

INTERVENTION



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BEFORE THE ARIZONA CORPORATION COMMISSION

IN THE MATTER OF THE
APPLICATION OF ARIZONA PUBLIC
SERVICE COMPANY FOR
APPROVAL OF VERSION 12 OF
SERVICE SCHEDULE 3 AND
AGREEMENT CONCERNING SAME.

Docket No. E-01345A-11-0207

**APPLICATION TO INTERVENE ON
BEHALF OF INTERVENOR-
APPLICANTS IBEW LOCALS 387 &
769**

Pursuant to the provisions of A.A.C. R14-3-105 (A) and (B), Intervenor-Applicants Local Union 387, International Brotherhood of Electrical Workers, AFL-CIO, CLC ("IBEW Local 387"), and Local Union 769, International Brotherhood of Electrical Workers, AFL-CIO, CLC ("IBEW Local 769"), by and through undersigned counsel, hereby move the Arizona Corporation Commission for leave to intervene as parties in the above-captioned matter.

IBEW Locals 387 and 769 are both signatories to the Proposed Agreement filed with the Commission on May 20, 2011 and they remain keenly interested in this topic for the reasons set forth in their: (1) Post Hearing Briefs dated October 9 and 22, 2009 in Docket Number E-01345A-08-0172; and (2) April 16, 2010 submission in Docket No. E-00000J-10-0044. In lieu of replicating those comments and arguments herein, those public records are incorporated herein by reference pursuant to A.A.C. R14-3-109(Z).

IBEW Local 387

IBEW Local 387 is "directly and substantially affected by the proceedings," A.A.C. R14-3-105 (A), inasmuch as it is the duly elected and recognized exclusive bargaining agent for approximately one-thousand nine-hundred (1,900) employees of the Arizona Public Service

1 Company ("APS").¹ As such, IBEW Local 387 and APS have entered into a long series of
2 collective bargaining agreements ("CBA") dating back to 1945 concerning rates of pay, wages,
3 hours of employment, and other terms and conditions of employment. *See generally,*
4 *International Brotherhood of Electrical Workers, Local 387 v. NLRB*, 788 F.2d 1412, 1413 (9th
5 Cir. 1986). At the present time, IBEW Local 387 and APS are in the process of negotiating a
6 new CBA.

7 IBEW Local 769

8 Like its sister local, IBEW Local 769 is "directly and substantially affected by the
9 proceedings," A.A.C. R14-3-105(A), inasmuch as it represents employees of subcontractors
10 working for APS, many of whom do line extension work for APS. For example, IBEW Local
11 769 has recently provided outside line construction work for APS through Argent Construction,
12 Inc., Wilson Construction, Klondyke, NPL, Henkels & McCoy, and Sturgeon Electric. Most
13 recently, IBEW Local 769 has provided bargaining unit employees to Argent Construction, Inc.
14 for the installation of sub-transmission lines for APS. At any given time, IBEW Local 769 will
15 have anywhere from five (5) to two-hundred (200) of its bargaining unit employees working for
16 subcontractors of APS.

17 Based on the above, these two IBEW Locals not only have a direct financial interest in
18 the outcome of this proceeding, but there is a substantial risk that this case may impair their
19 interest absent being permitted to intervene into the above-captioned matter. Because Ariz.
20 Const. Art. XV, §3 expressly provides that "[t]he Corporation Commission shall... make and
21 enforce reasonable rules, regulations, and orders for the convenience, comfort, and safety, and
22

23
24 ¹ It is worth noting that since the conclusion of the last APS rate case, Decision No.
25 71448, a self-determination election was conducted by the National Labor Relations Board and
26 IBEW Local 387 became the exclusive bargaining agent for approximately seventeen (17) APS
27 employees holding the position of Project Inspector-Electrical ("PI"). Of these, roughly half of
28 the PIs normally work on high voltage projects - *i.e.*, those equal to or in excess of 69,000 volts -
while the other half of the PIs work on low voltage projects. Negotiations with APS regarding
this new group of employees is still underway.

1 the preservation of the health, of the employees and patrons of [public service corporations],” the
2 two IBEW Locals are confident that their participation in these proceedings will not unduly
3 broaden the issues presented herein. Similarly, because no existing or potential party adequately
4 protects the interests of IBEW Locals 387 and 769, they are confident that their participation in
5 these proceedings will lead to a more well-reasoned, considered decision on the part of the
6 Arizona Corporation Commission.

7 **WHEREFORE**, it is respectfully requested that IBEW Locals 387 and 769 be permitted
8 to intervene in the above-captioned matter as parties.

9 RESPECTFULLY SUBMITTED this 12th day of July, 2011.

10 LUBIN & ENOCH, P.C.

11 
12 _____
13 Nicholas J. Enoch, Esq.
14 Attorneys for Intervenor-Applicants
15 IBEW Locals 387 & 769

16 Original and thirteen (13) copies of the
17 foregoing Application filed this 12th day
18 of July, 2011, with:

19 Arizona Corporation Commission
20 Docket Control Center
21 1200 West Washington Street
22 Phoenix, Arizona 85007-2996

23 Copies of the foregoing
24 transmitted electronically this same date to:

25 Lyn Farmer, Chief ALJ
26 Hearing Division
27 Arizona Corporation Commission
28 1200 West Washington Street
Phoenix, Arizona 85007-2927

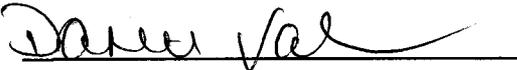
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