

**Court of Appeals, Division One**  
**Corporation Commission**

**1 CA-CC 15-0001**

**ASBA/AASBO v. ACC**

**Appellate Case Information**

Case Filed: 23-Feb-2015  
 Case Closed:

**Dept/Composition**

**Department A**  
 Hon. Donn Kessler  
 Hon. Randall M Howe  
 Hon. Michael J Brown

**Side 1. ARIZONA SCHOOL BOARDS ASSOCIATION and ARIZONA ASSOCIATION OF SCHOOL BUSINESS OFFICIALS, Appellant**  
 (Litigant Group) ASBA/AASBO

- Arizona School Boards Association
- Arizona Association of School Business Officials

**Attorneys for: Appellants**

Timothy M Hogan, Esq. (AZ Bar No. 4567)  
 Joy Herr-Cardillo, Esq. (AZ Bar No. 9718)

**Side 2. ARIZONA CORPORATION COMMISSION, Appellee**  
 (Litigant Group) ARIZONA CORPORATION COMMISSION

- Arizona Corporation Commission

**Attorneys for: Appellee**

Maureen A Scott, Esq. (AZ Bar No. 12344)  
 Janet F Wagner, Esq. (AZ Bar No. 12924)  
 Charles H Hains, Esq. (AZ Bar No. 24635)

**Side 3. ARIZONA PUBLIC SERVICE COMPANY, Intervenor**  
 (Litigant Group) ARIZONA PUBLIC SERVICE COMPANY

- Arizona Public Service Company

**Attorneys for: Intervenor**

Thomas A Loquvam, Esq. (AZ Bar No. 24058)  
 Thomas L Mumaw, Esq. (AZ Bar No. 9223)  
 Melissa M Krueger, Esq. (AZ Bar No. 21176)

**CASE STATUS**

Dec 29, 2015....Assigned

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
ACC 74876					
ACC 74948					

**PENDING MATTER**

**Div 1 Request for Oral Argument**  
 Request for Oral Argument (Appellant)

Filed: 20-Sep-2016

**56 PROCEEDING ENTRIES**

- 23-Feb-2015 FILED: Notice of Appeal
- 23-Feb-2015 FILED: Notice of Direct Appeal; Certificate of Service of Notice of Direct Appeal (Appellant)
- 25-Feb-2015 FILED: Writ of Review  
 FILED: Certificate of Mailing re: Writ of Review
- 27-Feb-2015 RECEIPT No.: 2015-00248 ; \$280.00, Authorization: #57013376873, Applied to: ASBA/AASBO - Class A Filing Fee (\$280.00)  
 Paid for: Arizona Center for Law in the Public Interest - By Integrated Resource Systems IN
- 8-Apr-2015 FILED: Motion to Intervene By Real Party-In-Interest Arizona Public Service Company; Certificate of Service (Amicus Curiae)
- 8-Apr-2015 FILED: Certificate of Service (Amicus Curiae)
- 10-Apr-2015 FILED: Notice of Filing Certified Record
- 10-Apr-2015 FILED: Record on Appeal:  
 1 CD containing Certified Record
- 10-Apr-2015 FILED: Notice to Counsel re: Appellant's fee paid on 2/27/15; No appellee's fee; Appellant's Brief Due

