

ORIGINAL



0000105595

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 DEC -2 A 11: 58

AZ CORP COMMISSION
DOCKET CONTROL

Arizona Corporation Commission

DOCKETED

DEC - 2 2009

DOCKETED BY [Signature]

7 IN THE MATTER OF THE APPLICATION OF
8 SULPHUR SPRINGS VALLEY ELECTRIC
9 COOPERATIVE, INC. FOR AN ORDER
10 INSTITUTING A MORATORIUM ON NEW
11 CONNECTIONS TO THE V-7 FEEDER LINE
12 SERVING THE WHETSTONE, RAIN VALLEY,
13 ELGIN, CANELO, SONOITA, AND PATAGONIA,
14 ARIZONA AREAS.

DOCKET NO. E-01575A-09-0453

PROCEDURAL ORDER

BY THE COMMISSION:

12 On September 18, 2009, Sulphur Springs Valley Electric Cooperative, Inc. ("SSVEC") filed
13 with the Arizona Corporation Commission ("Commission") an Application to implement a
14 moratorium on new and expanded service connections that would be serviced by the existing V-7
15 Feeder Line within the areas of Whetstone Ranch, Rain Valley, Elgin, Canelo, Sonoita and Patagonia
16 ("Affected Areas").

17 On November 4, 2009, the Commission's Utilities Division ("Staff") filed a Staff Report that
18 concludes that the V-7 25 kV distribution feeder presently serving the Affected Areas will not
19 perform at a satisfactory level of reliability until the overloading on the V-7 feeder is mitigated; that
20 the performance of the feeder will deteriorate further if more customer loads are added to it; and that
21 a moratorium on future customer connections in the Affected Areas will help preserve SSVEC's
22 present level of system reliability until overloading of the V-7 feeder can be resolved.

23 By letter docketed November 5, 2009, Intervenor Sue Downing opposed SSVEC's application
24 for a moratorium without a hearing. Ms. Downing requested that discovery be permitted prior to a
25 hearing in late December or early January.

26 On November 6, 2009, SSVEC filed Comments in Support of the Staff Report and Response
27 to Ms Downing. SSVEC opposes the request for hearing and states it has objections to the
28

1 propounded discovery.

2 A Procedural Conference for the purpose of determining the appropriate procedures for
3 processing this application convened on November 24, 2009, with SSVEC, Staff and Ms. Downing
4 appearing. The Parties continued to advocate their original positions on the need for a hearing.

5 A hearing is necessary to resolve the disparate positions on the need for a moratorium. Given
6 the nature of a moratorium request, the hearing should be set as expeditiously as practical given the
7 requirements of due process and the Commission's calendar.

8 IT IS THEREFORE ORDERED that the **hearing** in this matter shall commence on **January**
9 **20, 2010, at 10:00 a.m.** at the Commission's Tucson office, Room 222, 400 West Congress, Tucson,
10 Arizona 85701.

11 IT IS FURTHER ORDERED that any **response or testimony to the Application or Staff**
12 **Report** by intervenors shall be reduced to writing and filed on or before **January 4, 2010.**

13 IT IS FURTHER ORDERED that any **reply comments or testimony** and associated exhibits
14 to be presented by SSVEC or Staff to intervenor testimony shall be reduced to writing and filed by
15 **January 15, 2010.**

16 IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-
17 105, except that all motions to intervene must be filed on or before **December 28, 2009.**

18 IT IS FURTHER ORDERED that SSVEC shall provide public notice of the hearing in this
19 matter, in the following form and style with the heading in no less than 14 point bold type and the
20 body in no less than 10-point regular type:

21
22 **PUBLIC NOTICE OF HEARING ON THE**
APPLICATION OF
23 **SULPHUR SPRINGS VALLEY ELECTRIC COOPERATIVE INC.,**
FOR AN ORDER INSTITUTING A MORATORIUM
24 **ON NEW CONNECTIONS TO THE V-7 FEEDER LINE**
SERVING THE WHETSTONE, RAIN VALLEY,
25 **ELGIN, CANELO, SONOITA, AND PATAGONIA,**
ARIZONA AREAS

26 **Docket No. E-01575A-09-0453**

27 On September 18, 2009, Sulphur Springs Valley Electric Cooperative, Inc.
28 ("SSVEC") filed with the Arizona Corporation Commission ("Commission") an
Application to implement a moratorium on new and expanded service connections

1 that would be serviced by the existing V-7 Feeder Line within the areas of
2 Whetstone Ranch, Rain Valley, Elgin, Canelo, Sonoita and Patagonia ("Affected
3 Areas").

4 On November 4, 2009, the Commission's Utilities Division ("Staff") filed a Staff
5 Report that concludes that the V-7 25 kV distribution feeder presently serving the
6 Affected Areas will not perform at a satisfactory level of reliability until the
7 overloading on the V-7 feeder is mitigated. The Staff Report supports the
8 implementation of the moratorium on new hook-ups in the Affected Areas.

