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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

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

AZ CORP COMMISSION
DOCUMENT CONTROL

IN THE MATTER OF THE APPLICATION OF
UNSGAS, INC. TO REVIEW AND REVISE ITS
PURCHASED GAS ADJUSTOR
DOCKET NO. G-04204A-06-0013
MOTION TO CONSOLIDATE

UNSGas, Inc. ("UNSGas" or "Company"), respectfully requests that the Arizona
Corporation Commission ("Commission") consolidate Docket Nos. G-04204A-06-0013 (the
"PGA Case"), G-04204A-05-0831 (the "Prudence Case") and G-04204A-06-0463 (the "Rate
Case"). In support of this Motion to Consolidate ("Motion"), UNSGas states as follows:

I. Preliminary Statement.

This Motion seeks to consolidate three cases. The primary case is UNSGas' recently filed
rate case. The other two cases, the PGA Case and the Prudence Case, involve issues that are
traditionally addressed in rate cases. Consolidation of the three cases is in the public interest
because the resources of the Commission and participants will be best utilized by dealing with
these interrelated matters in one proceeding. Consolidation is favored when cases have a common
set of facts, are governed by the same standards and utilize the same witnesses. These are the very
factors that warrant the consolidation of the PGA Case and the Prudence Case into the Rate Case.
Moreover, while consolidation will be beneficial to the Commission and participants, no person
will be prejudiced by joining these cases together.

Arizona Corporation Commission
DOCKETED
JUL 20 2006

DOCKETED BY
[Signature]

ROSHKA DEWULF & PATTEN, PLC
ONE ARIZONA CENTER
400 EAST VAN BUREN STREET - SUITE 800
PHOENIX, ARIZONA 85004
TELEPHONE NO 602-256-6100
FACSIMILE 602-256-6800

1 **II. These cases should be consolidated because they are interrelated.**

2 The Commission's rules provide for the consolidation of cases such as the PGA Case, the
3 Prudence Case and the Rate Case when the "issues are substantially the same."¹ Accordingly, the
4 Commission has consolidated cases that "rely upon the same law, facts, and witnesses."² The
5 Arizona Rules of Civil Procedure also provide for the consolidation of cases that have a "common
6 question of law or fact".³

7 The issues to be addressed in the PGA Case and Prudence Case are part and parcel of the
8 Rate Case. UNS Gas' gas purchase costs and the prudence of its investments are prerequisite
9 considerations the Commission will evaluate in reaching its determination of "just and reasonable
10 rates". The PGA Case concerns modifications to UNS Gas' purchase gas adjustor ("PGA"). UNS
11 Gas requested several modifications to improve the functioning of the PGA in light of increased
12 volatility and other changes in the natural gas markets, and to rectify problems that have become
13 evident during the history of the PGA. In particular, UNS Gas requested that the Commission
14 modify the PGA by: (1) increasing the "bandwidth" of the PGA so that it can more accurately send
15 price signals to customers about the cost of their gas, and to avoid running up large bank balances
16 that customers will have to pay back later; (2) increasing the interest on the bank balance to match
17 the interest rate UNS Gas actually pays when funding the bank balance; (3) when the PGA bank
18 balance exceeds two times the threshold level, the bank balance should earn a return equal to the
19 Company's weighted average cost of capital, thus recognizing that the Company's investment in
20 funding the bank balance is no longer short-term when the bank balance is that large; (4) changing
21 the PGA threshold to so that the threshold for over-collected and under-collected bank balances
22 are the same; (5) holding UNS Gas harmless from any changes to the Company's capital structure
23 resulting from the PGA bank balance; and (6) approving adequate surcharges when needed. The
24 direct testimony filed with UNS Gas' Rate Case Application covers the same ground. The

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26 ¹ A.A.C. R14-3-109(H).
27 ² See *Utility Source, LLC*, Decision No. 67446 (Jan. 4, 2005) at 2.
³ Arizona Rules of Civil Procedure, Rule 42(a). These rules are incorporated in the Commission's Rules. See A.A.C. R14-3-101(A).

1 Prudence Case concerns the prudence of the Company's gas purchases. A prudence review
2 involves determining whether the expenses were reasonable in light of the information known at
3 the time.⁴ In addition, there is a presumption that the Company's purchases are prudent.⁵ The
4 prudence of the Company's gas purchases, and the standards to be used in evaluating that
5 prudence, are also addressed in the Company's direct testimony. Thus, all three cases are
6 interrelated, arise out of a common set of facts, and will involve overlapping facts and witnesses.

7 UNS Gas' direct testimony (filed with the Rate Case Application) addresses the
8 Company's PGA and prudence related issues. UNS Gas would use the same witnesses who filed
9 direct testimony in the Rate Case to address these issues in the PGA Case and Prudence Case.
10 Other parties would likely use the same witnesses for those issues in the different cases.
11 Moreover, each of the cases is at an early stage. No procedural schedule has been issued in any of
12 the cases. Thus, while no party will be prejudiced by consolidation, judicial and administrative
13 economy will be served by avoiding the litigation of multiple cases on the same topic with the
14 same witnesses.

