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BEFORE THE ARIZONA CORPORATION COMMISSION

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ARIZONA CORPORATION COMMISSION
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COMMISSIONERS

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

IN THE MATTER OF THE APPLICATION
OF SULPHUR SPRINGS VALLEY
ELECTRIC COOPERATIVE, INC. FOR A
HEARING TO DETERMINE THE FAIR
VALUE OF ITS PROPERTY FOR
RATEMAKING PURPOSES, TO FIX A
JUST AND REASONABLE RETURN
THEREON, TO APPROVE RATES
DESIGNED TO DEVELOP SUCH RETURN
AND FOR RELATED APPROVALS.

DOCKET NO. E-01575A-08-0328

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

~~DOCKET NO. E-01575A-09-0453~~

**SULPHUR SPRINGS VALLEY
ELECTRIC COOPERATIVE,
INC'S MOTION TO
CONSOLIDATE DOCKETS AND
REQUEST FOR
CORRESPONDING
MODIFICATION OF
PROCEDURAL ORDERS**

On December 4, 2009, the Administrative Law Judge ("ALJ") in Docket No. E-01575A-09-0453 ("Moratorium Docket") issued a Procedural Order that scheduled a procedural conference to be held on December 11, 2009, and requested that the parties make recommendations at the procedural conference regarding possible consolidation of the Moratorium Docket with Docket No. E-01575A-08-0328 ("Reconsideration Docket") as consolidation may promote judicial efficiency given the interrelationship between the

Arizona Corporation Commission
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Snell & Wilmer

LAW OFFICES
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1 two dockets.¹ At the December 11, 2009, procedural conference, Sulphur Springs Valley
2 Electric Cooperative, Inc. (“SSVEC” or Cooperative”) requested that the procedural
3 schedule be stayed and a decision regarding consolidation of the two dockets be deferred
4 until a subsequent procedural conference following the Cooperative’s evaluation and
5 filing of the independent feasibility study (“Study”) ordered by the Arizona Corporation
6 Commission in the Reconsideration Docket on September 8, 2009, in Decision No. 71274.
7 By Procedural Order dated December 11, 2009, the consolidation issue was deferred until
8 the procedural conference to be held on January 20, 2010.

9 On December 15, 2009, the ALJ issued a Procedural Order in the Reconsideration
10 Docket that (i) established a procedural schedule for a hearing to commence on May 18,
11 2010; and (ii) provided the form of public notice the Cooperative must mail and publish
12 by January 25, 2010. On December 31, 2009, SSVEC filed the Study in the
13 Reconsideration Docket. SSVEC has since had an opportunity to carefully review the
14 Study. In light of the Study’s findings and conclusions, SSVEC is now in a position to
15 support consolidation of the two related dockets and hereby requests that the Moratorium
16 Docket and Reconsideration Docket be consolidated to promote judicial and resource
17 efficiency.

18 At the December 11, 2009, procedural conference, Intervenor Susan J. Downing
19 did not oppose consolidation of the matters.² Moreover, to avoid Cooperative member
20 confusion and to minimize costs, SSVEC should be required to mail and publish only one
21 notice for the consolidated docket. Accordingly, if the ALJ grants this Motion to
22 Consolidate, SSVEC requests that the form of public notice SSVEC is required to provide
23 as set forth in the December 15, 2009, Procedural Order, be modified to reflect both
24

25 ¹ See December 4, 2009, Procedural Order at page 1, lines 23-26.

26 ² See December 11, 2009, Procedural Order at page 2, line 7. Staff has not as yet taken a position on the
issue of consolidation.

1 dockets. SSVEC does not believe that any modification of the procedural schedule
2 established for the Reconsideration Docket is necessary except that the January 25, 2010,
3 deadline for the provision of public notice should be modified to provide for compliance
4 by the later of January 25, 2010, or ten (10) business days from the Procedural Order
5 granting the consolidation and setting forth the revised form of public notice.

6 SSVEC submits that if the ALJ grants this Motion, the January 20, 2010,
7 procedural conference becomes moot and, thus, should be vacated. If the ALJ believes
8 that a procedural conference is necessary before ruling on this Motion, SSVEC suggests
9 that the matter be discussed at the January 11, 2010, procedural conference in light of the
10 January 25, 2010, deadline for SSVEC to provide public notice in the Reconsideration
11 Docket.

12 RESPECTFULLY SUBMITTED this 6th day of January, 2010.

13 SNELL & WILMER L.L.P.

14
15 By 
16 _____
17 Bradley S. Carroll
18 One Arizona Center
19 400 East Van Buren
20 Phoenix, Arizona 85004-2202
21 Attorneys for Sulphur Springs Valley
22 Electric Cooperative, Inc.

22 ORIGINAL and 14 copies filed this
23 6th day of January, 2010, with:
24 Docket Control
25 ARIZONA CORPORATION COMMISSION
26 1200 West Washington
Phoenix, Arizona 85007

26 ...

1 COPIES of the foregoing hand-delivered
2 this 6th day of January, 2010, to:

3 Steve Olea, Director
4 Utilities Division
5 ARIZONA CORPORATION COMMISSION
6 1200 West Washington Street
7 Phoenix, Arizona 85007

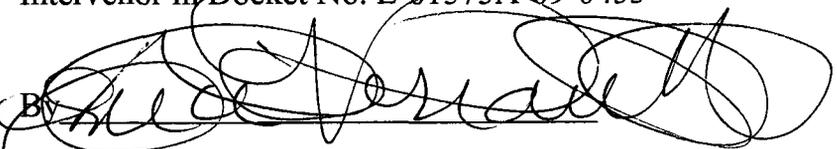
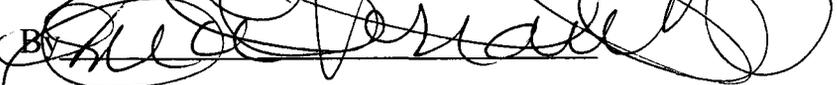
8 Wesley C. Van Cleve, Attorney
9 Legal Division
10 ARIZONA CORPORATION COMMISSION
11 1200 West Washington Street
12 Phoenix, Arizona 85007

13 COPY of the foregoing mailed/e-mailed
14 this 6th day of January, 2010, to:

15 Jane L. Rodda, Administrative Law Judge
16 Hearing Division
17 ARIZONA CORPORATION COMMISSION
18 400 West Congress
19 Tucson, AZ 85701-1347

20 Susan Scott
21 P.O. Box 178
22 Sonoita, AZ 85637
23 Intervenor in Docket No. E-01575A-08-0328

24 Susan J. Downing
25 HC 1 Box 197
26 Elgin, Arizona 85611
Intervenor in Docket No. E-01575A-09-0453

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19 BY 
20 11053500.1