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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

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ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

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

8 IN THE MATTER OF THE APPLICATION OF
 9 NAVOPACHE ELECTRIC COOPERATIVE, INC.
 AN ARIZONA NON-PROFIT CORPORATION,
 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 8, 2010, IBEW Local 387 ("Local 387") filed an application to intervene in this
 16 docket.

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

20 On May 5, 2010, a procedural order was issued granting intervention to Local 387.

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

22 On May 18, 2010, Navopache docketed a Motion for Determination that No Amendment to
 23 Decision No. 68691 is Necessary, or in the Alternative, for Approval of an Amendment to Decision
 24 No. 68691 ("Motion"). The filing stated that Navopache supported Local 387's request for a
 25 procedural conference.
 26

27 On May 24, 2010, a procedural conference was convened for the purpose of allowing the
 28 parties to discuss an appropriate means of resolving the dispute between Navopache and Local 387.

1 The parties were informed that no action could be taken on Navopache's Motion absent a
2 Commission vote to reopen Decision No. 68691.

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 addressing procedural matters regarding Navopache's request to amend Decision No.
12 68691.

13 On June 17, 2010, by Procedural Order, a procedural conference was scheduled for June 23,
14 2010, to discuss procedural issues related to Navopache's request to amend Decision No. 68691.

15 On June 23, 2010, a procedural conference was held as scheduled. Staff, Navopache, and
16 Local 387 appeared through counsel. During the procedural conference, Local 387 agreed to a five-
17 day exception period for filing objections to the Recommended Opinion and Order; hearing dates
18 were discussed; the parties and Staff agreed to engage in settlement discussions up to the date of the
19 hearing; and the parties agreed to conduct discovery.

20 On June 25, 2010, by Procedural Order, the hearing in this matter was scheduled to
21 commence on July 14, 2010.

22 On July 12, 2010, Navopache and Local 387 filed a stipulated request to vacate the hearing
23 set for July 14, 2010 and requested that the Commission expedite approval of Navopache's
24 application to Amend Decision No. 68691. The stipulation states that Navopache and Local 387
25 agree to vacating the July 14, 2010 hearing date; requests that the Commission amend Decision No.
26 68691 to approve the use of \$7 million in loan proceeds for the design, development and construction
27 of new Operation Facilities; and that any Order include language directing Navopache to file a rate
28 application with the Commission on or before July 1, 2011, if, after review Navopache's Board of

1 Directors determines that a rate case is necessary.

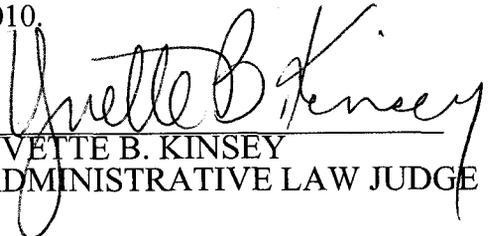
2 On July 13, 2010, a telephonic procedural conference was held. Staff, Navopache, and Local
3 387 appeared through counsel. A discussion was held regarding the status of Staff's review of
4 Navopache's proposed construction, the timeframe for the issuance of Staff Report, and the
5 timeframe for submitting a Proposed Order to the Commission. Counsel for Staff also stated that
6 Staff will submit a Proposed Order for the Commission's consideration.

7 Based on the parties' stipulation, the hearing in this matter should be vacated.

8 IT IS THEREFORE ORDERED that the **hearing** currently scheduled to be held on **July 14,**
9 **2010, is hereby vacated.**

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

13 DATED this 13th day of July, 2010.

14 
15 YVETTE B. KINSEY
16 ADMINISTRATIVE LAW JUDGE

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

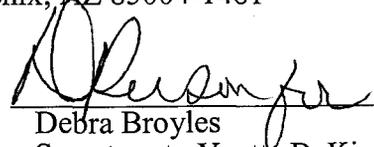
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By: 
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