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BEFORE THE ARIZONA CORPORATION COMMISSION

MIKE GLEASON
Chairman
WILLIAM A. MUNDELL
Commissioner
JEFF HATCH-MILLER
Commissioner
KRISTIN K. MAYES
Commissioner
GARY PIERCE
Commissioner

Arizona Corporation Commission

DOCKETED

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IN THE MATTER OF THE APPLICATION)
OF TUCSON ELECTRIC POWER)
COMPANY FOR APPROVAL OF ITS)
RENEWABLE ENERGY STANDARD AND)
TARIFF IMPLEMENTATION PLAN)

DOCKET NO. E-01933A-07-0594
DECISION NO. 70652
ORDER

Open Meeting
December 16 and 17, 2008
Phoenix, Arizona

BY THE COMMISSION:

FINDINGS OF FACT

1. Tucson Electric Power Company ("TEP" or "Company") is engaged in providing electric service within portions of Arizona, pursuant to authority granted by the Arizona Corporation Commission.

Background

2. On July 1, 2008, TEP filed its application for approval of its 2009 Renewable Energy Standard and Tariff ("REST") Plan.

3. TEP's application includes two implementations plans, one entitled the Full Compliance Implementation Plan ("Full Compliance") and the other entitled the Best Value Implementation Plan ("Best Value"). TEP's application also includes Full Compliance and Best Value versions of the Renewable Energy Credit Purchase Program ("RECPP"). TEP is also proposing a new Builder Credit Purchase Program and funding for research and development activities.

1 4. Previously, in Decision No. 70314 (April 28, 2008), the Commission approved
2 TEP's REST Plan with 2008 funding levels and other details. TEP had proposed Full Compliance
3 and Sample Tariff plan options for 2008, while the Commission adopted a Staff REST plan that
4 combined certain aspects of the Sample Tariff and Full Compliance plan options.

5 5. The approved plan included a \$0.004988 per kWh rate, and caps of \$2.00, \$39.00,
6 and \$500.00 respectively for residential, commercial (non-residential under 3 megawatts ("MW"),
7 including lighting and public authority) and industrial customers (non-residential greater than or
8 equal to 3 MW). The budget for the approved plan was \$15.58 million for 2008.

9 **A. Proposed Implementation Plans**

10 6. TEP includes two proposed Implementation Plans for consideration by the
11 Commission. For each, TEP includes the resource technology employed, the cost, and a line item
12 budget.

13 Full Compliance Implementation Plan

14 7. The Full Compliance Plan includes activities and costs that TEP believes are
15 required to meet the renewable and distributed energy goals set forth in the REST. The REST
16 renewable energy requirement is 2.00 percent of retail kWh sales in 2009, with 15 percent of that
17 from distributed energy ("DE"), and half of DE from residential sources. The major difference
18 between the Full Compliance Plan and TEP's Best Value Plan is the amount of residential DE.

19 8. TEP estimates the cost of the Full Compliance Plan to be \$38.5 million in 2009.
20 The REST Tariff under Full Compliance Plan is estimated to collect \$38.9 million. The Full
21 Compliance Plan proposed revenue effects are shown in Table 1. The Full Compliance Plan
22 increases the photovoltaic incentive level from current \$3.00 per watt to \$4.50 per watt. The Full
23 Compliance Plan would also increase the solar hot water up front subsidy from the current \$750
24 plus \$0.25 per kWh up to \$1,750, to \$1,500 plus \$0.50 per kWh up to \$3,500.

25 9. TEP is proposing to split the commercial class into small and large commercial
26 customers. The split between small and large commercial customers would be 200 kW, matching
27 the split in TEP's General Service Rate No. 10 and Large General Service Rate No. 13. Staff
28 believes that this is a reasonable proposal, reflecting the relative size of different commercial

1 customers in an equitable manner. TEP's proposed tariff does not define what a small and large
 2 commercial customer is, so Staff recommends that TEP define small and large commercial
 3 customers in its REST tariff as part of its compliance filing following Commission approval of a
 4 REST tariff. The monthly caps would be \$7.50 for residential customers, \$150.00 for small
 5 commercial customers, \$350.00 for large commercial customers, and \$1,900 for industrial
 6 customers. The Full Compliance Plan would have a surcharge of \$0.008 per kWh.

