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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

- GARY PIERCE, Chairman
- BOB STUMP
- SANDRA KENNEDY
- PAUL NEWMAN
- BRENDA BURNS

IN THE MATTER OF THE APPLICATION OF  
 ARIZONA PUBLIC SERVICE COMPANY FOR A  
 HEARING TO DETERMINE THE FAIR VALUE  
 OF THE UTILITY PROPERTY OF THE  
 COMPANY FOR RATEMAKING PURPOSES, TO  
 FIX A JUST AND REASONABLE RATE OF  
 RETURN THEREON, AND TO APPROVE RATE  
 SCHEDULES DESIGNED TO DEVELOP SUCH  
 RETURN

DOCKET NO. E-01345A-11-0224

Attached hereto for filing in the above-captioned docket is the pre-filed testimony of Cynthia Zwick.

RESPECTFULLY submitted this 2<sup>nd</sup> day of December, 2011.

---

Cynthia Zwick  
 1940 E Luke Avenue  
 Phoenix, AZ 85016

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Arizona Corporation Commission

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1 Original and thirteen (13) copies filed  
2 this 2<sup>nd</sup> day of December, 2011 with :

3 Docket Control  
4 ARIZONA CORPORATION COMMISSION  
5 1200 West Washington St.  
6 Phoenix, AZ 85007

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RETURN

DOCKET NO. E-01345A-11-0224

DIRECT TESTIMONY OF  
CYNTHIA ZWICK

December 2, 2011

1 Q1 Please state your name and address.  
2  
3 A1 My name is Cynthia Zwick and my address is 1940 E. Luke Avenue, Phoenix, AZ  
4 85016.  
5  
6 Q2 What is the purpose of your testimony?  
7  
8 A2 I am offering testimony in this case to ask the Commission to: 1) reject the request for the  
9 increase in rates to low-income customers and to hold those customers harmless in this  
10 case; 2) to reject the change in policy to include the low-income customers in the PSA  
11 and DSMAC charges; and 3) to ask the Commission to expand the income eligibility  
12 criteria in the program approved in the last rate case which allocated \$5 million in  
13 shareholder dollars to provide bill assistance for customers whose income falls between  
14 150 – 200% of the federal poverty guidelines.  
15  
16 Q3 What is your experience with low-income issues, and with rate proceedings in Arizona?  
17  
18 A3 I have served as a low-income advocate in Arizona since 2003, and have participated in  
19 rate cases since that time in order to ensure that the interests and impact of rate increases  
20 on the low-income community are heard and understood, and that there is a better  
21 understanding of the condition of poverty in the State of Arizona and its impact on utility  
22 customers. Additionally, I did participate in the last rate case (Decision No. 71448),  
23 which resulted in a settlement agreement.  
24  
25 Q4 Would you please describe the low-income in Arizona today?  
26  
27  
28

1 A4 Let me start by saying that I support a healthy electric utility, and believe that rates that  
2 are reasonable and affordable for low-income customers is not only in the customers' best  
3 interest but also in the Company's best interest.

4 The poverty rate in Arizona is currently the second highest in the country, having  
5 increased significantly during the last two years, making the low-income community  
6 larger and more vulnerable than ever. The current poverty rate is also the highest it has  
7 been since poverty began to be measured in the 1950's. According to the United States  
8 Census Bureau, the Arizona poverty rate is currently 21.2%. These numbers are even  
9 more dramatic when considering the number of children under the age of 18 living in  
10 poverty, which in Arizona is currently 31%.

11 The income for a person living at 100% of the federal poverty level is \$908 a month or  
12 \$10,896 a year. For a family of four, the household income is \$1,863 a month or \$22,356  
13 annually. At 150% of the federal poverty level, a single person has an income of \$16,245  
14 and a family of four is living on \$33,075 a year.

