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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

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

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Arizona Corporation Commission

DOCKETED

MAR 22 2011

ARIZONA CORPORATION COMMISSION  
DOCKET CONTROL

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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 RESERVATION.

DOCKET NO. E-01750A-05-0579

**STAFF'S RECOMMENDATION  
 REGARDING MOHAVE'S MOTION FOR  
 AN EXTENSION OF COMPLIANCE  
 DEADLINES**

The Utilities Division ("Staff") of the Arizona Corporation Commission ("Commission") responds to Mohave Electrical Cooperative, Inc.'s ("Mohave" or "Cooperative") Motion for an Extension of Compliance Deadlines in Decision No. 72043 Pending Rehearing ("Motion") and recommends that the Administrative Law Judge ("ALJ") grant Mohave's request as provided herein.

In Decision No. 72043, the Commission ordered that Mohave take the following five actions:

1. IT IS FURTHER ORDERED that Mohave Electric Cooperative, Inc. shall, within ten days, recommence operation and maintenance of the line to Long Mesa;
2. IT IS FURTHER ORDERED that Mohave Electric Cooperative, Inc. shall, within ten days, begin reading meters of its retail customers currently served by the line;
3. IT IS FURTHER ORDERED that Mohave Electric Cooperative, Inc. shall, within ten days, place a meter at Long Mesa and recommence reading the meter at Long Mesa to determine the proper amount to bill the BIA for electricity used past the point of Long Mesa;
4. IT IS FURTHER ORDERED that Mohave Electric Cooperative, Inc. shall, within thirty days, reimburse the Bureau of Indian Affairs, United States of America in an amount equal to \$348 per month for each month including November 2003 through the present month, or \$29,580, plus interest at a rate of six percent;
5. IT IS FURTHER ORDERED that Mohave Electric Cooperative, Inc. shall file within forty-five days, within the Commission's Docket Control, as a compliance item in this matter, certification that it has reimbursed the Bureau of Indian Affairs, United States of America in the amount ordered herein.

1 Staff has reviewed the docket in this matter, including Mohave's recently filed Certification  
2 of Compliance with Decision and Order, and it appears that Mohave has satisfied items 4 and 5  
3 leaving items 1 through 3 outstanding.

4 Regarding items 1 and 2, Mohave proposes in its Reply to Bureau of Indian Affairs' Response  
5 to Motion for an Extension of Compliance Deadlines that it will comply with items 1 and 2 if the  
6 Bureau of Indian Affairs ("BIA") provides Mohave with the necessary authorization to access the  
7 line. Staff believes that this proposal is reasonable. Regarding item 3, Staff has no basis for  
8 evaluating Mohave's cost estimate for moving its meter and associated equipment from Nelson  
9 Substation to Long Mesa in compliance with that item. Regardless, Staff believes it is premature to  
10 require Mohave to expend time and money to comply with this item when it is conceivable that the  
11 Commission or the parties could modify or eliminate these requirements as a result of this pending  
12 rehearing.

13 Therefore, Staff recommends that the ALJ grant Mohave's request to suspend compliance  
14 with item 3 pending the rehearing process and until further order of the Commission, if the BIA  
15 provides Mohave with the necessary authorization to comply with items 1 and 2. If however, the  
16 BIA is unable or unwilling to provide the necessary authorization, Staff recommends that the ALJ  
17 grant Mohave's request to suspend compliance with items 1, 2, and 3 pending the rehearing process  
18 and until further order of the Commission.

19 RESPECTFULLY SUBMITTED this 22<sup>nd</sup> day of March, 2011.

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1 Original and thirteen (13) copies  
2 of the foregoing were filed this  
3 22<sup>nd</sup> day of March, 2011 with:

4 Docket Control  
5 Arizona Corporation Commission  
6 1200 West Washington Street  
7 Phoenix, Arizona 85008

8 Copy of the foregoing mailed this  
9 22<sup>nd</sup> day of March, 2011 to:

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