



# Arizona



Adm. Div  
Arizona Corporation Commission

## Administrative Register

A Weekly Publication of the Secretary of State's Office

Volume 4, Issue 41

October 9, 1998

### Contents of this Issue

General Information .....	2880	
Public Participation in the Rulemaking Process .....	2881	
Notices of Proposed Rulemaking .....	2882	
3 A.A.C. 5 .....	Department of Agriculture - State Agricultural Laboratory .....	2882
4 A.A.C. 45 .....	Board of Respiratory Care Examiners .....	2889
12 A.A.C. 2 .....	Radiation Regulatory Agency, Medical Radiologic Technology Board of Examiners .....	2893
14 A.A.C. 1 .....	Corporation Commission - Corporations and Associations .....	2905
14 A.A.C. 2 .....	Corporation Commission - Fixed Utilities .....	2906
17 A.A.C. 4 .....	Department of Transportation - Motor Vehicle Division .....	2912
Notices of Final Rulemaking .....	2919	
4 A.A.C. 21 .....	Board of Optometry .....	2919
4 A.A.C. 46 .....	Board of Appraisal .....	2920
14 A.A.C. 4 .....	Corporation Commission - Securities .....	2932
20 A.A.C. 5 .....	Industrial Commission of Arizona .....	2938
Notices of Rulemaking Docket Opening .....	2966	
4 A.A.C. 45 .....	Board of Respiratory Care Examiners .....	2966
9 A.A.C. 24 .....	Department of Health Services - Medically-Underserved Area Medical Services .....	2967
18 A.A.C. 1 .....	Department of Environmental Quality - Administration .....	2967
Notices of Public Information .....	2969	
2 A.A.C. 6 .....	Department of Administration - Public Buildings Maintenance .....	2969
17 A.A.C. 4 .....	Department of Transportation - Motor Vehicle Division .....	2970
Index to Rulemaking .....	2971	
Register Deadlines .....	Arizona Corporation Commission .....	2986
Governor's Regulatory Review Council Deadlines .....	2987	
Order Form .....	2989	

DOCUMENT CONTROL

NOV 10 11:22 AM 1998

RECEIVED  
AZ CORP. COMMISSION

DOCKETED

NOV 10 1998

DOCKETED BY	sd
-------------	----

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

1. Sections Affected

<u>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