

ORIGINAL

OPEN MEETING AGENDA ITEM



0000097127

BEFORE THE ARIZONA CORPORATION COMMISSION

RECEIVED

COMMISSIONERS

- KRISTIN K. MAYES - CHAIRMAN
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2009 MAY 20 P 4: 18

AZ CORP COMMISSION DOCKET CONTROL

Arizona Corporation Commission

DOCKETED

MAY 20 2009

DOCKETED BY	<i>MM</i>
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7 IN THE MATTER OF THE APPLICATION OF ) DOCKET NO. E-04204A-06-0783  
 8 UNS ELECTRIC, INC. FOR THE )  
 9 ESTABLISHMENT OF JUST AND )  
 10 REASONABLE RATES AND CHARGES )  
 11 DESIGNED TO REALIZE A REASONABLE )  
 12 RATE OF RETURN ON THE FAIR VALUE OF )  
 13 THE PROPERTIES OF UNS ELECTRIC, INC. )

12 IN THE MATTER OF THE APPLICATION OF ) DOCKET NO. E-04204A-06-0783  
 13 UNS ELECTRIC, INC. FOR APPROVAL OF IT )  
 14 BILL ESTIMATION METHODOLOGIES )  
 15 TARIFF.

UNS ELECTRIC, INC.'S OPPOSITION TO MARSHALL MAGRUDER'S MOTION TO POSTPONE

17 UNS Electric, Inc. ("UNS Electric" or "Company"), through undersigned counsel, hereby  
 18 files its opposition to Marshall Magruder's ("Movant") Motion to Postpone Some Non-time  
 19 Critical Decisions Due to Extenuating Conflicts filed on May 18, 2009. Movant requests that  
 20 two proposed orders required by the Commission in Decision No. 70360 (May 27, 2008),  
 21 recommended for approval by Commission Staff ("Staff") and anticipated to be heard at the May  
 22 27-28, 2009 Open Meeting be delayed until the June Open Meeting. Movant has not previously  
 23 submitted any comment on either of the applications underlying these orders and now seeks  
 24 postponement of two important orders due to his personal schedule.

25 UNS Electric opposes the postponement because it would: (i) delay a refinement of the  
 26 UNS Electric's DSM program budget and related nominal increase in the DSM surcharge and  
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1 (ii) delay the implementation of a bill estimation methodology that the Commission required  
2 UNS Electric to adopt in Decision No. 70360.

3 First, with respect to the DSM adjustor rate, UNS Electric submitted an application to  
4 reset its DSM adjustor rate on March 24, 2009 in compliance with Decision No. 70360 (May 27,  
5 2008). Pursuant to Decision No. 70360, the adjusted rate is to take effect on June 1, 2009.  
6 Commission Staff has reviewed UNS Electric's application and recommended approval of the  
7 refined DSM budget and the proposed nominal increase in the DSM adjustor rate. This budget  
8 includes a very slight increase in the DSM adjustor rate to allow an increase of a very successful  
9 CFL program that has well exceeded the anticipated consumer interest. Movant provided no  
10 previous comment on the March 24 application.

11 Second, with respect to the Bill Estimation Methodologies tariff, Decision No. 70360  
12 required UNS Electric to submit a proposed tariff that met certain parameters recommended by  
13 Staff. On June 26, 2008, UNS Electric submitted the proposed tariff. Staff has reviewed the  
14 proposed tariff and found that it meets the parameters required by Decision No. 70360. Again,  
15 Movant did not submit any comments on that filing.

16 The Movant had ample opportunity to file substantive comments in these matters,  
17 however, the Movant chose not to make any filings. Instead, the Movant now seeks to delay the  
18 consideration of these matters due solely to a conflict in his personal schedule. Postponing  
19 consideration of these items would delay implementation of a refined DSM budget that better  
20 reflects the existing economic conditions and the more effective DSM programs and delay the  
21 implementation of an important tariff that meets the requirements of Decision No. 70360.  
22 Therefore, UNS Electric respectfully requests that the Commission decline the Movant's motion  
23 and that the Commission consider the two proposed orders as scheduled at the May 27-28, 2009  
24 Open Meeting.

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RESPECTFULLY SUBMITTED this 20<sup>th</sup> day of May 2009.

UNS Electric, Inc.

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Original and thirteen copies of the foregoing  
filed this 20<sup>th</sup> day of May 2009, with:

Docket Control  
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Copy of the foregoing hand-delivered  
this 20<sup>th</sup> day of May 2009, to:

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