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ORIGINAL

ARIZONA CORPORATION COMMISSION

UTILITY COMPLAINT FORM

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Investigator: Brad Morton

Phone: _____

Fax: _____

Priority: Respond Within Five Days

Opinion No. 2010 - 84465

Date: 1/26/2010

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

Arizona Corporation Commission

DOCKETED

Complaint By: **Phillip A.**

Last: **Asbury**

Account Name: Phillip A. Asbury

Home: (000) 000-0000 JAN 26 2010

Street: _____

Work: _____

DOCKETED BY

City: Willcox

CBR: _____

State: AZ **Zip:** 85643

is: _____

Utility Company: Sulphur Springs Valley Electric Cooperative, Inc.

Division: Electric

Contact Name: _____

Contact Phone: _____

Nature of Complaint:

OPINION THROUGH CHAIRMAN MAYES

From: Phillip Asbury
Sent: Sunday, January 24, 2010 10:41 PM
To: Newman-Web; Pierce-Web; Mayes-WebEmail; Kennedy-Web; Stump-Web
Subject: SSVEC-Related Cases: E-01575A-09-0453 & E-01575A-08-0328

DOCKETED BY
JAN 26 11:04 AM
MAYES

Dear ACC Commissioners:

I have never before made such a contact with government officials other than my own representatives, but in this case I believe I should express my extreme dissatisfaction with the evident poor handling of these two above identified cases (E-01575A-09-0453 & E-01575A-08-0328). I am specifically referring to the poor conduct of ACC regulatory business involving the utility (SSVEC) which provides me with quality and ever-improving electric service. I have personally experienced the cooperative process here in Willcox, AZ, since the 1950's. I have seen the excellent, caring, efforts and success this small utility has had in achieving its customer-centered responsibilities. But I have never before witnessed such a poor, expensive, and out of control "process" of so-called utility "regulation". In fact I wonder what percentage of the rate increases requested by SSVEC these proceedings themselves are ultimately costing us customers? I have witnessed (on the internet, the hearings held last year in Tucson) elected commissioners castigating very caring and knowledgeable SSVEC staff for the obvious purpose of political grand-standing alone, clearly demonstrating the Commissioners' own general lack of knowledge of physical principles involved in the details of utility operations. I am as appalled at some of you Commissioners as I am the "representatives" in Washington right now with their know-it all, "fingers-in-their-ears" approach to regulation. This is never permissible; both sides must be fairly heard! It is not the utility staff, but the Commissioners themselves who are not listening except to a small vocal group of folks, people who don't want fair analysis, but simply to suspend normal, caring, and competent utility service for their own limited property interests. My own party members have proven most disappointing in their stance at the ACC. Even

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Abraham Lincoln as a lawyer was involved in cases where the public benefit had to come before the limited interests of small groups, after due process and of course with due compensation. This small vocal group cannot be allowed to yield an excess of power beyond due process and fair consideration.

Here are clearly unsatisfactory processes:

ü Conducting procedures and hearings that are unnecessarily adversarial; where only the small individual is given a chance to be right. Even ancient writings warn against assuming that either the powerful or the weak, the rich or the poor are automatically correct, rather than seeking justice and fairness for all parties. This regulation of Arizona utilities was not conceived as adversarial but directed towards seeking the facts and ruling solely based on these facts and fairness, "fair rate of return", etc. What I have been witnessing is Legislation more that it is Regulation. I have been witnessing politics and "ego" more that listening and fair consideration.

ü The ACC is attempting to set energy policy beyond its powers. The Legislature must also be involved in the debate and process for formulating overall state policy. Individual utility rate hearings are neither the time nor the proper forum for developing state energy policy. Nor is a relatively minor technical detail of utility infrastructure development the time to force an under-developed general policy, which may not fit the facts of the neighborhood in question.

ü The procedures are too changeable. How is the utility to be properly prepared when the Commissioners feel free to change policy and procedure with every whim? The courts of the country have at least named consistency in their rulings as one of their goals. This is clearly missing at the ACC. Every ruling changes with the winds of the day. Even direct Commission orders in one case are disowned the very next time the Commission addresses the same utility. The expense of this "process" is outrageous and appalling.

ü Various hearings have clearly not provided the utility, SSVEC, with opportunity to respond to amateurish and uninformed claims. There has been very little opportunity for those with true knowledge of the situation to speak, obviously because the Commissioners do not want this side of the discussion to be fairly heard.

ü There is a very evident lack of knowledge of the Commissioners in the difference in commendable "alternative energy" and essential "firm utility power" principles. There is a huge difference between energy efficiency and power availability and delivery physics. SSVEC has a demonstrated commitment (I bear witness) **to sound energy** efficiency, alternative energy, and to proper achievement of utility reliability and sufficiency of supply; check the evident record, if you care for the truth. This difference in energy from power is especially true in specific neighborhoods, where general principles the Commissioners may want to promote are constrained by physical characteristics of the terrain and of the existing utility infrastructure. General policy (even if fairly and intelligently determined) cannot prevail in every instance, because circumstances and constraints vary with region and available facilities. This is why fact finding and decisions are necessary, rather than blind proclamations of general ACC policy. The uninformed political decisions of Commissioners will ultimately overrule neither physics nor economics. You are well advised to listen to any unbiased staff you have available on such physical constraints; it is evident that you have so far swept their voices aside.

I respectfully request that you bring these nonsensical procedures and cases to a rapid conclusion and allow SSVEC to continue with the over-studied, but obviously necessary facility expansion, which must be done to bring reliable power and energy delivery back to the general Sonoita area. Then the ACC and the Legislature can perhaps cooperate in formulation of State policy. Subsequently, and not at the expense of any one utility, which may happen to have requests before the Commission at any given time, fair, intelligent, and uniform regulation can be properly carried out again at the ACC. This dysfunctional process should be concluded as soon as possible, until the ACC can get organized and enforce uniform and rational fact-based policy, relating to both energy and utility power delivery. This has clearly not happen so far in these two cases. Please stop this disappointing miscarriage of appropriate due process.

Thank you all for pausing a moment to reconsider your knowledge and professionalism in these two cases.

ARIZONA CORPORATION COMMISSION
UTILITY COMPLAINT FORM

Sincerely,

Phillip A. Asbury

Willcox, AZ 85643
End of Complaint

Utilities' Response:

Investigator's Comments and Disposition:

Opinion Docketed
End of Comments

Date Completed: 1/26/2010

Opinion No. 2010 - 84465
