will  
12 complete this hearing on or before Wednesday, October  
13 13. And that includes a break in the hearing for  
14 October 11, a State holiday.

15 In the event that we don't get finished on  
16 October 13, I do have this room reserved for October 15  
17 to wrap up.

18 Let me just go through my list of witnesses who  
19 have prefiled testimony to make sure that I have it all  
20 in order. For APS I have the testimony of Steven  
21 Wheeler and Patrick Dinkel, both direct and rebuttal  
22 testimony.

23 For PPL Sundance, Bradley Spencer and Joel  
24 Cook, both direct and rebuttal testimony.

25 For AUIA, I have the direct testimony of Walter

1 Meek.

2 And for RUCO, I have the direct testimony of  
3 Marylee Diaz Cortez.

4 And for Staff I have the direct testimony of  
5 Matthew Rowell, William Galyan. Is that the correct  
6 pronunciation?

7 MS. WAGNER: That's correct.

8 ALJ WOLFE: And Jamie Moe.

9 Now, in my procedural order I provided for  
10 surrebuttal testimony on behalf of Staff or the  
11 intervenors to be given on the stand, and I will allow  
12 time for that in the schedule prior to the  
13 cross-examination. That way they can be cross-examined  
14 on both their direct and surrebuttal.

15 I didn't mention rejoinder testimony in the  
16 procedural order, but I do plan to allow time at the  
17 conclusion of the intervenors' cases and Staff's cases  
18 for rejoinder witnesses for APS and PPL.

19 Today was the deadline for objections to any  
20 prefiled testimony or exhibits. So before we get to  
21 witness scheduling, this is the time to make any  
22 objections.

23 APS?

24 MR. GULDNER: None, Your Honor.

25 ALJ WOLFE: PPL?

1 MR. MOYES: None, Your Honor. Thank you.

2 ALJ WOLFE: Thank you.

3 AUJA?

4 MR. MEEK: None, Your Honor.

5 ALJ WOLFE: Oh, Mr. Robertson. I'm sorry. I  
6 thought he was on the line. I must have done something  
7 wrong with the phones. Before we go any further, I  
8 need to make sure that he is on the line. Just a  
9 moment. We'll go off the record.

10 (A brief recess was taken.)

11 ALJ WOLFE: Let's go back on the record.

12 Mr. Robertson, I went over a few procedural  
13 things before I got you hooked into the system. I  
14 apologize for that. Do you want to go ahead and enter  
15 your appearance for the record?

16 MR. ROBERTSON: Yes. Thank you, Your Honor.  
17 Lawrence V. Robertson, Junior appearing on behalf of  
18 Sempra Energy Resources and Mesquite Power, LLC, and  
19 Southwestern Power Group II, LLC, and Bowie Power  
20 Station, LLC.

21 ALJ WOLFE: What I went over was basically our  
22 schedule for the hearing, which will be 9:00 to 5:00  
23 each day commencing on Monday, October 4. And there  
24 will be a break in the hearing, if we're still going,  
25 on October 11 and also October 14. And the hearing has

1 to wrap up by October 15, but hopefully we'll finish up  
2 before then.

3 And then I just read off a list of the  
4 testimony that I had received, and everyone seemed to  
5 be straight with that. I just want you to verify for  
6 the record, you didn't have witnesses prefiling  
7 testimony; correct?

8 MR. ROBERTSON: That is correct, Your Honor.

9 ALJ WOLFE: Okay. And I did say that Staff and  
10 the intervenors will be providing surrebuttal testimony  
11 on the stand, and then there will be time after  
12 presentation of the direct cases for the companies, APS  
13 and PPL, to provide rejoinder testimony from the stand.

