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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

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

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Arizona Corporation Commission

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AZ CORP COMMISSION
DOCKET CONTROL

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IN THE MATTER OF THE APPLICATION OF ARIZONA PUBLIC SERVICE COMPANY FOR AUTHORIZATION FOR THE PURCHASE OF GENERATING ASSETS FROM SOUTHERN CALIFORNIA EDISON AND FOR AN ACCOUNTING ORDER.

DOCKET NO. E-01345A-10-0474

PROCEDURAL ORDER

BY THE COMMISSION:

On November 22, 2010, Arizona Public Service Company ("APS" or "Company") filed with the Arizona Corporation Commission ("Commission") an application requesting authorization for APS to purchase Southern California Edison's ("SCE") portion of Four Corners Generating Units 4 and 5 located in Fruitland, New Mexico, and for an accounting order.

By Procedural Orders, intervention has been granted to the Residential Utility Consumer Office ("RUCO"), the Arizona Competitive Power Alliance ("ACPA"), Western Resource Advocates ("WRA"), and the Environmental Defense Fund ("EDF").

On February 28, 2011, the Commission's Utilities Division ("Staff") filed a Request for Procedural Order ("Request") to establish a procedural schedule in this matter.

On March 3, 2011, RUCO filed its Response to Staff's Request.

On March 4, 2011, APS filed its Response to Staff's Request.

On March 4, 2011, by Procedural Order, a procedural conference was scheduled for March 22, 2011.

On March 14, 2011, the Sierra Club filed a Petition for Leave to Intervene and a Motion for Appearance *pro hac vice* on a temporary basis pursuant to Supreme Court Rule 38(a)(3).

On March 22, 2011, a procedural conference was held to discuss procedural issues, including hearing and deadline dates. The Sierra Club's motion to intervene was granted for good cause shown and pursuant to Rule 38(a)(3), the request for temporary admission *pro hac vice* of Mr. Travis Ritchie

1 was granted, provided that the completion of the application procedures occurs within 30 days of this
2 Procedural Order.

3 IT IS THEREFORE ORDERED that the **hearing** in the above-captioned matter shall
4 commence on **July 14, 2011 at 10:00 a.m.** or as soon thereafter as is practical, at the Commission's
5 offices, 1200 West Washington Street, **Hearing Room #1**, Phoenix, Arizona 85007.

6 IT IS FURTHER ORDERED that the parties shall set aside **July 15 and 18, 2011** for
7 additional days of hearing, if needed.

8 IT IS FURTHER ORDERED that any **testimony and associated exhibits to be presented at**
9 **hearing on behalf of Staff and intervenors on all issues** shall be reduced to writing and **filed on or**
10 **before May 31, 2011.**

11 IT IS FURTHER ORDERED that any **rebuttal testimony and associated exhibits to be**
12 **presented at hearing by APS** shall be reduced to writing and **filed on or before June 22, 2011.**

13 IT IS FURTHER ORDERED that the **Sierra Club is hereby granted intervention.**

14 IT IS THEREFORE ORDERED that the request for temporary admission *pro hac vice* of
15 Travis Ritchie to appear before the Commission is hereby granted.

16 IT IS FURTHER ORDERED that Travis Ritchie shall complete the State Bar of Arizona *pro*
17 *hac vice* application procedures within 30 days of the date of this procedural order, and file such
18 documentation with the Commission.

19 IT IS FURTHER ORDERED that Travis Ritchie's address for service of papers and other
20 communication shall be:
21

22
23 Travis Richie
24 SIERRA CLUB ENVIRONMENTAL LAW PROGRAM
25 85 Second Street, 2nd Floor
26 San Francisco, CA 94105

27 IT IS FURTHER ORDERED that the address for service of papers and other communication
28 for the Arizona-licensed attorney designated as local counsel, Timothy M. Hogan, shall be:

27 ...
28 ...

1 Timothy M. Hogan
2 ARIZONA CENTER FOR LAW IN
3 THE PUBLIC INTEREST
4 202 E. McDowell Rd., Suite 153
5 Phoenix, AZ 85004

6 IT IS FURTHER ORDERED that intervention shall be in accordance with A.A.C. R14-3-105,
7 except that all **motions to intervene** must be filed on or before **May 13, 2011**.

8 IT IS FURTHER ORDERED that any **objections to motions to intervene** must be filed
9 within 10 days.

10 IT IS FURTHER ORDERED that the Company shall provide public notice of the hearing in
11 this matter, in the following type size, form and style with the heading in no less than 14 point bold
12 type and the body in no less than 10-point regular type:

13 **PUBLIC NOTICE OF HEARING ON THE APPLICATION OF**
14 **ARIZONA PUBLIC SERVICE COMPANY FOR AUTHORIZATION FOR**
15 **THE PURCHASE OF GENERATING ASSETS FROM SOUTHERN**
16 **CALIFORNIA EDISON AND FOR AN ACCOUNTING ORDER.**
17 **(Docket No. E-01345A-10-0474)**

18 **Summary**

19 On November 22, 2010, Arizona Public Service Company (“APS”) filed with the
20 Arizona Corporation Commission (“Commission”) an application for approval of the
21 purchase of Southern California Edison’s portion of Four Corners Generating Units 4
22 and 5, located in Fruitland, NM, and for an accounting order to defer certain costs
23 associated with the transaction. Commission approval of the proposed transaction is
24 required by Commission Decision No. 67744 (April 7, 2005). If the transaction
25 receives all requisite approvals and is consummated, APS would close Units 1-3.

