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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

Arizona Corporation Commission

SUSAN BITTER SMITH - Chairman
BOB STUMP
BOB BURNS
DOUG LITTLE
TOM FORESE

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AZ CORP COMMISSION
DOCKET CONTROL

DOCKETED BY [Signature]

IN THE MATTER OF THE APPLICATION OF ARIZONA ELECTRIC POWER 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-01773A-12-0305

ORIGINAL

PROCEDURAL ORDER
(Sets Hearing on ECAR Application)

BY THE COMMISSION:

On July 5, 2012, Arizona Electric Power Cooperative, Inc. ("AEP CO") filed with the Arizona Corporation Commission ("Commission") an application for a rate decrease. Intervention was granted to Trico Electric Cooperative, Inc., Sulphur Springs Valley Electric Cooperative, Inc. ("SSVEC"), and Mohave Electric Cooperative, Inc. ("MEC").

Following a hearing on the rate application, on October 25, 2013, the Commission issued Decision No. 74173. Among other things, Decision No. 74173 ordered the record in this case to be held open until April 30, 2014, for the limited purpose of allowing AEP CO, after collaborating with the Commission's Utilities Division ("Staff"), to file for Commission approval a proposed Environmental Compliance Adjustment Rider ("ECAR") and plan of administration fully addressing the technical points raised by Staff in the rate proceeding. Due to the possibility for significant rate increases to be passed on to the customers of AEP CO's Class A member distribution cooperatives ("Members") through an ECAR surcharge, Decision No. 74173 also ordered AEP CO, if it chose to file an ECAR application, to provide notice of its filing to the retail customers of its Members, in a form acceptable to Staff.

On April 30, 2014, AEP CO filed in this docket an Application for Approval of the ECAR Plan of Administration and Tariff ("ECAR Application").

1 On July 24, 2014, AEPCO filed Affidavits of Publication.¹

2 On September 2, 2014, AEPCO filed a Request for Procedural Order re ECAR Application.

3 On September 19, 2014, a Procedural Order was issued setting filing dates for a Staff Report
4 and AEPCO's Response to the Staff Report.

5 On October 17, 2014, Staff filed a Staff Report on the ECAR Application. Staff
6 recommended approval of the ECAR, but recommended against AEPCO's proposal that chemical
7 operating expenses be included in the ECAR surcharge.

8 On November 13, 2014, AEPCO filed a Response to the Staff Report on the ECAR
9 Application.

10 On January 14, 2015, a Recommended Order on the ECAR Application was docketed. The
11 Recommended Order included approval of the ECAR and Plan of Administration, including a
12 proposed Environmental Compliance Strategy ("ECS") filing and approval procedure, but did not
13 approve AEPCO's requested inclusion of chemical operating expenses ("Steam Power Generation
14 Operations and RUS Account 502 - Steam Expenses") as eligible for recovery through the ECAR
15 surcharge.

16 On January 21, 2015, MEC filed a letter indicating support for a not-yet-filed AEPCO request
17 for a procedural conference and hearing and to postpone Commission consideration of the ECAR
18 pending a hearing.

19 On January 22, 2015, AEPCO filed a Request for Procedural Conference and Postponement
20 of Commission Consideration Re ECAR. AEPCO requested that the Commission postpone
21 consideration of the ECAR Application until after a hearing is held, and that a procedural conference
22 be held for the purpose of scheduling a hearing on contested issues in the ECAR Application.

23 On January 23, 2015, AEPCO filed letters from Graham County Electric Cooperative, Inc.,

24 ¹ The public notice stated, in part:

25 The purpose of the ECAR is to provide AEPCO a revenue mechanism to be used for the purpose of
26 meeting environmental compliance obligations mandated by laws or regulations. An example of such
27 obligations is the modifications to AEPCO's generating facilities at its Apache Station which are
28 required to meet the EPA's regional haze requirements. The ECAR rate surcharge will provide
AEPCO--a not-for-profit electric cooperative corporation--a source of funds to assist in meeting those
requirements. The ECAR rate will be charged to AEPCO's member distribution cooperatives, which
may pass it through to their retail members. Initially, the ECAR rate will be zero, but will be increased
to recover specific costs as they are actually incurred by AEPCO.

