

OPEN MEETING ITEM



0000142592

RECEIVED

2013 FEB 26 P 2:52

AZ CORP COMMISSION
DOCKET CONTROL

ORIGINAL
COMMISSIONERS
BOB STUMP - Chairman
GARY PIERCE
PENDA BURNS
BOB BURNS
SUSAN BITTER SMITH



ARIZONA CORPORATION COMMISSION

DATE: FEBRUARY 26, 2013
DOCKET NOS.: E-01345A-10-0394, E-01345A-12-0290, E-01933A-12-0296
AND E-04204A-12-0297

TO ALL PARTIES:

Enclosed please find the recommendation of Administrative Law Judge Teena Jibilian. The recommendation has been filed in the form of an Order on:

UNS ELECTRIC, INC., ARIZONA PUBLIC SERVICE COMPANY, AND TUCSON
ELECTRIC POWER COMPANY
(ORDER CORRECTING DECISION NO. 73638 *NUNC PRO TUNC*)

Pursuant to A.A.C. R14-3-110(B), you may file exceptions to the recommendation of the Administrative Law Judge by filing an original and thirteen (13) copies of the exceptions with the Commission's Docket Control at the address listed below by **4:00** p.m. on or before:

MARCH 7, 2013

The enclosed is NOT an order of the Commission, but a recommendation of the Administrative Law Judge to the Commissioners. Consideration of this matter has tentatively been scheduled for the Commission's Open Meeting to be held on:

MARCH 12, 2013 AND MARCH 13, 2013

For more information, you may contact Docket Control at (602) 542-3477 or the Hearing Division at (602) 542-4250. For information about the Open Meeting, contact the Executive Director's Office at (602) 542-3931.

Arizona Corporation Commission

DOCKETED

FEB 26 2013

DOCKETED BY

JODI JERICH
EXECUTIVE DIRECTOR

1200 WEST WASHINGTON STREET, PHOENIX, ARIZONA 85007-2927 / 400 WEST CONGRESS STREET, TUCSON, ARIZONA 85701-1347

www.azcc.gov

This document is available in alternative formats by contacting Shaylin Bernal, ADA Coordinator, voice phone number 602-542-3931, E-mail SABernal@azcc.gov.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

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

IN THE MATTER OF ARIZONA PUBLIC SERVICE COMPANY REQUEST FOR APPROVAL OF UPDATED GREEN POWER RATE SCHEDULE GPS-1, GPS-2, AND GPS-3.

DOCKET NO. E-01345A-10-0394

IN THE MATTER OF THE APPLICATION OF ARIZONA PUBLIC SERVICE COMPANY FOR APPROVAL OF ITS 2013 RENEWABLE ENERGY STANDARD IMPLEMENTATION FOR RESET OF RENEWABLE ENERGY ADJUSTOR.

DOCKET NO. E-01345A-12-0290

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

IN THE MATTER OF THE APPLICATION OF UNS ELECTRIC, INC. 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-04204A-12-0297

ORDER CORRECTING DECISION NO. 73638 NUNC PRO TUNC

Open Meeting
March 12 & 13, 2013
Phoenix, Arizona

BY THE COMMISSION:

* * * * *

Having considered the entire record herein and being fully advised in the premises, the Arizona Corporation Commission ("Commission") finds, concludes, and orders that:

FINDINGS OF FACT

1. On January 31, 2013, the Commission issued Decision No. 73638 which approved

1 UNS Electric, Inc.'s ("UNS Electric") 2013 Renewable Energy Standard and Tariff Implementation
2 Plan.

3 2. On February 1, 2013, the Commission's Utilities Division ("Staff") filed a Request
4 For An Order *Nunc Pro Tunc* in order to correct several typographical and/or administrative errors as
5 follows:

6 (a) The first Ordering paragraph on page 21, line 17, does not contain the correct
7 budget amount as set forth in page 16 of the Decision. Staff states that the amount on page 21, line
8 17 should be \$8,395,051; and

9 (b) The last Ordering paragraph on page 22, line 23-25, should be deleted in its
10 entirety as it is inconsistent with Chairman Stump's Amendment No. 1 that was adopted at the
11 January 23, 2013 Open Meeting when this item was discussed.

12 3. On February 6, 2013, UNS Electric also filed a Request for an Order *Nunc Pro Tunc*
13 because the Decision does not reflect the new monthly customer caps for the Residential Customer
14 Class resulting from the budget reductions adopted by the Commission. UNS Electric also notes that
15 the 2013 budget numbers in the Findings of Fact and the ordering paragraph are inconsistent.

16 4. On February 11, 2013, Staff filed Comments on UNS Electric's February 6, 2013
17 Request for Order *Nunc Pro Tunc*. Staff states that it reviewed the request and determined that the
18 corrections requested by UNS Electric are in compliance with Decision No. 73638. Staff requests
19 that the Commission adopt UNS Electric's proposed changes. UNS Electric is waiting for an
20 amended Decision prior to implementing the new surcharge.

