



0000154524

BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

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

Arizona Corporation Commission

REC'D
AZ CORP COMMISSION
DOCKET CONTROL

2014 JUL 3 PM 2 47

DOCKETED

WARREN WOODWARD,

JUL 3 2014

DOCKET NO. E-01345A-14-0113

Complainant,

DOCKETED BY

ORIGINAL

v.

ARIZONA PUBLIC SERVICE COMPANY,

PROCEDURAL ORDER
(Requiring Settlement Meeting
and Joint Stipulated Facts Filing)

Respondent.

BY THE COMMISSION:

On April 1, 2014, Warren Woodward ("Complainant") filed with the Arizona Corporation Commission ("Commission") a Formal Complaint against Arizona Public Service Company ("Respondent"). The Complaint was filed in the form of a letter dated March 18, 2014, addressed to the Commission's Utilities Division Director.

On April 2, 2014, the Commission's Utilities Division Director docketed a letter informing Complainant that the Commission's Utilities Division ("Staff") had caused the March 18, 2014 letter to be docketed as a Complaint.

On April 4, 2014, Complainant docketed a letter addressed to the Commissioners and the Commission's Utilities Division Director, in response to the April 2, 2014 letter from the Commission's Utilities Division Director.

On April 24, 2014, Respondent filed a Motion to Dismiss and Alternatively APS's Answer to Formal Complaint ("Motion to Dismiss and Answer").

On May 6, 2014, Complainant filed a letter in reply to the Motion to Dismiss and Answer.

On May 19, 2014, Complainant filed a letter with an attachment.

On June 19, 2014, a Procedural Order was issued setting a procedural conference to discuss

1 procedural matters.

2 The procedural conference convened as scheduled on June 26, 2014. Complainant appeared
3 on his own behalf and Respondent appeared through counsel. Complainant stated that he will be
4 representing himself in this proceeding.

5 Several procedural issues were discussed related to the hearing procedure and to the
6 scheduling of a hearing on the Complaint.

7 Complainant stated that he does not wish to amend the Complaint with any additional factual
8 allegations or legal claims.

9 Complainant had not yet determined whether he will introduce evidence through witnesses
10 other than his own testimony.

11 Complainant and Respondent had not yet resolved any issues or discussed whether there are
12 any factual agreements between the parties.

13 In regard to the timing of a hearing on the Complaint, counsel for Respondent requested that
14 the hearing schedule be suspended until after the issuance of a report from the Arizona Department of
15 Health Services ("ADHS") as requested by the Commission.¹ APS stated that the requested study is
16 ongoing, and that ADHS informed APS that its report on the study is anticipated to be completed in
17 late September 2014. Complainant objected to scheduling the hearing to take place after issuance of
18 the ADHS study report. There was discussion on whether it would be possible to bifurcate the health
19 effects allegation in the Complaint from the remaining allegations in the Complaint. APS stated a
20 preference that the hearing not be bifurcated.

21 Because Complainant has not yet determined whether he will introduce evidence through
22 witnesses other than his own testimony, it is premature to set a deadline for the filing of a witness list
23 and witness summaries, and to set a hearing date to follow that filing. It is not premature, however,
24 to require the parties to meet and formulate a list of undisputed facts relating to the Complaint.
25 Complainant and Respondent stated that they could arrange such a meeting within 30 days.
26 Following their meeting, Complainant and Respondent should work together to make a joint filing of

27 _____
28 ¹ The Commission voted on August 5, 2013 to request that ADHS conduct a study on the potential health effects of
exposure to radio frequencies emitted from smart meters and to docket its report in Docket No. E-00000C-11-0328.

1 agreed-upon facts within 45 days.

2 IT IS THEREFORE ORDERED that Complainant and Respondent shall arrange an in-person
3 Settlement Meeting to occur prior to July 25, 2014.

4 IT IS FURTHER ORDERED that Complainant and Respondent shall jointly file, on or before
5 August 11, 2014, a list of facts upon which Complainant and Respondent agree.

6 IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court Rules
7 31 and 38 and A.R.S. § 40-243 with respect to the practice of law and admission *pro hac vice*.

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

11 DATED this 3rd day of July, 2014.

12 
13 TEENA JIBILIAN
14 ADMINISTRATIVE LAW JUDGE

15 Copies of the foregoing mailed/delivered
This 3rd day of July, 2014 to:

16 Thomas Mumaw
17 Melissa M. Krueger
18 PINNACLE WEST CAPITAL
19 CORPORATION
400 North 5th Street, MS 8695
Phoenix, AZ 85004

Steven M. Olea, Director
Utilities Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, AZ 85007

20 Warren Woodward
21 55 Ross Circle
Sedona, AZ 86336

22 Janice Alward, Chief Counsel
23 Legal Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, AZ 85007

24
25 By: Rebecca Unquera
26 Rebecca Unquera
Assistant to Teena Jibilian

27
28