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**ORIGINAL**

**BEFORE THE ARIZONA CORPORATION COMMISSION**

Arizona Corporation Commission

**DOCKETED**

JAN 19 2010

DOCKETED BY

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200 JAN 19 P 3:23

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 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 RESPONSE TO REQUEST  
FOR DATA REQUESTS**

**Snell & Wilmer**

L.L.P.  
LAW OFFICES  
One Arizona Center, 400 E. Van Buren  
Phoenix, Arizona 85004-2202  
(602) 382-6000

On January 4, 2010, Intervenor Susan J. Downing filed a Motion to Demand Data Requests dated December 29, 2009 (“Motion”). The Motion wrongfully accused Sulphur Springs Valley Electric Cooperative, Inc. (“SSVEC” or “Cooperative”) of a “blatant disregard of a Procedural Order” by not providing responses to her First Set of Data Requests (“Data Requests”) within 10 business days. SSVEC responded to Ms. Downing’s Motion by pointing out that it had in fact fully responded in accordance with the December 11, 2009, Procedural Order by providing her with the responses to the Data Requests consistent with such Procedural Order.<sup>1</sup>

Despite Ms. Downing having the responses to the Data Requests for more than two weeks, on January 15, 2009, after close of business, counsel for SSVEC received an e-mail from Ms. Downing with a copy to each of the Commissioners and the Administrative Law Judge, stating “I am once again requesting that SSVEC provide the discovery that I have requested” implying for the second time that SSVEC did not provide any responses. In the letter attached to the e-mail, Ms. Downing acknowledges, however, that she did in

<sup>1</sup> A copy of SSVEC’s January 4, 2010, Response is attached as Exhibit A.

1 fact receive "some information" but goes on to state that "much is still missing." To the  
2 contrary, SSVEC has fully complied with the December 11, 2009, Procedural Order and  
3 has provided all of the responses ordered by the Procedural Order. Ms. Downing is  
4 seeking to obtain discovery of information where valid objections have been duly and  
5 timely raised since November 20, 2009. SSVEC also notes that as an Intervenor/Party to  
6 this proceeding, it is not appropriate for Ms. Downing to send e-mails directly to  
7 Commissioners in a contested case.

8 RESPECTFULLY SUBMITTED this 19th day of January, 2010.

9 SNELL & WILMER L.L.P.

10  
11 By 

12 \_\_\_\_\_  
Bradley S. Carroll  
One Arizona Center  
400 East Van Buren Street  
13 Phoenix, Arizona 85004-2202  
14 Attorneys for Sulphur Springs Valley  
Electric Cooperative, Inc.

15  
16 ORIGINAL and 13 copies filed this  
17 19th day of January, 2010, with:

18 Docket Control  
ARIZONA CORPORATION COMMISSION  
1200 West Washington  
19 Phoenix, Arizona 85007

20 COPIES of the foregoing hand-delivered  
21 this 19th day of January, 2010, to:

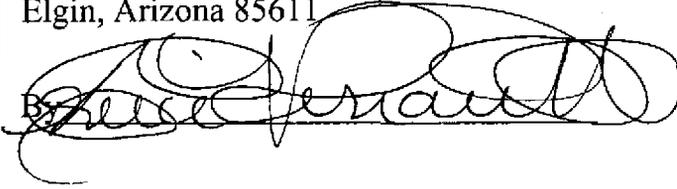
22 Steve Olea, Director  
Utilities Division  
ARIZONA CORPORATION COMMISSION  
23 1200 West Washington Street  
24 Phoenix, Arizona 85007  
25  
26

1 Wesley C. Van Cleve, Attorney  
2 Legal Division  
3 ARIZONA CORPORATION COMMISSION  
4 1200 West Washington Street  
5 Phoenix, Arizona 85007

6 COPIES of the foregoing mailed/e-mailed  
7 this 19th day of January, 2010, to:

8 Jane Rodda, Administrative Law Judge  
9 Hearing Division  
10 ARIZONA CORPORATION COMMISSION  
11 400 West Congress  
12 Tucson, Arizona 85701-1347

13 Susan J. Downing  
14 HC 1 Box 197  
15 Elgin, Arizona 85611

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# **Exhibit A**

ORIGINAL

RECEIVED  
BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

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

COMMISSION  
DOCKET CONTROL

IN THE MATTER OF THE APPLICATION  
OF SULPHUR SPRINGS VALLEY  
ELECTRIC COOPERATIVE, INC. FOR AN  
ORDER INSTITUTING A MORATORIUM  
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DOCKET NO. E-01575A-09-0453

SULPHUR SPRINGS VALLEY  
ELECTRIC COOPERATIVE,  
INC.'S RESPONSE TO MOTION  
TO DEMAND RESPONSES TO  
DATA REQUESTS

Snell & Wilmer

LAW OFFICES  
One Arizona Centre, 400 E. Van Buren  
Phoenix, Arizona 85004-2302  
(602) 582-6000

On December 31, 2009, counsel for Sulphur Springs Valley Electric Cooperative, Inc. ("SSVEC" or "Cooperative") received from Intervenor Susan J. Downing via U.S. Mail, a Motion to Demand Responses to Data Requests ("Motion") dated December 29, 2009. SSVEC hereby responds to this Motion and takes exception to the inaccurate characterizations and claims set forth therein.

