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BEFORE THE ARIZONA CORPORATION

COMMISSIONERS

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

2012 SEP 11 A 10:30

RECORP COMMISSION
DOCKET CONTROL

Arizona Corporation Commission

DOCKET

SEP 11 2012

DOCKET
JM

IN THE MATTER OF THE APPLICATION OF
SOUTHWEST TRANSMISSION COOPERATIVE,
INC. FOR A HEARING TO DETERMINE 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-04100A-12-0353

RATE CASE
PROCEDURAL ORDER

BY THE COMMISSION:

On August 3, 2012, Southwest Transmission Cooperative, Inc. ("SWTC" or "Cooperative") filed with the Arizona Corporation Commission ("Commission") an application for a rate decrease. SWTC requests that the new rates become effective on or before November 1, 2013.

On August 22, 2012, Trico Electric Cooperative, Inc. ("Trico") filed a Motion to Intervene.

On September 5, 2012, the Commission's Utilities Division ("Staff") filed a Letter of Sufficiency in the docket, notifying the Cooperative that the applications were deemed sufficient pursuant to Arizona Administrative Code ("A.A.C.") R14-2-103, and classifying the utility as Class A.

On September 5, 2012, Staff filed a Proposed Schedule for Filing Dates. Staff noted therein that Arizona Electric Power Cooperative, Inc. ("AEPCO") filed a rate application in Docket No. E-01773A-12-0305, and that both SWTC and AEPCO have requested that the implementation date of new rates and charges be synchronized. Staff requests that the hearings in both matters be set at the same time, whether as combined or consecutive hearings. Staff asserts that this will result in efficiencies and will allow witnesses to combine travel and reduce travel expenses. Staff states that as the issues are narrowed through the filing of testimony, the actual scheduling of witnesses can be more precisely planned.

1 On September 5, 2012, Staff filed a Notice of Errata correcting a typographical error in its
2 proposed schedule.

3 SWTC's request in the application for the implementation of new rates on or before
4 November 1, 2013, constitutes a voluntary waiver of the Commission's timeclock rules, A.A.C. R14-
5 2-103.B.11, until November 1, 2013. The timeclock rules should therefore be extended in this matter
6 until November 1, 2013.

7 The filing dates proposed by Staff in its September 5, 2012, filing are reasonable and will be
8 incorporated into the procedural deadlines set forth herein. The hearing in this matter and in the
9 AEPCO matter in will be set to commence at the same date and time, and the actual conduct of both
10 hearings will be determined during the pre-hearing conference, which will also be set to occur at the
11 same date and time for both matters.

12 Pursuant to A.A.C. R14-3-101, the Commission now issues this Procedural Order to govern
13 the preparation and conduct of this proceeding.

14 IT IS THEREFORE ORDERED that the **hearing** in the above-captioned matter is hereby
15 scheduled to commence on **July 29, 2013, at 10:00 a.m.**, or as soon thereafter as practicable, at the
16 Commission's offices, 1200 West Washington Street, **Hearing Room No. 1**, Phoenix, Arizona
17 85007.

18 IT IS FURTHER ORDERED that a pre-hearing conference shall be held on **July 22, 2013,**
19 **commencing at 2:00 p.m.**, at the Commission's Phoenix offices, for the purpose of scheduling
20 witnesses and the conduct of the hearing.

21 IT IS FURTHER ORDERED that the **direct testimony with the exception of rate design**
22 **issues** and associated exhibits to be presented at hearing **on behalf of Staff and intervenors**, shall be
23 reduced to writing and filed on or before **April 4, 2013**.

24 IT IS FURTHER ORDERED that the **direct testimony on rate design issues** and associated
25 exhibits to be presented at hearing **on behalf of Staff and intervenors**, shall be reduced to writing
26 and filed on or before **April 22, 2013**.