7
 8 **Table 1 – Full Compliance Plan Customer Impact, Year 2009**

9 Customer Class	Total Revenue	Percent of Revenue	Average Bill	Monthly Cap	Percent of Customers at Cap
10 Residential	\$22,978,166	59.0%	\$7.02	\$7.50	35.8%
11 Small Commercial	\$11,570,626	29.7%	\$134.13	\$150.00	5.8%
12 Large Commercial	\$2,582,250	6.6%	\$336.86	\$350.00	93.4%
13 Industrial	\$797,829	2.0%	\$1,900.00	\$1,900.00	100.0%
14 Public Authority	\$734,980	1.9%	\$127.67	\$150.00	18.7%
15 Lighting	\$281,857	0.7%	\$58.99	\$150.00	0.17%
16 Total	\$38,945,708				

17
 18 Best Value Plan

19 10. The Best Value Plan proposes a lower overall cost program than the Full
 20 Compliance option by adjusting the DE allocation requirements from the REST rules.
 21 Specifically, under the Best Value Plan, of the 15 percent requirement for DE, at least one quarter
 22 (3.75 percent of total renewable energy requirement) would be for residential customer-sited
 23 applications, at least one quarter (3.75 percent of total requirement) would be for customer-sited
 24 non-residential applications, and up to 50 percent (7.5 percent of total requirement) would be for
 25 non-residential applications, including wholesale distributed generation. Thus, in comparison to
 26 the REST rules requirements, half of the residential customer-sited requirement could be met by
 27 customer-sited non-residential applications. So the Best Value Plan falls short of meeting the
 28 REST residential DE requirements, but the total renewable energy requirement would be met.

11. TEP estimates the cost of the Best Value Plan to be \$17.0 million in 2009. TEP estimates that it would recover \$17.5 million in 2009 under the Best Value Plan. The proposed revenue effects are shown in Table 2. The Best Value Plan retains the incentive levels approved by the Commission for the 2008 plan, including the \$3.00 per Watt photovoltaic incentive and retention of the 2008 plan customer bill cap levels. The Best Value Plan also retains the existing solar hot water up front subsidy of \$750 plus \$0.25 per kWh up to \$1,750. The monthly caps would be \$2.90 for residential customers, \$39.00 for small commercial customers, \$100.00 for large commercial customers, and \$1,150.00 for industrial customers. The Best Value Plan would retain the existing surcharge of \$0.004988 per kWh.

Table 2 – Best Value Plan Customer Impact, Year 2009

Customer Class	Total Revenue	Percent of Revenue	Average Bill	Monthly Cap	Percent of Customers at Cap
Residential	\$10,655,142	61.0%	\$2.76	\$2.90	61.4%
Small Commercial	\$5,142,949	29.4%	\$36.85	\$39.00	13.5%
Large Commercial	\$748,201	4.3%	\$98.08	\$100.00	98.9%
Industrial	\$498,940	2.9%	\$1,150.00	\$1,150.00	100.00%
Public Authority	\$261,227	1.5%	\$24.72	\$39.00	30.2%
Lighting	\$160,985	0.9%	\$35.62	\$39.00	21.9%
Total	\$17,467,445				

Staff's Proposed Plan

12. Fundamentally, Staff believes that there has not been sufficient experience with the REST Tariff provisions recently approved by the Commission in April 2008 to warrant making major changes to the implementation plan at this time. Therefore, Staff is generally recommending a continuation of the provisions approved by the Commission in 2008, with certain adjustments to recognize the increased REST requirements for 2009. Thus, Staff's recommendation is a compromise between the Full Compliance and Best Value plans, as it was in the proceeding that dealt with TEP's 2008 implementation plan proposals and led to the

1 Commission's April 2008 decision. Staff's Proposed Plan maintains the same incentive levels as
 2 were approved for the 2008 plan, but adjusts the customer bill caps upward to reflect the increased
 3 spending requirements of the REST rules.

