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BEFORE THE ARIZONA CORPORATION COMMISSION RECEIVED

COMMISSIONERS

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ARIZONA CORPORATION COMMISSION DOCKET CONTROL

VIKTOR PETER POLIVKA,
COMPLAINANT
vs.
TUCSON ELECTRIC POWER COMPANY,
RESPONDENT.

DOCKET NO. E-01933A-10-0340

WITNESS LIST Arizona Corporation Commission DOCKETED

FEB 3 2011

DOCKETED BY [Signature]

The following witnesses will be required in the March 3, 2011 at 10:00AM Hearing:

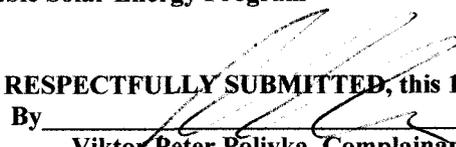
- A. MR. CHRISTOPHER LINDSEY
Energy Services Engineer
Tucson Electric Power Company
B. MS. BLANKA ANDERSON
REST/Residential Coordinator
Tucson Electric Power Company
C. JOHN DOE
Approved Off Grid TEP customer with similar system in the past
Tucson, Arizona (required for deposition or personal appearance)

Note: Information and identity of John Doe was requested by Complainant was requested By Motion to Produce filed 13th September 2010 and Procedural Conference before Judge Belinda A. Martin on 10th November 2010.

However, TEP Response Motion, filed 9th December 29, 2010 states that; " it has no files an (sic) documents that were created in the process of approving the "other similar system in the past " to disclose". The reference of approval of a similar system in the past was a general reference and was not meant to refer to a specific customers account."

1 Therefore, Complainant hereby respectfully submits copy of Email from C. Lindsey, TEP
2 Engineer, dated April 7, 2010 referring to a "similar system in the past" and a page from
3 a repose to a query from an ACC Analyst in Tucson office stating; " There is only one other
4 battery storage system similar to Mr. Polivka's. That customer participated in the Off Grid
5 program". Complainant's that his system is indeed "identical" to the past customer" The
6 only difference is that complainant uses a Xantrex Hybird brand inverters and the past
7 customer uses a Sunny Boy Hybird brand inverter (s) both with identical specifications.
9 Furthermore, as per complainant's experience with TEP, he was asked to sign a 20 year
10 commitment contract before the "incentive check" could be issued. Therefore, the past
11 customer, if indeed he/she was processed the by same and equal approval process, there also
12 is 20 year contract was signed and incentive pay check issued him/her must exist. The Tariff
13 a statutory mandate for customers to pay, hence these Tariff funds are indeed "public
14 funds", and TEP is only the fiduciary agents of the funds that are to be distributed equally
15 to all applicants for incentive pay without prejudice. Unless this "approval" was made under
16 the table there is no record. Therefore, it appears that TEP is indeed attempting to commit
17 perjury, or just proving "false information" to a State Agency which indeed is a crime
18 and must be investigated by ACC. This is probable cause for an audit of the dispersal of
19 Tariff funds disbursement and accountability how the public funds are indeed used for the
20 Residential Reusable Solar Energy Program

21 **RESPECTFULLY SUBMITTED, this 1st day of February 2011**

22 By 
23 Viktor Peter Polivka, Complainant Pro Se

- 2. Off-grid systems will not be metered. Compliance reporting production will be based on an annual 20% capacity factor using nameplate DC rating for capacity.

Even though Mr. Polivka's system exceeded the 2000 Wac limit, TEP has considered paying Mr. Polivka up to the maximum capacity allowed by the RECPP. If Mr. Polivka brings the system into RECPP compliance and re-establishes service with TEP, then he will be eligible for the greater incentive for an on-grid system allowed by the RECPP.

- 8. Please provide the Commission the On-Grid and Off-Grid Residential Solar Applications on file for this customer dated 2/22/2010. Please provide customer with his copy.

Attached please find the On-Grid and Off-Grid Applications. Copies have been sent to Mr. Polivka.

- 9. Customer stated that he was on the grid with his system since 11/09. Please send any documentation that you have where you advised customer that it was disrupting the TEP grid or that it would feed back into the TEP grid during an outage. How was this determined? When was this inspection done? Please provide the Commission with a copy of the report of your on site visit that was conducted were you determined that the system would back feed into the TEP grid during an outage.

Mr. Polivka was never informed that his system was affecting the TEP grid. TEP was not aware of the existence of Mr. Polivka's system until his application was received.

- 10. Are there any "Storage Battery Systems" on TEP's grid? If yes, please explain the difference from customer's system to any system that might be on the grid with batteries. Please provide any documents that TEP has where customer was advised and helped to bring his system to compliance, to meet TEP's Renewable Credit Purchase Program ("RECPP") requirements. Was customer given a chance to correct any errors if any?

Yes, there are currently four renewable facilities on TEP's system that utilize battery storage, including the system installed by Mr. Polivka. There is only one other battery storage system similar to Mr. Polivka's. That customer participated in the Off-Grid program. Mr. Polivka still has the opportunity to bring his system into compliance with the RECPP requirements.

- 11. Does TEP generate any electricity that you yourself store in batteries that feeds the grid? Please explain.

Currently, TEP has no backup or storage systems providing energy to TEP's system.

- 12. In early February Blanka was going to put a meter on the system. What happened? Why did she not do it? Please explain.

TEP did not install the net meter at that time because TEP had not received City/County inspection approval.

- 13. Customer came up with a solution for the metering problem on 4/3/10. Did TEP investigate to see if this would work for your customer? Please explain.

Yes, the metering solutions suggested by Mr. Polivka will not bring his system into compliance with the RECPP requirements for an on-grid system, specifically because the system still cannot be properly metered.

NOTE: OBTAINED FROM TEP RESPONSE
FILED BY MELORICK, SEPT 3, 2010

PERMIT ?
CP. 4A

From: CLindsey@tep.com
To: ppolivka1@cox.net
Sent: Wednesday, April 07, 2010 3:27 PM
Subject: RE: Solar System (metering)

Mr. Polivka,

Because your home still ties to the grid, it will require a permit for us to approve your system. We will however be accepting you into the off-grid program because of the challenges in metering. Let Blanka or myself know when you pass the final inspection and we can inspect and approve the system. Thanks.

CHRIS LINDSEY
TUCSON ELECTRIC POWER
ENERGY SERVICES
MAILSTOP DS502
520.918.8304

From: CLindsey@tep.com
To: ppolivka1@cox.net
Sent: Wednesday, April 07, 2010 2:05 PM
Subject: RE: Solar System (metering)

Mr. Polivka,

The location you are talking about will measure the usage of your house, not the output from your system. The meter in the location you suggest will indeed only turn in one direction and only when you are using electricity. But this meter will not be able to tell if the energy is coming from your system or TEP. That is the problem. We need to meter the output of your system.

CHRIS LINDSEY
TUCSON ELECTRIC POWER
ENERGY SERVICES
MAILSTOP DS502
520.918.8304

From: CLindsey@tep.com
To: ppolivka1@cox.net
Sent: Wednesday, April 07, 2010 10:46 AM
Subject: RE: Solar System (metering)

Mr. Polivka,

I got your message and tried to call back. After further discussion, the only option we have is to approve this as an off-grid system. There is no way to meter your system for the data we need and this is what we have done for a similar system in the past. Unfortunately, the incentive is less than on-grid and you will still need a permit with the city for us to inspect your system and pay incentive. Give me a call when you can so we can discuss this further. Thank you for your patience with myself throughout this process.

