

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

OPEN MEETING ITEM



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ARIZONA CORPORATION COMMISSION

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ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

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. 73636 *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

A handwritten signature in black ink, appearing to read "Jodi Jerich".

A large, stylized handwritten signature in black ink, clearly legible as "Jodi A. Jerich".
JODI JERICHI
EXECUTIVE DIRECTOR

1200 WEST WASHINGTON STREET; PHOENIX, ARIZONA 85007-2927 / 400 WEST CONGRESS STREET; TUCSON, ARIZONA 85701-1347
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This document is available in alternative formats by contacting Shaylin Bernal, ADA Coordinator, voice phone number 602-542-3931, E-mail SABernal@azcc.gov.

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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. 73636 NUNC PRO TUNC

Open Meeting
March 12 and 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 1. On January 31, 2013, the Commission issued Decision No. 73636 in the above-captioned
2 matter.

3 2. On February 14, 2013, Arizona Public Service Company ("APS") filed a Request for an
4 Order *Nunc Pro Tunc*. The Company states therein that the first Ordering Paragraph of Decision
5 No. 73636 as issued on January 31, 2013, does not reflect the substantive programs and line items
6 approved by the Commission.

7 3. The Company requests the entry of an Order *Nunc Pro Tunc* to correct Decision No.
8 73636 by replacing, in its entirety, the first Ordering Paragraph of Decision No. 73636 as issued on
9 January 31, 2013, with the following:

10 "IT IS THEREFORE ORDERED that a REST charge of \$0.009575/kWh, with monthly
11 caps of \$3.83 for residential customers, \$142.25 for non-residential customers, and
12 \$1,000 for non-residential customers with demands of 3 MW or greater, increasing by
13 \$200 every two months until January 1, 2014, be and hereby is approved. This includes
14 a total budget approval of \$102.6 million with \$86.1 million paid through 2013 REST
15 surcharge funds, \$10.5 million paid through production tax credits and reallocations of
16 previous years' funds, and \$6 million paid through Base Rates."

17 4. At its January 23, 2013, Special Open Meeting, the Commission considered, amended,
18 and voted upon a Staff Recommended Order ("RO"). During the Special Open Meeting, the
19 Commission passed six separate amendments to the RO. Reference was made to the fact that
20 conforming changes to Staff's RO would be required in order to correctly reflect the Commission's
21 amendments to the total 2013 REST budget, the actual REST surcharge numbers, and REST
22 adjustor caps.¹ A representative for APS requested permission to submit the correct numbers shortly
23 after the Open Meeting.²

24 5. The first Ordering Paragraph of the RO was not changed to conform to the Commission's
25 amendments, prior to the Order being signed and issued on January 31, 2013. An Order *Nunc Pro*
26 *Tunc* should be issued to correct Decision No. 73636 by replacing the first Ordering Paragraph as

27 _____
28 ¹ Transcript of January 23, 2013 Special Open Meeting of the Commission ("Tr.") at 78, 83, 95-96.

² Tr. at 95-96.

1 requested by APS, as set forth in Finding of Fact No. 3 above, as a conforming change to
2 amendments to Staff's RO that the Commission adopted at its January 23, 2013, Open Meeting.

3 6. On February 22, 2013, APS filed a Supplemental Request for an Order *Nunc Pro Tunc*.
4 APS states therein that the Ordering Paragraph appearing on page 27, lines 17-20 of Decision No.
5 73636 should be corrected to reference both Findings of Fact Nos. 41 and 42 instead of only Finding
6 of Fact No. 41.

7 7. The Order signed and issued on January 31, 2013, incorrectly omitted a reference to
8 Findings of Fact No. 42 in the Ordering Paragraph appearing on page 27, lines 17-20 of Decision
9 No. 73636. An Order *Nunc Pro Tunc* should be issued to correct this error, as requested by APS, by
10 referencing both Findings of Fact Nos. 41 and 42, instead of only Finding of Fact No. 41, in the
11 Ordering Paragraph appearing on page 27, lines 17-20, of Decision No. 73636.

12 **CONCLUSIONS OF LAW**

13 1. APS is a public service corporation within the meaning of Article XV of the Arizona
14 Constitution.

15 2. The Commission has jurisdiction over APS and over the subject matter of the
16 application.

17 3. Decision No. 73636 should be corrected, *nunc pro tunc*, as discussed herein.

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ORDER

IT IS THEREFORE ORDERED that Decision No. 73636 is hereby corrected *nunc pro tunc*, as set forth in Findings of Fact Nos. 3 and 6, above.

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
COMPANY, AND TUCSON ELECTRIC POWER
COMPANY

2

3 DOCKET NOS.:

E-01345A-10-0394, E-01345A-12-0290, E-01933A-12-
0296 AND E-04204A-12-0297

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