

REHEARING 1/23/99



0000122305

BEFORE THE ARIZONA CORPORATION COMMISSION

RECEIVED  
AZ CORP COMMISSION

Arizona Corporation Commission

JIM IRVIN  
COMMISSIONER-CHAIRMAN  
CARL J. KUNASEK  
COMMISSIONER  
TONY WEST  
COMMISSIONER

JAN 4 1 28 PM '99

DOCKETED

JAN 04 1999

DOCUMENT CONTROL

DOCKETED BY

IN THE MATTER OF THE COMPETITION )  
IN THE PROVISION OF ELECTRIC )  
SERVICES THROUGHOUT THE STATE OF )  
ARIZONA. )

DOCKET NO. RE-00000C-94-0165

**RUCO'S APPLICATION FOR REHEARING OF DECISION NO. 61309**

Pursuant to A.R.S. § 40-253, the Residential Utility Consumer Office ("RUCO") requests that the Arizona Corporation Commission ("Commission") rehear the matters decided in Decision No. 61309, docketed December 31, 1998. Decision No. 61309 denied RUCO's and other parties' applications for rehearing and/or reconsideration of Decision No. 61272. Decision No. 61272 adopted permanent amendments to Rules R14-2-1601 *et seq.* and to R14-2-203 *et seq.*

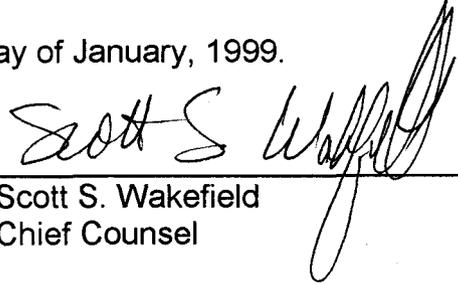
Decision No. 61272 was entered by the Commission on December 11, 1998. Arizona Revised Statutes § 40-253 permits any party to an action to apply for a rehearing of a Commission decision within 20 days. Pursuant to A.R.S. § 40-253, the Commission is permitted 20 days to act upon an application for rehearing. If the Commission does not act upon an application for rehearing within that time, it is deemed denied. A.R.S. § 40-253(A).

The 20 day period to apply for rehearing of Decision No. 61272 expired on December 31, 1998. Therefore, on December 31, 1998, RUCO and other parties filed their applications for rehearing/reconsideration of Decision No. 61272. At a Special Open Meeting held

1 December 31, 1998, beginning at approximately 6:15 p.m., the Commission met to consider  
2 the applications for rehearing/reconsideration of Decision No. 61272. As a result of that  
3 meeting, the Commission adopted Decision No. 61309, denying the parties' applications for  
4 rehearing/reconsideration of Decision No. 61272.  
5

6 RUCO urges the Commission to reconsider Decision No. 61309. The Commission is  
7 permitted 20 days to evaluate and act upon applications for rehearing of Decision No. 61272.  
8 Instead of taking the time to fully analyze the arguments set forth by RUCO and other parties  
9 in their applications for rehearing, the Commission scheduled a meeting for only 30 minutes  
10 after the deadline to file such applications. By granting rehearing of Decision No. 61309, the  
11 Commission can take the time to review the applications for rehearing of Decision No. 61272,  
12 and determine whether rehearing of that Decision would be appropriate.  
13

14 RESPECTFULLY SUBMITTED this 4<sup>th</sup> day of January, 1999.

15   
16 \_\_\_\_\_  
17 Scott S. Wakefield  
18 Chief Counsel

19 AN ORIGINAL AND TEN COPIES  
20 of the foregoing filed this 4<sup>th</sup> day of  
21 January, 1999 with:

22 Docket Control  
23 Arizona Corporation Commission  
24 1200 West Washington  
25 Phoenix, Arizona 85007

26 COPIES of the foregoing hand delivered/  
27 mailed to all parties in the Electric Competition  
28 Docket - Docket No. RE-00000C-94-0165

By Cheryl Fraulob  
Cheryl Fraulob