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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

2010 JAN 12 A 9:28

ARIZONA CORPORATION COMMISSION
SECRET CONTROL

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

Arizona Corporation Commission
DOCKETED

JAN 12 2010

DOCKETED BY	
PROCEDURAL ORDER	<i>MA</i>

BY THE COMMISSION:

On September 8, 2009, the Arizona Corporation Commission ("Commission") issued Decision No. 71274, which approved a rate increase for Sulphur Springs Valley Electric Cooperative, Inc. ("SSVEC" or "Cooperative") and made other findings, including *inter alia*, concerning the planned upgrade and construction of a 69 KV line serving the Elgin/Patagonia/Sonoita area.

At a Special Open Meeting on October 13, 2009, the Commission voted to grant SSVEC's A.R.S. § 40-253 Application for Rehearing and Reconsideration of Commission Decision No. 71274. The scope of the proceeding was established in our Procedural Order dated December 15, 2009.

On January 11, 2010, a Procedural Conference was convened for the purpose of resolving a discovery dispute between the Cooperative and Ms. Scott, the intervener in this matter. During the January 11, 2010, Procedural Conference, SSVEC was directed to send Ms. Scott a copy of Staff's Data Requests ("DRs") to review. Once she has seen the DRs, Ms. Scott is to determine which documents she wishes to review in order to determine which documents she wants. SSVEC will make the documents available for Ms. Scott's review at the Tucson offices of its lawyers' offices, and as is the practice at the Commission, will make the copies at its cost. The parties should be reasonable in finding a mutually agreeable date and time for Ms. Scott to review the documents. SSVEC may make objections to the production of particular documents. If Ms. Scott's request

1 includes a document that was made available to Staff pursuant to a Protective Order because it
2 contains confidential or proprietary information, SSVEC should provide a general description of the
3 document, but does not have to disclose the confidential data unless directed by the Commission or
4 the Administrative Law Judge ("ALJ"). The parties should contact the Hearing Division at (602)
5 542-4250 to arrange a telephonic procedural conference with the ALJ if they continue to encounter
6 discovery disputes, but are HIGHLY encouraged to be reasonable in their requests and objections.
7 Ms. Scott should obtain copies of any publically filed documents from eDocket or may obtain copies
8 at the Commission's Tucson office or from Docket Control at the Commission's Phoenix offices.¹

9 In addition, on January 6, 2010, SSVEC filed a Motion to Consolidate this docket with
10 Docket No. E-01575A-09-0453, the Cooperative's request for a moratorium on new hook-ups on the
11 line serving the Sonoita/Patagonia/Elgin area. Currently, a status conference in the moratorium
12 docket has been set for January 20, 2010. By this Procedural Order, the January 20, 2010 proceeding
13 will be expanded to include both dockets and a discussion of consolidation. At the January 11, 2010
14 proceeding, Mr. Scott began to address concerns about the scheduling of the public comment forums
15 on the feasibility study that was filed on December 31, 2009 pursuant to Decision No. 71274. Ms.
16 Scott should raise her concerns at or before the January 20, 2010, Procedural Conference.

17 Finally, the December 15, 2009, Procedural Order that set this matter for hearing on May 18,
18 2010, directed SSVEC to publish notice of the hearing by January 25, 2010. The requested
19 consolidation may affect the form of notice of the proceeding, and the Cooperative has requested that
20 the January 25, 2010 deadline be stayed pending resolution of the requested consolidation. The
21 request is reasonable, and will be granted pending a determination on consolidation.

22 IT IS THEREFORE ORDERED that a **Procedural Conference**² for the purpose of
23 considering the requested consolidation with the moratorium docket and other scheduling issues shall
24

25 ¹ If Ms. Scot desires to obtain the documents from the Tucson office she should contact the Hearing Division at (602)
26 542-4250 to provide a list of documents she desires so that the documents will be readily available for her to copy. As
27 discussed at the January 11, 2010 Procedural Conference, there will be a charge for copies of documents obtained from
28 Docket Control or the Commission's Tucson office. At the January 11, 2010 Procedural Conference, SSVEC's counsel
agreed to provide Ms. Scott with copies of any exhibits that did not copy clearly in eDocket (e.g. colored copies of maps,
if any).

² The Procedural Conference in this matter shall be held concurrently with the Procedural Conference already set in
Docket No. E-01575A-09-0453.

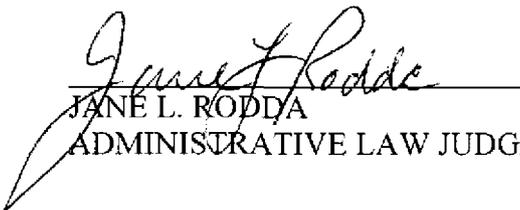
1 commence on **January 20, 2010 at 10:00 a.m.**, or as soon thereafter as is practical, at the
2 Commission's Tucson offices, **Room 222, 400 West Congress, Tucson**, Arizona 85701. The parties
3 may appear telephonically by contacting the Hearing Division at (602) 542-4250 for instructions.

4 IT IS FURTHER ORDERED that the deadline for mailing and publishing notice of the
5 hearing set in this matter in our December 15, 2009 Procedural Order shall be vacated pending
6 further order.

7 IT IS FURTHER ORDERED that discovery in this matter shall proceed as discussed herein
8 and at the January 11, 2010 Procedural Conference.

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

11
12 DATED this 11th day of January, 2010.

13
14 
15 JANE L. RODDA
16 ADMINISTRATIVE LAW JUDGE

17 Copies of the foregoing mailed
18 this 11th day of January, 2010 to:

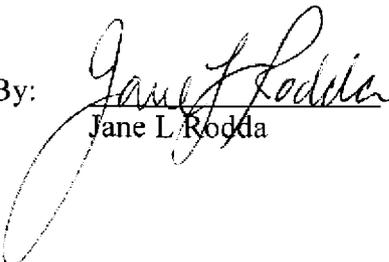
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By: 
Jane L. Rodda