4 13. Staff's Proposed Plan would cost \$29.7 million in 2009. TEP estimates that it
 5 would recover \$29.6 million in 2009 under the Staff Proposed Plan. Staff's Plan continues to use
 6 the \$3.00 per Watt photovoltaic incentive with increased monthly customer bill caps. Staff
 7 believes that this is a reasonable incentive level, is similar to what is offered in other utilities'
 8 REST plans, and should be given further opportunity to attract participants before the higher
 9 incentive level contained in TEP's Full Compliance plan is given greater consideration. The Staff
 10 Plan also retains the solar water heating up front subsidy of \$750 plus \$0.25 per kWh up to \$1,750.
 11 Staff's Proposed Plan would have a surcharge of \$0.008 per kWh. The monthly caps would be
 12 \$4.50 for residential customers, \$75.00 for small commercial customers, \$350.00 for large
 13 commercial customers, and \$1,600 for industrial customers. Staff sets the residential distributed
 14 energy at 7.5 percent of total kWh (50 percent of required DE) and meets REST requirements at a
 15 lower cost.

16 The customer impact of Staff's Plan is shown in Table 3.

17
 18 **Table 3 – Staff Proposed Plan Customer Impact, Year 2009**

19 Customer Class	Total Revenue	Percent of Revenue	Average Bill	Monthly Cap	Percent of Customers at Cap
20 Residential	\$16,677,567	56.3%	\$4.29	\$4.50	61.4%
21 Small Commercial	\$8,928,238	30.1%	\$70.08	\$75.00	11.8%
22 Large Commercial	\$2,582,250	8.7%	\$336.86	\$350.00	93.4%
23 Industrial	\$712,783	2.4%	\$1,600.00	\$1,600.00	100.00%
24 Public Authority	\$474,418	1.6%	\$67.82	\$75.00	27.5%
25 Lighting	\$268,312	0.9%	\$44.62	\$75.00	2.8%
26 Total	\$29,643,567				

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1 **B. Tariffs**

2 14. TEP proposes tariffs corresponding to its two proposed Implementation Plans. TEP
3 points out that the proposed Implementation Plan and the associated tariff should become effective
4 simultaneously. Table 4 gives a summary of the proposed rates and caps for the three proposals
5 discussed above. Table 5 shows the cost per month for various customer types based on typical
6 monthly energy use for the three proposals discussed above. Table 6 shows the proposed budgets
7 for the three proposals discussed above.

8
9 **Table 4**
TEP Renewable Energy Programs
REST - Customer Rates and Caps

Customer Class	2008 Approved Plan	Best Value Plan	Full Compliance Plan	Staff Proposed Plan
Rate per kWh	\$0.004988	\$0.004988	\$0.008	\$0.008
Residential	\$2.00	\$2.90	\$7.50	\$4.50
Small Commercial	\$39.00	\$39.00	\$150.00	\$75.00
Large Commercial	\$39.00	\$100.00	\$350.00	\$350.00
Industrial	\$500.00	\$1,150.00	\$1,900.00	\$1,600.00
Public Authority	\$39.00	\$39.00	\$150.00	\$75.00
Lighting	\$39.00	\$39.00	\$150.00	\$75.00

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20 **Table 5**
TEP Renewable Energy Programs
REST - Customer Type Monthly Surcharge Comparison

Customer Types	kWh / mo.	2008 Approved Plan	Best Value Plan	Full Compliance Plan	Staff Proposed Plan
Low Consuming Residence	400	\$2.00	\$2.00	\$3.20	\$3.20
Avg. Consuming Residence	960	\$2.00	\$2.00	\$7.50	\$4.50
High Use Residence	2,000	\$2.00	\$2.00	\$7.50	\$4.50
Dentist Office	2,000	\$9.98	\$9.98	\$16.00	\$16.00
Hairstylist	3,900	\$19.45	\$19.45	\$31.20	\$31.20
Department Store	170,000	\$39.00	\$39.00	\$150.00	\$75.00
Mall	1,627,100	\$39.00	\$39.00	\$150.00	\$75.00
Retail Video Store	14,400	\$39.00	\$39.00	\$115.20	\$75.00