15 The unemployment rate in Arizona continues to hold at just over 9%, the job market is  
16 not yet turning around, and families who before now have been able to pay their rent or  
17 mortgages, feed their families and pay their electricity bills, are struggling and  
18 vulnerable. Arizona is the seventh highest state in the country for families who are  
19 unable to feed their children three meals a day,<sup>1</sup> and enrollment in the SNAP program  
20 (formerly known as food stamps) has grown to a record high of 1.1 million individuals  
21 enrolled in Arizona alone.  
22  
23  
24

25  
26  
27 <sup>1</sup> Food Research and Action Center, Campaign to End Childhood Hunger, August 2011,  
28 [http://frac.org/pdf/aug2011\\_food\\_hardship\\_report\\_children.pdf](http://frac.org/pdf/aug2011_food_hardship_report_children.pdf)

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The practical reality is that families are seeking help with their electric bills who have never needed or asked for help before, and they are doing so in record numbers.

Q5 Are the impacts of the economy and the poverty rate reflected in any of the programs currently offered by APS?

A5 Yes, they are. The low-income discount programs, the E-3 and E-4 rates have seen significant increases in participation since 2007. In 2007, there were an average of 44,515 customers enrolled in the low-income rate. Year-to-date in 2011, the average enrollment is 62,199 customers a month, a 39.7% increase. (Attachment A)

Additionally, the rate of Company collections disconnections for E-3 enrolled customers has gone up from 3,870 annually in 2008 to 5350 for eleven months in 2011 (a 39% increase). Customers enrolled in the E-3 discount program who self disconnected, ranged from a total of 5289 in 2008 to 7804 for the first 11 months of this year (a 48% increase). What these numbers don't reflect are the disconnections of low-income customers who are not enrolled in the discount program, but are having just as much difficulty paying their APS bill. (Attachment B)

Q6 Are there other programs that assist low-income families with their utility bills?

A6 Yes, there are. The most significant program is the Low Income Home Energy Assistance Program (LIHEAP), which is a federally funded program. While Arizona has realized greater funding in the past two years, agencies are only able to serve approximately 5% of the eligible households with the level of LIHEAP funding available.

1 Utility assistance is the most frequently requested assistance from Community Action  
2 Agencies and Community Information and Referral. In the City of Phoenix, for the  
3 months of July through October, there were an average of 21,700 calls to the Human  
4 Services Department Family Service Centers from families seeking assistance. 13,000  
5 individuals asked for an appointment, and of those, 2,300 received services.

6 Q7 What is the net affect of the Company's proposal on low-income customers?

7  
8 A7 The net affect is a 7% rate increase for low-income customers. That's higher than  
9 residential customers at 3.95%, General Service customers at 2.64%, Water Pumping  
10 customers at 3.62%, Dusk/Dawn Lighting customers at 2.94%, and Street Lighting  
11 customers at 3.62%. The customers who are already unable to maintain electric service  
12 are being assessed an even larger increase than any other customer group.(Attachment C)  
13 Charles Meissner states on page 4 of his Direct Testimony, at line 9, "In addition, the  
14 Company considered gradualism where the intent is to moderate the impact on any single  
15 customer class, in making the final recommendation." On page 11, Mr. Meissner  
16 expresses a concern for those customers moving off the low-income rates as their  
17 financial situation improves and the concern about them facing rate shock. While I  
18 appreciate his concern, a 7% increase, 3.05% higher than any other rate class, is shocking  
19 to customers, particularly those customers already struggling to pay their bills.  
20  
21 Additionally, if the discount cap that is being proposed in this case had been in place  
22 during the timeframe of the most recent rate case, 29,027 low-income households would  
23 have reached the cap. This is 47% of the low-income customers currently enrolled in the  
24 E-3 rate , and this would have had a tremendous negative effect on their abilities to pay  
25 their bills. (Attachment D)  
26  
27  
28

1 Q8 Are there other factors that need to be taken into consideration when considering the APS  
2 proposal?

3 A8 Yes, there are, and those include very real health risks associated with an inability to  
4 maintain electric service. In a report written by Ardeth Barnhart entitled, "Making the  
5 Link between Energy and Poverty,"<sup>2</sup> the author reports that in 2002 in the Phoenix area,  
6 12% of the more than 200,000 households eligible for LIHEAP, had no air conditioning.  
7 In another report by the Arizona Department of Health Services,<sup>3</sup> lack of air conditioning  
8 can be a life threatening condition in Arizona. Between 1992 and 2009, 173 Arizona  
9 residents died from exposure to heat while indoors, two-thirds of whom were 65 or older.  
10 The National Energy Assistance Directors' Association conducted a survey in April of  
11 2009 of LIHEAP recipients and reports the following:<sup>4</sup>  
12

