

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 COMMISSIONERS

3 MARC SPITZER, Chairman
4 WILLIAM A. MUNDELL
5 JEFF HATCH-MILLER
6 MIKE GLEASON
7 KRISTIN K. MAYES

8 IN THE MATTER OF THE APPLICATION OF
9 ARIZONA PUBLIC SERVICE COMPANY FOR A
10 HEARING TO DETERMINE THE FAIR VALUE
11 OF THE UTILITY PROPERTY OF THE
12 COMPANY FOR RATEMAKING PURPOSES, TO
13 FIX A JUST AND REASONABLE RATE OF
14 RETURN THEREON, TO APPROVE RATE
15 SCHEDULES DESIGNED TO DEVELOP SUCH
16 RETURN, AND FOR APPROVAL OF
17 PURCHASED POWER CONTRACT.

DOCKET NO. E-01345A-03-0437

AMENDED RATE CASE
PROCEDURAL ORDER

18 **BY THE COMMISSION:**

19 On February 6, 2004, Arizona Public Service Company, (“APS”) filed a Motion to Amend the
20 Rate Case Procedural Order (“Motion”). The Motion requested that testimony filing dates be
21 extended and a new hearing date be set.¹

22 A procedural conference was held on February 18, 2004, to discuss the Motion.

23 IT IS THEREFORE ORDERED that the hearing in this matter is rescheduled to commence
24 on **May 25, 2004, at 10:00 a.m.** or as soon thereafter as is practical, at the Commission’s offices,
25 1200 West Washington Street, Arizona 85007.

26 IT IS FURTHER ORDERED that the original date set for hearing, April 7, 2004, will
27 continue to be used for taking public comment, commencing at 10:00 a.m., at the Commission’s
28 Phoenix offices.

IT IS FURTHER ORDERED that a pre-hearing conference shall be held on **May 11, 2004, at**
10:00 a.m., at the Commission’s Phoenix offices, for the purpose of scheduling witnesses and the
conduct of the hearing.

IT IS FURTHER ORDERED that any rebuttal testimony and associated exhibits to be
presented at hearing by APS and any cross-rebuttal testimony by other parties to Staff/Intervenor

¹ APS agreed that a corresponding extension of the “time-clock” provision of A.A.C. R14-2-103 would be appropriate.

1 testimony shall be reduced to writing and filed on or before **March 30, 2004.**

2 IT IS FURTHER ORDERED that any surrebuttal testimony and associated exhibits to be
3 presented by the Staff or intervenors at the hearing shall be reduced to writing and filed on or before
4 **noon on April 30, 2004.**

5 IT IS FURTHER ORDERED that any rejoinder testimony and associated exhibits to be
6 presented at the hearing on behalf of APS shall be reduced to writing and filed on or before **noon on**
7 **May 14, 2004.**

8 IT IS FURTHER ORDERED that **all filings shall be made by 4:00 p.m. on the date the**
9 **filing is due, unless otherwise indicated above.**

10 IT IS FURTHER ORDERED that any objections to any testimony or exhibits which have
11 been prefiled as of May 11, 2004, shall be made before or at the May 11, 2004 pre-hearing
12 conference.

13 IT IS FURTHER ORDERED that any objections to rejoinder testimony or exhibits shall be
14 filed with the Commission on or before or May 19, 2004.

15 IT IS FURTHER ORDERED that pursuant to A.A.C. R-14-2-103(B)(11)(e), the time period
16 for issuing a final order in this matter shall be extended.²

17 IT IS FURTHER ORDERED that all other provisions of the August 15, 2003, and January 8,
18 2004, Procedural Orders remain in effect.

19 ...

20 ...

21 ...

22 ...

23 ...

24 ...

25 ...

26
27

² The length of the extension will be determined at a later date, due to the likelihood that the new date for hearing will
28 cause interruptions in the hearing because of conflicts with already existing scheduled hearings in other matters pending
before the Commission.

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 IT IS FURTHER ORDERED that the ex parte rule remains in effect.

4 DATED this _____ day of February, 2004.

5
6 _____
7 LYN FARMER
8 CHIEF ADMINISTRATIVE LAW JUDGE

9 Copies of the foregoing mailed/delivered
10 this ____ day of February, 2004 to:

11 Thomas L. Mumaw
12 Karilee S. Ramaley
13 PINNACLE WEST
14 CAPITAL CORPORATION
15 P.O. Box 53999, MS 8695
16 Phoenix, Arizona 85072-3999

Scott Wakefield
RUCO
1110 W. Washington St., Suite 220
Phoenix, Arizona 85007

17 Jeffrey B. Guldner
18 Faraq Sanei
19 SNELL & WILMER
20 One Arizona Center
21 400 E. Van Buren Street
22 Phoenix, Arizona 85004-2202
23 Attorneys for Arizona Public Service Company

Walter W. Meek
AUIA
2100 N. Central Ave., Suite 210
Phoenix, Arizona 85067

24 C. Webb Crockett
25 FENNEMORE CRAIG
26 3003 N. Central Avenue, Suite 2600
27 Phoenix, Arizona 85012
28 Attorneys for AECC and Phelps Dodge

Nicholas J. Enoch
LUBIN & ENOCH
349 N. Fourth Avenue
Phoenix, Arizona 85003
Attorneys for IBEW

Bill Murphy
MURPHY CONSULTING
2422 E. Palo Verde Drive
Phoenix, Arizona 85016
Consultant for Arizona Cogeneration Assn.

