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BEFORE THE ARIZONA CORPORATION

COMMISSIONERS

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AZ CORP COMMISSION
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Arizona Corporation Commission

DOCKETED

DOCKET NO. E-01345A-16-0041

DARCY PFEIFER,

APR 29 2016

Complainant,

DOCKETED BY *JK*

vs.

ARIZONA PUBLIC SERVICE COMPANY,

PROCEDURAL ORDER
(Vacates Procedural Conference)

Respondent.

BY THE COMMISSION:

On February 2, 2016, Darcy Pfeifer (“Complainant”) filed with the Arizona Corporation Commission (“Commission”) a Formal Complaint (“Complaint”) against Arizona Public Service Company (“APS”), requesting that APS (1) conduct an audit of the Complainant’s energy usage from June 11, 2011, to January 5, 2016; (2) refund any overpaid amount discovered as a result of the audit; and (3) reimburse Complainant for damage done to Complainant’s equipment by APS technicians.

On February 29, 2016, APS filed an Answer to Formal Complaint and Motion to Dismiss (“MTD”).

On March 18, 2016, by Procedural Order, a procedural conference was scheduled to commence on May 2, 2016, and Complainant was directed to file a response to APS’s MTD by April 15, 2016.

On March 30, 2016, Melissa Kreuger, as attorney for APS, filed a Consent to Email Service on behalf of APS.

On April 1, 2016, a Procedural Order was issued granting APS’s consent to email service.

On April 21, 2016, by Procedural Order, the Complainant was directed to file a response to APS’s MTD by April 29, 2016 after failing to meet the original filing deadline of April 15, 2016.

1 On April 28, 2016, Complainant filed a Motion for an Extension for the Response Required
2 Regarding APS's MTD, and Request for Extension of Hearing on May 2, 2016 ("Motion"), stating,
3 among other things, that (1) Complainant needs additional time to consult with an attorney to file a
4 response to the MTD, and (2) Complainant has appointments related to health issues scheduled for
5 the same day as the procedural conference.

6 Although Complainant did not indicate that she had discussed the Motion with APS, in light
7 of the timing of the Motion and the procedural conference, it is appropriate to vacate the procedural
8 conference. Additionally, it is reasonable to grant Complainant's Motion to allow Complainant time
9 to seek legal advice with regard to this matter and to formulate a response to APS's MTD. A
10 procedural conference will be scheduled after the response is filed.

11 IT IS THEREFORE ORDERED that **the Complainant shall file, on or before June 16,**
12 **2016, a response to APS's MTD.**

13 IT IS FURTHER ORDERED that the **procedural conference currently scheduled for May**
14 **2, 2016, at 10:00 a.m. is hereby vacated.**

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

18 IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court Rules
19 31, 38, 39, and 42 and A.R.S. § 40-243 with respect to the practice of law and admission *pro hac*
20 *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 Arizona
23 Supreme Court Rule 42). Representation before the Commission includes the obligation to appear at
24 all hearings, procedural conferences, and Open Meetings for which the matter is scheduled for
25 discussion, unless counsel has previously been granted permission to withdraw by the Administrative
26 Law Judge or Commission.

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28

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

4 DATED this 29th day of April, 2016.

5
6
7 
8 SASHA PATERNOSTER
ADMINISTRATIVE LAW JUDGE

9 Copies of the foregoing mailed/delivered
10 this 29th day of April, 2016 to:

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17 **Consent to Service by Email**

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