- 13 • LIHEAP recipient households are likely to be vulnerable to temperature extremes;
- 14 • 39% of the homes had a senior in the household aged 60 or older
- 15 • 44% had a disabled household member
- 16 • 45% had a child 18 or younger
- 17 • 92% had a least one vulnerable household member
- 18

19 The study also provided information on challenges that these households faced:

- 20 • 36% were unemployed at some point during the previous year (this is an increase  
21 from the previous year's 29%)
- 22 • 82% had a serious medical condition, and
- 23

24 <sup>2</sup> Barnhart, A. (2011). Making the Link between Energy and Poverty. Poverty and Climate in the Southwest  
25 Workshop. Retrieved from

[http://www.climas.arizona.edu/files/climas/projectdocuments/public/1934/Barnhart\\_Energy\\_Poverty.pdf](http://www.climas.arizona.edu/files/climas/projectdocuments/public/1934/Barnhart_Energy_Poverty.pdf)

26 <sup>3</sup> Arizona Department of Health Services, Deaths From Exposure to Excessive Natural Heat Occurring in Arizona  
1992-2009, [www.hs.state.as.us](http://www.hs.state.as.us).

27 <sup>4</sup> National Energy Assistance Directors' Association, 2009 National Energy Assistance Survey, Final Report, April  
28 2009, [www.neada.org](http://www.neada.org).

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- 25% used medical equipment that requires electricity.

The survey also reported that many of the LIHEAP recipients faced significant medical and health problems in the past five years, partly as a result of high energy costs.

Respondents reported the following:

- 30% went without food for at least one day
- 41% went without medical or dental care
- 33% did not fill a prescription or took less than the full dose of a prescribed medication, and
- 25% had someone in the home become sick because the home was too cold.

An increase at the level being considered in this case renders these customers even more vulnerable.

Q9 Why are you asking that the low-income customers continue to be exempted from the PSA and DSMAC charges?

A9 While the Company makes the case that these customers would have benefitted if not exempt from the PSA during the term of the prior rate case, when that adjustor is re-set to zero as proposed in this case, there will be a charge to low-income customers, a charge they cannot afford. Additionally, the DSMAC is a relevant charge for those customers who are able to take advantage of the various energy efficiency programs offered by APS. Unfortunately, unless a customer is income qualified, has the appropriate housing unit and can gain access to weatherization services, they will not be able to take advantage of the vast majority of energy efficiency programs available because they simply cannot afford to do so.

1 For those low-income customers interested in conserving energy in their homes, it is a  
2 much more difficult task as the quality of the housing stock in which these families live is  
3 poor, and low-income families spend a greater percentage of their incomes on energy  
4 services due to poor insulation, inefficient HVAC systems and appliances, and the simple  
5 reality of having lower incomes.

6 Therefore, I am asking that the Commission continue to honor the exemption for low-  
7 income customers.  
8

9  
10 Q10 Are there any alternatives to the DSMAC exemption?

11 A10 Yes, if the Commission approves a more significant discount that would essentially  
12 compensate for the savings currently being realized by low-income customers via the  
13 DSMAC exemption, such a discount would be a reasonable alternative. Any additional  
14 charges assessed low-income customers at this time are not appropriate.  
15

16  
17 Q11 What is your request with respect to the enhanced eligibility of the \$5 million shareholder  
18 funds in this case?

19 A11 In the last rate case, \$5 million of shareholder funds were allocated for customers whose  
20 income falls between 150-200% of the federal poverty level. When this program was  
21 approved, the intent was to serve the “new poor” in Arizona. To-date, approximately  
22 \$80,000 of these funds have been spent, and it isn’t because there is not a great need for  
23 assistance. Rather, agency staff have found that when families come in for assistance,  
24 their income has already fallen below the 150% eligibility level.  
25