Major Allen G. Erickson
AFCES A/ULT
139 Barnes Drive, Suite 1
Tyndall AFB, Florida 32403-5319
Attorney for FEA

Jay L. Shapiro
Patrick J. Black
FENNEMORE CRAIG
3003 N. Central Avenue, Suite 2600
Phoenix, Arizona 85012
Attorneys for Panda Gila River, L.P.

Michael L. Kurtz
BOEHM, KURTZ & LOWRY
36 E. Seventh Street, Suite 2110
Cincinnati, Ohio 45202
Attorneys for Kroger Company

Robert W. Geake
ARIZONA WATER COMPANY
P.O. Box 29006
Phoenix, Arizona 85038-9006

1 Andrew W. Bettwy
 2 Bridget A. Branigan
 3 SOUTHWEST GAS CORPORATION
 4 5241 Spring Mountain Road
 5 Las Vegas, Nevada 89150

6 Timothy M. Hogan
 7 ARIZONA CENTER FOR LAW
 8 IN THE PUBLIC INTEREST
 9 202 E. McDowell Rd., Suite 153
 10 Phoenix, Arizona 85004
 11 Attorneys for Western Resource Advocates and
 12 Southwest Energy Efficiency Project

13 Michael A. Curtis
 14 William P. Sullivan
 15 Larry Udall
 16 MARTINEZ & CURTIS, P.C.
 17 2712 N. 7th Street
 18 Phoenix, Arizona 85006-1090
 19 Attorneys for Dome Valley Energy Partners, LLC

20 Marvin S. Cohen
 21 SACKS TIERNEY, P.A.
 22 4250 North Drinkwater Blvd., 4th Floor
 23 Scottsdale, AZ 85251-3693
 24 Attorneys for Constellation NewEnergy, Inc., Strategic
 25 Energy, L.L.C.

26 Jeff Schlegel
 27 SWEEP Arizona Representative
 28 1167 W. Samalayuca Drive
 Tucson, AZ 85704

Raymond S. Heyman
 Laura Schoeler
 ROSHKA, HEYMAN & DeWULF
 400 E. Van Buren, Suite 800
 Phoenix, Arizona 85004
 Attorneys for UniSource Energy Services

Deborah R. Scott
 UNISOURCE ENERGY SERVICES
 One South Church Street, Suite 200
 Tucson, Arizona 85702

J. William Moore
 1144 E. Jefferson
 Phoenix, Arizona 85034
 Attorney for Kroger Co.

Cynthia Zwick
 Arizona Community Action Association
 2627 N. 3rd Street, Ste. Two
 Phoenix, AZ 85004

S. David Childers
 LOW & CHILDERS
 2999 North 44th Street, Ste. 250
 Phoenix, AZ 85018
 Attorney for Arizona Competitive Power Alliance

James M. Van Nostrand
 Katherine McDowell
 George M. Galloway
 STOEK RIVES
 900 SW Fifth Avenue, Ste. 2600
 Portland, OR 97204
 Attorneys for Arizona Competitive Power Alliance

Greg Patterson, Executive Director
 Arizona Competitive Power Alliance
 916 West Adams, Ste. 3
 Phoenix, AZ 85007

Michael A. Curtis
 MARTINEZ & CURTIS, P.C.
 2712 N. Seventh Street
 Phoenix, AZ 85006-1090
 Attorneys for Town of Wickenburg

Rebecca C. Salisbury
 56th Fighter Wing JA
 7383 N. Litchfield Road
 Luke AFB, AZ 85309-1540
 Attorney for Federal Executive Agencies

Allen Glen Erickson
 139 Barnes Drive
 AFCESA/ULT
 Tyndall AFB, FL 32403
 Attorney for Federal Executive Agencies

Jon Poston
 AARP Electric Rate Project
 6733 East Dale Lane
 Cave Creek, AZ 85331

Coralette Hannon
 AARP Department of State Affairs
 6705 Reedy Creek Road
 Charlotte, NC 28215

Lawrence V. Robertson
 MUNGER CHADWICK
 333 N. Wilmot, Ste. 300
 Tucson, AZ 85711
 Attorneys for Southwestern Power Group II, LLC,
 Mesquite Power and Bowie Power Station

1 Jay I. Moyes
2 MOYES STOREY
3 3003 N. Central Avenue, #1250
4 Phoenix, AZ 85012
5 Attorneys for PPL Sundance, LLC and PPL Southwest
6 Generation Holdings, LLC

4 Jesse A. Dillon
5 PPL Services Corporation
6 Two N. Ninth Street
7 Allentown, PA 18101

6 Christopher Kempley, Chief Counsel
7 Legal Division
8 ARIZONA CORPORATION COMMISSION
9 1200 West Washington Street
10 Phoenix, AZ 85007

9 Ernest G. Johnson, Director
10 Utilities Division
11 ARIZONA CORPORATION COMMISSION
12 1200 West Washington Street
13 Phoenix, AZ 85007

12 ARIZONA REPORTING SERVICE, INC.
13 2627 N. Third Street, Ste. Three
14 Phoenix, AZ 85004-1003

15 By: _____
16 Molly Johnson
17 Secretary to Lyn Farmer
18
19
20
21
22
23
24
25
26
27
28