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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

MARC SPITZER, Chairman
WILLIAM A. MUNDELL
JEFF HATCH-MILLER
MIKE GLEASON
KRISTIN K. MAYES

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, AND FOR APPROVAL OF
PURCHASED POWER CONTRACT.

DOCKET NO. E-01345A-03-0437

PROCEDURAL ORDER

BY THE COMMISSION:

On April 6, 2004, Arizona Corporation Commission Staff filed a Motion to Amend the Rate Case Procedural Order (“Motion”). On April 15, 2004, a procedural conference was held to hear argument/discussion on the Motion. By Procedural Order issued April 16, 2004, new dates for filing surrebuttal and rejoinder were established, and another procedural conference was scheduled for April 28, 2004.

During the April 28, 2004 procedural conference, the issue raised in the Arizona Competitive Power Alliance’s (“Alliance”) April 8, 2004 letter concerning the availability of information related to Arizona Public Service Company’s (“APS”) Request for Proposal (“RFP”) was discussed and the parties reported that they had resolved the issue. The parties also responded to the request for a temporary stay of the procedural schedule and discovery, reported on the procedures that had been implemented for settlement discussions, and responded to questions from Commissioners. No party opposed the temporary stay of the procedural schedule and discovery or opposed or objected to the procedures established for settlement discussions. Accordingly, the requested stay was granted.

IT IS THEREFORE ORDERED that effective May 1, 2004, the procedural schedule and discovery in this matter is stayed in order to allow the parties to participate in settlement discussions.

1 IT IS FURTHER ORDERED that the stay shall be effective until at least May 26, 2004 at
2 which time another procedural conference shall be conducted to determine whether the stay should be
3 extended.

4 IT IS FURTHER ORDERED that a procedural conference shall be held on May 26, 2004
5 beginning at 10:00 a.m. or as soon thereafter as is practical, at the Commission's office, 1200 W.
6 Washington Street, Phoenix, Arizona for the purpose of determining whether the stay should be
7 extended.¹

8 IT IS FURTHER ORDERED that at any time prior to the May 26, 2004 procedural
9 conference, any party may request an earlier procedural conference if that party believes that no
10 meaningful progress in settlement discussions has been or can be made.

11 IT IS FURTHER ORDERED that the testimony filing dates and dates for pre-hearing and
12 hearing are hereby vacated; however, the timeframes inherent in those dates will be maintained for
13 purposes of scheduling should settlement discussions not be fruitful.²

14 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized
15 Communications) continues to apply to this proceeding.

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

18 DATED this _____ day of April, 2004.

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22 _____
LYN FARMER
23 CHIEF ADMINISTRATIVE LAW JUDGE
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27 ¹ The telephone number for parties appearing telephonically is 602 542-9004.

28 ² For example, upon resumption of the procedural schedule, surrebuttal testimony would be due in approximately 34 days and rejoinder in approximately 62 days. This schedule would not necessarily apply to any settlement agreement.

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