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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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AZ CORP COMMISSION  
DOCKET CONTROL

Arizona Corporation Commission

DOCKETED

JAN 25 2012

DOCKETED BY [Signature]

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, AND TO APPROVE RATE SCHEDULES DESIGNED TO DEVELOP SUCH RETURN.

DOCKET NO. E-01345A-11-0224

PROCEDURAL ORDER

**BY THE COMMISSION:**

On June 1, 2011, Arizona Public Service Company ("APS" or "Company") filed with the Arizona Corporation Commission ("Commission") an application 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, and to approve rate schedules designed to develop such return.

On January 6, 2012, the Community Information and Referral Service ("CIR") filed a Motion to Intervene ("Motion to Intervene").

On January 13, 2012, APS filed its Response in Opposition to the Motion to Intervene ("Response"). APS' Response stated that CIR "is not, nor does it even allege that it is, 'directly and substantially affected by the[se] proceedings' as required for intervention under A.A.C. R14-3-105(A), and its motion to intervene is not timely." During the January 19, 2012 pre-hearing conference, APS further explained that the issue raised by CIR is a policy issue that would unduly broaden the scope of the rate hearing.<sup>1</sup> Joining in APS' objection were Locals 387, 640, and 769 of the International Brotherhood of Electrical Workers; Commission Staff; and the Arizona Investment Council. The CIR was not present at the pre-hearing conference, and the Motion to Intervene was

<sup>1</sup> APS indicated that it has been working with CIR and "attempting to see if there is a legislative solution" for this issue and that APS "will continue that dialogue." TR at 9-10.

1 denied.

2 On January 19, 2012, Karen S. White of the USAF Utility Law Field Support Center filed a  
3 Motion to Associate Samuel T. Miller, attorney for the Federal Executive Agencies ("FEA") as  
4 Counsel Pro Hac Vice in the above-captioned matter ("Motion"). The Motion lists Ms. White as the  
5 designated member of the Arizona State Bar with whom communications may be made and upon  
6 whom papers should be served. Attached to the Motion is a copy of the Application for Appearance  
7 Pro Hac Vice filed with the State Bar of Arizona for Mr. Miller; copies of his certificates of good  
8 standing from the jurisdictions in which he has been admitted to practice law; and a copy of the  
9 Notice of Receipt of Complete Application from the State Bar of Arizona.

10 In the discretion of the Commission, Samuel T. Miller should be permitted to appear and  
11 participate in the above-captioned matter on behalf of the FEA.

12 IT IS THEREFORE ORDERED that Samuel T. Miller shall be admitted *pro hac vice* in the  
13 above-captioned matter.

14 IT IS FURTHER ORDERED that the address for service of papers and other communications  
15 for Mr. Miller shall be:

16 Samuel T. Miller  
17 USAF Utility Law Field Support Center  
18 139 Barnes Ave., Suite 1  
19 Tyndall AFB, FL 32403

20 IT IS FURTHER ORDERED that the address for service of papers and other communications  
21 for the Arizona-licensed attorney shall be:

22 Karen S. White  
23 USAF Utility Law Field Support Center  
24 139 Barnes Ave., Suite 1  
25 Tyndall AFB, FL 32403

26 IT IS THEREFORE ORDERED that the Community Information and Referral Services'  
27 Motion to Intervene is hereby denied.

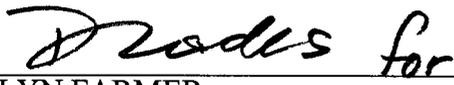
28 IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court Rules  
31, 38, and 42 and A.R.S. § 40-243 with respect to the practice of law and admission *pro hac vice*.

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

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

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

13 DATED this 25<sup>th</sup> day of January, 2012.

14   
15 \_\_\_\_\_  
16 LYN FARMER  
17 CHIEF ADMINISTRATIVE LAW JUDGE

18 Copies of the following mailed/delivered  
19 this 25<sup>th</sup> day of January, 2012 to:

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