1	Large Hotel	1,067,100	\$39.00	\$100.00	\$350.00	\$350.00
	Large Building Supply	346,500	\$39.00	\$100.00	\$350.00	\$350.00
2	Hotel/Motel	27,960	\$39.00	\$39.00	\$150.00	\$75.00
	Fast Food	60,160	\$39.00	\$39.00	\$150.00	\$75.00
3	Large High Rise Office Bldg	1,476,100	\$39.00	\$100.00	\$350.00	\$350.00
4	Hospital (< 3 MW)	1,509,600	\$39.00	\$100.00	\$350.00	\$350.00
	Supermarket	233,600	\$39.00	\$100.00	\$350.00	\$350.00
5	Convenience Store	20,160	\$39.00	\$39.00	\$150.00	\$75.00
	Hospital (> 3 MW)	2,700,000	\$500.00	\$1,150.00	\$1,900.00	\$1,600.00
6	Copper Mine	72,000,000	\$500.00	\$1,150.00	\$1,900.00	\$1,600.00

Table 6
REST Program Budget Proposals

Budget Components	Best Value Plan	Full Compliance Plan	Staff Proposed Plan
Purchased Energy			
Above market cost of conventional generation	\$6,214,977	\$6,214,977	\$6,214,977
Transmission direct use cost	\$480,000	\$480,000	\$480,000
Other	\$95,000	\$95,000	\$95,000
Subtotal	\$6,789,977	\$6,789,977	\$6,789,977
Customer Sited Distributed Renewable Energy			
Up front payments to customers	\$3,418,209	\$23,271,724	\$15,059,712
Production based payments to customers	\$4,097,858	\$3,247,245	\$3,728,026
New Builder Credit Purchase Program	\$300,000	\$300,000	\$300,000
Outreach Efforts	\$1,000,000	\$1,500,000	\$1,000,000
Other	\$570,000	\$2,292,000	\$1,792,000
Subtotal	\$9,386,067	\$30,610,969	\$21,879,739
Customer Care and Billing Program	\$100,000	\$100,000	\$100,000
Energy Management System and Energy Accounting and Settlements	\$275,000	\$275,000	\$275,000
Net Metering	\$38,155	\$120,340	\$120,340
Reporting	\$137,500	\$137,500	\$137,500
Support provided to University research projects	\$100,000	\$200,000	\$200,000
Other Outside Coordination and Training	\$83,500	\$175,450	\$83,500
Renewable Energy Hardware Development	\$100,000	\$100,000	\$100,000
Total Program Budget	\$17,010,199	\$38,509,236	\$29,686,056

C. New Builder Credit Purchase Program

15. TEP is proposing a new program that would provide the opportunity to install photovoltaics or solar thermal equipment in conjunction with its Energy Smart Home program. Energy Smart is an existing demand-side management program that encourages the construction of energy-efficient new homes. The Builder Credit Purchase Program would not change any aspect of the Energy Smart Home program, but would provide an additional incentive of \$0.50 per DC

1 watt installed for photovoltaics for projects up to 7 kW. TEP is proposing a budget of \$300,000
2 for the first year for the new program, with all budget funds going toward the incentive payments.

3 16. Staff believes that TEP's proposal may assist in furthering solar installations in new
4 construction and recommends that the New Builder Credit Purchase Program be approved for two
5 years on a pilot basis. However, Staff believes that the 7 kW level for reducing incentives
6 proposed by TEP is by nature arbitrary and could artificially reduce the size of solar installations
7 on new home construction. Staff therefore recommends against adoption of the 7 kW level for
8 reducing incentives under this pilot program.

9 **D. Research and Development Funding**

10 17. TEP is proposing funding at the \$200,000 per year level for research and
11 development efforts. The research and development funds would be directed to the Arizona
12 Research Institute for Solar Energy ("AzRISE") at the University of Arizona. AzRISE is an
13 institute involving academic and industry partners involved in research and development,
14 economic and public policy analysis, and education. The funding from TEP, in coordination with
15 funding from UNS Electric, Inc., would fund four research projects at AzRISE, listed below:

- 16 • Testing of solar module and inverter performance in the hot Southwestern climate at the
17 TEP Solar Test Yard
- 18 • Solon single-axis tracking system
- 19 • Test and conduct research on a fully integrated solar demonstration site for generation of
20 distributed solar power that includes solar electric generation, energy storage and grid
21 connection, integrated with agriculture and biofuels production, and economic analysis

