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BEFORE THE ARIZONA CORPORATION C

Arizona Corporation Commission

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ARIZONA CORPORATION COMMISSION
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COMMISSIONERS

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

IN THE MATTER OF THE APPLICATION OF
ARIZONA PUBLIC SERVICE COMPANY
FOR A HEARING TO DETERMINE THE
FAIR VALUE OF THE UTILITY PROPERTY
OF THE COMPANY FOR RATEMAKING
PURPOSES, TO FIX A JUST AND
REASONABLE RATE OF RETURN
THEREON, TO APPROVE RATE
SCHEDULES DESIGNED TO DEVELOP
SUCH RETURN

DOCKET NO. E-01345A-11-0224

**STAFF'S REQUEST FOR CLARIFICATION
OF THE JULY 29, 2011 PROCEDURAL
ORDER**

On July 29, 2011, the Hearing Division issued an order establishing a procedural schedule for Arizona Public Service Company's ("APS") rate case now pending before the Commission in this docket. Staff supports the schedule set forth in the procedural order but seeks clarification of the date on which the parties may commence settlement discussions. The second ordering paragraph on page 3 of the Procedural Order states that "any settlement discussions by the parties shall commence on or after November 30, 2011." (Emphasis Added). This appears to imply that the parties may not commence discussions before that date even if they desire. Staff seeks clarification that the parties may commence discussions before November 30, 2011 if they so desire.¹ Given the signatories'² agreement to use their best efforts to process the case in one year from the date of a finding of sufficiency,³ Staff believes that the parties should have the flexibility to commence discussions before November 30, 2011, if they are able and so desire.

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¹ Staff is aware of a concern expressed by RUCO at the procedural conference that its Director would be unable to attend settlement discussions on November 28, 2011, the date contained in Staff's proposed procedural schedule. RUCO indicated that its Director would be available on November 30, 2011; however, to commence discussions. Staff believes that to the extent schedule conflicts such as this exist, they can and will be worked out by the parties and that all reasonable efforts will be made to ensure that persons that desire to attend the discussions will be accommodated.

² The "signatories" refers to the parties that signed the Settlement Agreement adopted in Decision No. 71448, APS' last rate case.

³ See Settlement Agreement adopted in Decision No. 71448 at para. 2.3.

1 WHEREFORE, Staff respectfully requests clarification that the parties may commence
2 settlement discussions before November 30, 2011, if they so desire.

3 RESPECTFULLY SUBMITTED this 12th day of August 2011.

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