

ORIGINAL

BEFORE THE ARIZONA CORPORATION



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AZ CORP COMMISSION  
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Docket No. E-04204A-06-0783

ACC Decision No. 70360

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.  
IN THE MATTER OF THE APPLICATION OF  
UNS ELECTRIC, INC. FOR APPROVAL OF ITS  
BILL ESTIMATION METHODOLOGIES TARIFF  
IN THE MATTER OF THE APPLICATION OF  
UNS ELECTRIC, INC. FOR APPROVAL OF ITS  
DEMAND SIDE MANAGEMENT COMPACT  
FLOURSCENT LAMP BUY-DOWN PROGRAM

Arizona Corporation Commission

DOCKETED

MAY 28 2009

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**Response to UNS Electric Opposition to Magruder Motion to Postpone Some  
Non-time Critical Decisions Due to Extenuating Conflicts**

**21 May 2009**

This response is to the Opposition to the Magruder motion request the Commission delay from the 27 and 28 May 2009 Open Meeting until the June 23 and 24, 2009, Open Meeting consideration of the pending Applications, for three matters:

a. UNS Electric Application for Approval to Revise its DSM Surcharge

b. UNS Electric Request for Additional Funding for CFL Buy-down Program, of 9 April 2009, and UNS Electric Study and Report of Alternative CFL Coupon Program of 12 May 2009, in ACC Docket No E-04204A-08-0341 and ACC Decision No. 70556.

c. UNS Electric Application for Approval of its Billing Estimation Methodologies Tariff

**Interest of Marshall Magruder on these three matters.**

My motion was clear in requesting time to analyzed each of these three issues; however, several conflicts exists including appearing before the Sulfur Springs Co-op Board of Directors on one day of the Open Meeting. During the 2007-2008 UNS Electric Rate Case, I participated in providing comments and many recommendations in my testimonies involving the proposed UNS Electric Demand Side Management programs, which the counsel for Applicant is well aware. Further, a study

1 concerning CFL lights has been submitted for review based on my pleas before the Commission last  
2 fall. As my Motion stated, the unsatisfactory results from implementation of the UNS Electric DSM  
3 programs are not being corrected in its latest version which asks for even more in its ratepayers DSM  
4 surcharge. This needs more than a cursory review and rubber stamping by the Commission.

5 In particular, for the CFL program last year, I responded with a detailed recommendation and  
6 the subject of the recent UNS Electric report. Unfortunately, the Commission approved the CFL  
7 program last fall based on a Commission Staff Report that did not mention my comments. After that  
8 meeting, I met the Staff Report's author, who said he was never given my comments to consider in  
9 his review, thus, in my opinion, the Commission made its initial decision based on incomplete  
10 information.

11 As a ratepayer, I feel at least ONE person's comments need to be considered, especially,  
12 since RUCO has not provided an assessment of the cost budgets for each DSM program. Mostly, my  
13 comments concern these budgets. In particular, hundreds of thousands of dollars have been spent to  
14 date on "public education". As a keen observer and proponent of DSM in Santa Cruz County, I know  
15 of only one public "education" event, that was a briefing to the County Supervisors. There are many  
16 other organizations that should be participating, the Citizens Advisory Council (required by an ACC  
17 Order in 1999), has not met since September 2001. Getting the "word out" has been almost nil other  
18 than ads in the *Nogales International* that has a circulation of about 3,400, or reaching about 20% of  
19 the UNS Electric 18,000 or so customers here.

20 The Company's response seems to imply I have no basis for participating in this vital program  
21 without remembering what already is in the record; and therefore my request to postpone the DSM  
22 Surcharge (a) and CFL Program (b) above appears to support the objectives of the Commission and  
23 benefits customers.

24 I have no objection to delete from my Motion the request to delay billing estimation (c).

25  
26 Respectfully submitted on this 21<sup>st</sup> day of May 2009.

27 MARSHALL MAGRUDER

28 By   
29

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