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ALL CORP COMMISSION
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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

Arizona Corporation Commission

DOCKETED

9 GARY PIERCE, Chairman
 10 BOB STUMP
 11 SANDRA D. KENNEDY
 12 PAUL NEWMAN
 13 BRENDA BURNS

JAN 13 2012

DOCKETED BY 

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

DOCKET NO. E-01345A-11-0224

**RESPONSE OF ARIZONA PUBLIC
 SERVICE COMPANY IN
 OPPOSITION TO MOTION TO
 INTERVENE OF COMMUNITY
 INFORMATION AND REFERRAL
 SERVICES**

18 Arizona Public Service Company (“APS” or “Company”) submits this response
 19 and opposition to Community Information and Referral Services’ (“CIR”) motion to
 20 intervene in this rate case. APS respectfully asks that CIR’s motion be denied. CIR is
 21 not, nor does it even allege that it is, “directly and substantially affected by the[se]
 22 proceedings” as required for intervention under A.C.C. R14-3-105(A), and its motion to
 23 intervene is not timely. Under these circumstances, there is simply no basis for granting
 24 CIR’s motion. In addition, allowing CIR to intervene in this complex rate case at this
 25 late junction after a proposed settlement has been filed would improperly and unduly
 26 broaden the matters at issue here. A.C.C. R14-3-105(B). CIR’s request to seek funding
 27 for itself at the expense of either the Company or its customers would make the granting
 28

1 of CIR's intervention clearly prejudicial to both. For these reasons, APS urges that
2 CIR's motion be denied.

3 **A. CIR Is Not Directly and Substantially Affected by the Rate Case, and**
4 **Would Unduly Broaden the Issues in an Inappropriate Manner.**

5 Before CIR may be allowed to intervene, it must establish that it is "directly and
6 substantially affected by the proceedings." A.C.C. R14-3-105(A). CIR's motion does
7 not provide the required showing that CIR would be directly and substantially affected
8 by APS's rate case. Rather, CIR raises a generic issue of public policy—the funding of
9 a statewide 2-1-1 telephone information and referral system—an issue that is not
10 specific to APS's rates. This generic policy issue is beyond the scope of this single rate
11 case. Thus, CIR's motion may also be denied because, if granted, the motion would
12 "unduly broaden[]" the issues in this case. A.C.C. R14-3-105(B). CIR's request that
13 APS provide funding for CIR's "2-1-1" telephone information and referral system is
14 misplaced in the rate case of a single utility company. CIR's request is appropriate as a
15 generic policy question: should some or all of the funding for a statewide 2-1-1 system
16 come from utility rates, and if so how? Such a policy determination should not occur in
17 individual utility company rate cases, with the attendant risk of inconsistent outcomes
18 and the inability to address or modify this policy issue generically without addressing
19 potentially dozens of separate decisions in dozens of utility rate cases. Accordingly, this
20 request for funding is misplaced in this particular docket and at this particular time and
21 has no bearing on the issues involved in the settlement of the pending rate case.

22 **B. CIR'S Motion May Be Denied Because It Is Untimely.**

23 APS filed this rate case on June 1, 2011. The Rate Case Procedural Order issued
24 on July 29, 2011 required that "all motions to intervene must be filed on or before
25 October 20, 2011." See July 29, 2011 Procedural Order at 4:18-19. Public notice of the
26 rate case filing was completed in accordance with the Procedural Order by August 30,
27
28

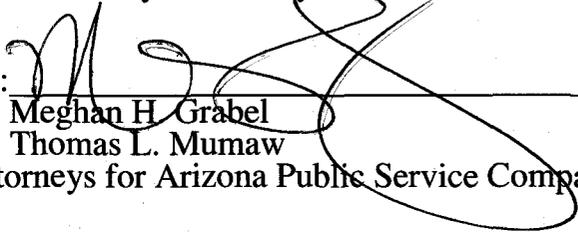
1 2011. CIR filed its motion on January 6, 2011—nearly three months after the deadline
2 to file motions to intervene. CIR's motion may be denied on this basis alone.

3 APS does not lightly oppose a party seeking intervention on the basis of its being
4 timely, but is compelled to do so here due both to the very unusual procedural status of
5 the proceeding and the nature of CIR's claim. Moreover, to allow CIR to intervene at
6 this time to introduce a public policy issue that is generic to the utility industry, rather
7 than specific to APS, would unreasonably disrupt and broaden these proceedings. The
8 interested parties have spent weeks in good faith negotiations to reach a settlement, and
9 on January 6, 2012 filed a proposed settlement agreement signed by 22 parties to the
10 case. Allowing CIR to intervene in these proceedings now to plead for funding is
11 prejudicial to intervening parties who have worked diligently in an effort to reach a
12 settlement of the complex issues involved. To the extent that CIR desires to comment
13 on the proposed settlement and its impact on CIR or potential APS customers with
14 whom IR works, it may do so through the public hearing process without the need for
15 formal intervention. *See* A.C.C. R14-3-105(C).

16 **C. Conclusion.**

17 Because CIR has not and cannot meet the requirements for intervention under
18 A.C.C. R14-3-105, APS respectfully request that CIR's motion to intervene be denied.

19 RESPECTFULLY SUBMITTED this 13th day of January, 2012.

20
21 By: 
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25 ORIGINAL and thirteen (13) copies
26 of the foregoing filed this 13th day of
27 January, 2012, with:

28 Docket Control
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