26 Q12 Can you please explain why this funding is so difficult to spend?  
27  
28

1 A12 Certainly. By the time families are seeking this assistance (again these families are  
2 seeking assistance for the first time in their lives), their income has already fallen below  
3 150% of the federal poverty level. This is occurring for several reasons. The families  
4 and individuals tend to be unemployed and have been for a while, those that had  
5 accumulated some savings used their savings first before seeking assistance and now  
6 have very little or no income, and others have experienced a health crisis, that has in turn  
7 created a financial crisis. As a result, by the time they seek assistance, the household  
8 income has fallen below the 150-200% threshold.  
9  
10 Expanding the eligibility requirement to reflect eligibility for families whose income is  
11 up to 200% of the federal poverty level would allow agencies to better serve APS  
12 customers and expend the funding that is so desperately needed.  
13

14 Q13 Would you please summarize your testimony?

15 A13 Certainly. I am asking the Commission to reject the request for an increase in rates for  
16 low-income customers, to deny the change in policy relating to the exemption of low-  
17 income customers in the PSA and DSMAC charges unless a commensurate discount is  
18 provided, and to expand the eligibility of the shareholder bill assistance program to up to  
19 200% of the federal poverty level.  
20  
21

22 Q14 Does that conclude your testimony?

23 A14 Yes, it does, thank you.  
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## **ATTACHMENT A**

CYNTHIA ZWICK'S FIRST SET OF INFORMAL DATA REQUESTS  
REGARDING THE APPLICATION TO APPROVE RATE SCHEDULES  
DESIGNED TO DEVELOP A JUST AND REASONABLE RATE OF RETURN  
DOCKET NO. E-01345A-11-0224  
NOVEMBER 1, 2011

Zwick 1.1: How many customers have been/are enrolled in each low income program, including the E-3 and E-4 rates, from 2007 to the present?

Response: The E-3 and E-4 monthly participants from 2007 to present are provided in APS14997.

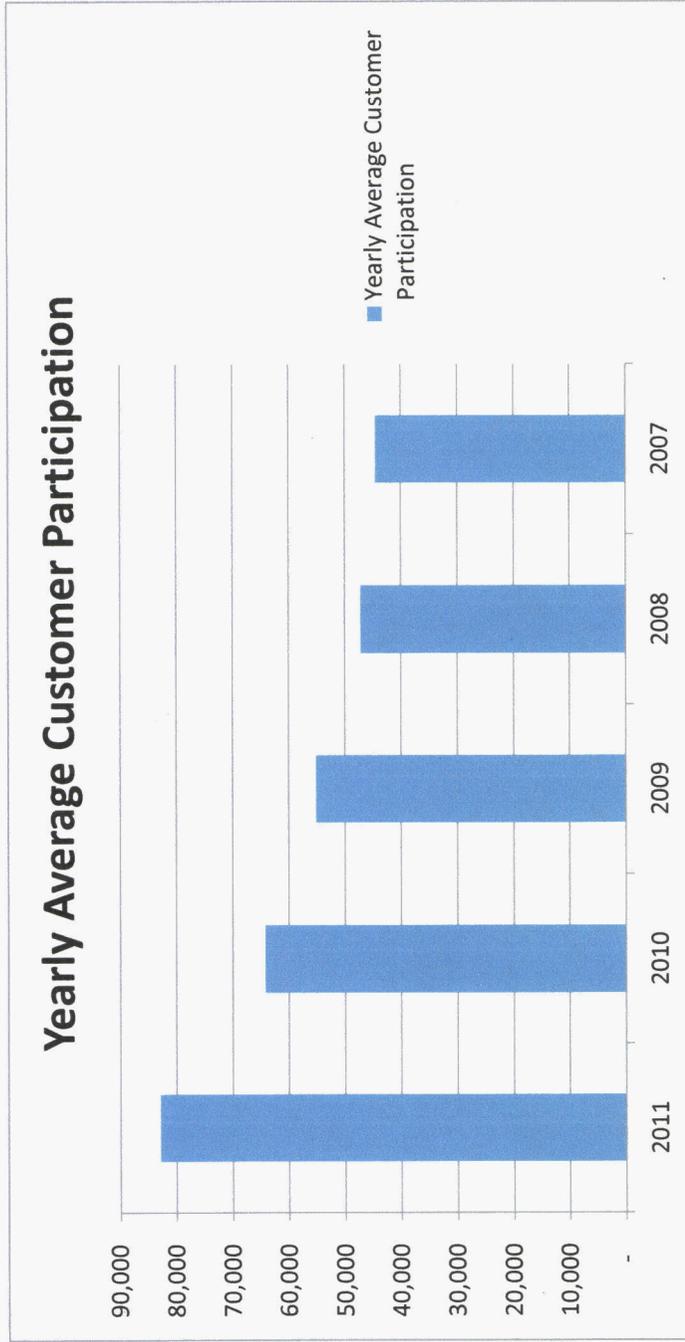
E-3 & E-4 Customer Participation Per Month for Years  
2007 - Present

