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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

DOCKETED

JUN 17 2010

1
2 COMMISSIONERS

3 KRISTIN K. MAYES - Chairman
4 GARY PIERCE
5 PAUL NEWMAN
6 SANDRA D. KENNEDY
7 BOB STUMP

2010 JUN 17 A 10:00

AZ CORP COMMISSION
DOCKET CONTROL

DOCKETED BY

6 IN THE MATTER OF THE APPLICATION OF
7 NAVOPACHE ELECTRIC COOPERATIVE, INC.
8 AN ARIZONA NON-PROFIT CORPORATION,
9 FOR APPROVAL OF A RUS GUARANTEED
FFB LOAN IN THE AMOUNT OF \$33,231,000
TO FUND THE CONSTRUCTION OF
FACILITIES.

DOCKET NO. E-01787A-05-0719

PROCEDURAL ORDER

10 On May 5, 2006, in Decision No. 68691, the Arizona Corporation Commission
11 ("Commission") granted Navopache Electric Cooperative, Inc., an Arizona non-profit corporation
12 ("Navopache"), authority to borrow funds from the Rural Utilities Service Guaranteed Federal
13 Financing Bank to finance plant construction according to Navopache's construction work plan for
14 2005-2008 ("Work Plan").

15 On April 14, 2010, Navopache filed in this docket a Notice of Amendment to 2005-2010
16 Work Plan to provide supplemental information regarding the amendment made to Navopache's
17 Rural Utility Service ("RUS") approved Work Plan for the period 2005-2009.

18 On May 5, 2010, a procedural order was issued granting intervention to IBEW Local 387
19 ("Local 387").

20 On May 17, 2010, IBEW Local 387 filed a Motion for Preliminary Prehearing Conference.

21 On May 18, 2010, Navopache docketed a Motion for Determination that No Amendment to
22 Decision No. 68691 is Necessary, or in the Alternative, for Approval of an Amendment to Decision
23 No. 68691 ("Motion"). The filing stated that Navopache supported Local 387's request for a
24 procedural conference.
25

26 On May 24, 2010, a procedural conference was convened for the purpose of allowing the
27 parties to discuss an appropriate means of resolving the dispute between Navopache and Local 387.
28 The parties were informed that no action could be taken on Navopache's Motion absent a

1 Commission vote to reopen Decision No. 68691.
2

3 On May 26, 2010, Navopache filed a letter to the Commissioners Re: Expedited Request by
4 Navopache Electric Cooperative, Inc. to Amend Decision No. 68691 pursuant to A.R.S. § 40-252
5 (Involving Previously Approved \$32,231,000 Loan); Placement on Staff Open Meeting Agenda;
6 Docket No. E-01787A-05-0719.

7 On June 10, 2010, in an Open Meeting of the Commission, following proper notice to all
8 parties to Decision No. 68691 as required to amend a Decision pursuant to A.R.S. § 40-252, the
9 Commission voted to reopen Decision No. 68691 pursuant to A.R.S. § 40-252. The Commission
10 further ordered the Commission's Hearing Division to schedule a procedural conference for the
11 purpose of discussing how to proceed to consider Navopache's request to amend Decision No. 68691
12 as expeditiously as possible.

13 IT IS THEREFORE ORDERED that a **procedural conference** shall be held on **June 23,**
14 **2010, commencing at 10:00 a.m.,** or as soon thereafter as practicable, at the Commission's offices,
15 1200 West Washington Street, Room 100, Phoenix, Arizona for the purpose of discussing how to
16 proceed to consider Navopache Electric Cooperative, Inc.'s request to amend Decision No. 68691.

17 IT IS FURTHER ORDERED that the Commission's Utilities Division shall attend the
18 procedural conference and shall be prepared to address procedural matters regarding Navopache
19 Electric Cooperative, Inc.'s request to amend Decision No. 68691.

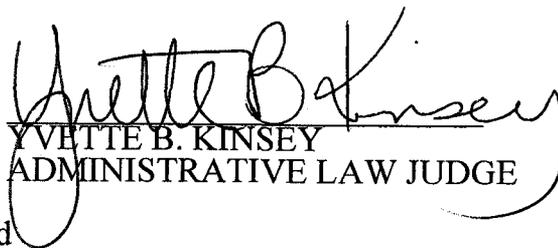
20 IT IS FURTHER ORDERED that all parties must comply with Rules 31 and 38 of the Rules
21 of the Arizona Supreme Court and A.R.S. § 40-243 with respect to practice of law and admission *pro*
22 *hac vice*.

23 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance
24 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the
25 Rules of Arizona Supreme Court). Representation before the Commission includes appearances at all
26 hearings and procedural conferences, as well as all Open Meetings for which the matter is scheduled
27 for discussion, unless counsel has previously been granted permission to withdraw by the
28 Administrative Law Judge or the Commission.

1 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized
2 Communications) applies to this proceeding and shall remain in effect until the Commission's
3 Decision in this matter is final and non-appealable.

4 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend,
5 or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at
6 hearing.

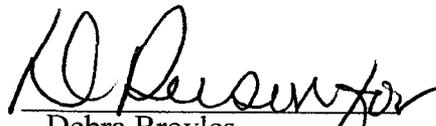
7
8 DATED this 17th day of June, 2010.

9
10 
11 YVETTE B. KINSEY
12 ADMINISTRATIVE LAW JUDGE

13 Copies of the foregoing mailed/delivered
this 17th day of June, 2010 to:

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