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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

GARY PIERCE - Chairman
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ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

Arizona Corporation Commission

DOCKETED

OCT 21 2011

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TYRONE HENRY,
Complainant,

DOCKET NO. E-01933A-11-0346

v.

TUCSON ELECTRIC POWER, CO.

Respondent.

PROCEDURAL ORDER

BY THE COMMISSION:

On September 13, 2011, a formal Complaint brought by Tyrone Henry ("Henry Complaint") against Tucson Electric Power Co. ("TEP") was docketed with the Arizona Corporation Commission ("Commission").

On September 14, 2011, the Commission's Docket Control sent a copy of the Henry Complaint to TEP via certified mail, however, it was subsequently determined that the Henry Complaint was missing page 2.

The Complainant filed the missing page 2, which was docketed on September 28, 2011.

The record does not indicate that Docket Control subsequently sent the complete Complaint to TEP by certified mail.

On October 14, 2011, TEP filed a Motion for Extension of Time to file its Answer to the Henry Complaint. TEP states that since the Complaint was filed, TEP and Mr. Henry have been engaged in settlement discussions which TEP had hoped would conclude prior to the deadline for filing its Answer to the Complaint. TEP reports that additional time is needed to complete settlement discussions and requests an extension of time to file its Answer. TEP proposed that if a settlement is reached, TEP would file a Motion to Dismiss the complaint as soon as practicable after execution of a settlement agreement, and if a settlement is not reached, TEP would file its answer to the Henry

1 Complaint within 20 days of determination that a settlement will not be possible.

2 Because a settlement would render the need to file an Answer moot, the avowal that the
3 parties continue to engage in settlement discussions warrants an extension. TEP's proposal is
4 generally reasonable, although it does not indicate whether the Complainant agrees with the process
5 or how a determination that settlement discussions are fruitless will be made. In order to ensure that
6 the Complaint does not languish in settlement discussions without the agreement of the Complainant,
7 unless a Motion to Dismiss or Answer is filed sooner, TEP shall file a status report by November 7,
8 2011. If the Complainant objects to TEP's proposal, he should file a Response to the TEP's Motion
9 by October 25, 2011.¹

10 IT IS THEREFORE ORDERED the deadline for TEP to file an Answer to the Henry
11 Complaint is extended to twenty days after a determination by the parties that a settlement will not be
12 possible.

13 IT IS FURTHER ORDERED that in the event the parties reach a settlement, TEP will file a
14 Motion to Dismiss in lieu of an Answer, and include a copy of the executed settlement agreement, as
15 soon as practicable after execution of the settlement agreement.

16 IT IS FURTHER ORDERED that if neither an Answer nor Motion to Dismiss has been filed
17 by November 7, 2011, TEP shall file a status report addressing the status of negotiations. Mr. Henry
18 may file his own status report if he desires, but is not required to make such filing if he is satisfied
19 with TEP's assertions.

20 IT IS FURTHER ORDERED that if Mr. Henry objects to the procedures established herein,
21 he should file a Response to the Motion for Extension of Time by October 25, 2011.

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28 ¹ If Mr. Henry has no objection to the proposed process, he need do nothing in response to TEP's Motion for Extension of Time.

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

4 DATED this 17th day of October, 2011.

5
6 
7 JANE L. RODDA
ADMINISTRATIVE LAW JUDGE

8 Copies delivered/mailed
9 this 17th day of October, 2011 to:

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24 By: 
Jane Rodda