

ORIGINAL



0000130626

BEFORE THE ARIZONA CORPORATION COMMISSION

RECEIVED

Arizona Corporation Commission

DOCKETED

OCT 21 2011

2011 OCT 21 A 9:47

ARIZONA CORPORATION COMMISSION  
DOCKET CONTROL

DOCKETED BY [Signature]

COMMISSIONERS

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

RAYE STILES,  
Complainant,  
  
V.  
TUCSON ELECTRIC POWER, CO.  
Respondent.

DOCKET NO. E-01933A-11-0350

PROCEDURAL ORDER

BY THE COMMISSION:

On September 15, 2011, a formal Complaint brought by Raye Stiles against Tucson Electric Power Co. ("TEP") was docketed with the Arizona Corporation Commission ("Commission").

On September 16, 2011, the Commission's Docket Control sent the Complaint to TEP via certified mail. Pursuant to Arizona Administrative Code (A.A.C.) R14-3-106.H, TEP should file a response to the Complaint within 20 days of the date on which TEP acknowledges the return receipt.

The record indicates that TEP acknowledged receipt of the Complaint on September 23, 2011.

On October 14, 2011, TEP filed a Motion for Extension Time to file its Answer. TEP states that since the Complaint was filed, TEP and Ms. Stiles 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 Complaint within 20 days of determination that a settlement will not be possible.

Because a settlement would render the need to file an Answer moot, and that without an extension, TEP's Answer is due immediately, the avowal that the parties continue to engage in

1 settlement discussions warrants an extension. TEP's proposal is generally reasonable, although it  
2 does not indicate whether the Complainant agrees with the process or how a determination that  
3 settlement discussions are fruitless will be made. In order to ensure that the complaint does not  
4 languish in settlement discussions without the agreement of the complainant, unless a Motion to  
5 Dismiss or Answer is filed sooner, TEP shall file a status report by November 7, 2011. If the  
6 Complainant objects to TEP's proposal, she should file a Response to the TEP's Motion by October  
7 25, 2011.<sup>1</sup>

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

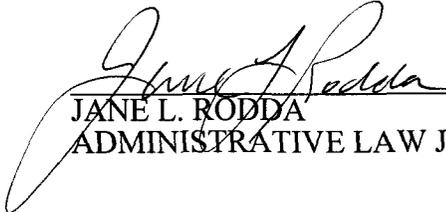
10 IT IS FURTHER ORDERED that in the event the parties reach a settlement, TEP will file a  
11 Motion to Dismiss in lieu of an Answer, and include a copy of the executed settlement agreement, as  
12 soon as practicable after execution of the settlement agreement.

13 IT IS FURTHER ORDERED that if neither an Answer or Motion to Dismiss has been filed  
14 by November 7, 2011, TEP shall file a status report addressing the status of negotiations. Ms. Styles  
15 may file her own status report if she desires, but is not required to make such filing if she is satisfied  
16 with TEP's assertions.

17 IT IS FURTHER ORDERED that if Ms. Styles objects to the procedures established herein,  
18 she should file a Response to the Motion for Extension of Time by October 25, 2011.

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

22 DATED this 17<sup>th</sup> day of October, 2011.

23  
24   
25 JANE L. RODDA  
26 ADMINISTRATIVE LAW JUDGE

27  
28 <sup>1</sup> If Ms. Styles has no objection to the proposed process, she need do nothing in response to TEP's Motion for Extension of Time.

1 Copies mailed/delivered  
this 17<sup>th</sup> day of October, 2011 to:

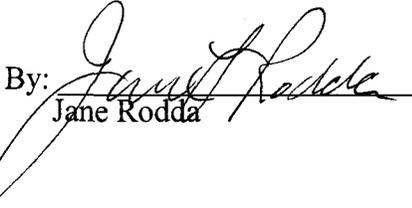
2 Raye Stiles  
2018 North Tucker Drive  
3 Tucson, AZ 85716

4 Michael W. Patten  
Roshka DeWulf & Patten, PLC  
5 One Arizona Center  
400 East Van Buren Street, Suite 800  
6 Phoenix, AZ 85004  
Attorneys for TEP  
7

8 Bradley S. Carroll, Esq.  
Tucson Electric Power Company  
One S. Church Ave, Suite 200  
9 Tucson, AZ 85701

10 Janice Alward, Chief Counsel  
Legal Division  
11 ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
12 Phoenix, Arizona 85007

13 Steven M. Olea, Director  
Utilities Division  
14 ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
15 Phoenix, Arizona 85007

16  
17 By:   
Jane Rodda