22 18. Staff believes that some level of research and development efforts is a reasonable
23 part of TEP's REST activities, but that such efforts should be directed toward specific activities
24 which will help TEP's efforts to successfully deploy renewable energy technologies through its
25 REST tariff. Staff believes that the funding and projects proposed by TEP meet these objectives,
26 but that such R&D funding should only be approved for specific projects and specific amounts on
27 a year basis, and that TEP should justify future funding of R&D through the REST program. Staff
28 recommends approval of funding in the amount of \$45,455 for the solar module and inverter
performance testing project, \$27,273 for the Solon single-axis project, and \$127,273 for the solar

1 demonstration site project for 2009. Staff further recommends that in future annual filings for
2 approval of TEP's REST Implementation Plan that TEP document its research and development
3 spending and report how its research and development activities have helped further its REST
4 efforts.

5 **E. Renewable Energy Credit Purchase Program**

6 19. Staff notes that the work of the Uniform Credit Purchase Program ("UCPP")
7 Working Group, which commenced in 2006, needs to be completed prior to development of
8 reasonable uniform incentives for each renewable generation technology. Staff anticipates that the
9 work of the UCPP Working Group should be completed in 2009. Staff has recommended that if
10 the Commission approves a UCPP, TEP should be required to develop a mechanism to incorporate
11 UCPP procedures and incentive levels for all eligible technologies in its proposed REST Plan for
12 2010 and later years. To the extent that TEP feels that different incentive levels than those of the
13 UCPP program are justified, TEP could develop such proposals. The credit levels for the
14 Renewable Energy Credit Purchase Program for each of the three proposed plans are identified in
15 the discussion of each plan above. TEP has indicated that it expects approximately 180
16 installations averaging approximately 4 kW each in 2009 as a result of this program.

17 **F. TEP REST Experience Under 2008 REST Plan**

18 20. The Commission-approved implementation plan for 2008 contemplated a budget of
19 \$15.6 million. For the June – December period after Commission approval of the 2008 plan, this
20 would be approximately \$8.8 million. TEP projects actual spending of \$1.7 million. Of the
21 remaining \$7.1 million, approximately \$1.7 million is reflected in reservations for future
22 installations. The remaining funds collected in 2008 will be carried over into the next year.
23 Regarding installations and reservations, the table below summarizes installations through October
24 2008 and reservations for future installations.

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1 Meeting TEP's REST Requirements for 2008

Residential	Photovoltaics		Solar Hot Water
	Number of Systems	kW	Number of Systems
2008 installations	16	55	50
Reservations	76	324	123

6 TEP did not report any wind installations or reservations. Regarding reservations, TEP has
7 indicated that residential reservations are firm commitments. Commercial reservations represent
8 projects over a longer timeframe, with projects in the early stages being less firm and projects in
9 the later states representing firm commitments.

11 TEP has used a variety of methods to reach out to its customers regarding its renewable energy
12 efforts. These methods include participation in a number of fairs, tradeshow, and festivals,
13 advertising via bill inserts, various brochures, and television and radio ads. Further outreach
14 efforts included advertisements in newspapers and trade publications, web content on the TEP
15 website, internet website sponsorships, and newsletters. TEP has indicated that it is considering
16 additional opportunities to further reach out and educate its customers regarding renewable energy.

17 **G. REST Adjustor Mechanism**

18 21. The Commission established a REST adjustor mechanism for TEP in its Decision in
19 TEP's rate case on November 25, 2008¹. The REST adjustor rate is reset as part of the approval of
20 each year's new REST implementation plan.

21 **H. Renewable Reporting**

22 22. The Commission is concerned that the current renewable reporting requirements
23 provide insufficient detail on the progress of TEP's programs for the Commission and the public to
24 accurately assess the Company's efforts toward meeting the REST. Access to information on a
25 more regular basis would better inform the public and greatly improve monitoring of REST
26 progress.

27 _____
28 ¹ Staff would note that this memo has been prepared prior to approval of the TEP REST adjustor at the November 25, 2008, Open Meeting on the TEP rate proceeding.

1 **I. Staff Recommendations**

2 23. Staff has recommended that the Staff Proposed Plan be approved. This plan
3 includes a funding level of \$29.7 million, a photovoltaic credit of \$3.00 per Watt. This plan also
4 includes a solar water heating up front credit of \$750 plus \$0.25 per Watt up to \$1,750.

