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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

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

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ARIZONA CORPORATION COMMISSION
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Arizona Corporation Commission
DOCKETED

SEP 26 2009

DOCKETED BY [initials]

IN THE MATTER OF THE PETITION OF
GARKANE ENERGY COOPERATIVE, INC.
FOR A DECLARATORY ORDER.

DOCKET NO. E-01891A-09-0377

PROCEDURAL ORDER

BY THE COMMISSION:

On July 30, 2009, Garkane Energy Cooperative, Inc. ("Garkane") filed with the Arizona Corporation Commission ("Commission") a Petition for Declaratory Order ("Petition"). In its Petition, Garkane requests that the Commission issue a declaratory order confirming that Garkane is not required to obtain Commission approval of financings under A.R.S. §§ 40-301 et seq. or encumbrances under A.R.S. § 40-285 because Garkane is a foreign public service corporation engaged in interstate commerce. In the alternative, Garkane requests retroactive Commission approval of a November 1999 mortgage and security agreement, a December 2003 loan agreement, an October 2007 loan agreement, an April 2009 substitute secured promissory note, and a May 2009 revolving line of credit. Garkane was required to file its Petition, by Decision No. 70979 (May 5, 2009), and indicated in that matter that it was amenable to doing so.

It is now appropriate to hold a procedural conference to discuss the procedures and scheduling for this matter.

IT IS THEREFORE ORDERED that a **procedural conference shall be held on September 30, 2009, at 10:00 a.m.**, or as soon thereafter as is practicable, in **Room 100** at the Commission's offices in Phoenix, Arizona, to discuss the procedures and scheduling for this matter.

IT IS FURTHER ORDERED that Counsel for Staff and Counsel for Garkane shall appear in person at the procedural conference, but that the **company representative for Garkane may attend telephonically by calling (602) 542-0375.**

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

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

6 DATED this 16th day of September, 2009.

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10 SARAH N. HARPRING
11 ADMINISTRATIVE LAW JUDGE

12 Copies of the foregoing mailed/delivered
13 this 16th day of September, 2009, to:

14 Michael M. Grant
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26 By: 
27 Debra Broyles
28 Secretary to Sarah N. Harpring