1 IT IS FURTHER ORDERED that any **rebuttal testimony and associated exhibits to be**
2 **presented at hearing by the Cooperative** shall be reduced to writing and filed on or before **May 20,**
3 **2013.**

4 IT IS FURTHER ORDERED that any **surrebuttal testimony and associated exhibits to be**
5 **presented by Staff and intervenors** shall be reduced to writing and filed on or before **June 17,**
6 **2013.**

7 IT IS FURTHER ORDERED that any **rejoinder testimony and associated exhibits to be**
8 **presented at hearing by the Cooperative** shall be reduced to writing and filed on or before **July 8,**
9 **2013.**

10 IT IS FURTHER ORDERED that **all filings shall be made by 4:00 p.m. on the date the**
11 **filing is due.**

12 IT IS FURTHER ORDERED that any **objections to testimony or exhibits that have been**
13 **prefiled as of July 8, 2013, shall be made before or at the July 22, 2013, prehearing conference.**

14 IT IS FURTHER ORDERED that all testimony filed shall include a table of contents which
15 lists the issues discussed.

16 IT IS FURTHER ORDERED that any substantive corrections, revisions, or supplements to
17 prefiled testimony shall be reduced to writing and filed no later than five calendar days before the
18 witness is scheduled to testify.

19 IT IS FURTHER ORDERED that the parties shall prepare a brief, written summary of the
20 prefiled testimony of each of their witnesses and shall file each summary at least two working days
21 before the witness is scheduled to testify.

22 IT IS FURTHER ORDERED that copies of summaries shall be served upon the
23 Administrative Law Judge, the Commissioners, and the Commissioners' aides as well as the parties
24 of record.

25 IT IS FURTHER ORDERED that intervention shall be in accordance with A.A.C. R14-3-105,
26 except that **all motions to intervene must be filed on or before March 4, 2013.**

27 IT IS FURTHER ORDERED that discovery shall be as permitted by law and the rules and
28 regulations of the Commission, except that until **May 6, 2013,** any objection to discovery requests

1 shall be made within 7 calendar days of receipt¹ and responses to discovery requests shall be made
2 within 10 calendar days of receipt. Thereafter, objections to discovery requests shall be made within
3 5 calendar days and responses shall be made within 7 calendar days. The response time may be
4 extended by mutual agreement of the parties involved if the request requires an extensive compilation
5 effort.

6 IT IS FURTHER ORDERED that for discovery requests, objections, and answers, if a
7 receiving party requests service to be made electronically, and the sending party has the technical
8 capability to provide service electronically, service to that party shall be made electronically.

9 IT IS FURTHER ORDERED that, in the alternative to filing a written motion to compel
10 discovery, any party seeking resolution of a discovery dispute may telephonically contact the
11 Commission's Hearing Division to request a date for a procedural hearing to resolve the discovery
12 dispute; that upon such a request, a procedural hearing will be convened as soon as practicable; and
13 that the party making such a request shall forthwith contact all other parties to advise them of the
14 hearing date and shall at the hearing provide a statement confirming that the other parties were
15 contacted.²

16 IT IS FURTHER ORDERED that any motions which are filed in this matter and which are
17 not ruled upon by the Commission within 20 calendar days of the filing date of the motion shall be
18 deemed denied.

19 IT IS FURTHER ORDERED that any responses to motions shall be filed within five calendar
20 days of the filing date of the motion.

21 IT IS FURTHER ORDERED that any replies shall be filed within five calendar days of the
22 filing date of the response.

23 IT IS FURTHER ORDERED that the Cooperative shall provide public notice of the hearing
24 in this matter, in the following form and style with the heading in no less than 18-point bold type and
25 the body in no less than 10-point regular type:

26 _____
27 ¹ The date of receipt of discovery requests is not counted as a calendar day, and requests received after 4:00 p.m. MST
will be considered as received the next business day.

28 ² The parties are encouraged to attempt to settle discovery disputes through informal, good-faith negotiations before
seeking Commission resolution of the controversy.

1 Interested parties may participate in this matter through (1) filing for intervention and becoming a
2 formal party to the proceeding; or (2) through written or oral public comment. Any interested person
3 may file written public comments regarding the Cooperative's application in **Docket No. E-04100A-**
4 **12-0353** at any time.

