

E.01933A-09.0340



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ORIGINAL

ARIZONA CORPORATION COMMISSION
UTILITY COMPLAINT FORM

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Investigator: Guadalupe Ortiz **Phone:** ([REDACTED]) **Fax:** ([REDACTED])

Priority: Respond Within Five Days

Opinion No. 2009 83769 **Date:** 12/15/2009

Complaint Description: 08A Rate Case Items - Opposed
N/A Not Applicable

Complaint By: **First:** KB **Last:** N/A

Account Name: KB

Home: [REDACTED]

Street: [REDACTED]

Work:

City: [REDACTED]

CBR:

State: AZ **Zip:** [REDACTED]

is:

Arizona Corporation Commission
DOCKETED
DEC 16 2009

Utility Company: Tucson Electric Power Company

DOCKETED BY [REDACTED]

Division: Electric

Contact Name: [REDACTED]

Contact Phone: ([REDACTED])

Nature of Complaint:

EMAIL RECEIVED - OPINION OPPOSED:

RE: Docket No. E-01933A-09-0340

From: kb [mailto:[REDACTED]]
Sent: Friday, December 11, 2009 12:55 AM
To: Utilities Div - Mailbox
Subject: referencing E-01933A-09-0340 etc. so my comments are filed in the docket[S] promptly

RECEIVED
2009 DEC 16 P 3:18
AZ CORPORATION COMMISSION
DOCKET CONTROL

(entire form is attached but page 3 is pasted below for internal use (live link etc.) please though docket only the attachment as it discusses!)

<https://edocket.azcc.gov/Calendar/ItemDetails.aspx?ItemID=12990> is the link edocket provides to the second docket "schedule"'s entry for the closest answer to what has been my question for some many months now- WHEN DOES ONE HAVE AN OPPORTUNITY TO EXERCISE OVERSIGHT of a rather eclectic collection of actions and expenditures, speech and widespread impact, that our electric utility is witnessed claiming "APPROVED by 'ACC'"?

The current docket for the 'TARIF' matter has no entries for schedule. Interventions continue to be granted, some without argument beyond that as to the right or towards granting. But without any deadlines or hearings it is not surprising perhaps that even previously formally granted intervention consumers have this time apparently not bothered.

Today another corporate intervenor is added to the distribution list, perhaps, since only the image, not the should be searchable and I guess might be with an outside search engine only, distribution list.

Since no hearings are apparently necessary there is no five days prior rule that could secure at least that amount of time- which would of course be an insufficient harbour to actually intervene instead of just establish at best the right to. I can not justify taking perhaps even the time taken now to object without knowing I am not

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tardy. That is this 'comment' would not be submitted now but rather depending upon how much time I knew I had an effort to intervene would be pursued instead. If sufficient time allowed that might mean:

filing a petition to be able to file electronically, skipping the scanning step for commission staff, allowing the opportunity for actually rate payer more widely participation to occur without potentially defeating the purpose of this tariff, as does much of the marketing I would hope many intervenors would object to, marketing the impacts of which are likely not included in the present reporting requirements beyond there direct economic cost;

(or:)

formulating this comment as a motion to intervene itself arguing that the paper etc. requirements will if imposed prevent not merely I but a class of intervenors from participating;

spending additional time taking the information that is only available online in so as to be able to address numerous questions such as "even if counsel is optional for individuals with a right to intervene, don't residential consumers have counsel available through RUCO- or does it have the right to determine it's own position even if that is to not even intervene, as the have not so far at least despite widespread controversy/ignorance over the tariff?"

The prior filing resulted in an order about a week from now despite having a deadline it would seem implied as to the effective date petitioned for- the end of this month just barely a handful of business days beyond a week. The legislature plans new laws, has held hearings archived only as to the video online perhaps facilitated by a litigant against this tariff, and might ultimately be 'justicated' as properly handling such a matter instead of the ACC. Again though I can't find the time to even spend a few minutes (at most) checking the status if it is two late, again, for another year, or two, or I fear five!

I am an environmentalist. I take very seriously the potential good having an opportunity to intervene could do. People like me are not finding out about the opportunity at all, and even now, the point of this comment is, some sort of structure/ form/ schedule/ is needed, that does not take hours itself to find the essence of as to the question I began with- which in greater detail is ... so let's say beyond the procedural offensiveness I get an order giving me standing as an intervenor- how long after that would I have to file a motion if necessary to actually prosecute my concerns? I have of course here deliberately not even hinted, to the extent I could avoid doing so, and I do believe I have completely, at the substance of my objections. I do have a profound sense of them I assure you, and proceed with the notion that unlike D.O.D. etc. if timely intervention is my right and need not contain any argument whatsoever. IF TIMELY.

Although legislative activity would give me standing as a citizen, it should not be necessary to move my hopes to that, nor even more so as a friend of the appellate courts having to oppose continued jurisdiction by the ACC over the tariff. This tariff should be subject to meaningful intervention by anyone in the service area, and RUCO and community members should have the opportunity to review the filing from July, which they might not yet have been sufficiently prompted to have done yet.

I am sorry to have to deliberately comment now without having taken the time to review the utilities responses last time (beyond one feeble objection that needed little response I assume only). Above I have conveyed I hope the justification. I have omitted much not just for lack of time to type it. I believe a hearing is necessary. I do not believe 'mediation' can take us far enough and have ample cause developed over decades in the 'relationship' with this corporation.

[please respect the metadata of this submission. I have deliberately omitted my email address from the face of the pdf but of course you will have it from the account it is sent as an attachment from. ONLY IF I AM GRANTED INTERVENTION SHOULD info beyond that typed into the form be put online or distributed. It is my hope that this comment WILL BE MADE available to those with more time in the future, who discover future filings sooner, who are accommodated with adequate assurances they are not wasting there time to attempt to have reason prevail, and I will be facilitating at least that by trying to get your website actually used by the public able only to search from portals far more general then it.]

End of Complaint

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Utilities' Response:

Investigator's Comments and Disposition:

Opinion docketed with the Docket Control Center of the Commission to be made part of the record. CLOSED
End of Comments

Date Completed: 12/15/2009

Opinion No. 2009 - 83769