26 **How You Can View or Obtain a Copy of the Application**

27 Copies of APS’ application are available at its office, 400 N. 5th Street, Phoenix,
28 Arizona, (602) 250-2708, and the Commission's offices at 1200 West Washington,
Phoenix, Arizona, for public inspection during regular business hours and on the
internet via the Commission website (www.azcc.gov) using the e-docket function.

Arizona Corporation Commission Public Hearing Information

The Commission will hold a hearing on this matter beginning **July 14, 2011, at 10:00 a.m.**, at the Commission’s offices, 1200 West Washington, Hearing Room No. 1, Phoenix, Arizona. Public comments will be taken on the first day of the hearing. Written public comments may be submitted by mailing a letter referencing Docket No. E-01345A-10-0474 to Arizona Corporation Commission, Consumer Services Section, 1200 West Washington, Phoenix, AZ 85007, or by email. For a form to use and instructions on how to email comments to the Commission, go to <http://www.azcc.gov/Divisions/Utilities/forms/PublicCommentForm.pdf>. If you require assistance, you may contact the Consumer Services Section at 1-800-222-7000 (outside the local Phoenix metro area) or locally at 602-542-4251.

About Intervention

The law provides for an open public hearing at which, under appropriate circumstances, interested parties may intervene. Any person or entity entitled by law to intervene and having a direct and substantial interest in the matter will be permitted to intervene. If you wish to intervene, you must file an original and 13 copies of a written motion to intervene with the Commission no later than **May 13, 2011**, and mail a copy of the motion to intervene to APS or its counsel and to all parties of record. Your motion must contain the following:

1. Your name, address, and telephone number and any party upon whom service of documents is to be made, if not yourself.
2. A short statement of the your interest in the proceeding (e.g., a customer, stockholder of APS, etc.); and
3. A statement certifying that a copy of the motion to intervene has been mailed to APS or its counsel and to all parties of record in the case.

The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except that all motions to intervene must be filed on or before **May 13, 2011**. For information about requesting intervention, visit the Commission's website at <http://www.azcc.gov/divisions/utilities/forms/interven.pdf>. The granting of intervention, among other things, entitles a party to present sworn evidence at the hearing and to cross-examine other witnesses. Failure to intervene will not preclude any interested person or entity from appearing at the hearing and providing public comment on the application or from filing written comments in the record of the case.

ADA/Equal Access Information

The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request a reasonable accommodation such as a sign language interpreter, as well as request this document in an alternative format, by contacting the ADA Coordinator Shaylin A. Bernal, E-mail SABernal@azcc.gov, voice phone number 602/542-3931. Requests should be made as early as possible to allow time to arrange the accommodation.

IT IS FURTHER ORDERED that the Company shall cause the **notice to be published** in newspapers of general circulation in the affected area and in its service territory, with **publication** to be completed no later than **April 13, 2011**.

IT IS FURTHER ORDERED that the Company shall **file certification of publication** no later than **April 29, 2011**.

IT IS FURTHER ORDERED that notice shall be deemed complete upon publication of same, notwithstanding the failure of an individual customer to read or receive the notice.

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

1 *hac vice.*

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

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

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

14 IT IS FURTHER ORDERED that the time periods specified herein shall not be extended
15 pursuant to Rule 6(a) or (e) of the Rules of Civil Procedure.

16 DATED this 31ST day of March, 2011.

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LYN FARMER
CHIEF ADMINISTRATIVE LAW JUDGE

Copies of the foregoing mailed/delivered
This 31ST day of March, 2011 to:

- Meghan H. Grabel
- Thomas L. Mumaw
- PINNACLE WEST CAPITAL CORP.
- P.O. Box 53999, Mail Station 8695
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- Greg Patterson
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- Attorney for Arizona Competitive Power Alliance

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13 Scottsdale, AZ 85252-1064

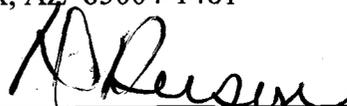
14 Daniel W. Pozefsky
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23 Janice Alward, Chief Counsel
24 Legal Division
25 ARIZONA CORPORATION COMMISSION
26 1200 West Washington Street
27 Phoenix, AZ 85007

28 Steven M. Olea, Director
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2200 North Central Avenue, Suite 502
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22
23 By: 
24 Debbi Person
25 Assistant to Lyn Farmer
26
27
28