On December 14, 2009, counsel for SSVEC received a Procedural Order dated December 11, 2009, in the above-captioned matter. The Procedural Order required SSVEC to "attempt to respond" to Intervenor Susan J. Downing's First Set of Data Requests, that SSVEC had not previously objected to, within 10 business days, or provide an estimate of when the information would be made available if the Cooperative was unable to respond within the timeframe. It also provided that "to the extent a discovery dispute persists, it will be discussed at the January 20, 2010, Procedural Conference." Following receipt of the Procedural Order, SSVEC calculated the deadline for responding to the data requests to be December 29, 2009, and determined that it

Arizona Corporation Commission  
**DOCKETED**

JAN -4 2010

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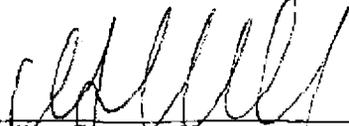
would be able to comply with the deadline.<sup>1</sup> SSVEC then proceeded to complete the responses by December 29, 2009, despite the unavailability of key personnel during this timeframe because of the Christmas holiday. On December 29, 2009, in compliance with the Procedural Order, SSVEC sent to Ms. Downing's address of record via *U.S.P.S Express Delivery*, the responses to the data requests and also hand-delivered a copy of the responses to counsel for Staff.<sup>2</sup>

On December 29, 2009, Ms. Downing prepared and mailed her Motion accusing the Cooperative of a "blatant disregard of a Procedural Order." Rather than spending time to draft and send her inflammatory Motion, had Ms. Downing simply contacted counsel for SSVEC, she would have been told that the data responses had been completed and sent to her in compliance with the Procedural Order.

Accordingly, the Motion is moot and should be denied.

RESPECTFULLY SUBMITTED this 4th day of January, 2010.

SNELL & WILMER LLP

By 

Bradley S. Carroll  
One Arizona Center  
400 East Van Buren Street  
Phoenix, Arizona 85004-2202  
Attorneys for Sulphur Springs Valley  
Electric Cooperative, Inc.

<sup>1</sup> December 29, 2009, is 10 business days from SSVEC's receipt of the procedural order. This counts Christmas Eve day as a business day despite the fact that the Cooperative's offices were closed on that day.

<sup>2</sup> See copy of attached December 29, 2009, transmittal letter.

1 ORIGINAL and 13 copies filed this  
2 4th day of January, 2010, with:

3 Docket Control  
4 ARIZONA CORPORATION COMMISSION  
5 1200 West Washington  
6 Phoenix, Arizona 85007

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8 this 4th day of January, 2010, to:

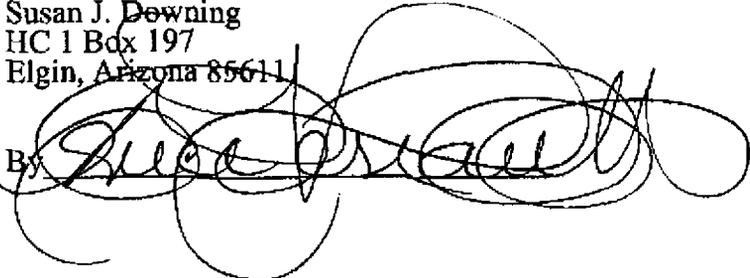
9 Steve Olea, Director  
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26 Susan J. Downing  
HC 1 Bdx 197  
Elgin, Arizona 85611

By 

# Snell & Wilmer

L.L.P.  
LAW OFFICES

One Arizona Center  
Phoenix, AZ 85004-2202  
602.382.6000  
602.382.6070 (Fax)  
www.swlaw.com

Bradley S. Carroll  
Of Counsel  
602.382.6578  
bcarroll@swlaw.com

December 29, 2009

Via U.S.P.S. Express Mail Delivery

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

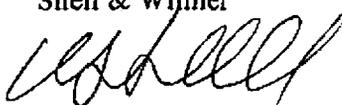
Re: **Sulphur Springs Valley Electric Cooperative, Inc. ("SSVEC")  
Responses to First Set of Data Requests  
Docket No. E-01575A-08-0453**

Dear Ms. Downing:

Pursuant to the Procedural Order dated December 11, 2009, SSVEC hereby provides the attached responses to your First Set of Data Requests to the extent not previously objected to on November 20, 2009.

Very truly yours,

Snell & Wilmer



Bradley S. Carroll

BSC:dcp

Attachment

cc w/att: Wesley C. Van Cleve (via hand-delivery)

DENVER

LAS VEGAS

ORANGE COUNTY

PHOENIX

SALT LAKE CITY

TUCSON