14 MR. ROBERTSON: Okay.

15 ALJ WOLFE: And today is the deadline for  
16 objections to any prefiled testimony or exhibits.

17 Mr. Robertson, did you have any objections to  
18 anything that's been filed thus far?

19 MR. ROBERTSON: No. I do not, Your Honor.  
20 Thank you.

21 ALJ WOLFE: Mr. Pozefsky?

22 MR. POZEFSKY: I have no objections.

23 ALJ WOLFE: And Staff?

24 MS. WAGNER: No objections, Your Honor.

25 ALJ WOLFE: Okay.

1 MR. GULDNER: Ms. Wolfe?

2 ALJ WOLFE: Yes.

3 MR. GULDNER: It was my recollection that  
4 Mr. Cohen had also intervened on behalf of  
5 Constellation or Strategic.

6 ALJ WOLFE: That's correct.

7 MR. GULDNER: And I didn't know if you had  
8 heard from him whether he was going to participate in  
9 this procedural conference.

10 ALJ WOLFE: The Hearing Division has had no  
11 word either. And he was on the service list. But  
12 thank you for bringing that up. So there is no  
13 appearance today by Constellation New Energy or  
14 Strategic Energy, or is there?

15 MS. SIXKILLER: No. I wanted to make an  
16 appearance for Tucson Electric Power. Laura Sixkiller  
17 of Roshka, Heyman & DeWulf appearing on behalf of  
18 Tucson Electric Power Company.

19 ALJ WOLFE: Thank you. Are there any other  
20 intervenors that want to make an appearance that I  
21 skipped over?

22 (No response.)

23 ALJ WOLFE: Okay. So there is no objection to  
24 any prefiled testimony at this time. That will make it  
25 easier, then, at the hearing.

1 As far as the order of witnesses, I hope that  
2 there aren't any witnesses who require a date certain  
3 to testify. It looks like all of the witnesses are  
4 from in state; is that correct?

5 MS. WAGNER: Your Honor, actually, I do have  
6 one witness who would prefer a date certain if it's  
7 possible. It's Mr. Moe, and it is due to some  
8 appointments of a personal nature that it's necessary  
9 for him to keep. He will be unavailable on Tuesday  
10 morning. And, if possible, we would prefer to have him  
11 testify either Monday in the afternoon or Tuesday in  
12 the afternoon.

13 ALJ WOLFE: Are you speaking of Monday,  
14 October 4 or Tuesday, October 5?

15 MS. WAGNER: That's correct. I understand that  
16 it is out of order. We wouldn't ask if it weren't  
17 necessary.

18 MR. ROBERTSON: Just so you're aware, I can't  
19 hear a thing, whoever is speaking. You just referred  
20 to someone, indicating that there were comments being  
21 made.

22 ALJ WOLFE: I think Ms. Wagner will be happy to  
23 repeat her comments.

24 MS. WAGNER: I apologize. My microphone wasn't  
25 on. Just to repeat, Staff is requesting that Mr. Moe

1 be allowed to appear either the afternoon of Monday,  
2 October 4th, or the afternoon of Tuesday, October 5th.  
3 He has some appointments of a personal nature that he  
4 is unable to reschedule.

5 ALJ WOLFE: Okay. And Mr. Moyes.

6 MR. MOYES: Your Honor, thank you.

7 Is this on, Mr. Robertson?

8 ALJ WOLFE: If the green light is shining, then  
9 it's on. I forgot to remind everyone.

10 MR. MOYES: It is now. I can see the light.

11 PPL witnesses Spencer and Cook, if possible, we  
12 would prefer to have them testify no sooner than  
13 Tuesday morning. It would be impossible for Mr. Cook  
14 -- or Mr. Spencer, rather, to be here on Monday,  
15 October 4th, but he will be here and available from  
16 Tuesday, October 5th on.

17 Similarly for Mr. Cook, he could, if possible,  
18 get here late on Monday, October 4th. But in  
19 discussing proposed schedules, at least with APS, I  
20 haven't had an opportunity to talk with Staff about it,  
21 but I don't anticipate that being a problem.

22 ALJ WOLFE: Okay. Anyone else?

23 (No response.)

