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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

DOUG LITTLE, Chairman
BOB STUMP
ROBERT BURNS
TOM FORESE
ANDY TOBIN

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AZ CORP COMMISSION
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Arizona Corporation Commission

DOCKETED

JUL 1 2016

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IN THE MATTER OF THE APPLICATION OF ARIZONA PUBLIC SERVICE COMPANY FOR A HEARING TO DETERMINE THE FAIR VALUE OF THE UTILITY PROPERTY OF THE COMPANY FOR RATEMAKING PURPOSES, TO FIX A JUST AND REASONABLE RATE OF RETURN THEREON, TO APPROVE RATE SCHEDULES DESIGNED TO DEVELOP SUCH RETURN.

DOCKET NO. E-01345A-16-0036

MOTION TO STRIKE

1 The Arizona Utility Ratepayer Alliance, ("AURA"), hereby moves to strike to the "Reply
2 in Opposition to the Arizona Utility Ratepayer Alliance's Motion to Intervene" filed by Arizona
3 Public Service Company ("APS") on June 28, 2016. APS's pleading should be struck because is
4 prohibited by the Commission's rules.

5 Motion practice at the Commission is governed by the Commission's Rules of Practice
6 and Procedure. R14-3-101 *et. seq.* R14-3-106(K) states:

7 Motions. Motions shall conform insofar as practicable with the Rules of Civil Procedure
8 for the Superior Court of the state of Arizona.

9 Rule 7.1(a) of the Rules of Civil Procedure for the Superior Courts of Arizona provides only for
10 three pleadings as part of Civil Motion Practice: a Motion; an Answer; and a Reply in support of
11 the Motion. The Court Rules do not allow a fourth pleading by any party, and certainly not by
12 the party (APS) opposing the motion.

13 AURA's June 14, 2016, Motion to Intervene, established AURA as the moving party.
14 APS's June 20, 2016, Opposition was its sole allowed Answer. AURA properly filed its Reply
15 on June, 24, 2016. This is all that the Commission's and the Superior Court's Procedural Rules
16 allow. As the moving party, AURA is entitled by law to the last word, not APS.

1 Finally, APS did not move for leave from Hearing Division to file a supplemental
2 pleading beyond what the Rules allow. Even if APS had made such a request, it would have
3 been improper to grant it.

4 **Requested Relief**

5 AURA asks the Commission to strike APS's prohibited June 28, 2016 "Reply in
6 Opposition to the Arizona Utility Ratepayer Alliance's Motion to Intervene." AURA renews its
7 request to intervene as a full party in the above-captioned case.

8 **Respectfully submitted** on July 1, 2016, by:

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10
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20 **Original** and 13 copies filed
21 on July 1, 2016, with:

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25 1200 West Washington
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28 **Copies mailed or emailed**
29 on July 1, 2016, to:

30
31 **Service List**