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**BEFORE THE ARIZONA CORPORATION COMMISSION
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- 2 GARY PIERCE
- 3 PAUL NEWMAN
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Arizona Corporation Commission
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ARIZONA CORP. COMM
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11 IN THE MATTER OF THE APPLICATION
12 OF SULPHUR SPRINGS VALLEY
13 ELECTRIC COOPERATIVE, INC. FOR A
14 HEARING TO DETERMINE THE FAIR
15 VALUE OF ITS PROPERTY FOR
16 RATEMAKING PURPOSES, TO FIX A
17 JUST AND REASONABLE RETURN
18 THEREON, TO APPROVE RATES
19 DESIGNED TO DEVELOP SUCH RETURN
20 AND FOR RELATED APPROVALS.

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

DOCKET NO. E-01575A-08-0328

DOCKET NO. E-01575A-09-0453

**INTERVENORS' RESPONSE TO
TO SSVEC'S MOTION TO STRIKE
PORTIONS OF INTERVENORS'
CLOSING BRIEF**

30 In their closing brief, Intervenors Sue Downing, James Rowley III and Susan
31 Scott ("Intervenors") submitted three exhibits. SSVEC objects to these exhibits on the
32 grounds that each exhibit was prepared after the close of the evidentiary record, not
33 introduced by the Intervenors at the 252 Hearing, and not subject to cross-examination
34 and therefore constitute hearsay evidence.

35 Exhibit One is a letter from attorney Larry Schubart of Stubbs & Schubart. The
36 intent of this letter is to demonstrate Intervenors' due diligence in this matter. This is

1 **exactly** what SSVEC stated when they submitted Exhibit A-12, a letter from Robert
2 **Savage**, attorney with Gust Rosenfeld Law Firm. The Savage letter was not presented
3 **as a legal opinion and neither is our letter from Mr. Schubart.** In our closing brief we
4 **state: "The attached Exhibit One is provided *only* to show that we too are diligent in our**
5 **efforts." (page 19, line 19-20; emphasis added.)**

6 **Since Chairperson Mayes' directive to the community at the August 2009 ACC**
7 **meeting, we have been working to develop concrete alternatives to the proposed 69kV**
8 **line. It has been difficult when we are all volunteers, have no organization and no**
9 **money. Researching and cultivating relationships with reputable companies takes**
10 **significant time and effort. SSVEC's actions such as filing the 252 hearing has severely**
11 **diluted the time we have been able to devote to Chairperson Mayes' directive, but not**
12 **totally diverted our efforts.**

13 **Exhibits Two and Three were included in our closing brief to demonstrate that we**
14 **are working on viable alternative solutions as Chairperson Mayes challenged us to so**
15 **do. Neither of these alternatives has been offered as a firm proposal. Each proposal**
16 **needs further analysis, thoughtful discussion and review with the community in public**
17 **forums. In fact, we anticipated doing so in the public forums that we were led to believe**
18 **was part of the August ACC directive and which we thought would occur through July**
19 **2010, not the one week in March 2010.**

20 **Ms. Deborah White in her testimony states: "In my review of the intervenor**
21 **testimony, I find only supposition. There is no supporting analysis, there is no fact."**
22 **(T537:13-15) Intervenors' exhibits are included to show that we are investigating**

1 alternatives, we have facts, not just supposition and we have listened to Chairperson
2 Mayes.

3 The exhibits are not hearsay evidence, there is no need for cross-examination.
4 The exhibits simply demonstrate our due diligence. SSVEC's exhibit was allowed to
5 show due diligence. In all fairness, our exhibits should be likewise admitted.

6 Intervenors' exhibits should not be stricken from their closing brief. SSVEC's
7 motion should be denied.

8
9 Respectfully submitted this 21st day of April, 2010
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11

12  _____

13 Sue Downing
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17  _____

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