

REHEARING FEB 24 2010



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Before the Arizona Corporation Commission

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Commissioners

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Arizona Corporation Commission

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Kristen K. Mayes, Chairman
Gary Pierce
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Sandra D. Kennedy
Bob Stump

AZ CORP COMMISSION
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FEB - 4 2010

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APPLICATION FOR REHEARING

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Docket No. E-01461A-09-0450

Decision No. 71462

FEB - 3 2010

Prepared and submitted by:
James M. Arkoosh
65227 E. Emerald Ridge Dr.
Tucson, AZ 85739

ARIZONA CORP. COMM
400 W CONGRESS STE 218 TUCSON AZ 85707

Pursuant to Title 40-253 of the Arizona Revised Statutes, a Rehearing of the Final Order issued under Docket No. E-01461A-09-0450 is requested. The specific issue to be addressed is the failure of the Arizona Corporation Commission to apply the provisions of R14-2-2305, Article 23, Net Metering in connection with their approval of a \$3.38 monthly Administrative Charge on TRICO Net Metering Rate Payers.

LAW: ARTICLE 23; Net Metering.

R14-2-2305, New or Additional Charges

Net Metering charges shall be assessed on a nondiscriminatory basis. Any proposed charge that would increase a Net Metering Customer's costs beyond those of other customers with similar load characteristics or customers in the same rate class that the Net Metering Customer would qualify for if not participating in Net Metering shall be filed by the Electric Utility with the Commission for consideration and approval. The charges shall be fully supported with cost of service studies and benefit/cost analyses. The Electric Utility shall have the burden of proof on any proposed charge.

TRICO Fails to Meet the Burden of Proof

R14-2-2305 establishes that additional charges on Net Metering Customers shall be “**fully supported with cost of service studies and benefit/cost analyses.**” The record shows no evidence of any study or analysis. Staff’s draft order notes that the **only** submission by TRICO is the fact that cellular costs are \$5.00 per month. Applicant - Intervenor has, through written and verbal submissions, put in issue that there are alternative data collection and communication methods that would meet TRICO’s needs at lower costs. **TRICO has not met the burden of proof under R14-2-2305.**

Pursuant to a Rehearing, the Applicant requests that the Arizona Corporation Commission reject TRICO’s application for a monthly administrative charge on Net Metering Rate Payers.

Cc: Vincent Nitido, CEO of TRICO
Terry Goddard, Arizona Attorney General