1 MEC, SSVEC, and Anza Electric Cooperative, Inc. Each of the letters indicated support for
2 AEPCO's requests.

3 By Procedural Order issued January 30, 2015, a procedural conference was scheduled for the
4 purpose of allowing an opportunity to discuss procedural issues relating to scheduling a hearing to
5 address contested issues in the ECAR Application.

6 On February 20, 2015, a procedural conference was held as scheduled. AEPCO, MEC, and
7 Staff appeared through counsel. Issues discussed included prefiled testimony; a procedural schedule;
8 and the need for AEPCO to provide public notice of the hearing and of the potential bill impact to
9 customers of the distribution cooperatives if chemical costs and capital costs were included in the
10 ECAR as proposed. It was discussed that such notice would allow for informed participation of
11 ratepayers who might wish to participate in the proceeding. AEPCO was directed to make a filing in
12 this docket specifying the range of costs that AEPCO anticipates being placed in an ECAR surcharge.
13 AEPCO indicated that some of its Members' newsletters have a 60 day lead time for publication.
14 AEPCO was directed to indicate in the filing with the bill impact estimates when publication of
15 notice could be accomplished. The parties were informed that upon AEPCO's docketing of the rate
16 impact estimate information, a Procedural Order would be issued setting a hearing date and
17 associated procedural deadlines and requirements, including a prescribed form of notice for provision
18 to the retail customers of AEPCO's Members.

19 AEPCO indicated at the procedural conference that it anticipates that an ECS will be prepared
20 "sometime next fall."

21 On March 6, 2015, AEPCO filed its Status Report Following 2/20/15 Procedural Conference.
22 AEPCO stated that it was working with its Members on the estimated rate impact information it had
23 been directed to file at the February 20, 2015, procedural conference. AEPCO also stated that it was
24 discussing with Staff the possibility of preparing a stipulated set of facts upon which the parties could
25 "then brief the policy issues associated with the recovery of chemical costs through the ECAR (in
26 lieu of holding a hearing on the subject)."

27 On April 22, 2015, AEPCO filed its Request for Briefing Order in Lieu of Hearing Re ECAR
28 ("Request"). AEPCO attached to the filing an Exhibit consisting of a Stipulated Statement of Facts to

1 which AEPSCO stated that Staff agreed. The Exhibit includes the cost and bill impact estimates, as
2 follows:

3 10. AEPSCO's current estimates for the combined RUS Account 502 chemical costs
4 required to comply with the EPA's [Environmental Protection Agency's] regional
5 haze and MATS [Mercury and Air Toxics Standards] regulations of the next three
6 years range from a low of \$2.2 million to a high of \$6.2 million annually: \$2.2
7 million to \$4.5 million in 2016; \$3.1 million to \$6.2 million in 2017; and \$2.2
8 million to \$5 million in 2018. AEPSCO's current estimated revenue requirements
9 associated with the Cooperative's capital investment for compliance with the
10 EPA's regional haze and MATS regulations over the next three years are as
11 follows: \$0.41 million in 2016; \$1.90 million in 2017; and \$3.40 million in 2018.

12 11. AEPSCO asserts that the impact of these costs on the retail customer is difficult to
13 determine because AEPSCO's Members have different retail rate levels and
14 structures. Based on its preliminary analysis and communications with and input
15 from the Members, AEPSCO estimates the average monthly residential bill impact
16 (based on Member 2013 Form 7 data) related to the chemical compliance costs
17 could range as follows: \$0.61 to \$2.10 in 2016; \$0.84 to \$2.91 in 2017; and \$0.59
18 to \$2.34 in 2018. According to AEPSCO, these increases are not cumulative and
19 would only be implemented through the ECAR if AEPSCO includes the chemical
20 and capital cost components in its ECS [Environmental Compliance Strategy] and
21 if that ECS receives approval from AEPSCO's Board, its Members and the
22 Commission.² AEPSCO further asserts that, otherwise, the ECAR associated with
23 any particular ECS may continue at the initially set level of zero. Staff neither
24 agrees nor disagrees with the foregoing assertions or bill impact estimates
25 provided by AEPSCO; Staff has no evidence to the contrary and, therefore, is not
26 disputing the Cooperative's assertions or estimates.