24 ALJ WOLFE: Okay. As far as Spencer and Cook  
25 on Tuesday, that looked to me like that would probably

1 be the day. But with Staff's witness going out of  
2 order, it might make it possible that they wouldn't be  
3 able to testify until Wednesday. But I would hope they  
4 would be able to.

5 MR. MOYES: Tuesday or later would be fine.  
6 Just Monday, October 4 would be the only problem.

7 ALJ WOLFE: We wouldn't require them to be here  
8 on Monday then.

9 MR. MOYES: Thank you, Your Honor.

10 ALJ WOLFE: Could I get a response,  
11 Mr. Guldner, to Staff's suggestion?

12 MR. GULDNER: We have no objection -- turn the  
13 light on. We have no objection to Mr. Moyes'  
14 scheduling.

15 Actually, it was our -- I'll just throw it out  
16 now. It was our belief, it may be optimistic, but our  
17 believe that this hearing would actually be a little  
18 quicker than maybe we're planning. I guess we'll see  
19 that as we schedule witnesses. But we certainly have  
20 no objection to Mr. Moe going on Monday.

21 ALJ WOLFE: And you prefer Monday to Tuesday?

22 MR. GULDNER: Monday is fine if that works best  
23 for him. Tuesday afternoon, I think, would work fine  
24 as well.

25 MS. WAGNER: It's my understanding that Monday

1 is actually Mr. Moe's preference, even though I realize  
2 that exacerbates the out of order issue that this  
3 creates.

4 ALJ WOLFE: I think we can probably deal with  
5 that. And also Mr. Moyes, as far as witnesses Spencer  
6 and Cook, do you plan to put them on the stand for  
7 rejoinder?

8 MR. MOYES: We would reserve the right to do  
9 that, but at this point we would not anticipate a need  
10 to do so.

11 ALJ WOLFE: Okay. Because looking at it, it  
12 looks like rejoinder might possibly run over into  
13 Tuesday, October 12, instead of finishing up next week.  
14 It depends on how fast it goes in the nature of the  
15 questioning. So I don't know what the nature of the  
16 questions will be at this time.

17 Okay. We can schedule Mr. Moe for Monday  
18 afternoon. And so that if he's not finished, he might  
19 have to come back Tuesday afternoon. Is that  
20 agreeable?

21 MS. WAGNER: I understand that's agreeable.  
22 And thank you, Your Honor. And thank you to the  
23 parties as well for that accommodation.

24 ALJ WOLFE: With the exception of that out of  
25 order witness, I would anticipate, then, having

1 Mr. Wheeler and Mr. Dinkel testify on Monday. And then  
2 would that be your preferred order? Wheeler and then  
3 Dinkel?

4 MR. GULDNER: That is the preferred order.

5 ALJ WOLFE: Okay. And then Spencer and Cook.  
6 Is that the preferred order, Mr. Moyes, or is there a  
7 preference?

8 MR. MOYES: That would be fine.

9 ALJ WOLFE: Okay. And then Mr. Meek?

10 MR. MOYES: Your Honor, on second thought, I  
11 would probably prefer to put Mr. Cook on first and then  
12 Mr. Spencer. Thank you.

13 ALJ WOLFE: Okay. And then Mr. Meek following  
14 Mr. Spencer. And then Ms. Diaz Cortez would follow  
15 Mr. Meek with surrebuttal testimony from the stand, and  
16 then cross-examination on both direct and surrebuttal.

17 And then is there a preference, Ms. Wagner, for  
18 the order of Mr. Rowell and Mr. Galyan?

19 MS. WAGNER: We would like to have Mr. Rowell  
20 go first.

21 ALJ WOLFE: Okay. So following Ms. Diaz  
22 Cortez, there would be Mr. Rowell with cross-  
23 examination on direct and the surrebuttal that he gives  
24 from the stand.

25 And following that, Mr. Galyan direct and

1 surrebuttal from the stand, cross-examination on that.

