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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

3 SUSAN BITTER SMITH - Chairman
4 BOB STUMP
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AZ CORP COMMISSION
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8 IN THE MATTER OF THE APPLICATION OF
9 GRAHAM COUNTY ELECTRIC COOPERATIVE,
INC. TO AMEND ITS CERTIFICATE OF
CONVENIENCE AND NECESSITY AND TO
TRANSFER CERTAIN OF ITS ASSETS TO THE
CITY OF SAFFORD.

DOCKET NO. E-01749A-09-0185

PROCEDURAL ORDER
(Schedules Hearing)

10 **BY THE COMMISSION:**

11 On January 26, 2010, the Arizona Corporation Commission ("Commission") issued Decision
12 No. 71471 which approved Graham County Electric Cooperative Inc.'s ("GCEC" or "Cooperative")
13 application to modify its Certificate of Convenience and Necessity ("CC&N") and to transfer certain
14 assets to the City of Safford ("Safford") as part of a comprehensive Territorial Settlement Agreement
15 ("TSA") between GCEC and Safford. The TSA called for a multi-year transition period under which
16 the final transfer of the Safford Service Area and related assets would not occur until January 1, 2016.
17 Decision No. 71471 required GCEC to file another application with the Commission by January 15,
18 2016.

19 On January 14, 2015, as a compliance item, GCEC filed a request to delete the remaining
20 portions of the Safford Service Area from its CC&N and for approval of the asset transfer, but did not
21 identify it as an "application".

22 On October 1, 2015, GCEC filed an Application to Delete the Safford Service Area and Transfer
23 Related Assets, and requested expedited consideration in order to obtain Commission consideration of
24 the request to complete the transfer by December 31, 2015.

25 On October 14, 2015, the Commission's Utilities Division ("Staff") filed a Request for
26 Expedited Procedural Conference. Staff and GCEC submitted a proposed schedule that would provide
27 for an expedited procedural schedule and hearing.
28

1 On October 16, 2015, Staff, GCEC and Safford appeared through counsel in a telephonic
2 Procedural Conference to discuss the processing of the application. The parties agreed to a hearing on
3 November 16, 2015, and that GCEC would mail notice of the hearing to its members by November 1,
4 2015, and have notice published in the local newspaper by November 4, 2015.

5 On October 19, 2015, Staff filed a Notice of Filing indicating that it had reviewed the notice
6 attached to GCEC's application, and proposed revisions thereto.

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

9 IT IS THEREFORE ORDERED that the **hearing** in the above-captioned matter shall
10 commence on **November 16, 2015, at 10:00 a.m.**, or as soon thereafter as is practical, at the
11 Commission's offices, **Room 222, 400 West Congress, Tucson, Arizona 85701.**

12 IT IS FURTHER ORDERED that GCEC shall file written **testimony in support of the**
13 **Application** and any associated exhibits to be presented at hearing on or before **October 20, 2015.**¹

14 IT IS FURTHER ORDERED that **Staff shall file its Staff Report or written testimony** and
15 associated exhibits to be presented at hearing on or before **November 6, 2015.**

16 IT IS FURTHER ORDERED that GCEC shall file any **responsive testimony** and associated
17 exhibits to be presented at hearing on or before **November 12, 2015.**

18 IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-105,
19 except that **motions to intervene** shall be filed by **November 12, 2015**, and shall be accompanied by
20 the requesting intervenor's written testimony/comments on the Application.

21 IT IS FURTHER ORDERED that any objections to any testimony or exhibits which have been
22 pre-filed before November 16, 2015, shall be made at the commencement of the hearing.

23 IT IS FURTHER ORDERED that the Company shall provide public notice of the hearing in
24 this matter, in the following type size, form and style with the heading in no less than 16 point bold
25 type and the body in no less than 10-point regular type:²

26 _____
27 ¹ GCEC filed its Direct Testimony on October 20, 2015.

28 ² This Public Notice of Hearing differs from the notice attached to the application, and focuses on the hearing rather than on how the transfer will be physically accomplished. GCEC should consult with Staff about whether additional notice along the lines of that in Staff's October 19, 2015 filing should also be sent to affected members.

1 Public comments will be taken at the beginning of the hearing. Written public comments
2 may be submitted by mailing a letter referencing Docket No. E-01749A-09-0185 to
3 Arizona Corporation Commission, Consumer Services Section, 1200 West Washington,
4 Phoenix, AZ 85007, or by email. For a form to use and instructions on how to e-mail
5 comments to the Commission, go to
6 <http://www.azcc.gov/divisions/utilities/forms/PublicCommentForm.pdf>. If you require
7 assistance, you may contact the Commission's Consumer Services Section at 1-800-
8 222-7000 or (520) 628-6550.