27 AEPSCO contends that in light of the Stipulated Statement of Facts in the Exhibit, a hearing is
28 no longer necessary. AEPSCO now proposes that no hearing be held, so that it may "avoid the time,
cost and notice requirement associated with an evidentiary hearing." AEPSCO requests, in lieu of a
publicly noticed hearing on the ECAR and issuance of a Recommended Opinion and Order for the
Commission's consideration, that a Recommended Order be prepared after the parties brief the issue
of whether chemical costs should be eligible for recovery through the ECAR, in time for

² The Exhibit also states as follows:

4. If the results of AEPSCO's financial analysis indicate that additional revenues are needed for
environmental compliance, the Cooperative will prepare and file with Docket Control its initial
[ECS], which at a minimum, will include a scope of work, anticipated timelines and cost estimates.
Prior to filing an initial ECS, AEPSCO must obtain authorization from its Board of Directors as well
as unanimous consent from its [Members]. The compliance costs identified for recovery in the
initial ECS cannot be recovered through the ECAR without affirmative approval by the Arizona
Corporation Commission. If approved, the ECAR rate will be charged to AEPSCO's Members, who,
in turn, may pass those charges through to their retail members via their respective purchased power
clauses.

1 consideration at the Commission's June 2015 Open Meeting. AEPCO requests that a Procedural
2 Order be issued approving its proposed procedure, and asserts that AEPCO has confirmed that neither
3 Staff nor the intervenors in this docket object to AEPCO's proposal.

4 Necessity of a Hearing

5 AEPCO's proposal asks the Commission to decide the contested issue of whether it is just and
6 reasonable to make the chemical operating expenses eligible for recovery through the ECAR
7 surcharge without benefit of sworn testimony subject to cross examination by all interested parties.
8 The Exhibit attached to AEPCO's Request does not constitute evidence. The cost and bill impact
9 estimates provided, while adequate for the provision of notice to the retail customers of AEPCO's
10 Members, have not been sponsored by a witness, offered as evidence, or subjected to cross-
11 examination. To decide the contested issue of whether chemical operating expenses should be
12 eligible for recovery through an ECAR surcharge, which AEPCO's Members could pass through to
13 their retail customers via their respective purchased power clauses, the Commission must balance the
14 interests of AEPCO and its Members' rate-paying end-use customers, to whom the ECAR surcharge
15 would be passed through as purchased power expenses. A hearing on the contested issues is
16 necessary.

17 Notice of Estimated Potential Bill Impacts to End-Use Retail Ratepayers

18 The notice provided to ratepayers in November 2013 informed them of the possible
19 implementation of an ECAR surcharge mechanism set at zero, with the possibility of future increases
20 to recover specific costs, and stated that the Members may pass the costs through to their retail
21 customers. The notice provided no indication of the magnitude of such future costs or the possible
22 future bill impacts. Without knowing how the proposed ECAR might impact their future bills, end-
23 use customers cannot make an informed choice concerning whether to participate in the ECAR
24 proceeding.

25 MEC stated its concern at the February 20, 2015, procedural conference that wording of any
26 customer notice should clearly indicate that MEC is not requesting a rate increase. MEC also stated
27 that predicting the bill impact is "very, very difficult," because the rate effect of the ECAR will be
28 one of several power costs, and that the bill effects on its retail customers would depend on other

1 costs included in MEC's fuel clause. MEC asserted that a public notice in newspapers of general
2 circulation in the Members' service territories is appropriate, because it is not a direct rate increase
3 from the Members.