21 5. At its January 23, 2013, Open Meeting, the Commission considered, amended, and
22 voted upon a Staff Recommended Order. The Order that was signed and issued on January 31, 2013,
23 did not reflect all of the changes and additions to the Recommended Order that were adopted at the
24 Open Meeting. The requested modifications to Decision No. 73638 are necessary to correct
25 inadvertent oversights and for the Decision to reflect the directives of the Commission at its January
26 23, 2013 Open Meeting.

27 CONCLUSIONS OF LAW

28 1. UNS Electric is public service corporation within the meaning of Article XV of the

1 Arizona Constitution.

2 2. The Commission has jurisdiction over UNS Electric and over the subject matter of the
3 application

4 3. Decision No. 73638 should be corrected, *nunc pro tunc*, as discussed herein.

5 ...

6 ...

7 ...

8 ...

9 ...

10 ...

11 ...

12 ...

13 ...

14 ...

15 ...

16 ...

17 ...

18 ...

19 ...

20 ...

21 ...

22 ...

23 ...

24 ...

25 ...

26 ...

27 ...

28 ...

ORDER

IT IS THEREFORE ORDERED that Decision No. 73638 is hereby corrected *Nunc Pro Tunc* as follows:

Page 17, Finding of Fact No. 47, insert after the table:

“However, due to the budget reductions discussed and approved herein, the Monthly Class Cap for the Residential Class shall be set at \$5.25.”

Page 21, line 15, insert “as modified” after “Staff budget option.”

Page 21, line 17, delete “\$6,608,505” and insert “\$8,395,051.”

Page 22, lines 23-25, delete ordering paragraph in its entirety.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

CHAIRMAN

COMMISSIONER

COMMISSIONER

COMMISSIONER

COMMISSIONER

IN WITNESS WHEREOF, I, JODI JERICH, Executive Director of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this _____ day of _____ 2013.

JODI JERICH
EXECUTIVE DIRECTOR

DISSENT _____

DISSENT _____

1 SERVICE LIST FOR: UNS ELECTRIC, INC., ARIZONA PUBLIC SERVICE
2 COMPANY, AND TUCSON ELECTRIC POWER
COMPANY

3 DOCKET NOS.: E-01345A-10-0394, E-01345A-12-0290, E-01933A-12-
4 0296 AND E-04204A-12-0297

5 Thomas A. Loquvam
6 PINNACLE WEST CAPITAL
CORPORATION
7 400 N. 5th St., MS 8695
Phoenix, AZ 85004
Attorney for Arizona Public Service Co.

8 Michael W. Patten
9 ROSHKA DEWULF & PATTEN PLC
One Arizona Center
10 400 E. Van Buren St., Suite 800
Phoenix, AZ 85004
11 Attorneys for Tucson Electric Power and UNS Electric, Inc.

12 C. Webb Crockett
13 Patrick J. Black
FENNEMORE CRAIG
14 3003 N. Central Ave., Suite 2600
Phoenix, AZ 85012-2913
Attorneys for Freeport-McMoRan and AECC

15 Kevin Koch
16 2333 E. 1st St.
P.O. Box 42103
17 Tucson, AZ 85733

18 Court S. Rich
ROSE LAW GROUP, PC
19 6613 N. Scottsdale Rd., Suite 200
Scottsdale, AZ 85250
20 Attorneys for SEIA

21 Greg Patterson
MUNGER CHADWICK
22 2398 E. Camelback Rd., Suite 240
Phoenix, AZ 85016
23 Attorneys for Alliance

24 Michael L. Neary, Executive Director
AriSEIA
25 111 West Renee Dr.
Phoenix, AZ 85027
26
27
28

1 Timothy M. Hogan
Arizona Center for Law in the Public Interest
202 E. McDowell Rd., Suite 153
2 Phoenix, AZ 85004
Attorneys for WRA
3
4 Christopher D. Thomas
Fred E. Breedlove III
SQUIRE SANDERS
5 1 E. Washington, 27th Floor
Phoenix, AZ 85004
6 Attorneys for Sonoran Solar, LLC
7
8 Scott S. Wakefield
RIDENOUR HIENTON & LEWIS, P.L.L.C.
201 N. Central Ave., Suite 330
Phoenix, AZ 85004-1052
9 Attorneys for Wal-Mart Stores, Inc. and Sam's West Inc.
10
11 Kyle J. Smith
Regulatory Law Office (JALS-RL/IP)
Office of the Judge Advocate General
U.S. Army Legal Service Agency
12 9275 Gunston Road
Fort Belvoir, VA 22060-5546
13 Attorney for United States Department of Defense and all other Federal Executive Agencies
14
15 Douglas V. Fant
LAW OFFICES OF DOUGLAS V. FANT
3655 W. Anthem Way, Suite A-109, PMB 411
Anthem, AZ 85086
16 Attorney for Interwest Energy Alliance
17
18 Janice Alward, Chief Counsel
Legal Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
19 Phoenix, AZ 85007
20
21 Steven M. Olea, Director
Utilities Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
22 Phoenix, AZ 85007

23
24
25
26
27
28