	January	February	March	April	May	June	July	August	September	October	November	December	AVG. TOTAL
2007	E-3 44,173	44,478	44,396	43,316	43,223	43,226	43,296	44,014	44,364	45,550	46,980	47,168	44,515
	E-4 399	402	395	378	377	376	363	369	384	413	426	-	357
	E-3 & E-4 44,572	44,880	44,791	43,694	43,600	43,602	43,659	44,383	44,748	45,963	47,406	47,168	44,872
	"Other" Programs <sup>1</sup>					839						630	735
2008	E-3 47,044	47,726	45,111	45,943	47,189	45,979	47,215	46,897	48,264	48,876	48,085	48,075	47,200
	E-4 432	438	419	418	430	399	432	438	438	447	398	374	422
	E-3 & E-4 47,476	48,164	45,530	46,361	47,619	46,378	47,647	47,335	48,702	49,323	48,483	48,449	47,622
	"Other" Programs <sup>1</sup>					776						689	733
2009	E-3 48,433	49,519	50,481	52,185	52,733	53,636	55,240	57,956	60,035	60,536	60,882	60,379	55,168
	E-4 369	378	375	377	377	386	397	427	453	470	478	469	413
	E-3 & E-4 48,802	49,897	50,856	52,562	53,110	54,022	55,637	58,383	60,488	61,006	61,360	60,848	55,581
	"Other" Programs <sup>1</sup>					203						793	498
2010	E-3 60,143	61,037	61,723	62,281	62,681	63,544	64,179	65,745	66,773	67,245	67,578	68,011	64,245
	E-4 488	503	500	514	503	495	510	508	524	529	561	581	518
	E-3 & E-4 60,631	61,540	62,223	62,795	63,184	64,039	64,689	66,253	67,297	67,774	68,139	68,592	64,763
	"Other" Programs <sup>1</sup>					155						889	522
2011	E-3 68,339	68,534	69,137	68,830	68,858	68,931	69,150	69,639	70,571	-	-	-	62,199
	E-4 589	601	597	598	614	608	612	614	630	-	-	-	455
	E-3 & E-4 68,928	69,135	69,734	69,428	69,472	69,539	69,762	70,253	71,201	-	-	-	52,288
	"Other" Programs <sup>1</sup>					217						-	109

<sup>1</sup> "Other" Programs found on tab APS Energy LJ\_Wise include: Bill Assistance and Weatherization (Health and Safety and Repair and Replace).