4 AEPCO takes the position that publication of an ECAR notice in the distribution cooperative
5 newsletters or via bill inserts "may unnecessarily confuse the retail customers as to which entity is
6 proposing the adjustor mechanism," and that "a notice at this stage could create the impression that
7 approval of chemical cost eligibility is an approval of chemical cost recovery." AEPCO claims that
8 notice prior to a Commission decision on the proposed ECAR could mislead the Members' retail
9 customers, because the proposed ECAR Plan of Administration does not allow AEPCO to recover
10 any costs through the ECAR until they are included in an approved ECS. AEPCO contends that if
11 any additional notice is required, the appropriate time for publication would be when AEPCO files its
12 initial ECS application for Commission approval.

13 AEPCO has asserted in this proceeding that unless it is allowed to recover chemical costs
14 through the ECAR, AEPCO will experience dramatic negative impacts on its available working
15 capital. It is therefore reasonable to assume that if the Commission deems the disputed chemical
16 costs eligible for cost recovery via the ECAR surcharge, AEPCO will request such recovery.
17 Therefore, the appropriate time for notice to retail customers is prior to Commission consideration of
18 the ECAR Application, not when AEPCO chooses to file an ECS application.

19 Public notice of the hearing on the ECAR Application should be provided to AEPCO's
20 Members' retail customers using the bill impact estimates AEPCO provided in the Exhibit filed on
21 April 22, 2015. Public notice to the Members' retail customers should clearly indicate it is AEPCO,
22 and not its Member, that is proposing the ECAR; that the estimated bill impact is only an estimate,
23 and not a determined amount; and that approval of eligibility of costs for ECAR recovery will not
24 result in immediate bill impacts, but will only allow AEPCO to seek recovery of those costs in the
25 future. Because the notice which failed to indicate the magnitude of the proposed ECAR surcharge
26 was published in the Members' newsletters, it is appropriate for the notice of the hearing to also
27 appear in the Members' newsletters.

28 At the February 20, 2015 procedural conference, AEPCO indicated that a 60-day lead time

1 would be required to accomplish publication in its Members' newsletters. While it was requested to
2 do so at the procedural conference, AEPCO did not provide in its April 22, 2015, filing any further
3 indication of the necessary lead-time for such publication, but neither did it indicate that its initial 60-
4 day lead-time estimate was inaccurate. The publication deadline, and the procedural schedule for the
5 hearing, should therefore be based on the 60-day publication lead-time provided at the procedural
6 conference.

7 IT IS THEREFORE ORDERED that a **hearing** on the request by Arizona Electric Power
8 Cooperative, Inc. for authority to implement its proposed Environmental Compliance Adjustment
9 Rider and Plan of Administration is hereby scheduled to commence on **August 24, 2015, at 10:00**
10 **a.m.**, or as soon thereafter as practicable, at the Commission's offices, 1200 West Washington Street,
11 **Hearing Room No. 1**, Phoenix, Arizona 85007. If additional days of hearing are necessary, the
12 hearing will continue at 9:30 a.m. on August 25, 2015, and 9:30 a.m. on August 26, 2015, at the same
13 location.

14 IT IS FURTHER ORDERED that a pre-hearing conference shall be held on **August 21, 2015,**
15 **commencing at 10:00 a.m.**, at the Commission's Phoenix offices, for the purpose of scheduling
16 witnesses and the conduct of the hearing.

17 IT IS FURTHER ORDERED that the **direct testimony** and associated exhibits to be
18 presented at hearing **on behalf of AEPCO** shall be reduced to writing and filed on or before **June 19,**
19 **2015.** AEPCO's direct testimony shall include testimony addressing the specifics of its proposed
20 initial Environmental Compliance Strategy.