2 And then following that, I have in my proposed  
3 order the rejoinder of Mr. Cook and Spencer prior to  
4 the rejoinder of Mr. Wheeler and Mr. Dinkel.

5 MR. MOYES: That's fine, Your Honor.

6 ALJ WOLFE: Do any of the parties have any  
7 comments on the witness order?

8 (No response.)

9 ALJ WOLFE: And I know people usually have  
10 questions about the order of cross-examination, so I  
11 can go ahead and give you my thoughts on that. And if  
12 you have a preference to go in a different order, just  
13 make your wishes known.

14 The cross-examination of APS and PPL Sundance's  
15 witness, I have AUIA going first. And based on AUIA's  
16 prefiled testimony, unless the position changes, I  
17 expect cross-examination to be limited as it looks like  
18 it will be pretty friendly.

19 MR. MEEK: Friendly?

20 ALJ WOLFE: You're not the only witness I  
21 expect that of, Mr. Meek.

22 MR. MEEK: Your Honor, I abhor friendly  
23 cross-examination. I will keep it as brief as  
24 possible.

25 ALJ WOLFE: That's fine. Thank you.

1 MR. MEEK: I do want to make one small point  
2 about that, which I hope is meaningless, quite frankly.  
3 I also have a doctor's appointment Monday afternoon.

4 With Mr. Moe going at that time, I probably end  
5 up with no problem. But if, in fact -- no. That  
6 should be no problem as the company witnesses will not  
7 be able to make it at that time anyway. If you don't  
8 see me sitting here at 1:00, that's the reason.

9 ALJ WOLFE: Thank you for letting me know.

10 And then Constellation New Energy, Strategic  
11 Energy following Mr. Meek. Then Southwestern Power  
12 Group II, Bowie Power Station, Sempra and Mesquite  
13 Power, and then RUCO and Staff.

14 I don't see any head shaking. Okay. And then  
15 as far as cross-examination of AUIA's witness, I have  
16 Constellation New Energy, Strategic Energy, then the  
17 Southwestern Power Group II, Bowie Power, Sempra and  
18 Mesquite, RUCO, Staff, PPL and APS. And based on PPL's  
19 and APS's prefiled testimony, I don't expect much  
20 cross-examination of Mr. Meek.

21 Okay. Then for cross-examination of RUCO's  
22 witness, the order that I anticipate is Constellation  
23 New Energy, Strategic Energy, Southwestern Power Group  
24 II, Bowie Power Station, Sempra and Mesquite Power,  
25 then Staff, AUIA, PPL and APS.

1 Okay. And then for cross-examination of  
2 Staff's witnesses, Constellation New Energy, Strategic  
3 Energy, then the Robertson clients, RUCO, AUIA, PPL and  
4 APS.

5 Does that seem acceptable to everyone?

6 (No response.)

7 ALJ WOLFE: Okay. Opening and closing  
8 statements are discretionary. We'll be taking public  
9 comment first thing Monday morning if there are public  
10 commenters appearing.

11 But I will be requiring closing briefs with  
12 transcript citations following the hearing. I  
13 anticipate simultaneous closing briefs, unless the  
14 parties request otherwise.

15 Due to the stated need for an expedited  
16 Commission consideration of this application, and also  
17 due to the timing of the hearing on the proposed  
18 settlement in the APS rate application, I would propose  
19 having simultaneous closing briefs due on or before  
20 October 29. That's 14 days following a conclusion on  
21 the 15th, if we conclude on the 15th.

22 MR. POZEFSKY: What was that?

23 ALJ WOLFE: October 29. It's a Friday. And as  
24 far as the briefs, they do not need to be extensive,  
25 but I will be relying on them to inform me of the

1 parties' final positions in the case. So if there is  
2 an issue that your party has a position on, please put  
3 it in the brief even if it's only a paragraph. I'm not  
4 looking for 5, 10 pages on every issue. I'm not going  
5 to put a page limitation on it, but it's mainly I need  
6 it to be in the brief. Otherwise, I'll consider that  
7 the party has waived their position on that issue.