9 **If you do not intervene in this proceeding, you will not receive further notice of the**
10 **proceedings in this docket. However, all documents filed in this docket are**
11 **available online** (usually within 24 hours after docketing) at the Commission's website
12 www.azcc.gov using the e-Docket function, located at the bottom of the website
13 homepage. RSS feeds are also available through e-Docket.

14 About Intervention

15 The law provides for an open public hearing at which, under appropriate circumstances,
16 interested parties may intervene. Any person or entity entitled by law to intervene and
17 having a direct and substantial interest in the matter will be permitted to intervene. If
18 you wish to intervene, you must file an original and 13 copies of a written motion to
19 intervene with the Commission no later than **November 12, 2015**, and send a copy of
20 the motion to GCEC or its counsel and to all parties of record. Your motion must
21 contain the following:

- 22 1. Your name, address, and telephone number and the name, address and
23 telephone number of any party upon whom service of documents is to be
24 made, if not yourself.
- 25 2. A short statement of your interest in the proceeding (e.g., a customer of
26 the Company, etc.).
- 27 3. A statement certifying that you have mailed a copy of the motion to
28 intervene to the Company or its counsel and to all parties of record in the
case.
1. Unless the proposed intervenor is an individual representing himself or herself,
or is represented by an attorney who is an active member of the Arizona State
Bar, information and any appropriate documentation demonstrating compliance
with Arizona Supreme Court Rules 31, 38 and 42, as applicable.
5. The Motion to Intervene should be accompanied by written comments
or testimony detailing your position on the application

22 The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except
23 that all motions to intervene and proposed intervenor comments/testimony on the
24 application must be filed on or before November 12, 2015. If representation by counsel
25 is required by Rule 31 of the Rules of the Arizona Supreme Court, intervention will be
26 conditioned upon the intervenor obtaining counsel to represent the intervenor. For
27 information about requesting intervention, visit the Commission's website at
28 <http://www.azcc.gov/divisions/utilities/forms/interven.pdf>. The granting of
intervention, among other things, entitles a party to present sworn evidence at the
hearing and to cross-examine other witnesses. However, failure to intervene will not
preclude any interested person or entity from appearing at the hearing and providing
public comment on the application or from filing written comments in the record of the
case.

ADA/Equal Access Information

1 The Commission does not discriminate on the basis of disability in admission to its
2 public meetings. Persons with a disability may request a reasonable accommodation
3 such as a sign language interpreter, as well as request this document in an alternative
4 format, by contacting the ADA Coordinator Shaylin Bernal, E-mail
5 SABernal@azcc.gov, voice phone number 602/542-3931. Requests should be made as
6 early as possible to allow time to arrange the accommodation.

7 IT IS FURTHER ORDERED that the Company shall **mail** to each of its customers in the
8 Safford Service Area, a copy of the above notice by **October 31, 2015**; shall cause the above notice to
9 be published at least once in a newspaper of general circulation in its service territory, with **publication**
10 to be completed no later than **November 4, 2015**; and shall make the notice available on its website (if
11 it has one) easily accessible from the homepage.

12 IT IS FURTHER ORDERED that the Company shall file certifications of mailing and
13 publication as soon as practicable after they have been completed.

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

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

19 IT IS FURTHER ORDERED that all parties must comply with Rule 33 (c) and (d) of the Rules
20 of the Arizona Supreme Court with respect to practice of law and admission *pro hac vice*.

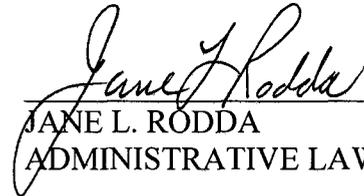
21 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance
22 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the
23 Rules of the Arizona Supreme Court). Representation before the Commission includes the obligation
24 to appear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

27 IT IS FURTHER ORDERED that the time periods specified herein shall not be extended
28 pursuant to Rule 6(a) or (3) of the Rules of Civil Procedure.

...

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

3 DATED this 21st day of October, 2015.

4
5 
6 JANE L. RODDA
ADMINISTRATIVE LAW JUDGE

7 Copies of the foregoing mailed/mailed
8 this 21st day of October, 2015 to:

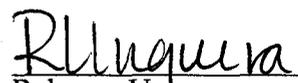
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23 By: 
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