21 IT IS FURTHER ORDERED that the **direct testimony** and associated exhibits to be
22 presented at hearing **on behalf of Staff** shall be reduced to writing and filed on or before **July 31,**
23 **2015.**

24 IT IS FURTHER ORDERED that the **direct testimony** and associated exhibits to be
25 presented at hearing **on behalf of intervenors** shall be reduced to writing and filed on or before
26 **August 14, 2015.**

1 IT IS FURTHER ORDERED that the **rebuttal testimony and associated exhibits to be**
2 **presented at hearing by AEPCO** shall be reduced to writing and filed on or before **August 19,**
3 **2015.**

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

6 IT IS FURTHER ORDERED that any **objections to testimony or exhibits that have been**
7 **prefiled as of August 19, 2015, shall be made before or at the August 21, 2015, prehearing**
8 **conference.**

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

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

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

17 IT IS FURTHER ORDERED that copies of summaries shall be served upon the
18 Administrative Law Judge, the Commissioners, and the Commissioners' policy advisors, as well as
19 the parties of record.

20 IT IS FURTHER ORDERED that intervention shall be in accordance with A.A.C. R14-3-105,
21 except that **all motions to intervene must be filed on or before August 7, 2015.**

22 IT IS FURTHER ORDERED that discovery shall be as permitted by law and the rules and
23 regulations of the Commission, except that until **July 22, 2015**, any objection to discovery requests
24 shall be made within 7 calendar days of receipt³ and responses to discovery requests shall be made
25 within 10 calendar days of receipt. Thereafter, objections to discovery requests shall be made within
26 5 calendar days and responses shall be made within 7 calendar days. The response time may be
27

28 ³ 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.

1 extended by mutual agreement of the parties involved if the request requires an extensive compilation
2 effort.

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

6 IT IS FURTHER ORDERED that, in the alternative to filing a written motion to compel
7 discovery, any party seeking resolution of a discovery dispute may telephonically contact the
8 Commission's Hearing Division to request a date for a procedural hearing to resolve the discovery
9 dispute; that upon such a request, a procedural hearing will be convened as soon as practicable; and
10 that the party making such a request shall forthwith contact all other parties to advise them of the
11 hearing date and shall at the hearing provide a statement confirming that the other parties were
12 contacted.⁴

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

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

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

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

23 **PUBLIC NOTICE OF HEARING ON APPLICATION OF**
24 **ARIZONA ELECTRIC POWER COOPERATIVE FOR AUTHORITY TO IMPLEMENT AN**
ENVIRONMENTAL COMPLIANCE ADJUSTMENT RIDER SURCHARGE MECHANISM
25 **DOCKET NO. E-01773A-12-0305**

26 On April 30, 2014, Arizona Electric Power Cooperative, Inc. ("AEPCO") filed with
27 the Arizona Corporation Commission ("Commission") an Application for Approval
28 of a proposed Environmental Compliance Adjustment Rider and plan of

⁴ The parties are encouraged to attempt to settle discovery disputes through informal, good-faith negotiations before seeking Commission resolution of the controversy.

1 administration (“ECAR Application”). AEPSCO was authorized to file the ECAR
 2 Application in this docket by Commission Decision No. Decision No. 74173, which
 3 authorized AEPSCO’s rate reduction request. **[INSERT NAME OF MEMBER
 4 COOPERATIVE]** purchases electric generation services from AEPSCO. If approved
 5 as filed, the ECAR will allow AEPSCO to seek recovery of capital costs and chemical
 6 operating costs associated with environmental compliance for its generating facilities
 7 by passing those costs directly through to **[INSERT NAME OF MEMBER
 8 COOPERATIVE]** without the necessity of filing a rate increase request with the
 9 Commission. **[INSERT NAME OF MEMBER COOPERATIVE]** is not
 10 requesting an increase in rates from the Commission, but if the ECAR Application is
 approved, and AEPSCO is subsequently authorized to charge **[INSERT NAME OF
 MEMBER COOPERATIVE]** for ECAR costs through the ECAR surcharge,
[INSERT NAME OF MEMBER COOPERATIVE] may elect to pass those
 Commission-approved ECAR surcharges through to its retail members via its
 purchased power adjustor. The Commission has therefore directed that notice of the
 AEPSCO’s ECAR Application be provided through **[INSERT NAME OF MEMBER
 COOPERATIVE]**’s newsletter.