9
10 **How You Can View or Obtain a Copy of the Rate Proposal**

11 Copies of the application and Staff Report are available at the Company's offices
12 [INSERT ADDRESS] and at the Commission's Docket Control Center at 1200 West
13 Washington, Phoenix, Arizona and its Tucson offices, 400 West Congress, Suite 218,
14 Tucson, Arizona and on the internet via the Commission website (www.azcc.gov/)
15 using the e-docket function.

16
17 **Public Hearing Information**

18 The Commission will hold a **hearing** on this matter beginning **January 20, 2010, at**
19 **10:00 a.m.**, at the Commission's offices, Room 222, 400 West Congress, Tucson,
20 Arizona.

21 Public comments will be taken at the beginning of the first day of the hearing. Written
22 public comments may be submitted by mailing a letter referencing Docket No. E-
23 1575A-09-0453 to Arizona Corporation Commission, Consumer Services Section,
24 1200 West Washington, Phoenix, AZ 85007, or by email. For a form to use and
25 instructions on how to e-mail comments to the Commission, go to
26 http://www.azcc.gov/divisions/utilities/forms/public_comment.pdf. If you require
27 assistance, you may contact the Consumer Services Section at 1-800-222-7000 or
28 (520) 628-6550.

About Intervention

The law provides for an open public hearing at which, under appropriate
circumstances, interested parties may intervene. Any person or entity entitled by law
to intervene and having a direct and substantial interest in the matter will be permitted
to intervene. If you wish to intervene, you must file an original and 13 copies of a
written motion to intervene with the Commission no later than **December 28, 2009**,
and a copy of the motion to SSVEC or its counsel and to all parties of record. Your
motion must contain the following:

1. Your name, address, and telephone number and the name, address and
telephone number of any party upon whom service of documents is to
be made, if not yourself.
2. A short statement of your interest in the proceeding (e.g., a customer of
the Cooperative, a property owner in the Affected Area, etc.).
3. A statement certifying that you have mailed a copy of the motion to
intervene to the Company or its counsel and to all parties of record in
the case.

The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except
that all motions to intervene must be filed on or before December 28, 2009. If

1 representation by counsel is required by Rule 31 of the Rules of the Arizona Supreme
2 Court, intervention will be conditioned upon the intervenor obtaining counsel to
3 represent the intervenor. For information about requesting intervention, visit the
4 Commission's website at <http://www.azcc.gov/divisions/utilities/forms/interven.pdf>.
5 The granting of intervention, among other things, entitles a party to present sworn
6 evidence at the hearing and to cross-examine other witnesses. However, failure to
7 intervene will not preclude any interested person or entity from appearing at the
8 hearing and providing public comment on the application or from filing written
9 comments in the record of the case.

6 **ADA/Equal Access Information**

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

11 IT IS FURTHER ORDERED that **SSVEC shall mail** to each of its customers in the Affected
12 Areas a copy of the above notice, **and shall publish** a copy of the notice in a newspaper of local
13 circulation in the Affected Area, **by December 15, 2009.**

14 IT IS FURTHER ORDERED that SSVEC shall file certification of mailing and publication as
15 soon as practicable after the mailing has been completed.

16 IT IS FURTHER ORDERED that notice shall be deemed complete upon mailing of same,
17 notwithstanding the failure of an individual customer to read or receive the notice.

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

21 IT IS FURTHER ORDERED that all parties must comply with Rule 33 (c) and (d) of the
22 Rules of the Arizona Supreme Court with respect to practice of law and admission pro hac vice.

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

1 IT IS FURTHER ORDERED that the time periods specified herein shall not be extended
2 pursuant to Rule 6(a) or (3) 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 30th day of November, 2009.

6
7 
8 JANE L. RODDA
9 ADMINISTRATIVE LAW JUDGE

10
11
12 Copies of the foregoing mailed
13 this 30th day of November, 2009 to:

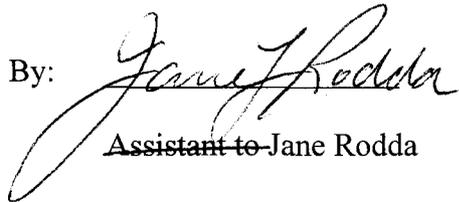
14 Bradley S. Carroll
15 Jeffrey W. Crockett
16 Snell & Wilmer LLP
17 One Arizona Center
18 400 East Van Buren
19 Phoenix, Arizona 85004-2202
20 Attorneys for SSVEC

Steve Olea, Director
Utilities Division
Arizona Corporation Commission
1200 W. Washington Street
Phoenix, Arizona 85007

21 Susan J. Downing
22 HC 1 Box 197
23 Elgin, Arizona 85611

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

24 Janice Alward, Chief Counsel
25 LEGAL DIVISION
26 Arizona Corporation Commission
27 1200 W. Washington Street
28 Phoenix, Arizona 85007

By: 
~~Assistant to Jane Rodda~~