5 If you do not intervene in this proceeding, you will receive no further notice of the proceedings in this
6 docket. **However, all documents filed in this docket are available online** (usually within 24 hours
7 after docketing) at the Commission's website www.azcc.gov using the e-Docket function, located at
8 the bottom of the website homepage. RSS feeds are also available through e-Docket.

9 **About Intervention**

10 You do not need to intervene if you want to appear at the hearing and provide public comment on the
11 application, or if you want to file written comments in the record of the case. Any interested person
12 may file written public comments regarding SWTC's application in **Docket No. E-04100A-12-0353**
13 at any time.

14 Any person or entity entitled by law to intervene and having a direct substantial interest in the matter
15 will be permitted to intervene. The granting of intervention entitles a party to present sworn evidence
16 at hearing and to cross-examine other witnesses. **If you wish to intervene, you must file an original**
17 **and 13 copies of a written motion to intervene with the Commission's Docket Control Center**
18 **no later than March 4, 2013, and send a copy of the motion to SWTC or its counsel and to all**
19 **parties of record.**

20 Contact information for SWTC and all parties of record may be obtained using the Commission's e-
21 Docket Function and Docket No. **E-04100A-12-0353**. Your motion to intervene must contain the
22 following:

- 23 1. Your name, address, and telephone number, and the name, address, and telephone number of
24 any party upon whom service of documents is to be made, if not yourself;
- 25 2. A short statement of your interest in the proceeding (e.g., a member/customer of the
26 Cooperative, etc.); and
- 27 3. A statement certifying that you have mailed a copy of the motion to intervene to SWTC or its
28 counsel and to all parties of record in the case.

The granting of motions to intervene is governed by A.A.C. R14-3-105, except that all motions to
intervene must be filed on or before March 4, 2013. For a sample intervention request form, go to
<http://www.azcc.gov/divisions/utilities/FORMS/interven.pdf>. All parties must comply with Arizona
Supreme Court Rules 31 and 38 and A.R.S. § 40-243 with respect to the practice of law.

22 **ADA/Equal Access Information**

23 The Commission does not discriminate on the basis of disability in admission to its public meetings.
24 Persons with a disability may request a reasonable accommodation such as a sign language
25 interpreter, as well as request this document in an alternative format, by contacting the ADA
26 Coordinator, Shaylin Bernal, email Sbernal@azcc.gov, voice phone number 602-542-3931. Requests
27 should be made as early as possible to allow time to arrange the accommodation.

28 IT IS FURTHER ORDERED that SWTC shall mail to each of its members (all customer
classes), and publish at least twice (and at least two weeks apart) in newspapers of local circulation in

1 the service territories of its member distribution cooperatives, a copy of the above notice, with the
2 first publication to occur by December 7, 2012, and second publication no later than January 4, 2013.
3 If possible, SWTC shall also arrange to have the notice published in any newsletters published by its
4 member distribution cooperatives, as soon as possible, and prior to February 15, 2013.

5 IT IS FURTHER ORDERED that the Cooperative shall file certification of mailing and
6 publication as soon as practicable after the mailing and publication have been completed.

7 IT IS FURTHER ORDERED that notice shall be deemed complete upon mailing and
8 publication of same, notwithstanding the failure of an individual customer to read or receive the
9 notice.

10 IT IS FURTHER ORDERED that the deadline for a final Commission determination on the
11 application under the Commission's timeclock rule, A.A.C. R14-2-103.B.11, is hereby extended to
12 November 1, 2013.

13 IT IS FURTHER ORDERED that Trico is hereby granted intervention.

14 IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court Rules
15 31 and 38 and A.R.S. § 40-243 with respect to the practice of law and admission *pro hac vice*.

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

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

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

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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.

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5 DATED this 11th day of September, 2012

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8 TEENA JIBILIAN
9 ADMINISTRATIVE LAW JUDGE

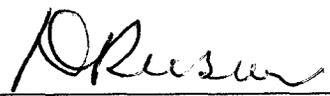
10 Copies of the foregoing mailed/delivered
11 This 11th day of September, 2012 to:

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