11 The Commission requested, and AEPSCO provided, estimates of possible **[INSERT
 12 NAME OF MEMBER COOPERATIVE]** retail member monthly average monthly
 residential usage bill impacts in the event the ECAR Application is approved, and if
 13 AEPSCO is subsequently authorized to charge **[INSERT NAME OF MEMBER
 14 COOPERATIVE]** for ECAR costs through the ECAR surcharge, and if **[INSERT
 15 NAME OF MEMBER COOPERATIVE]** elects to pass those Commission-
 approved ECAR surcharges through to its retail members, as follows:

Year	Possible Monthly Impact from Capital Costs	Possible Monthly Impact from Chemical Operating Costs	Possible Total Monthly Impact
2016	\$0.11 to \$0.19	\$0.61 to \$2.10	\$0.72 to \$2.29
2017	\$0.53 to \$0.90	\$0.84 to \$2.91	\$1.37 to \$3.81
2018	\$0.94 to \$1.61	\$0.59 to \$2.34	\$1.53 to \$3.95
Years After 2018	No estimates provided	No estimates provided	No estimates provided

21 AEPSCO is scheduled to file testimony in support of its ECAR Application on June 19,
 22 2015. The Commission’s Utilities Division (“Staff”) will file testimony with its
 23 recommendations to the Commission on the ECAR Application on July 31, 2015, and
 any intervenors may file testimony with their recommendations to the Commission on
 the ECAR Application on August 14, 2015. A hearing will then be held during which
 evidence will be taken from the parties. Comments from the public will also be taken
 24 at the hearing. **THE COMMISSION IS NOT BOUND BY THE PROPOSALS
 25 MADE BY AEPSCO, STAFF, OR ANY INTERVENORS.**

26 **How You Can View or Obtain a Copy of the Application and Filings.** Copies of
 27 the application and all other filings pertaining to the application are available from
 AEPSCO at **[Insert AEPSCO Contact Information]**; at the Commission’s Docket
 28

1 Control Center at 1200 West Washington, Phoenix, Arizona; and on the internet via
2 the Commission's website (www.azcc.gov) using the e-Docket function.

3 **Arizona Corporation Commission Public Hearing Information.** The Commission
4 will hold a hearing on this matter beginning **August 24, 2015, at 10:00 a.m.**, at the
5 Commission's offices, 1200 West Washington Street, Phoenix, Arizona. Public
6 comments will be taken on the first day of the hearing. You may also file your written
7 comments electronically by going to the Commission's homepage at www.azcc.gov and
8 clicking on "Submit a Public Comment" button or mailing a letter referencing **Docket
9 No. E-01773A-12-0305** to: Arizona Corporation Commission, Consumer Services
10 Section, 1200 West Washington Street, Phoenix, AZ 85007. If you require
11 assistance, you may contact the Consumer Services Section at 1-800-222-7000 or
12 602-542-4251.

13 Interested parties may participate in this matter through (1) filing for intervention and
14 becoming a formal party to the proceeding; or (2) through written or oral public
15 comment. Any interested person may file written public comments regarding
16 AEPCO's application in Docket No. E-01773A-12-0305 at any time.

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

22 **About Intervention.** The law provides for an open public hearing at which, under
23 appropriate circumstances, interested parties may intervene. Any person or entity
24 entitled by law to intervene and having a direct and substantial interest in the matter
25 will be permitted to intervene. **If you wish to intervene, you must file an original
26 and 13 copies of a written motion to intervene with the Commission, and you
27 must send copies of the motion to AEPCO or its counsel and to all parties of
28 record in the case. Your motion to intervene must contain the following:**

1. Your name, address, telephone number, and that of any other person upon whom service of documents is to be made;
2. A short statement of your interest in the proceeding;
3. A statement certifying that you have mailed a copy of the motion to intervene to AEPCO or its counsel and to all parties of record in the case; and
4. If you are not an individual representing yourself and you are not represented by an attorney who is an active member of the Arizona State Bar, any appropriate documentation demonstrating the intervenor's compliance with Arizona Supreme Court Rules 31, 38, and 42, as applicable.

