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BEFORE THE ARIZONA CORPORATION COMMISSION

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GARY PIERCE - Chairman
BOB STUMP
SANDRA D. KENNEDY
PAUL NEWMAN
BRENDA BURNS

AZ CORP COMMISSION
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IN THE MATTER OF THE COMPLAINT OF THE BUREAU OF INDIAN AFFAIRS, UNITED STATES OF AMERICA, AGAINST MOHAVE ELECTRIC COOPERATIVE, INC. AS TO SERVICES TO THE HAVASUPAI AND HUALAPAI INDIAN RESERVATIONS.

DOCKET NO. E-01750A-05-0579

PROCEDURAL ORDER SETTING STATUS CONFERENCE REGARDING REHEARING OF DECISION NO. 72043

BY THE COMMISSION:

On December 10, 2011, the Commission issued Decision No. 72043 in this docket.

On December 30, 2010, Mohave Electric Cooperative, Inc. ("Mohave" or "Respondent") timely filed an Application for Rehearing of Decision No. 72043 pursuant to A.R.S. § 40-253 ("Application for Rehearing").

On January 11, 2011, Bureau of Indian Affairs, United States of America, ("BIA" or "Complainant") filed a response to Mohave's Application for Rehearing.

On January 18, 2011, the Commission voted to grant Mohave's Application for Rehearing. The Commission ordered the Hearing Division to issue a procedural order scheduling a procedural conference for the purpose of setting a procedural schedule for the rehearing proceeding, and to prepare a Recommended Order on Rehearing for Commission consideration.

A procedural order was issued on January 18, 2011, setting the procedural conference to commence on January 25, 2011.

The procedural conference commenced as scheduled. Mohave and BIA appeared through counsel. Counsel for Mohave indicated that Mohave wishes to enter into discussions with BIA in an attempt to resolve their disputed issues. To that end, Mohave would prefer not to have a hearing date set for rehearing Decision No. 72043 at this time, but proposed instead that a status conference be set

1 in 45 days, at which time Mohave and BIA could report on their progress in reaching a resolution on
2 the issues Mohave raised in its December 30, 2010 Application for Rehearing. Counsel for BIA
3 indicated that BIA was amenable to Mohave's proposal.

4 At the procedural conference, Mohave indicated difficulty in attaining timely compliance with
5 certain requirements of Decision No. 72043. After discussion, Mohave indicated that it planned to
6 file a motion requesting that the Commission grant an extension of compliance deadlines. BIA
7 indicated that it had no objection at this time to Mohave filing such a motion.
8

9 Mohave's request for additional time to allow Complainant and Respondent to work toward
10 resolution of disputed issues, prior to the setting of a procedural schedule for rehearing, is reasonable
11 and should be granted.

12 IT IS THEREFORE ORDERED that a **procedural status conference** for the purpose of
13 allowing Complainant and Respondent to provide a **status update on their settlement discussions**
14 in this matter is hereby scheduled to commence on **March 17, 2011, at 10:00 a.m.**, or as soon as
15 practicable thereafter, at the Commission's offices, 1200 W. Washington, Hearing Room No. 1,
16 Phoenix, Arizona.

17 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized
18 Communications) continues to apply to this proceeding and shall remain in effect until the
19 Commission's Decision in this matter is final and non-appealable.
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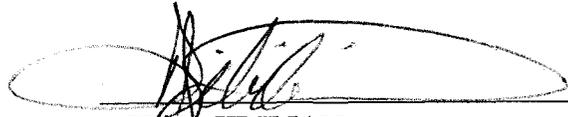
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1 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend,
2 or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at
3 hearing.

4 DATED this 20th day of January, 2011.

5
6
7
8 
TEENA JIBILIAN
ADMINISTRATIVE LAW JUDGE

9
10 Copies of the foregoing mailed/delivered/faxed
11 this 20th day of January, 2011 to:

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