8 Are there any other matters that the parties  
9 wish to address this morning?

10 Mr. Guldner.

11 MR. GULDNER: Ms. Wolfe, a couple of  
12 administrative matters. Just first to put on the  
13 record here that as directed by the procedural order,  
14 we, the Applicant, made a public notice in the Arizona  
15 Republic on August 30, which is a newspaper of general  
16 circulation throughout the service territories.

17 An affidavit of publication was submitted on  
18 September 8, 2004, and we would ask that you take  
19 judicial notice of that affidavit of publication.

20 ALJ WOLFE: Yes. It was docketed and I will  
21 take notice of it. Yes.

22 MR. GULDNER: Also, just to raise -- I don't  
23 think based on seeing the testimony that  
24 confidentiality will be an issue, but I wanted to put  
25 on the record here a couple of points on confidential

1 information.

2 First, the asset purchase agreement which was  
3 attached as an exhibit to Mr. Wheeler's direct  
4 testimony, that asset purchase agreement includes both  
5 the agreement itself and a number of schedules that  
6 support the agreement.

7 The agreement was disclosed by both APS and PPL  
8 in an SEC filing, and so the agreement without the  
9 schedules is no longer confidential. What we will do  
10 at the time we put Mr. Wheeler on is provide the  
11 nonconfidential exhibit for the parties and for the  
12 record. And the schedules will -- again, I don't  
13 expect it to be an issue, but the schedules, I believe,  
14 are still confidential.

15 There also is the potential, I suppose, for  
16 confidential information that was exchanged in  
17 discovery to come up at the hearing. And if so, I  
18 assume we would deal with that on a sort of a case-by-  
19 case basis and take appropriate protective measures to  
20 preserve confidentiality.

21 ALJ WOLFE: There was a protective agreement  
22 entered into by all of the parties that received that  
23 information?

24 MR. GULDNER: There is a protective agreement  
25 with -- we have a protective agreement with Staff and

1 we have a protective agreement with RUCO. I don't  
2 believe that any other parties have entered into that  
3 protective agreement.

4 If the information was not -- if the  
5 confidential information at the hearing was not market  
6 related, so it didn't involve the distinction between a  
7 market participant and a party like RUCO or a nonmarket  
8 participant, I would assume we could just do an oral  
9 admonition to counsel to maintain confidentiality and  
10 seal the hearing room and proceed.

11 If it's market-related information, that gets a  
12 little more complicated. But, again, I don't expect  
13 that will come up.

14 ALJ WOLFE: Do any of the party have any  
15 comments on Mr. Guldner's statements regarding  
16 confidentiality?

17 MR. MOYES: Only that PPL supports those  
18 statements. Thank you.

19 ALJ WOLFE: TEP or Southwestern Power Group?

20 MS. SIXKILLER: No.

21 MR. ROBERTSON: None for Southwestern Power  
22 Group, Your Honor.

23 ALJ WOLFE: Thank you, Mr. Robertson.

24 MR. GULDNER: And finally, Ms. Wolfe, would it  
25 just be possible to try to see where the length of

1 cross-examination was going to be? Because, for  
2 example, I don't expect based on the testimony there's  
3 going to be much for either of the PPL witnesses.

4 Would it be possible to just get a sense of  
5 what the parties are expecting with respect to cross?

6 ALJ WOLFE: Sure. The poll. Yes. We can  
7 certainly do that. And I'll do it in the order that I  
8 anticipate the witnesses then.