### Customer Participation Yearly Average

Year	Average
2011	82,932
2010	64,245
2009	55,168
2008	47,200
2007	44,515



**ATTACHMENT B**

CYNTHIA ZWICK'S FIRST SET OF INFORMAL DATA REQUESTS  
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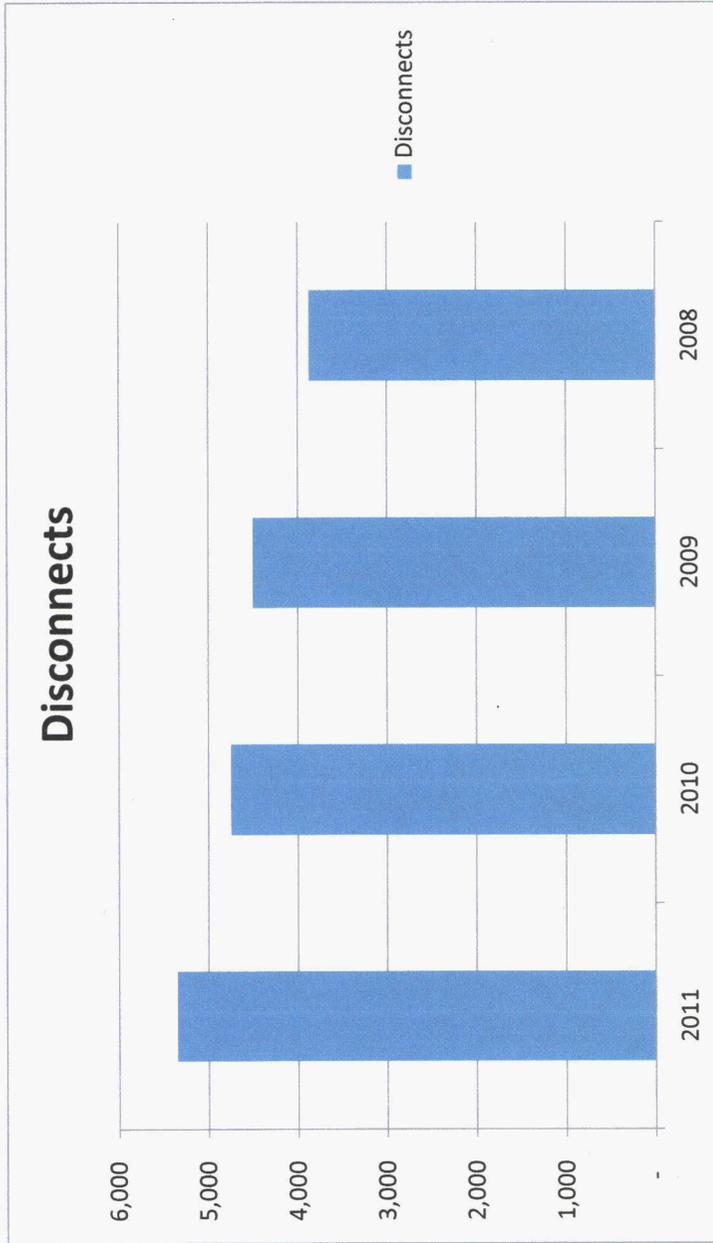
Zwick 1.8: How many low-income customers have been disconnected by month from 2007 to the present?

Response: The requested information is provided in APS15001. This encompasses the E-3 and E-4 rate schedules. There are likely low income on other rate schedules, but APS would have no way of identifying such customers.

E-3 & E-4 Customer Disconnection Per Month for Years 2007 - Present		Data not recorded prior to 2008												TOTAL
		January	February	March	April	May	June	July	August	September	October	November	December	
2007	E-3	Collections Disconnect												
	E-4	Customer Initiated Disconnect												
2008	E-3	326	282	258	248	256	203	283	334	386	554	379	361	3,870
	E-4	361	409	391	417	458	483	477	416	496	491	382	508	5,289
		0	1	2	4	1	1	2	0	1	4	1	0	17
		4	2	7	5	3	6	6	3	5	7	3	3	E-3 & E-4 TOTAL
2009	E-3	303	259	278	209	163	273	352	419	623	693	494	437	4,503
	E-4	387	496	549	579	606	731	687	740	676	669	672	641	7,433
		0	1	1	0	2	1	1	2	0	4	0	0	12
		1	4	3	3	2	6	3	1	1	8	4	3	E-3 & E-4 TOTAL
2010	E-3	279	301	331	270	294	325	284	542	443	701	559	419	4,748
	E-4	506	620	773	666	700	885	831	871	744	764	747	652	8,759
		0	2	1	2	3	0	0	2	0	1	2	4	17
		2	6	7	3	3	5	3	8	4	3	7	4	E-3 & E-4 TOTAL
2011	E-3	365	343	382	348	292	405	574	532	922	1,001	186	0	5,350
	E-4	657	670	744	658	832	872	780	863	722	800	206	0	7,804
		1	0	5	1	0	2	3	1	0	1	0	0	14
		5	6	3	8	6	10	3	7	5	3	3	0	E-3 & E-4 TOTAL

