

ORIGINAL

OPEN MEETING AGENDA ITEM



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**BEFORE THE ARIZONA CORPORATION COMMISSION**

Arizona Corporation Commission

COMMISSIONERS

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

AZ CORP COMMISSION  
DOCKET CONTROL

**DOCKETED**

2013 FEB 7 8 54 07 2013

DOCKETED BY

IN THE MATTER OF THE COMMISSION'S  
OWN GENERIC INVESTIGATION OF THE  
ENERGY POLICY ACT OF 1992.

DOCKET NO. E-00000C-11-0328

**PROCEDURAL ORDER**

**BY THE COMMISSION:**

On August 29, 2011, the Arizona Corporation Commission ("Commission") opened the above-captioned generic docket for the purpose of the Commission's inquiry into smart meters.

On January 28, 2013, a Motion to Intervene signed by Elizabeth Kelley, Director of the Electromagnetic Safety Alliance, Inc. ("ESAI") was filed in this docket ("Motion"). The Motion states that ESAI advocates on behalf of people in Arizona whose health, welfare and rights to privacy are being adversely affected, or potentially could be affected, by the emissions from wireless digital or Power Line Communications utility meters.

ESAI is an Arizona non-profit corporation formed on August 12, 2009. Pursuant to Arizona Supreme Court Rule 31(d)(28), a non-profit organization may be represented before the Commission by a corporate officer, employee, or a member who is not an active member of the state bar, if (1) the non-profit organization has specifically authorized the officer, employee, or member to represent it in the particular matter; (2) such representation is not the person's primary duty to the non-profit organization, but is secondary or incidental to such person's duties relating to the management or operation of the non-profit organization; and (3) the person is not receiving separate or additional compensation (other than reimbursement for costs) for such representation. Arizona Supreme Court Rule 31(d)(28) further states that the Commission or presiding officer may require counsel in lieu of lay representation whenever it is determined that lay representation is interfering with the orderly progress of the proceeding, imposing undue burdens on the other parties, or causing harm to the parties represented.

1 If the Electromagnetic Safety Alliance, Inc. wishes to be represented by a qualified lay  
2 representative in lieu of representation by counsel in this matter, it must docket a specific  
3 authorization, such as a board resolution, for a specific lay person meeting the requirements of  
4 Arizona Supreme Court Rule 31(d)(28) to represent it in this matter. Without such authorization, the  
5 Commission may not, pursuant to Arizona Supreme Court Rule 31(d)(28), allow a lay person to  
6 appear and represent it in this proceeding. Alternatively, the Electromagnetic Safety Alliance, Inc.  
7 may obtain counsel for representation.

8 IT IS THEREFORE ORDERED that the Electromagnetic Safety Alliance, Inc.'s intervention  
9 request will be considered once one of the following is filed in this docket: (1) specific  
10 authorization, such as a board resolution, for an officer of the Electromagnetic Safety Alliance, Inc.  
11 or another specifically named lay person meeting the requirements of Arizona Supreme Court  
12 Rule 31(d)(28) to represent the Electromagnetic Safety Alliance, Inc. in this matter; or (2) an  
13 intervention request filed by counsel representing the Electromagnetic Safety Alliance, Inc. in this  
14 matter.

15 IT IS FURTHER ORDERED that copies of any future filings made by Ms. Kelley or the  
16 Electromagnetic Safety Alliance, Inc. in this docket shall be served on all entities listed on the service  
17 list for this matter, and that the filing shall indicate that such service was made. The service list can be  
18 found on the Commission's website, using the e-docket function and the docket number for this case.

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

21 DATED this 7<sup>th</sup> day of February, 2013.

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25 TEEVA JIBILIAN  
26 ADMINISTRATIVE LAW JUDGE  
27  
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1 Copies of the foregoing mailed/delivered  
2 this 7th day of February, 2013 to:

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**PENDING INTERVENTION REQUEST**

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By:   
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Assistant to Teena Jibilian