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Transcript Exhibit(s)

Docket #(s): RC-00000A-98-0494

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Contents of this Issue

General Information	2880
Public Participation in the Rulemaking Process	2881
Notices of Proposed Rulemaking	2882
3 A.A.C. 5	2882
4 A.A.C. 45	2889
12 A.A.C. 2	2893
14 A.A.C. 1	2905
14 A.A.C. 2	2906
17 A.A.C. 4	2912
Notices of Final Rulemaking	2919
4 A.A.C. 21	2919
4 A.A.C. 46	2920
14 A.A.C. 4	2932
20 A.A.C. 5	2938
Notices of Rulemaking Docket Opening	2966
4 A.A.C. 45	2966
9 A.A.C. 24	2967
18 A.A.C. 1	2967
Notices of Public Information	2969
2 A.A.C. 6	2969
17 A.A.C. 4	2970
Index to Rulemaking	2971
Register Deadlines	2986
Governor's Regulatory Review Council Deadlines	2987
Order Form	2989

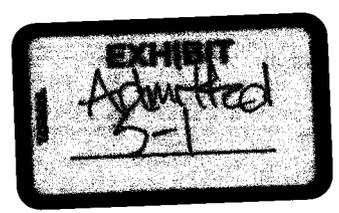
Mimi Griffiths
Director

Public Services Department

BETSEY BAYLESS
Secretary of State

Rhonda Paschal
Editor

Arizona Administrative Register



NOTICE OF PROPOSED RULEMAKING

TITLE 14. PUBLIC SERVICE CORPORATIONS; CORPORATIONS AND ASSOCIATIONS; SECURITIES REGULATION

CHAPTER 1. CORPORATION COMMISSION-CORPORATIONS AND ASSOCIATIONS

PREAMBLE

1. Sections Affected Rulemaking Action
R14-1-103 New Section

2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):
Arizona Constitution, Article XV
Authorizing statute: A.R.S. § 10-130
Implementing statute: A.R.S. §§ 41-1072 through -1078

3. A list of all previous notices appearing in the Arizona Administrative Register addressing the proposed rules:
Notice of Docket Opening: 4 A.A.R. 2710, September 25, 1998

4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:
Name: Joanne MacDonnell, Director, Corporations Division
Bill Parkerson, Deputy Director, Corporations Division

Address: Arizona Corporation Commission
1200 West Washington
Phoenix, Arizona 85007

Telephone: (602) 542-3521
Fax: (602) 542-0900

5. An explanation of the rule, including the agency's reasons for initiating the rule:
The purpose of this rulemaking is to implement time-frames for the processing of applications for licenses and certificates issued by the Corporations Division of the Arizona Corporation Commission. This new section implements requirements identified in Arizona Revised Statutes §§ 41-1072 through -1078.

6. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:
Not applicable

7. The preliminary summary of the economic, small business, and consumer impact:
Proposed Rule 103 establishes time-frames within the Corporations Division shall process articles of incorporation filed with the Commission pursuant to Title 10 and Title 29 of the Arizona Revised Statutes. Proposed Rule 103 is mandated by A.R.S. §§ 1072 through -1078 ("the time-frame statutes").

The Proposed Rule will have minimal financial impact unless the Commission routinely fails to meet the time-frames. Such failure would require the Commission to refund the filing fee to the applicant, resulting in a small cost savings to the regulated public. The Commission, however, does not foresee difficulty in complying with the proposed time-frames.

8. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:
Name: Joanne MacDonnell, Director, Corporations Division
Bill Parkerson, Deputy Director, Corporations Division

Address: Arizona Corporation Commission
1200 West Washington
Phoenix, Arizona 85007

Telephone: (602) 542-3521
Fax: (602) 542-0900

9. The time, place, and nature of the proceedings for the adoption, amendment, or repeal of the rule or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:
Date: November 10, 1998
Time: 9:30 a.m.