9 For Mr. Wheeler. AUIA?

10 MR. MEEK: No more than 10 or 15 minutes.

11 ALJ WOLFE: And PPL?

12 MR. MOYES: Likely none, but certainly no more  
13 than a few minutes.

14 ALJ WOLFE: TEP? Ms. Sixkiller?

15 MS. SIXKILLER: At this time I don't believe  
16 we'll be doing any cross, but I would have to check.

17 ALJ WOLFE: Okay. Mr. Robertson?

18 MR. ROBERTSON: Your Honor, I have not as yet  
19 had an opportunity to get through the testimony of any  
20 of the witnesses. So just as a general statement --  
21 and I'll err on the conservative side -- I would  
22 estimate 20 to 30 minutes. It may be less with some  
23 witnesses. There may be some I have no questions of.  
24 I just don't know at this point.

25 ALJ WOLFE: Okay. Mr. Pozefsky?

1 MR. POZEFSKY: The same way, Your Honor. I  
2 haven't gone through all of the testimony yet in  
3 preparation, but I would say probably 15 minutes to 30  
4 minutes.

5 ALJ WOLFE: Okay. Ms. Wagner?

6 MS. WAGNER: About an hour.

7 ALJ WOLFE: Okay. And I didn't say anything  
8 about their rejoinder. I think that we'll just see how  
9 that goes when it comes.

10 ALJ WOLFE: Okay. And for Mr. Dinkel?

11 MR. MEEK: The same. 10 or 15 minutes maybe.

12 MR. MOYES: Again, probably none.

13 ALJ WOLFE: Okay. And TEP?

14 MS. SIXKILLER: Again, I have to go through the  
15 testimony and check with the client, but at this time  
16 I'm not aware of us planning to do any cross.

17 ALJ WOLFE: Any cross on any witnesses?

18 MS. SIXKILLER: On any witnesses at this time.

19 ALJ WOLFE: Mr. Robertson, I assume that your  
20 answer is the same?

21 MR. ROBERTSON: Yes. When I spoke, Your Honor,  
22 I had intended that to be a statement that would apply  
23 to all witnesses.

24 ALJ WOLFE: Okay. And Mr. Pozefsky?

25 MR. POZEFSKY: Say about 30 minutes, Your

1 Honor.

2 ALJ WOLFE: Okay. And then for Mr. Moe -- oh,  
3 excuse me. Staff, I skipped you. About how long do  
4 you anticipate cross-examining Mr. Dinkel?

5 MS. WAGNER: Probably about 30 minutes, perhaps  
6 as long as 45.

7 ALJ WOLFE: And then the amount of  
8 cross-examination for Mr. Moe. Mr. Guldner?

9 MR. GULDNER: I would say 30 minutes.

10 ALJ WOLFE: Okay. Mr. Meek?

11 Oh, sorry. I'm just going in the seating order  
12 here. Go ahead, Mr. Meek. How long do you think?

13 MR. MEEK: Maybe 10 to 15 minutes.

14 ALJ WOLFE: If you're here at the same time.

15 MR. MEEK: Right.

16 ALJ WOLFE: Mr. Moyes?

17 MR. MOYES: Again, very limited. Maybe five  
18 minutes, if any.

19 ALJ WOLFE: Okay.

20 MR. POZEFSKY: Approximately 10 to 15 minutes.

21 ALJ WOLFE: Okay. And then for Mr. Cook and  
22 Mr. Spencer, do you anticipate any cross-examination,  
23 Mr. Guldner?

