

R12-14-603. General Procedure

- A. These rules apply to any appealable agency action heard by the Arizona Power Authority (Authority). Unless otherwise required by law, all hearings shall be scheduled at the convenience of the Commission and shall be held at the Authority's business office in Phoenix, Arizona.
- B. Unless otherwise provided by law, the Commission may reschedule, recess, continue or adjourn a hearing. Unless otherwise provided by law, the Commission may extend or shorten a specified time period upon the motion of any Party.
- C. The Commission adopts these appeals procedures pursuant to the Arizona Uniform Administrative Hearing Procedures (A.R.S. § 41-1092 et seq.), and Title 30 of the Arizona Revised Statutes.
- D. All pleadings and supporting documents, exhibits or other communications or correspondence pertaining to any matter before the Commission shall be filed with the Secretary at the Authority's business office in Phoenix, Arizona.
- E. The Commission may designate a member or members of the Commission, a member of the Authority staff, or any other individual to conduct the hearing in any Commission proceeding.

R12-14-604. Pleadings, Motions and Other Documents

- A. An appeal shall be initiated by filing an initial pleading. The specific grounds for the appeal shall be set forth in the initial pleading. Responsive pleadings shall designate in the caption or heading the identity and interest of the Party responding to an initial pleading.
- B. All motions shall be in writing, shall indicate the nature of the relief requested, and shall be accompanied by a memorandum indicating the legal points and authorities relied upon.

Motions shall be served on all other Parties to the proceeding. Any Party opposing a motion shall file and serve any answering memorandum within 20 days after service of such motion. Within ten (10) days after service of an answering memorandum, the moving Party may file and serve a reply memorandum directed only to matters raised by the answering memorandum.

- C. All pleadings shall be signed by the Party or by its authorized representative.
- D. An original and five copies of each pleading shall be filed with the Secretary. One copy of each pleading shall be served upon each other Party appearing in the matter.
- E. Amendments to pleadings shall not be accepted for filing unless received by the Secretary at least 20 days prior to the date of any scheduled hearing.
- F. Pleadings or other documents permitted or required to be filed with the Authority may be transmitted by mail, personal service, or other method which shall assure delivery, but all such pleadings and documents must be actually received for filing on or before 5:00 p.m. of the last day prescribed for such filing. Whenever a Party has the right or is required to do some act or take some proceedings within a prescribed period after the service of a notice or other paper upon him and the notice of paper is served upon him by mail, five (5) days shall be added to the prescribed period.

R12-14-605. Proceedings

- A. Subject to R12-14-603 (E), the Chairman of the Commission, or his designee, shall preside at all hearings and shall rule upon all questions concerning prehearing, hearing or post-hearing procedures and evidence. Any Commissioner may attend any hearing and may ask relevant questions of any Party.
- B. During a hearing, the Secretary shall act as Clerk and shall administer oaths, mark, maintain, and preserve exhibits and other evidence, and perform such other duties as may be assigned by the Chairman or members of the Commission.

C. The Authority's legal counsel shall attend all hearings and advise the Chairman on all legal matters arising out of or related to the hearing. The Authority's legal counsel shall also prepare any pleadings, briefs, or other documents pertaining to the Authority's interests and shall prepare notices, proposed orders, and other procedural documents requested by the Commission. If the Commission determines that it, the Authority staff, or the presiding officer requires independent legal counsel, the Authority may retain such legal counsel pursuant to applicable Arizona law.

R12-14-606. Rehearing and Final Decision

- A. The Chairman shall issue a proposed administrative decision within 20 days after conclusion of any hearing. A Party may file a petition for rehearing within 14 days after service of the proposed administrative decision. Within 14 days after service of the proposed administrative decision, the Commission may elect, upon its own motion, to rehear the matter. If no Party files for rehearing, and the Commission does not elect to rehear the matter on its own motion within the time prescribed, then the proposed decision is deemed the final administrative decision.
- B. A rehearing, if granted, shall be only a rehearing of the question or questions with respect to which the decision is alleged to be erroneous. Applications for oral argument on rehearing shall be granted or denied at the discretion of the Commission and the Commission shall fix the time limits for oral arguments.
- C. An order granting a rehearing shall state specifically the issues or questions presented and the ground or grounds upon which the rehearing is granted.
- D. Upon rehearing, the Commission may accept, reject or modify the proposed decision. The Commission shall issue a decision within 20 days after the rehearing concludes. The Commission's decision upon rehearing constitutes the final administrative decision.

E. Any final administrative decision is subject to appeal to the Superior Court of Maricopa County, Arizona, as provided by A.R.S. § 41-1092.08, or as otherwise provided by law.