

OPEN MEETING AGENDA ITEM

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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

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2 COMMISSIONERS

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

ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

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JM

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

DOCKET NO. E-01345A-10-0394

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

DOCKET NO. E-01345A-12-0290

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

DOCKET NO. E-01933A-12-0296

16 IN THE MATTER OF THE APPLICATION
17 OF UNS ELECTRIC, INC. FOR APPROVAL
18 OF ITS 2013 RENEWABLE ENERGY
18 STANDARD IMPLEMENTATION PLAN
19 AND DISTRIBUTED ENERGY
19 ADMINISTRATIVE PLAN AND REQUEST
20 FOR RESET OF ITS RENEWABLE
20 ENERGY ADJUSTOR.

DOCKET NO. E-04204A-12-0297

PROCEDURAL ORDER
NARROWING SCOPE OF HEARING

21 **BY THE COMMISSION:**

22 On January 31, 2013, the Commission issued Decision Nos. 73636 for Arizona Public Service
23 Company (“APS”), 73637 for Tucson Electric Power Company (“TEP”), and 73638 for UNS
24 Electric, Inc. (“UNS”) in the above-captioned dockets (“2013 REST dockets”).¹ Those Decisions
25 directed that the Commission would consider the proposed “Track and Record” mechanism (as well
26 as alternatives thereto), for APS, TEP and UNS (“collectively, “Utilities”) at a hearing. In addition,
27

28 ¹ Orders Nunc Pro Tunc as requested by parties are being issued for Decision Nos. 73636, 73637, and 73638.

1 the Commission directed the Hearing Division to include within the scope of the hearing the subject
2 matter of Commissioner Gary Pierce's withdrawn Amendment No. 2, which would have required the
3 exclusion of retail sales to the utilities' largest customers (3MW or greater in demand) from their
4 overall retail sales calculation under the Renewable Energy Standard and Tariff,² specifically A.A.C.
5 R14-2-1804.

6 The parties to this proceeding currently include APS, TEP, UNS, the Commission's Utilities
7 Division ("Staff"), Freeport-McMoRan Copper & Gold, Inc. ("Freeport-McMoRan"), Arizonans for
8 Electric Choice and Competition ("AECC"), Arizona Competitive Power Alliance ("Alliance"), Solar
9 Energy Industries Association ("SEIA"), Western Resource Advocates ("WRA"), Arizona Solar
10 Energy Industries Association ("AriSEIA"), Sonoran Solar, LLC ("Sonoran"), Wal-Mart Stores, Inc.
11 and Sam's West Inc. (collectively "Walmart"), the United States Department of Defense and all other
12 Federal Executive Agencies ("DoD"), and Interwest Energy Alliance ("Interwest").

13 On February 15, 2013, following a procedural conference held on February 14, 2013, a
14 Procedural Order was issued consolidating the above-captioned dockets, granting pending
15 interventions, and setting a hearing and associated procedural deadlines.

16 On February 26, 2013, a Procedural Order was issued continuing the hearing date and
17 modifying the procedural schedule.

18 On March 12, 2013, the Commission voted at a Staff Open Meeting of the Commission to 1)
19 reopen and modify Decision Nos. 73636, 73637 and 73638, pursuant to A.R.S § 40-252 with notice
20 and opportunity to be heard, to add language to expressly eliminate from Commission consideration
21 in the "Track and Record" proceedings, any proposal that would require the exclusion of retail sales
22 to the utilities' largest customers (3MW or greater in demand) from their overall retail sales
23 calculation under the Renewable Energy Standard and Tariff Rule A.A.C. R14-2-1804, and 2) direct
24 the Hearing Division to modify the February 26, 2013, Procedural Order in the consolidated "Track
25 and Record" proceedings to expressly eliminate from the scope of the proceedings any proposal that
26 would require the exclusion of retail sales to the utilities' largest customers (3MW or greater in
27

28 ² Arizona Administrative Code ("A.A.C.") R14-2-1801 et al. ("REST Rules").

1 demand) from their overall retail sales calculation under the Renewable Energy Standard and Tariff
2 Rule A.A.C. R14-2-1804.

3 The notice ordered in the February 26, 2013, Procedural Order should be modified to reflect
4 the narrowed scope of the hearing. It is possible that the Utilities have already mailed or published
5 the public notice ordered by the February 26, 2013, Procedural Order. If that is the case, because the
6 scope of the proceeding has been narrowed, rather than widened, the Utilities should not be required
7 to incur additional expense to duplicate the publication or mailing.

