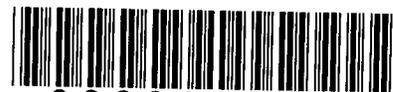


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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

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

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AZ CORP COMMISSION
DOCKET CONTROL

IN THE MATTER OF THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY'S CLEAN POWER PLAN FINAL RULES AND THEIR POTENTIAL IMPACT ON AFFORDABILITY, RESOURCE DIVERSITY AND RELIABILITY OF ELECTRIC SERVICE IN ARIZONA.

DOCKET NO. E-00000J-15-0393

PROCEDURAL ORDER
(Approving Email Service)

BY THE COMMISSION:

On November 18, 2015, the Commission's Utilities Division ("Staff") filed a Memorandum requesting the opening of a docket with the above caption. As a result this docket was opened.

On November 24, 2015, Freeport Minerals Corporation ("Freeport") and Arizonans for Electric Choice and Competition ("AECC") filed an Application for Leave to Intervene, stating that Freeport is a large industrial user of electric services in Arizona, that AECC is a coalition of energy consumers with members who are customers of electric utilities operating in Arizona, and that both Freeport and AECC's members will be directly and substantially affected by the issues to be addressed in this matter.

On December 22, 2015, by Procedural Order, Freeport and AECC were granted intervention.

On December 28, 2015, Freeport and AECC filed a Consent to Email Service and sent an email to HearingDivisionServicebyEmail@azcc.gov.

The Consent to Email Service filed for Freeport and AECC should be approved.

IT IS THEREFORE ORDERED that the request by Freeport and AECC to receive service of all filings in this docket, including all filings by interested persons and Staff and all Procedural Orders and Recommended Opinions and Orders/Recommended Orders issued by the Commission's Hearing Division, via their designated email addresses rather than via U.S. Mail, is hereby approved.

...
...

Arizona Corporation Commission

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[Signature]

1 On October 13, 2015, the pre-hearing conference was held as scheduled. The Division appeared
2 through counsel, as did Mr. Kerrigan and the Simmonses. Mr. Harkins appeared on his own behalf
3 and purportedly on behalf of Barcelona Advisors and Barcelona Land Company. The scheduling of a
4 hearing date was discussed. Mr. Harkins was informed that because he is not an attorney, he cannot
5 represent Barcelona Advisors and Barcelona Land Company.

6 On October 14, 2015, by Procedural Order, a hearing was scheduled to commence on March 7,
7 2016.

8 On December 29, 2015, the parties, except Mr. Orr, filed a Stipulation Regarding Leave to
9 Amend Temporary Order to Cease and Desist and Notice of Opportunity for Hearing and Regarding
10 Continuing Hearing (the "Stipulation"). As stated in the Stipulation, the Division seeks to amend the
11 T.O. and Notice to add factual allegations arising from the Division's ongoing investigation. The
12 parties, except Mr. Orr, stipulate that the Administrative Law Judge may allow for the Division to
13 amend the T.O. and Notice under A.A.C. R14-3-106(E). The Stipulation further contains a request that
14 the March 7, 2016 hearing be continued to commence on or after May 9, 2016, with a corresponding
15 change of the January 8, 2016 deadline for the exchange of witness lists and copies of exhibits.

16 With the January 8, 2016 deadline rapidly approaching, good cause exists to grant the requested
17 continuance while allowing the non-stipulating party, Mr. Orr, an opportunity to respond to the
18 stipulated request to grant the Division leave to amend the T.O. and Notice.

19 IT IS THEREFORE ORDERED that the hearing scheduled on March 7, 2016, is hereby
20 vacated.

21 IT IS FURTHER ORDERED that the **hearing is rescheduled to commence on May 9, 2016,**
22 **at 10:00 a.m., at the Commission's offices, 1200 West Washington Street, Hearing Room No. 2,**
23 **Phoenix, Arizona.**

24 IT IS FURTHER ORDERED that **the parties shall also reserve May 10-13, 16-20, and 23-**
25 **27, 2016, for additional days of hearing, if necessary.**

26 IT IS FURTHER ORDERED that **the Division and Respondents shall exchange copies of**
27 **their Witness Lists and copies of the Exhibits by March 10, 2016,** with courtesy copies provided to
28 the presiding Administrative Law Judge.

1 IT IS FURTHER ORDERED that a person's election to receive service of all filings in this
2 matter via email does not change the requirement that all filings with the Commission's Docket Control
3 must be made in hard copy and must include an original and 13 copies.

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

7 DATED this 30th day of December, 2015.

8
9
10 
11 SARAH HARPRING
ADMINISTRATIVE LAW JUDGE

12 Copies of the foregoing mailed/delivered
this 30th day of December, 2015 to:

13 C. Webb Crockett
14 Patrick J. Black
15 FENNEMORE CRAIG, P.C.
2394 East Camelback Road, Suite 600
16 Phoenix, AZ 85016-3429
Attorneys for Freeport Minerals Corporation and
17 Arizonans for Electric Choice and Competition
wcrocket@fclaw.com
pblack@fclaw.com

18 **Consented to Service by Email**

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

21 Thomas Broderick, Director
22 Utilities Division
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24
25
26 
27 By: Tammy Velarde
28 Tammy Velarde
Assistant to Sarah Harpring