Arizona Administrative Register
Notices of Proposed Rulemaking

Location: Arizona Corporation Commission
1200 West Washington
Phoenix, Arizona 85007

Nature: Oral Proceedings

10. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:
Not applicable
11. Incorporations by reference and their location in the rules:
None
12. The full text of the rules follows:

TITLE 14. PUBLIC SERVICE CORPORATIONS; CORPORATIONS AND ASSOCIATIONS; SECURITIES REGULATION

CHAPTER 1. CORPORATION COMMISSION - CORPORATIONS AND ASSOCIATIONS

ARTICLE 1. IN GENERAL

Section

R14-1-103. Licensing time-frames

ARTICLE 1. IN GENERAL

R14-1-103. Licensing time-frames

- A. This rule prescribes time-frames for the processing of any certificate or license issued by the Arizona Corporation Commission pursuant to Title 10 and Title 29 of the Arizona Revised Statutes.
- B. Within 270 calendar days after receipt of an initial or renewal application for any certificate or license provided pursuant to Title 10 or Title 29 of the Arizona Revised Statutes, staff shall notify the applicant, in writing, that the application is

either administratively complete or deficient. If the application is deficient, the notice shall specify all deficiencies.

- C. The Commission may terminate an application if the applicant does not remedy all deficiencies within 30 calendar days of the notice of deficiency.
- D. After an application has been deemed administratively complete, and the applicant has been notified in writing, staff shall have 90 calendar days for substantive review of the application.
- E. For purposes of A.R.S. § 41-1072, et seq., the Commission has established the following time-frames:
1. Administrative review time-frame: 270 calendar days.
 2. Substantive review time-frame: 90 calendar days.
 3. Overall time-frame: 360 calendar days.

NOTICE OF PROPOSED RULEMAKING

TITLE 14. PUBLIC SERVICE CORPORATIONS; CORPORATIONS AND ASSOCIATIONS; SECURITIES REGULATION

CHAPTER 2. CORPORATION COMMISSION-FIXED UTILITIES

PREAMBLE

- | <u>1. Sections Affected</u> | <u>Rulemaking Action</u> |
|-----------------------------|--------------------------|
| R14-2-212 | Amend |
| R14-2-312 | Amend |
| R14-2-411 | Amend |
| R14-2-510 | Amend |
| R14-2-610 | Amend |
| R14-2-902 | Amend |
| R14-2-1002 | Amend |
| R14-2-1103 | Amend |
| R14-2-1603 | Amend |
2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):
Authorizing statutes: A.R.S. §§ 40-202, 40-204, 40-281, 40-282, 40-321, 40-361, 40-365, 40-367, 41-1072 through -1078 and Title 40 generally
Constitutional authority: Arizona Constitution, Article 15, §§ 1, 2, 3, 4, 6, 7 and 9
3. A list of all previous notices appearing in the Arizona Administrative Register addressing the proposed rules:
Notice of Docket Opening: 4 A.A.R. 2711, September 25, 1998
4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:
Name: Ray T. Williamson, Acting Director, Utilities Division
Address: Arizona Corporation Commission
1200 West Washington

5-2

TIME FRAME RULEMAKING
CORPORATIONS DIVISION
DOCKET NO. RC-00000-98-0494

Date	Document Description
8/31/98	On August 31, 1998, a Rulemaking docket was opened to propose promulgation of R14-1-103 to implement new time frames for processing license and certificate applications issued by the Corporations Division
9/1/98	On September 1, 1998 a Notice of Docket Opening filed with the Secretary State's Office
9/4/98	On September 4, 1998, a Memorandum and proposed order was forwarded to each Commissioner, including the economic, small business, and consumer impact statement
9/15/98	On September 15, 1998, the Commission conducted an Open Meeting to discuss the proposed rulemaking
9/16/98	On September 16, 1998, ACC Decision No. 61118 was issued and ordered a hearing to be set and Notice of Proposed Rulemaking to be forwarded to Secretary of State's Office for publication in the Arizona Register
9/18/98	On September 18, 1998 a Notice of Proposed Rulemaking was filed with the Secretary of State's Office
9/21/98	On September 21, 1998, the Hearing Officer issued a Procedural Order allowing comments to be taken through 11/10/98, but limiting written comments to be submitted on or before 10/16/98
9/25/98	On September 25, 1998, the Secretary of State's Office confirmed that the Notice of Rulemaking Docket Opening appeared in September 25, 1998 Arizona Administrative Register (filed in Docket 10/2/98)
10/9/98	On October 9, 1998 the Notice of Proposed Rulemaking was published in the Arizona Administrative Register (page 2905)
10/29/98	On October 29, 1998 a letter from Gregory Y. Harris requesting that he be placed on service list was docketed.