29 The granting of motions to intervene is governed by A.A.C. R14-3-105, except that
30 **all motions to intervene must be filed on or before August 7, 2015, 2015.** The
31 granting of intervention, among other things, entitles a party to present sworn
32 evidence at the hearing and to cross examine other witnesses. However, failure to
33 intervene will not preclude any interested person or entity from appearing at the
34 hearing and making a statement on their own behalf. All parties must comply with

1 Arizona Supreme Court Rules 31, 38, and 42 and A.R.S. § 40-243 with respect to the
2 practice of law.

3 **If you do intervene, and wish to present direct testimony and associated exhibits**
4 **at the hearing, you must, on or before August 14, 2015: (1) reduce your direct**
5 **testimony and associated exhibits to writing, (2) file the original and 13 copies**
6 **with the Commission's Docket Control Center by 4:00 p.m., and (3) mail a copy**
7 **to each party.**

8 **Americans with Disabilities Act ("ADA")/Equal Access Information.** The
9 Commission does not discriminate on the basis of disability in admission to its public
10 meetings. Persons with a disability may request a reasonable accommodation such as
11 a sign language interpreter, as well as request this document in an alternative format,
12 by contacting the ADA Coordinator, Shaylin Bernal, at SABernal@azcc.gov, voice
13 phone number 602-542-3931. Requests should be made as early as possible to allow
14 time to arrange the accommodation.

15 IT IS FURTHER ORDERED that AEPCO shall arrange to have a copy of the above notice to
16 be **published** in newsletters published by its Class A Member Cooperatives as soon as possible, and
17 **prior to July 17, 2015, or to mail** a copy of the above notice to all retail customers of its Class A
18 Member Cooperatives **either as a bill insert in their July 2015 billings, or as a separate mailing**
19 **by July 17, 2015.**

20 IT IS FURTHER ORDERED that AEPCO shall file with the Commission, by **July 24, 2015,**
21 an **Affidavit of Publication or an Affidavit of Mailing, or both,** depending on which of the
22 modalities set forth in the previous Ordering Paragraph it has chosen to accomplish the public notice.

23 IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court Rules
24 31, 38, and 42 and A.R.S. § 40-243 with respect to practice of law in Arizona and before the
25 Commission and admission *pro hac vice*.

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

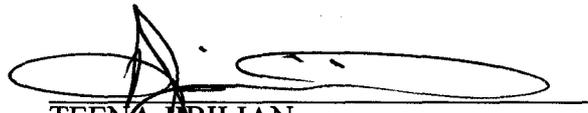
IT IS FURTHER ORDERED that each party to this matter may opt to receive service of all
Procedural and Recommended Orders issued by the Commission's Hearing Division in this matter

1 via e-mail rather than U.S. Mail, as permitted under A.A.C. R14-3-107(B). To exercise this option, a
2 party shall send to hearingsdivision@azcc.gov, from the e-mail address at which the party desires to
3 receive service, an e-mail request including the name of the party on whom service is to be made and
4 the docket number for this matter. After a party receives an e-mail confirmation of its request from
5 hearingsdivision@azcc.gov, the party will receive all future Procedural and Recommended Orders
6 issued by the Hearing Division in this matter via e-mails to the address provided by the party, unless
7 and until the party withdraws its request. Service of a document via e-mail shall be considered
8 complete upon the sending of an e-mail containing the document to the e-mail address provided by a
9 party, regardless of whether the party receives or reads the e-mail containing the document.

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

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

16 DATED this 7th day of May, 2015.

17
18 
19 TEENA JUBILIAN
20 ADMINISTRATIVE LAW JUDGE

21 Copies of the foregoing mailed/delivered
this 7th day of May, 2015 to:

22 Jennifer Cranston
23 GALLAGHER & KENNEDY P.A.
24 2575 E. Camelback Road
Phoenix, AZ 85016-9225
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