



0000089681

THIS AMENDMENT:		
_____ Passed _____	Passed as amended by _____	
_____ Failed _____	Not Offered _____	Withdrawn _____

2008/10/14

GLEASON PROPOSED AMENDMENT #2

ORIGINAL

DATE PREPARED: October 14, 2008

IN THE MATTER OF: Proposed Rulemaking Regarding Net Metering

DOCKET NOs: RE-00000A-07-0608

OPEN MEETING DATE: October 15 and 16, 2008

AGENDA ITEM: 19

RECEIVED
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 Arizona Commission on
 Public Utility Control

Page 5, line 12

STRIKE "April 28, 2008"

INSERT "April 18, 2008"

Page 6, STRIKE lines 13 through 22 and INSERT new Findings of Fact to read:

"29. The text of the Proposed Net Metering Rules incorporating typographical corrections and capitalized defined terms is set forth in Appendix A, attached hereto and incorporated herein by reference.

30. Prepared in accordance with A.R.S. § 41-1057, the Economic, Small Business, and Consumer Impact Statement is set forth in Appendix C, attached hereto and incorporated by reference.

31. In response to comments received concerning the definition of 'Combined Heat and Power' (CHP) in proposed R14-2-2302.4, language was added to the definition to limit Net Metering CHP systems to only those meeting a certain efficiency standard, as explained in Appendix B¹. Appendix A shows the revision to R14-2-2302.4 in boldface type².

32. In response to comments received concerning proposed R14-2-2305. A and R14-2-2305.B, these two sections were re-written to avoid misinterpretation, and in so doing, were consolidated into a single Section 2305, as explained in Appendix B³. Appendix A shows the revision to R14-2-2305 in boldface type⁴."

Page 6, STRIKE lines 27 and 28

Page 7, STRIKE lines 1 through 5 and INSERT new Conclusions of Law to read:

"3. Under A.R.S § 41-1022(E), if the Commission determines that any of the revisions to R14-2-2302.4 and R14-2-2305 that are included in Appendix A

¹ Appendix B, pages 1 through 4
² Appendix A, page 3, lines 22½ through 26
³ Appendix B, pages 10 through 13
⁴ Appendix A, page 6, lines 5½ through 13½

Arizona Commission on Public Utility Control

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constitute substantial changes to the proposed rules as published in the April 18, 2008, Notice of Proposed Rulemaking, the Commission is required to issue a supplemental notice containing the changes to the proposed rules and to provide for additional public comment pursuant to A.R.S. § 41-1023.

4. The changes to R14-2-2305 included in Appendix A are clarifying changes that do not constitute substantial changes pursuant to A.R.S. § 41-1025.

5. Pursuant to A.R.S. § 41-1025.B.2, the change to R14-2-2302.4 that is included in Appendix A is a substantial change because it adds a new subject matter, efficiency, which was not an element of the definition of "Combined Heat and Power" as published in the April 18, 2008 Notice of Proposed Rulemaking.

6. Pursuant to A.R.S. § 41-1025.B.3, the change to R14-2-2302.4 that is included in Appendix A is a substantial change because it effectively changes the scope of the definition from one that is very broad and inclusive, to one that is much narrower and restrictive."

Page 7, STRIKE lines 7 through 15

Page 8, STRIKE lines 1 through 5 and INSERT:

"IT IS THEREFORE ORDERED that the Utilities Division shall, on or before October 24, 2008, prepare and file with the Secretary of State a Notice of Supplemental Proposed Rulemaking that includes the text of proposed Rules R14-2-2301 through R14-2-2308 as included in Appendix A, attached hereto and incorporated by reference, for publication in the *Arizona Administrative Register* no later than October 31, 2008.

IT IS FURTHER ORDERED that the Hearing Division shall hold an oral proceeding to receive public comment on the Notice of Supplemental Proposed Rulemaking on December 1, 2008, at 10:00 a.m. or as soon as practicable thereafter, in Hearing Room # 1 at the Commission's offices at 1200 West Washington Street, Phoenix, Arizona, 85007.

IT IS FURTHER ORDERED that interested persons may provide comments concerning the text of proposed Rules R14-2-2301 through R14-2-2308, as included in the Notice of Supplemental Proposed Rulemaking, by filing written comments with the Commission's Docket Control by December 1, 2008, and/or by providing oral comments at the oral proceeding.

IT IS FURTHER ORDERED that the Utilities Division shall ensure that the Preamble to the Notice of Supplemental Proposed Rulemaking:

1. provides notice of the date, time, and location of the oral proceeding required herein, and
2. states that written comments on the Notice of Supplemental Proposed Rulemaking:
 - a. will be accepted through December 1, 2008; and
 - b. should include a reference to Docket No. RE-00000A-07-0608; and
 - c. should be filed with the Commission's Docket Control.

IT IS FURTHER ORDERED that the Utilities Division shall:

1. ensure that any written comments submitted to the Utilities Division rather than the Commission's Docket Control are promptly filed with the Commission's Docket Control; and
2. on or before November 3, 2008, file with Docket Control a revised version of the Economic, Small Business, and Consumer Impact Statement attached hereto as Appendix C, which shall address the economic impacts of the changes to Rules R14-2-2301 through R14-2-2308 as included in the Notice of Supplemental Proposed Rulemaking; and
3. on or before November 28, 2008, file with Docket Control a document including:
 - a. a summary of any written comments filed by interested persons between the effective date of this Decision and November 26, 2008; and
 - b. the Utilities Division's response to those comments; and
4. on or before December 8, 2008, file with Docket Control a document including:
 - a. a summary of any written comments that were filed by interested persons between the effective date of this Decision and December 1, 2008, and that were not included in the prior summary; and
 - b. a summary of any oral comments provided at the oral proceeding; and
 - c. the Utilities Division's response to those comments."

Make all conforming changes