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Arizona Corporation Commission

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MAR 23 2012

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BEFORE THE ARIZONA CORPORATION COMMISSION

IN THE MATTER OF THE COMPLAINT OF
BUREAU OF INDIAN AFFAIRS, UNITED
STATES OF AMERICA, AGAINST
MOHAVE ELECTRIC COOPERATIVE,
INCORPORATED AS TO SERVICES TO
THE HAVASUPAI AND HUALAPAI
INDIAN RESERVATIONS.

DOCKET NO. E-01750A-05-0579

**PARTIES' JOINT SUBMISSION
OF ISSUES ON WHICH THE
PARTIES CONTINUE TO
DISAGREE**

BRIAN LAVE LLP
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PHOENIX, ARIZONA 85004-4406
(602) 384-7000

The Bureau of Indian Affairs ("BIA") and Mohave Electric Cooperative, Inc. ("MEC"), by and through their counsel undersigned, pursuant to the procedural order issued February 22, 2012, hereby submit this joint list of issues on which the parties continue to disagree:

1. Concerning Easements

Mohave's Proposed Language concerning the Boquillas Ranch Property: If, after applying for an easement or other permission from the owner of these lands, such easement or permission is not offered and accepted on mutually agreeable terms and conditions, Mohave will have no ability to operate or maintain the Line or to read meters related to the Line related to this segment.

Mohave's Proposed Language concerning the Hualapai reservation easement: If, after applying for an easement or other permission from the owner of these lands, such easement or permission is not offered and accepted upon mutually agreeable terms and

1 conditions, Mohave will have no ability to operate or maintain the Line or to read meters
2 related to the Line related to this segment.

3 Mohave's Proposed Language concerning the Havasupai reservation easement: If,
4 after applying for an easement or other permission from the owner of these lands, such
5 easement or permission is not offered and accepted upon mutually agreeable terms and
6 conditions, Mohave will have no ability to operate or maintain the Line or to read meters
7 related to the Line related to this segment.

8 **2. Concerning BIA's Retail Status.**

9 Mohave's Proposed Language for Conclusions of Law: BIA is not a retail customer
10 of Mohave when purchasing power for resale, redistribution or retransmission, such as is the
11 case with power received by BIA for redistribution by the BIA for use in Supai Village in
12 the Grand Canyon.

13 BIA's Proposed Language for Conclusions of Law: BIA is a retail customer of
14 Mohave on the 70-Mile Line, including the meter at Long Mesa, because the BIA uses the
15 electricity in its trade or business providing support and programs for Native Americans as
16 authorized by Congress.

17 **3. Concerning CCN Status.**

18 Mohave's Proposed Language for Ordering Paragraphs: IT IS FURTHER
19 ORDERED that ownership of the 70-Mile Line and delivery of power to customers
20 therefrom does not constitute an extension of the Certificate of Convenience and Necessity
21 of Mohave Electric Cooperative, Incorporated.

22 BIA's Proposed Language for Ordering Paragraphs: IT IS FURTHER ORDERED
23 that Mohave may not abandon the 70-Mile Line without an Order from the Commission
24 authorizing Mohave to abandon the 70-Mile Line pursuant to A.R.S. § 40-285(A).
25
26 ...
27 ...
28 ...

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1 RESPECTFULLY SUBMITTED this 23rd day of March, 2012.

2
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5 District of Arizona

6 By  (with permission)
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19 Cooperative, Inc.

20 ORIGINAL and 13 COPIES of the
21 foregoing and attached proposed
22 form of ROO were hand-delivered for
23 filing this 23rd day of March, 2012, to:

24 Docket Control
25 Arizona Corporation Commission
26 1200 W. Washington Street
27 Phoenix, AZ 85007

28 ...

...

...

1 **COPY** of the foregoing and ROO
2 hand-delivered this 23rd day of
3 March, 2012, to:

4 Hearing Division
5 Arizona Corporation Commission
6 1200 W. Washington
7 Phoenix, AZ 85007-2927

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