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BEFORE THE ARIZONA CORPORATION

COMMISSIONERS  
Mike Gleason, Chairman  
William A. Mundell  
Jeff Hatch-Miller  
Kristin K. Mayes  
Gary Pierce

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2008 SEP 25 P 12: 50

AZ CORP COMMISSION  
DOCKET CONTROL

IN THE MATTER OF THE  
APPLICATION OF UNS ELECTRIC,  
INC. FOR APPROVAL OF THE  
ESTABLISHMENT OF JUST AND  
REASONABLE RATES AND  
CHARGES DESIGNED TO REALIZE A  
REASONABLE RATE OF RETURN ON  
THE FAIR VALUE OF THE  
PROPERTIES OF UNS ELECTRIC,  
INC.

Docket No. E-04204A-06-0783  
Notice and Filing of the Marshall Magruder  
Rebuttal to the UNSE Compliance Filing  
Regarding Procedures for Outage  
Notification for Life-Support Customers  
24 September 2008

This is the Marshall Magruder Rebuttal to the UNS Electric Inc. Response of 25 August 2008 regarding the procedures for outage notification of life-support customers. The UNSE Response was not distributed to all Parties, including ACC Staff, RUCO or myself, is incomplete, and non-compliant with ACC Decision No. 70360 Order.

I certify this filing notice has been mailed to all known and interested parties, as shown on the Service List.

Respectfully submitted on this 24<sup>th</sup> day of September 2008

MARSHALL MAGRUDER

By Marshall Magruder

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Arizona Corporation Commission

DOCKETED

SEP 25 2008

DOCKETED BY MM

1 **Service List**

2 Original and 18 copies of the foregoing are filed this date:

3 **Docket Control** (13 copies)

4 **Arizona Corporation Commission**

5 1200 West Washington Street

6 Phoenix, Arizona 85007-2927

7 **Dwight Nodes**, Chief Administrative Law Judge (1 copy)

8 **Tenna Wolfe**, Administrative Law Judge (1 copy)

9 **Ernest G. Johnson**, Director Utilities Division (1 copy)

10 **Janice Alward**, Chief Counsel (1 copy)

11 **Maureen Scott**, Senior Staff Counsel (1 copy)

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18 **Raymond S. Heyman**, Corporate Counsel

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29 **Barbara A. Clemstine**, Attorney for APS

30 Arizona Public Service Company

31 P. O. Box 53999, Mail Station 9708

32 Phoenix, Arizona 85072-3999

33 Interested Parties (1 copy each) are filed this date by mail:

34 **Santa Cruz County Supervisors:**

35 **John Maynard**, Supervisor

**Tony Estrada**, County Sherriff

**Louis Parra**, Assistant Santa Cruz

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**John Kissinger**, Assistant City Manager

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**MARSHALL MAGRUDER  
REBUTTAL  
TO THE  
  
UNSE COMPLIANCE FILING  
  
REGARDING PROCEDURES FOR  
OUTAGE NOTIFICATION FOR  
LIFE-SUPPORT CUSTOMERS**

**16 SEPTEMBER 2009**

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## SUMMARY

During the UNSE Rate Case, I determined an important safety concern has been omitted from consideration by the Commission, ACC Staff and the company. Some customers are on life-support equipment that use electricity; however, this is interrupted during an electrical outage. It is incumbent upon the utility to consider their customer's safety be a primary concern.<sup>1</sup> Law enforcement and other first responders have legal obligations to provide for public safety. The Commission can resolve these two safety issues by establishing a notification process to ensure an electrical outage does not threaten the life of any life-support customer

### 1. Background.

The Santa Cruz service area averages over 200 distribution outages annually. Some involve only one customer; others the entire service area. Each customer is on an electrical circuit, known by the company. Each customer has an address, known by the company. The County Sheriff (or Police Chief in the City of Nogales) coordinates the 911 Emergency Response Centers.

### 2. Example of a Notification Process.

The utility knows when and where an electrical outage occurs, and from its address files, a customer's circuit. If the company sorted known life-support customers by circuit, the TEP Operations Center (that serves Santa Cruz UNSE customers) can easily determine other life-support customers also having an outage on that circuit. Using a prepared list of life-support customers, arranged by circuit, and sorted by a consecutive ID number, the TEP Operations Center can rapidly inform the Santa Cruz County Sheriff Emergency Response Center, that "customers numbered ABC to XYZ, are experiencing an outage that started as HHMM (time)".

Upon Receipt, the Emergency Response Center matches the same address list provided by the company, determines and notifies the appropriate First Responder (fire, EMT, law enforcement) to "checkup" on that person. If telephones are operable, a phone check might suffice or on-site address maybe required. The objective is every person on life-support during any electrical outage will be determined safe and/or transported to an appropriate medical facility.

### 3. UNSE Rate Case Results.

This process is straight forward but was resisted during the hearings. If the resultant ACC Order did not include this issue, it would have died when the case concluded. The UNSE

<sup>1</sup> Surrebuttal Testimony of Marshall Magruder, page 52, indicates this issue was first raised by Commissioner Gleason during the 2005 Santa Cruz Reliability hearings in ACC Docket No. E-01032A-99-0401.

1 "compliance" report of 25 August 2008 indicated this issue remains incomplete and additional  
2 reports are necessary for implementation of the ordered action.

3  
4 **4. UNSE Misunderstandings.**

5 The UNSE filing shows a misunderstanding of three critical elements in this process:

- 6 a. This notification process is for ALL customers, not just a subset of the lower income  
7 customers signed up for the CARES-M program.
- 8 b. The existing CARES-M (or a new life support) application must be modified to include ALL  
9 customers and with additional information as to any backup power capabilities, usually  
10 batteries, normally available to the person on life support.
- 11 c. Law enforcement has been authorized access to utility customer lists without customer  
12 permission according to the Arizona Administrative Code 14-14-2-203A(3)<sup>2</sup> as individual  
13 customer approval is not necessary; however, a new Life Support Application should have  
14 an "opt out" provision. Include on the application this permission.

15  
16 **5. Conclusions.**

17 Without resolving these three issues, a process now being proposed by the Company in  
18 its 25 August 2008 letter is inadequate. Most life-support dependent customers are not CARES-M  
19 customers and law enforcement is authorized to have access customer lists. Only a small  
20 percentage of customers would be included in this program.<sup>3</sup>

21 **6. Recommendations:**

- 22 1. That UNSE design and provide annually a new life-support customer application for all  
23 customers including an "opt out" provision and information release statement to law  
24 enforcement, at least once a year, in customer billing statements and on the company website.
- 25 2. That UNSE enter into a mutual support agreement with the County Sheriff to provide  
26 notifications of life-support customers.
- 27 3. That any resultant County-UNSE mutual support agreement(s) be implemented.
- 28 4. That UNSE notify all parties in this case as 1, 2 and 3 are accomplished.
- 29

30  
31 <sup>2</sup> A.A.C R14-2-203A (2) states "Customer-specific information shall not be released without specific  
32 prior written customer authorization unless the information is requested by a law enforcement  
33 officer or other public agency... or is necessary to provide safe and reliable service to the  
34 customer." [Emphasis added]. This process meets both these criteria for the Sheriff to have limited  
35 customer information for notification of life-support customers during an outage. This quote is in the  
Magruder Testimony in this case.

<sup>3</sup> In a 1999 City of Nogales-Citizens Settlement Agreement, customer lists were provided to the City without  
customer permission. I estimate less than 3% of every person serviced is on life-support equipment.