5 24. Staff has recommended that a REST Tariff be approved that includes the rate of
6 \$0.008 per kWh and monthly caps of \$4.50 for residential customers, \$75.00 for small commercial
7 customers, \$350.00 for large commercial customers, and \$1,600.00 for industrial customers.

8 25. Staff has recommended approval of TEP's proposed Builder Credit Purchase
9 Program for a two-year pilot period. Staff has also recommended that the 7 kW level proposed by
10 TEP for reducing incentive levels be rejected.

11 26. Staff has recommended approval of funding in the amount of \$45,455 for the solar
12 module and inverter performance testing project, \$27,273 for the Solon single-axis project, and
13 \$127,273 for the solar demonstration site project for 2009. Staff has also recommended that TEP
14 report in future annual REST filings regarding how past research and development funding has
15 helped further TEP's REST efforts.

16 27. Staff has recommended that TEP make a compliance filing within 15 days of the
17 effective date of the Commission Decision in this case. This filing should include a revised TEP
18 2009 Renewable Energy Standard Implementation Plan and REST Tariff, consistent with the
19 Decision.

20 28. Staff has recommended that the revised REST Tariff include a definition of small
21 and large commercial customers.

22 29. Staff has recommended that TEP revise its Renewable Energy Credit Purchase
23 Program literature and enrollment form to be consistent with this decision and in a form acceptable
24 to Staff.

25 30. Staff has recommended that the proposed 2009 Renewable Energy Standard
26 Implementation Plan and REST Tariff remain in effect until further order of the Commission.

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CONCLUSIONS OF LAW

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2 1. TEP is an Arizona public service corporation within the meaning of Article XV,
3 Section 2, of the Arizona Constitution.

4 2. The Commission has jurisdiction over TEP and over the subject matter of the
5 application.

6 3. The Commission, having reviewed the application and Staff's Memorandum dated
7 November 26, 2008, concludes that it is in the public interest to approve the 2009 Renewable
8 Energy Standard Implementation Plan and REST Tariff, as modified by Staff.

9 ORDER

10 IT IS THEREFORE ORDERED that the Staff Proposed Plan, as outlined in Findings of
11 Fact Nos. 22, 23, 24, 25, 26, 27, 28 and 29, be and hereby is approved.

12 IT IS FURTHER ORDERED that Tucson Electric Power Company shall disclose, on a
13 quarterly basis via their website, their annual progress to date in meeting the annual REST
14 requirement. At a minimum, Tucson Electric Power Company shall disclose i) total and program
15 year-to-date numbers of Megawatts and systems installed, broken out by technology type and
16 residential and non-residential categories and ii) total amounts of monies remaining for the current

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1 program year with breakouts for residential and non-residential categories. Tucson Electric Power
2 Company shall provide this information going forward and additionally break out this information
3 on a historical basis to date.

4 IT IS FURTHER ORDERED that this Decision shall become effective immediately.

5
6 **BY THE ORDER OF THE ARIZONA CORPORATION COMMISSION**

7 

8 CHAIRMAN

COMMISSIONER

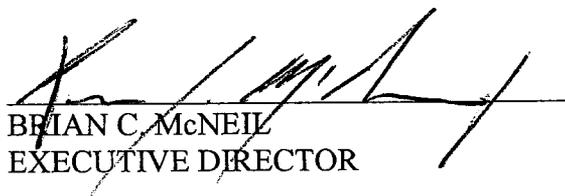
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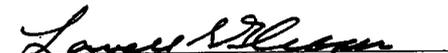
11 COMMISSIONER

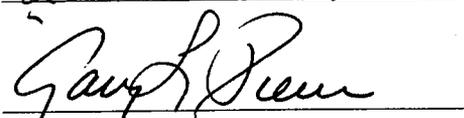
COMMISSIONER

COMMISSIONER

12
13 IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive
14 Director of the Arizona Corporation Commission, have
15 hereunto, set my hand and caused the official seal of this
16 Commission to be affixed at the Capitol, in the City of
17 Phoenix, this 18th day of December, 2008.

18 
19 BRIAN C. McNEIL
20 EXECUTIVE DIRECTOR

21 DISSENT: 

22 DISSENT: 

23 EGJ:RGG:lhm\RM
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A Written Dissent From

Commissioner Pierce

Will Follow

