

NEW APPLICATION
OPEN MEETING ITEM



0000020975

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



ARIZONA CORPORATION COMMISSION

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AZ CORP COMMISSION
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ORIGINAL

MEMORANDUM

TO: THE COMMISSION

FROM: Timothy J. Sabo *TJS*
Diane M. Targovnik
Attorneys, Legal Division

DATE: July 8, 2005

RE: In the Matter of the Continuation of the existing Corporations Division Expedite Fee Pursuant to Laws 2005, Ch. 262 (S.B. 1496)

DOCKET NO.: AC-00000A-05-_____ AC-00000A-05-0488

The Corporations Division ("Division") recommends that the Commission continue the existing Expedite Fee for documents filed with the Division pursuant to Titles 10 & 29. A proposed order is attached.

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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

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

IN THE MATTER OF THE CONTINUATION)
 OF EXISTING COPORATIONS DIVISION)
 EXPEDITE FEE PURSUANT TO LAWS 2005,)
 Ch. 262 (S.B. 1496).)

DOCKET NO. AC-00000A-05-
 DECISION NO. _____
ORDER

Open Meeting
 Phoenix, Arizona

BY THE COMMISSION:

FINDINGS OF FACT

1. Pursuant To A.R.S. §§ 10-122(F)(2)(b) and 10-3122(E)(2), the Corporations Division (“Division”) currently collects a \$35.00 fee for expedited service for the filing of all documents and services provided pursuant to A.R.S. Title 10.

2. Pursuant to A.R.S § 29-851(B)(2), the Division currently collects a \$35.00 for expedited service for the filing of all documents and services provided pursuant to A.R.S. Title 29.

3. The Legislature recently passed, and the Governor signed, Laws 2005, ch. 262 (S.B. 1496) (“Chapter 262”). Chapter 262 does not provide for the current \$35.00 expedite fee collected pursuant to Titles 10 and 29. Chapter 262 replaces the existing fixed expedite fee with a fee to be “determined by a supermajority vote of The Commissioners”. Chapter 262 defines “supermajority” as an “affirmative vote of at least four Commissioners.”

4. The effective date of Chapter 262 is August 12, 2005.

5. It is necessary to adopt an expedited fee pursuant to Chapter 262 so that the Division can continue to offer expedited services.

6. The Division recommends that the existing \$35.00 expedite fee be continued and adopted under Chapter 262.

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7. It is reasonable to continue the existing expedite fee of \$35.00 at this time. Accordingly, we will adopt a \$35.00 expedite fee pursuant to Chapter 262.

CONCLUSIONS OF LAW

1. Under Chapter 262, the Commission has the authority to adopt a fee for expedited services provided pursuant to A.R.S. Title 10 and 29.

2. It is reasonable and in the public interest to continue the existing \$35.00 expedite fee as described in Finding of Fact 7.

3. This order has been adopted by the supermajority vote required by Chapter 262.

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ORDER

IT IS THEREFORE ORDERED that the fee for expedited services under Laws 2005, Ch. 262 (S.B. 1496) shall be \$35.00 until otherwise ordered by The Commission.

IT IS FURTHER ORDERED that this Decision shall become effective on August 12, 2005.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION

CHAIRMAN

COMMISSIONER

COMMISSIONER

COMMISSIONER

COMMISSIONER

IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive Secretary of the Arizona Corporation Commission, have hereunto, set my hand and caused the official seal of this Commission to be affixed at the Capitol, in the City of Phoenix, this _____ day of _____ 2005.

BRIAN C. McNEIL
Executive Secretary

DISSENT: _____

DISSENT: _____

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SERVICE LIST FOR: _____
DOCKET NO.

Mr. Christopher C. Kempley
Chief Counsel
Arizona Corporation Commission
1200 West Washington
Phoenix, Arizona 85007

Mr. David Raber
Director, Corporations Division
Arizona Corporation Commission
1300 West Washington
Phoenix, Arizona 85007