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10. 10-Apr-2015 FILED: Notice of Filing of Certified Record; Certificate of Service for Notice of Filing Certified Record (Appellee)
11. 10-Apr-2015 FILED: Motion to Intervene by Real Party-in-Interest Arizona Public Service Company; Certificate of Service (Appellee)
12. 10-Apr-2015 FILED: Record on Appeal:  
Certified Claims (paper record):  
33 Parts
13. 14-Apr-2015 FILED: Appellants' Response to Motion to Intervene by Real Party in Interest Arizona Public Service Company; Certificate of Service of Appellants' Response to Motion to Intervene by Real Party in Interest Arizona Public Service Company (Appellant)
14. 15-Apr-2015 RECEIPT No.: 2015-00487 ; \$140.00, Authorization: #4018796266, Applied to: ARIZONA PUBLIC SERVICE COMPANY - Class B Filing Fee (\$140.00) Paid for: Snell & Wilmer LLP - By Integrated Resource Systems IN
15. 23-Apr-2015 RECEIPT No.: 2015-00536 ; \$140.00, Authorization: 4018796266, Applied to: ARIZONA PUBLIC SERVICE COMPANY - Class B Filing Fee (\$140.00) Paid for: Pinnacle West Capital Corporation - By Integrated Resource Systems IN (Memo: X-Ref 2015-00487)
16. 23-Apr-2015 VOID RECEIPT No.: 2015-00487 - \$-140.00, Authorization: #4018796266, - Applied to: ARIZONA PUBLIC SERVICE COMPANY - Class B Filing Fee (\$-140.00) Paid for: Snell & Wilmer LLP - By: Integrated Resource Systems IN VOID Reason: x-ref 2015-00536 incorrect paid for. alc
17. 7-May-2015 FILED: Stipulated Motion to Extend Deadline; Certificate of Service for Stipulated Motion to Extend Deadline; Order Approving Stipulated Motion to Extend Deadline (Appellee)
18. 11-May-2015 ORDERED: extending time for filing answering brief to/including 8/11/15. Appellants are reminded that opening brief is due on 6/9/15. Melina Brill ProTem Judge - Author
19. 4-Jun-2015 FILED: Notice of Filing Errata; Certificate of Service; Certified Copy of Court Reporter's Notice of Errata (Appellee)
20. 9-Jun-2015 FILED: Opening Brief of Arizona School Boards Association and Arizona Association of School Business Officials; Certificate of Compliance of Opening Brief of Arizona School Boards Association and Arizona Association of School Business Officials; Certificate of Service of Opening Brief of Arizona School Boards Association and Arizona Association of School Business Officials
21. 22-Jul-2015 FILED: Stipulated Motion to Extend Deadline; Certificate of Service (Intervenor)
22. 23-Jul-2015 ORDERED: Stipulated Motion to Extend Deadline; Certificate of Service = GRANTED. Due date EXTENDED from Tuesday, 08-11-2015 to Friday, 09-11-2015. Absent compelling circumstances, no further extensions will be granted. Barbara Vidal Vauht ProTem Judge - Author
23. 13-Aug-2015 ORDERED: Motion to Intervene by Real Party-in-Interest Arizona Public Service Company (Appellee) = GRANTED. Melina Brill ProTem Judge - Author
24. 1-Sep-2015 FILED: Stipulated Motion to Extend Deadline; Certificate of Service (Appellee)
25. 2-Sep-2015 ORDERED: Stipulated Motion to Extend Deadline; (Answering Briefs) (Appellee) = GRANTED. Due date EXTENDED from Friday, 09-11-2015 to Friday, 09-18-2015. Melina Brill ProTem Judge - Author
26. 18-Sep-2015 FILED: Answering Brief of Appellee Arizona Corporation Commission; Certificate of Compliance; Certificate of Service
27. 18-Sep-2015 FILED: Appendix (Answering Brief of Appellee Arizona Corporation Commission)
28. 18-Sep-2015 FILED: Certificate of Service (re: Answering Brief of Appellee Arizona Corporation Commission)
29. 18-Sep-2015 FILED: Answering Brief of Intervenor Arizona Public Service Company; Certificate of Compliance; Certificate of Service
30. 5-Oct-2015 FILED: Stipulated Motion to Extend Deadline; Certificate of Service of Stipulated Motion to Extend Time (Appellant)
31. 6-Oct-2015 ORDERED: granting the motion [parties' stipulation for an extension of time for filing reply briefs] and extending the time for filing the reply briefs to/including 10/30/15. Melina Brill ProTem Judge - Author
32. 30-Oct-2015 FILED: Appellants' Combined Reply Brief; Certificate of Compliance of Appellants' Combined Reply Brief; Certificate of Service of Appellants' Combined Reply Brief
33. 4-Nov-2015 FILED: Request for Oral Argument; Certificate of Service of Request for Oral Argument (Appellant)