15 The Commission has expressed a preference that prudence and PGA issues be resolved in
16 rate cases. For example, in discussing the prudence of Arizona Public Service Company's action
17 relative to the Sundance Power Plant, the Commission stated that the prudence of a "transaction
18 may only properly be reviewed in the context of an overall rate base determination."⁶ Similarly,
19 the Commission recently rejected a request to modify a PGA based on Staff's position that "a rate
20 case [is] a more appropriate venue for making [a] substantive change to the mechanics of how the
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24 ⁴ See A.A.C. R14-2-103(A)(1); *Generic Examination of Purchas Gas Adjustor Mechanisms*, Decision No. 61225
25 (October 30, 1998) at Findings of Fact Nos. 7 and 8; Staff Report dated June 1, 2001 in Docket No. G-00000C-98-
0568 at 3.

26 ⁵ A.A.C. R14-2-103(A)(1); *State ex rel Associated Natural Gas Co. v. Public Service Comm'n of the State of*
27 *Missouri*, 954 S.W.2d 520, 528 (Mo. App. 1997).

⁶ *Arizona Public Service Co.*, Decision No. 67504 (January 20, 2005).

ROSHKA DEWULF & PATTEN, PLC
ONE ARIZONA CENTER
400 EAST VAN BUREN STREET - SUITE 800
PHOENIX, ARIZONA 85004
TELEPHONE NO 602-256-6100
FACSIMILE 602-256-6800

1 PGA mechanism operates.”⁷ Finally, the Commission recently approved PGA modifications in
2 two recent gas rate cases.⁸

3 **III. Conclusion.**

4 The Rate Case, the Prudence Case and the PGA Case are the very type of proceedings that
5 should be consolidated. The cases arise out of a common set of facts, the law and witnesses
6 overlap, and traditionally these matters have been addressed in a rate case. Administrative and
7 judicial economy will be served by addressing these interrelated proceedings at one time and
8 resolving issues in one decision. Accordingly, UNS Gas respectfully requests that the Prudence
9 Case and the PGA Case be consolidated with the Rate Case.

10 RESPECTFULLY SUBMITTED this 20th day of July 2006.

11 UNS Gas, Inc.

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13
14 By 

15 Michael W. Patten
16 ROSHKA DEWULF & PATTEN, PLC.
17 One Arizona Center
18 400 East Van Buren Street, Suite 800
19 Phoenix, Arizona 85004

20 and

21 Michelle Livengood
22 UniSource Energy Services
23 One South Church Avenue
24 Tucson, Arizona 85701

25 Attorneys for UNS Gas, Inc.

26 Original and thirteen copies of the foregoing
27 filed this 20th day of July, 2006, with:

28 Docket Control
29 Arizona Corporation Commission
30 1200 West Washington Street
31 Phoenix, Arizona 85007

32 ⁷ *Energy West, Inc.*, Decision No. 68814 (June 29, 2006) at 1.

33 ⁸ *Southwest Gas Corp.*, Decision No. 68487 (February 23, 2006); *Duncan Rural Services Corp.* Decision No. 68599
(March 23, 2006).

ROSHKA DEWULF & PATTEN, PLC

ONE ARIZONA CENTER
400 EAST VAN BUREN STREET - SUITE 800
PHOENIX, ARIZONA 85004
TELEPHONE NO 602-256-6100
FACSIMILE 602-256-6800

1 Copy of the foregoing hand-delivered
this 20th day of July, 2006, to:

2

3 Chairman Jeff Hatch-Miller
4 Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

5 Commissioner William A. Mundell
6 Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

7

8 Commissioner Marc Spitzer
9 Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

10 Commissioner Mike Gleason
11 Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

12

13 Commissioner Kristen K. Mayes
14 Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

15 Lyn A. Farmer, Esq.
16 Chief Administrative Law Judge
Hearing Division
Arizona Corporation Commission
17 1200 West Washington Street
Phoenix, Arizona 85007

18

19 Christopher Kempley, Esq.
20 Chief Counsel, Legal Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

21

22

23

24

25

26

27

ROSHKA DEWULF & PATTEN, PLC
ONE ARIZONA CENTER
400 EAST VAN BUREN STREET - SUITE 800
PHOENIX, ARIZONA 85004
TELEPHONE NO 602-256-6100
FACSIMILE 602-256-6800

1 Ernest Johnson
2 Director, Utilities Division
3 Arizona Corporation Commission
4 1200 West Washington Street
5 Phoenix, Arizona 85007

6 By *Mary Appolito*

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9
10
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13
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