

ORIGINAL

OPEN MEETING AGENDA ITEM



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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

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COMMISSIONERS

BOB STUMP – Chairman  
GARY PIERCE  
BRENDA BURNS  
BOB BURNS  
SUSAN BITTER SMITH

2013 JAN 29 P 3:00

AZ CORP COMMISSION  
DOCKET CONTROL

DOCKETED

JAN 29 2013

DOCKETED BY *JM*

IN THE MATTER OF ARIZONA PUBLIC SERVICE COMPANY REQUEST FOR APPROVAL OF UPDATED GREEN POWER RATE SCHEDULE GPS-1, GPS-2, AND GPS-3.

DOCKET NO. E-01345A-10-0394

IN THE MATTER OF THE APPLICATION OF ARIZONA PUBLIC SERVICE COMPANY FOR APPROVAL OF ITS 2013 RENEWABLE ENERGY STANDARD IMPLEMENTATION FOR RESET OF RENEWABLE ENERGY ADJUSTOR.

DOCKET NO. E-01345A-12-0290

PROCEDURAL ORDER AND NOTICE OF INTERVENTION

**BY THE COMMISSION:**

On September 24, 2010, Arizona Public Service Company (“APS” or “Company”) filed with the Arizona Corporation Commission (“Commission”) an application to update its Green Power Rate Schedules (“Green Power Docket”).

On June 29, 2012, APS filed an application with the Commission for its 2013 Renewable Energy Standard Implementation Plan (“2013 REST Docket”).

On September 28, 2012, the dockets were consolidated.

On January 24, 2013, in Open Meeting, the Commission approved APS’ 2013 REST Implementation Plan. The Commission adopted an amendment proposed by Chairman Bob Stump (Stump No. 1) that indicated that based on the number and nature of comments filed in response to the 2013 REST Implementation Plan, the Commission would not adopt the “Track and Record” provision at this time, but would consider “Track and Record” (as well as alternatives thereto) at a hearing. In addition, the Commission directed the Hearing Division to include within the scope of the hearing the subject matter of Commissioner Gary Pierce’s withdrawn Amendment No. 2, which would have required APS to exclude retail sales to its largest customers (3MW or greater in demand) from its overall retail sales calculation under A.A.C. R14-2-1804.

1           The Commission made similar directives in the Tucson Electric Power Company (“TEP”)  
2 Application for Approval of its 2013 Renewable Energy Standard Implementation Plan (Docket No.  
3 E-01933A-12-0296).

4           Consequently, this Procedural Order is issued to schedule a Procedural Conference to discuss  
5 the procedures that will govern a hearing on the issue of “Track and Record” and on the calculation  
6 of retail sales for purposes of A.A.C. R14-2-1804. Because the issues, and to a large extent, the  
7 parties are identical, the Procedural Conferences in the APS and TEP matters shall be held  
8 concurrently. The topics to be discussed include, but are not limited to: 1) notice; 2) intervention; 3)  
9 hearing dates; 4) hearing process (e.g. pre-filed written testimony); and 5) possible consolidation of  
10 the TEP and APS matters.

11           On January 28, 2013, Western Resource Advocates (“WRA”) filed a Petition for Leave to  
12 Intervene. WRA had previously filed comments in these dockets.

13           Copies of this Procedural Order are being mailed to entities that filed comments in these  
14 dockets and provided contact information. **Entities that receive this Procedural Order that have**  
15 **not filed for intervention will not continue to receive copies of filings in these matters unless**  
16 **they are granted intervention.**

17           IT IS THEREFORE ORDERED that a **Procedural Conference** for the purpose of discussing  
18 setting this matter for hearing as discussed herein, shall commence on **February 14, 2013, at 10:00**  
19 **a.m.**,<sup>1</sup> or as soon thereafter as is practicable, at the Commission Phoenix Offices 1200 West  
20 Washington, Phoenix, AZ 85007.

21           IT IS FURTHER ORDERED that **WRA’s Petition to Intervene is granted.**

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 all parties must comply with Arizona Supreme  
26 Court Rules 31, 38, and 42 and A.R.S. § 40-243 with respect to the practice of law and admission *pro*

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28 <sup>1</sup> The Procedural Conference will be held concurrently with a Procedural Conference in the TEP Docket.

1 *hac vice.*

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

8 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive  
9 any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

10 DATED this 29<sup>th</sup> day of January, 2013.

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12 \_\_\_\_\_  
13 TEENA JIBILIAN  
ADMINISTRATIVE LAW JUDGE

14 Copies of the foregoing mailed/delivered  
15 this 29<sup>th</sup> day of January, 2013 to:

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