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34. 8-Dec-2015 ORDERED: Request for Oral Argument (Appellant) = GRANTED. Hon Michael J Brown - Author
35. 29-Dec-2015 CLNDR: MONTHLY COURT CASE CALENDAR, Department A, 2-23-16, 09:30 am, COURTROOM 1. (vacated per order filed 2/11/16)
36. 7-Jan-2016 FILED: Notice of Oral Argument
37. 20-Jan-2016 FILED: Return Receipt for Notice of Oral Argument signed by Timothy M Hogan on 1/7/16 (Appellant)
38. 1-Feb-2016 FILED: Stipulated Motion to Supplement Certified Record with Confidential Exhibits and to Unseal Confidential Portions of the Record for Purposes of Appeal Only; Certificate of Service; Attachment A (Appellee)
39. 2-Feb-2016 FILED: Judge Howe for Judge Swann.
40. 2-Feb-2016 FILED: Judge Portley for Judge Winthrop.
41. 3-Feb-2016 ORDERED: Stipulated Motion to Supplement Certified Record with Confidential Exhibits and to Unseal Confidential Portions of the Record for Purposes of Appeal Only; Attachment A (Appellee) = GRANTED. Parties shall file seven copies of documents listed in Attachment A to motion w/ Clerk of this Court on 2/8/16. Each set shall be filed in a separate sealed envelope w/ a copy of a notice of filing in this matter stapled to outside. Hon Donn Kessler - Author
42. 8-Feb-2016 FILED: Notice of Filing and Stipulated Motion - Confidential Documents - Stipulated Motion - Hearing Transcript (Appellee) (sealed)
43. 8-Feb-2016 FILED: Notice of Filing and Stipulated Motion; Certificate of Service (Appellee)
44. 8-Feb-2016 FILED: Notice of Filing and Stipulated Motion - Confidential Documents - Stipulated Motion - APS Exhibit 10, Attachment 3; APS Exhibit 11, Attachment 3 (Appellee) (sealed)
45. 8-Feb-2016 FILED: Notice of Filing and Stipulated Motion - Confidential Documents - Stipulated Motion - Hearing Exhibits (Appellee) (sealed)
46. 9-Feb-2016 ORDERED: Notice of Filing and Stipulated Motion; (Appellee) = GRANTED. Documents listed as confidential attachments 3 to Exhibits APS-10 and -11 and confidential portion of 8/6/14, transcript (pages 498-505) lodged w/ Clerk of Court on 2/8/16 under seal are deemed filed. Hon Donn Kessler - Author
47. 11-Feb-2016 ORDERED: vacating oral argument in this matter presently scheduled for 2/23/16. FURTHER ORDERED: Suspending this appeal until further order of Court. Once supreme court issues its decision in RUCO (1 CA-CC 13-0002), Court will vacate suspension of appeal and ask for supplemental briefing of any impact of supreme court's decision in RUCO on issues in this case. At this time, Court will also consider rescheduling oral argument in this matter. Hon Donn Kessler - Author
48. 16-Aug-2016 FILED: Memorandum: Judge Brown for Judge Portley (Chief Judge Brown)
49. 17-Aug-2016 ORDERED: vacating suspension on this appeal. FURTHER ORDERED: Directing parties to file supplemental briefs addressing impact and applicability, if any, of RUCO II to issues in this appeal. Appellants shall file their supplemental opening brief on/before 9/20/16. Appellee and Intervenor shall file their supplemental answering briefs no later than 30 days after filing of supplemental opening brief. Appellants may file a supplemental reply brief no later than 20 days after filing of supplemental answering brief(s). (See Order). FURTHER ORDERED: If any party still desires oral argument on appeal, they shall file a separate request for oral argument w/ clerk of this Court. Hon Donn Kessler - Author
50. 20-Sep-2016 FILED: Appellants' Supplemental Brief; Certificate of Compliance of Appellants' Supplemental Brief; Certificate of Service of Appellants' Supplemental Brief (Appellant)
51. 20-Sep-2016 FILED: Request for Oral Argument; Certificate of Service of Request for Oral Argument (Appellant)
52. 20-Oct-2016 FILED: Supplemental Answering Brief of Intervenor Arizona Public Service Company; Certificate of Compliance; Certificate of Service
53. 20-Oct-2016 FILED: Supplemental Answering Brief of Appellee Arizona Corporation Commission; Certificate of Compliance of Supplemental Answering Brief of Appellee Arizona Corporation Commission; Certificate of Service of Supplemental Answering Brief of Appellee Arizona Corporation Commission
54. 4-Nov-2016 FILED: Stipulated Motion to Extend Deadline; Certificate of Service of Stipulated Motion to Extend Deadline (Appellant)

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55. 7-Nov-2016 ORDERED: Stipulated Motion to Extend Deadline (Appellant) = GRANTED. Due date EXTENDED from Wednesday, 11-09-2016 to Friday, 11-18-2016. Hon Donn Kessler - Author
56. 17-Nov-2016 FILED: Supplemental Reply Brief of Appellants; Certificate of Compliance of Supplemental Reply Brief of Appellants; Certificate of Service of Supplemental Reply Brief of Appellants