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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS Arizona Corporation Commission

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2011 AUG 29 P 1:31

GARY PIERCE - Chairman

BOB STUMP

AUG 29 2011

AZ CORP COMMISSION
DOCKET CONTROL

SANDRA D. KENNEDY

PAUL NEWMAN

BRENDA BURNS

DOCKETED BY *[Signature]*

IN THE MATTER OF THE APPLICATION OF
NAVOPACHE ELECTRIC COOPERATIVE, INC.
FOR A DETERMINATION OF THE FAIR VALUE
OF ITS PROPERTY FOR RATEMAKING
PURPOSES, TO FIX A JUST AND REASONABLE
RETURN THEREON AND TO APPROVE RATES
DESIGNED TO DEVELOP SUCH RETURN.

DOCKET NO. E-01787A-11-0186

PROCEDURAL ORDER

BY THE COMMISSION:

On April 29, 2011, Navopache Electric Cooperative, Inc. ("Navopache") filed with the Arizona Corporation Commission ("Commission") an application for a determination of the fair value of its property for ratemaking purposes, to fix a just and reasonable return thereon and to approve rates designed to develop such return.

On August 22, 2011, a Rate Case Procedural Order was issued setting a hearing on the application and setting associated procedural deadlines.

On August 25, 2011, Navopache filed a motion requesting clarification of the Rate Case Procedural Order ("Motion"). Navopache seeks to extend the time for filing certification of mailing and publication to November 11, 2011. Navopache states that it wishes to include the mailed public notice of the application and hearing in its monthly mailing of its member communication HiLites, which it includes with its monthly bills, and that the public notice cannot be included prior to its October billings. Navopache also wishes to clarify whether it is acceptable to use email notification of the application and hearing for its customers who have requested electronic billing and no longer receive bills by regular mail.

The Motion indicates that Navopache anticipates being able to complete the publication of the notice at least twice in a newspaper of general circulation in its service territory by September 30, 2011.

1 Navopache indicates in its motion that it provided a copy of the Motion to the Commission's
2 Utilities Division ("Staff") and Local Union 387, International Brotherhood of Electrical Workers,
3 AFL-CIO ("IBEW Local 387"), and that neither object to Navopache's requests regarding public
4 notice requirements.

5 It is reasonable to allow email delivery of notification to Navopache's customers who have
6 elected to receive billings by email and who no longer receive regular mail from Navopache, as long
7 as the notification of the application and hearing is designed to be readily apparent to the customer
8 when the email is opened. It is also reasonable to extend the deadline for filing certification of
9 mailing and publication to November 11, 2011 to allow time for Navopache to include billing inserts
10 in its October 2011 monthly member communication, HiLites.

11 IT IS THEREFORE ORDERED that Navopache Electric Cooperative, Inc. shall mail to each
12 of its customers a copy of the notice as set forth in the August 22, 2011 Rate Case Procedural Order
13 as a bill insert beginning with its **October 2011 billing cycle**, and shall cause a copy of such notice to
14 be published at least twice in a newspaper of general circulation in the Company's service territory,
15 with publication to be completed no later than **September 30, 2011**.

16 IT IS FURTHER ORDERED that Navopache may provide email delivery of notification of
17 the application and hearing to those of its customers who have elected to receive billings by email
18 and who no longer receive regular mail from Navopache, as long as the notification of the application
19 and hearing is designed to be readily apparent to the customer when the email is opened.

20 IT IS FURTHER ORDERED that the deadline for filing certification of mailing and
21 publication is hereby extended to **November 11, 2011**, to allow time for Navopache to include billing
22 inserts in the October 2011 edition of its monthly member communication, HiLites.

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

25 IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court Rules
26 31, 38, and 42 and A.R.S. § 40-243 with respect to the practice of law and admission *pro hac vice*.

27 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance
28

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

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

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

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 DATED this 21st day of August, 2011.

15
16
17 
18 TEENA JIBILIAN
ADMINISTRATIVE LAW JUDGE

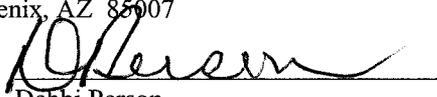
19 Copies of the foregoing mailed/delivered
20 this 21st day of August, 2011 to:

21 Michael A. Curtis
22 William P. Sullivan
23 Melissa A. Parham
24 CURTIS GOODWIN SULLIVAN
25 UDALL & SCHWAB, PLC
26 501 East Thomas Road
27 Phoenix, AZ 85012-3205
28 Attorneys for Navopache Electric
Cooperative, Inc.

Nicholas J. Enoch
LUBIN & ENOCH, PC
349 North 4th Avenue.
Phoenix, AZ 85003
Attorneys for IBEW Local 387

Janice Alward, Chief Counsel
Scott Hesla, Attorney
Legal Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, AZ 85007

Steven M. Olea, Director
Utilities Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, AZ 85007

By: 
Debbi Person
Assistant to Teena Jibilian