

ORIGINAL

OPEN MEETING AGENDA ITEM



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To: Arizona Corporation Commission  
1200 West Washington St  
Phoenix, AZ 85007

RECEIVED

Attn: Docket Control (13 copies) 2009 DEC 21 A 10: 06

From: Susan Scott, Intervenor  
P.O. Box 178  
Sonoita, AZ 85637

AZ CORP COMMISSION  
DOCKET CONTROL

Date: December 17, 2009

Re: Sulphur Springs Valley Electric Cooperative, Inc. (SSVEC)  
Docket No. E-01575A-08-0328

Subject: Request for Discovery Instructions

As the intervenor in the above docket, on December 1, 2009, I made Data Request Number One to counsel for SSVEC in the above docket (attachment #1). Both of these requests are essential to my ability to intervene.

DR 1-1 was for a copy of each prior data request so that background information could be provided which would reduce excess work going over same material in this case. DR 1-2 was for a hard copy of key documents, usually sent direct to other parties, so that my files match the companies, including color that is not shown in those in the e-Docket.

On December 7, 2009 I received the Response and Objection to First Set of Data Requests (attachment #2) denying my requests and further requesting that you provide instructions for discovery and resolution of this issue.

Sincerely,

  
Susan Scott

Arizona Corporation Commission  
DOCKETED

DEC 21 2009

Cc: Administrative Law Judge Jane L. Rodda  
Bradley Carroll, Counsel for SSVEC

DOCKETED BY 

Attachments:

- 1 - My Data Request Set No. 1 of 1 December 2009
- 2 - SSVEC's Response to My Data Request Set No. 1 of 7 December 2009

Susan Scott  
P. O. Box 178  
Sonoita, AZ 85637  
ScottSonoita@gmail.com

December 1, 2009

Bradley S. Carroll  
Attorney for SSVEC  
Snell & Wilmer, LLP  
One Arizona Center  
Phoenix, AZ 85004-2202

Re: Docket No. E-01575A-08-0328

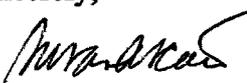
Subject: Susan Scott Data Request Number One

Dear Mr. Carroll:

Please see the attached First Scott Data Request Set submitted in accordance with ACC Notification of Intervention granted November 18, 2009 in the referenced docket. This Data Request is continuous; when and if new or different information is available to any request, it should be provided.

The term "documents" means any and all forms of media, including letters, emails, tape recordings, phone notes, publications and any other correspondence that refers to that Data Request. It is acceptable to provide responses in electronic form to the above email address and/or compact disc to the mailing address. At times, hard copies of selected documents may be requested with your response.

Sincerely,

  
Susan Scott

Attachment: First Scott Data Request Set

Cc: Docket Control (13 copies)  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, Arizona 85007-2927

Administrative Law Judge Jane Rodda (1 copy)  
Arizona Corporation Commission  
Arizona State Regional Office Building, Suite 218  
Tucson, Arizona 85701-1347

**First Scott Data Request Set**

**ACC Docket No. E-01575A-0328**

**DR 1-1 Please provide copy of ALL Data Request and Responses for the original and this re-hearing, including any and all future data requests and responses.**

**DR 1-2 Please provide a hard copy of the Original Application, all Briefs, and the Re-hearing Application in these matters.**

One Arizona Center  
Phoenix, AZ 85004-2202  
602.382.6000  
602.382.6070 (Fax)  
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Bradley S. Carroll  
Of Counsel  
602.382.6578  
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December 7, 2009

DENVER  
LAS VEGAS  
ORANGE COUNTY  
PHOENIX  
SALT LAKE CITY  
TUCSON

Susan Scott  
P.O. Box 178  
Sonoita, Arizona 85637

**Re: Sulphur Springs Valley Electric Cooperative, Inc. ("SSVEC")  
Response and Objection to First Set of Data Requests  
Docket No. E-01575A-08-0328**

Dear Ms. Scott:

SSVEC is in receipt of your letter dated December 1, 2009, containing your First Set of Data Requests. Without waiver of its right to raise further objections at the appropriate time, SSVEC responds as follows:

**DR 1-1: Please provide copy of ALL Data Requests and Responses for the original and this re-hearing, including any and all future data requests and responses.**

Response: SSVEC has not received any other data requests regarding the reconsideration proceeding. Regarding your request for copies of data requests from what appears to be the underlying rate case proceeding, SSVEC hereby objects on several grounds. First, the request is premature. The Administrative Law Judge ("ALJ") has not issued a procedural order regarding the reconsideration proceeding or how discovery will be governed in such proceeding. Second, on November 6, 2009, a procedural conference was held in the reconsideration matter where SSVEC and Staff set forth their respective positions regarding the scope of the reconsideration proceeding. At the conclusion of the procedural conference, the ALJ took the matter under advisement. Until such time that the ALJ issues a ruling on the scope of the reconsideration proceeding, SSVEC cannot make a determination as to the relevancy of this data request, and, therefore, objects on such grounds. Third, SSVEC objects on the grounds that the request is vague, overly broad, and unduly burdensome. In the underlying rate case, SSVEC received from Staff 17 sets of data requests and provided over 15,000 pages of documents. Additionally, some of the responses SSVEC

Susan Scott  
December 7, 2009  
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provided to Staff were provided pursuant to a Confidentiality Agreement entered into between SSVEC and Staff.

**DR 1-1: Please provide a hard copy of the Original Application, all Briefs, and the Re-hearing Application on these matters.**

Response: The Original Application, all Briefs, and the Re-Hearing Application are publically available and may be obtained through the Commission's E-Docket at <https://edocket.azcc.gov/>.

Very truly yours,

Snell & Wilmer



Bradley S. Carroll

BSC:dcp

cc: Creden Huber, SSVEC  
Jack Blair, SSVEC

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