24 MR. GULDNER: I do not, Your Honor.

25 ALJ WOLFE: Okay.

1 MR. MEEK: Probably not.

2 ALJ WOLFE: Mr. Pozefsky?

3 MR. POZEFSKY: For Mr. Cook I would say 20  
4 minutes, and very little for Mr. Spencer. Five  
5 minutes.

6 ALJ WOLFE: Okay. Ms. Wagner?

7 MS. WAGNER: I would say fewer than 10 minutes  
8 for each witness.

9 ALJ WOLFE: Okay. And for Ms. Diaz Cortez,  
10 Mr. Guldner?

11 MR. GULDNER: Approximately 45 minutes.

12 ALJ WOLFE: Okay. Mr. Meek?

13 MR. MEEK: Maybe 10 to 15 minutes.

14 ALJ WOLFE: Thank you. Mr. Moyes?

15 MR. MOYES: Same as the others. Very limited,  
16 if any.

17 ALJ WOLFE: Okay. Ms. Wagner?

18 MS. WAGNER: Probably fewer than 10 minutes for  
19 Ms. Diaz Cortez, if any.

20 ALJ WOLFE: Okay. And then for Mr. Rowell,  
21 Mr. Guldner?

22 MR. GULDNER: Probably less, but just reserve  
23 an hour.

24 ALJ WOLFE: Okay. Mr. Meek?

25 MR. MEEK: Again, maybe 10 or 15 minutes.

1 ALJ WOLFE: Mr. Moyes?  
2 MR. MOYES: Five.  
3 ALJ WOLFE: Okay. And Mr. Pozefsky?  
4 MR. POZEFSKY: Probable less than 10 minutes.  
5 ALJ WOLFE: And then we have Mr. Galyan for  
6 Staff. Mr. Guldner?  
7 MR. GULDNER: Probably 15 minutes.  
8 ALJ WOLFE: Mr. Meek?  
9 MR. MEEK: Well, I think probably nothing.  
10 ALJ WOLFE: Okay. Mr. Moyes?  
11 MR. MOYES: We might need 10 or 15 minutes in  
12 that his testimony focuses on the CEC revision issue,  
13 which is important to us. So I would say 15 minutes  
14 maximum though.  
15 ALJ WOLFE: And Mr. Pozefsky?  
16 MR. POZEFSKY: Probably none.  
17 ALJ WOLFE: Okay. Did I leave anyone out?  
18 MR. MEEK: Do I get a pass?  
19 ALJ WOLFE: Oh, no, you don't. I'm sorry. And  
20 for Mr. Meek, I would assume, Mr. Guldner, cross-  
21 examination?  
22 MR. GULDNER: We may actually have some for  
23 about five minutes.  
24 ALJ WOLFE: Okay. And Mr. Moyes?  
25 MR. MOYES: None.

1 ALJ WOLFE: Mr. Pozefsky?

2 MR. POZEFSKY: About three hours. (Laughter)

3 I have nothing.

4 ALJ WOLFE: And Ms. Wagner?

5 MS. WAGNER: At this point, I have none.

6 ALJ WOLFE: It looks like you might get a pass.

7 We'll see.

8 Okay. Are there any other procedural matters  
9 that the parties would like to cover today?

10 MR. MOYES: Your Honor, if I might just ask,  
11 I'm presuming that Your Honor will have questions as  
12 well. Do you have any anticipated sense at this point  
13 for the time that would be required in that regard?

14 ALJ WOLFE: For my questions, it depends on  
15 what everyone else asks, you know, since I have the  
16 luxury of going last. I do have some questions for the  
17 witnesses, and a lot of them are of a general  
18 explanatory nature. And, you know, I think of things  
19 whenever I hear the responses. I couldn't say. Maybe  
20 out of the whole hearing, maybe a couple of hours.

21 MR. MOYES: Thank you. I appreciate your  
22 indulgence in the question in the first place.

23 ALJ WOLFE: I do plan to ask questions.

24 Okay. Anything else?

25 (No response.)

1 ALJ WOLFE: And also you might want to add in  
2 that there may be some Commissioners present who may  
3 want to ask questions as well, and they may provide me  
4 with questions to ask the witnesses. So I have no idea  
5 of knowing how much that will be.

6 All right. We'll adjourn for today, and see  
7 you at 9:00 a.m. Monday morning. Thank you.

8 (The Prehearing Conference concluded at  
9 10:30 a.m.)

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1 STATE OF ARIZONA )  
2 ) SS.  
3 COUNTY OF MARICOPA )  
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6 I, MICHELE E. BALMER, Certified Court Reporter  
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13 WITNESS my hand this 2nd day of October, 2004.  
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