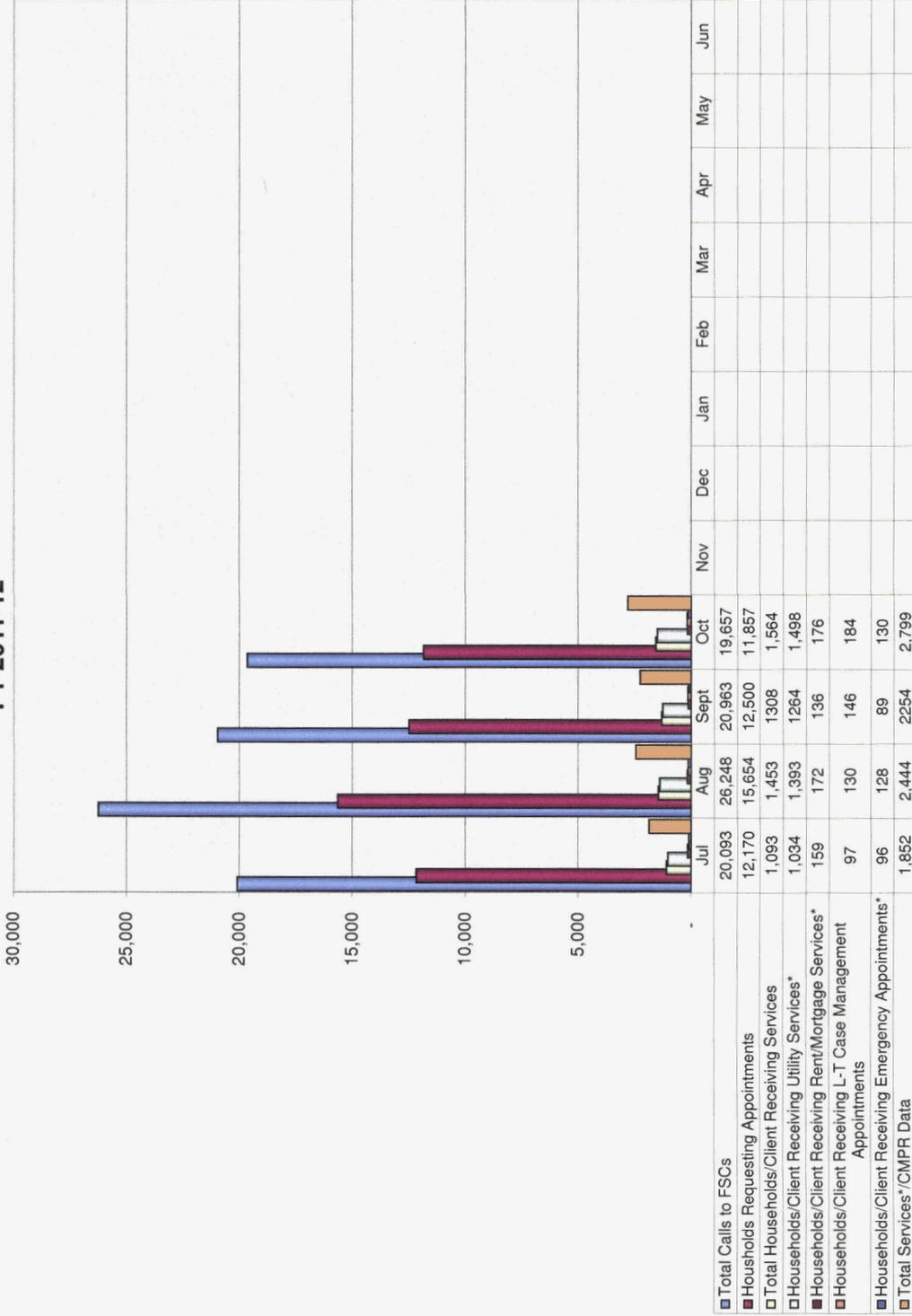
Customer Disconnection per month for years 2008 - present

<u>Yr</u>	<u>#</u>
2011	5,350
2010	4,748
2009	4,503
2008	3,870



## **ATTACHMENT C**

### Family Services Center Demand/Services Provided FY 2011-12



**ATTACHMENT D**

CYNTHIA ZWICK'S FIRST SET OF INFORMAL DATA REQUESTS  
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DOCKET NO. E-01345A-11-0224  
NOVEMBER 1, 2011

Zwick 1.5: How many customers currently enrolled in the E-3 and E-4 rates would have capped out if the proposed limits were currently in existence?

Response: The number of existing customers that would have been capped if the proposed limits were currently in existence is 29,027.