

ORIGINAL

OPEN MEETING AGENDA ITEM



BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

- BOB STUMP – Chairman
- GARY PIERCE
- BRENDA BURNS
- BOB BURNS
- SUSAN BITTER SMITH

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 AZ CORP COMMISSION
 DOCKET CONTROL

Arizona Corporation Commission
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 JAN 29 2013

DOCKETED BY *JM*

IN THE MATTER OF THE APPLICATION OF
 TUCSON ELECTRIC POWER COMPANY FOR
 APPROVAL OF ITS 2013 RENEWABLE ENERGY
 STANDARD IMPLEMENTATION PLAN AND
 DISTRIBUTED ENERGY ADMINISTRATIVE
 PLAN AND REQUEST FOR RESET OF ITS
 RENEWABLE ENERGY ADJUSTOR.

DOCKET NO. E-01933A-12-0296

**PROCEDURAL ORDER AND
NOTICE OF INTERVENTION**

BY THE COMMISSION:

On July 2, 2012, Tucson Electric Power Company (“TEP”) filed for approval of its 2013 Renewable Energy Standard Implementation Plan (the “Implementation Plan”) with the Arizona Corporation Commission (“Commission”).

On January 24, 2013, in Open Meeting, the Commission approved a 2013 Implementation Plan for TEP. The Commission adopted an amendment proposed by Chairman Bob Stump (Stump No. 1) that indicated that based on the number and nature of comments filed in response to the Implementation Plan, the Commission would not adopt the “Track and Record” provision at this time, but would consider “Track and Record” (as well as alternatives thereto) at a hearing. In addition, the Commission directed the Hearing Division to include within the scope of the hearing the subject matter of Commissioner Gary Pierce’s withdrawn Amendment No. 2, which would have required TEP to exclude retail sales to its largest customers (3MW or greater in demand) from its overall retail sales calculation under A.A.C. R14-2-1804.

The Commission made similar directives in the Arizona Public Service (“APS”) Application for Approval of Updated Green Power Rate Schedules GPS-1, GPS-2, and GPS-3 (Docket No. E-01345A-10-0290) and Approval of its 2013 Renewable Energy Standard Implementation for Reset of Renewable Energy Adjustor (Docket No. E-01345A-10-394).

1 Consequently, this Procedural Order is issued to schedule a Procedural Conference to discuss
2 the procedures that will govern a hearing on the issue of "Track and Record" and on the calculation
3 of retail sales for purposes of A.A.C. R14-2-1804. Because the issues, and to a large extent, the
4 parties are identical, the Procedural Conferences in the APS and TEP matters shall be held
5 concurrently. The topics to be discussed include, but are not limited to: 1) notice; 2) intervention; 3)
6 hearing dates; 4) hearing process (e.g. pre-filed written testimony); and 5) possible consolidation of
7 the TEP and APS matters.

8 On January 28, 2013, Western Resource Advocates ("WRA") filed a Petition for Leave to
9 Intervene. WRA had previously filed comments in these dockets.

10 Copies of this Procedural Order are being mailed to entities that filed comments in these
11 dockets and provided contact information. **Entities that receive this Procedural Order that have
12 not filed for intervention will not continue to receive copies of filings in these matters unless
13 they are granted intervention.**

14 IT IS THEREFORE ORDERED that a **Procedural Conference** for the purpose of discussing
15 setting this matter for hearing as discussed herein, shall commence on **February 14, 2013, at 10:00
16 a.m.**,¹ or as soon thereafter as is practicable, at the Commission Phoenix Offices 1200 West
17 Washington, Phoenix, AZ 85007.

18 IT IS FURTHER ORDERED that **WRA's Petition to Intervene is granted.**

19 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized
20 Communications) applies to this proceeding and shall remain in effect until the Commission's
21 Decision in this matter is final and non-appealable.

22 IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court Rules
23 31, 38, and 42 and A.R.S. § 40-243 with respect to the practice of law and admission *pro hac vice*.

24 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance
25 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Arizona
26 Supreme Court Rule 42). Representation before the Commission includes appearances at all hearings
27

28 ¹ The Procedural Conference will be held concurrently with a Procedural Conference in the APS Dockets.

1 and procedural conferences, as well as all Open Meetings for which the matter is scheduled for
2 discussion, unless counsel has previously been granted permission to withdraw by the Administrative
3 Law Judge or the Commission.

4 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive
5 any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

6 DATED this 29th day of January, 2013.

7
8 
9 JANE H. RODDA
ADMINISTRATIVE LAW JUDGE

10 Copies of the foregoing mailed
this 29 day of January, 2013 to:

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NON INTERVENORS:

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