8 IT IS THEREFORE ORDERED that any proposal that would require the exclusion of retail
9 sales to the utilities' largest customers (3MW or greater in demand) from their overall retail sales
10 calculation under the Renewable Energy Standard and Tariff Rule A.A.C. R14-2-1804 is expressly
11 eliminated from the scope of the consolidated hearing proceedings scheduled in these dockets.

12 IT IS FURTHER ORDERED that APS, TEP and UNS shall provide public notice of the
13 hearing in this matter, in the following form and style, with the heading in no less than 24-point bold
14 type and the body in no less than 10-point regular type:

15
16 **PUBLIC NOTICE OF HEARING ON CERTAIN ISSUES IN THE 2013**
17 **RENEWABLE ENERGY RULES COMPLIANCE FILINGS OF ARIZONA**
18 **PUBLIC SERVICE COMPANY, TUCSON ELECTRIC POWER COMPANY,**
AND UNS ELECTRIC, INC.
(DOCKET NOS. E-01345A-10-0394 ET AL.)

19 On January 31, 2013, the Arizona Corporation Commission ("Commission") issued Decisions on the
20 applications that Arizona Public Service Company ("APS"), Tucson Electric Power Company
21 ("TEP"), and UNS Electric, Inc. ("UNS") (collectively, "Utilities") filed in Docket Nos. E-01345A-
22 10-0394 et al. in order to satisfy their annual compliance requirements under Arizona Administrative
23 Code R14-2-1801 et al. ("Renewable Energy Rules"). The Commission's Decisions on the 2013
Renewable Energy Rules compliance filings deferred to a hearing the issue of whether the Utilities
should be allowed, in the absence of payment of incentives, to use a "track and record" mechanism
(as well as alternatives thereto) as means of securing compliance with their Distributed Renewable
Energy Requirements under the Renewable Energy Rules.

24 The Commission will consider testimony and evidence on the "track and record" issue at a joint
25 evidentiary hearing involving the Utilities and interested parties. Parties to the proceeding will be
26 required to file any witness testimony and exhibits prior to the hearing. Witnesses presenting
27 evidence will be required to be present at the hearing for cross-examination on testimony and
28 exhibits. Parties will also be required to prepare and file legal briefs following the hearing to provide
legal support for their positions. The Commission is not bound by the proposals made by any party to
this proceeding.

How You Can View or Obtain a Copy of Documents

1 Copies of the Utilities' applications and subsequent filings are available at [APS, TEP and UNS
2 insert contact information] and at the Commission's Docket Control Center at 1200 West
3 Washington, Phoenix, Arizona, for public inspection during regular business hours and on the
4 Internet via the Commission's website www.azcc.gov using the e-Docket function, located at the
5 bottom of the web page, and referencing Docket Nos. E-01345A-10-0394 et al.

Arizona Corporation Commission Public Hearing Information

6 The Commission will hold a hearing on this matter beginning **June 3, 2013, at 10:00 a.m.**, at the
7 Commission's offices, 1200 West Washington Street, Phoenix, Arizona. Public comments will be
8 taken on the first day of the hearing.

9 Interested parties may participate in this matter through (1) filing for intervention and becoming a
10 formal party to the proceeding; or (2) through written or oral public comment. **Written public
11 comments may be submitted at any time** by mailing a letter referencing **Docket Nos. E-01345A-
12 10-0394 et al.** to: Arizona Corporation Commission, Consumer Services Section, 1200 West
13 Washington, Phoenix, AZ 85007. If you require assistance, you may contact the Consumer Services
14 Section at 602.542.4251 or 1.800.222.7000.

15 If you do not intervene in this proceeding, you will receive no further notice of the proceedings in
16 these dockets. **However, all documents filed in this docket are available online** (usually within 24
17 hours after docketing) at the Commission's website www.azcc.gov using the e-Docket function,
18 located at the bottom of the web page and referencing Docket Nos. E-01345A-10-0394 et al. RSS
19 feeds are also available through e-Docket.

About Intervention

20 You do not need to intervene if you want to appear at the hearing and provide public comment on the
21 issues, or if you want to file written comments in the record of the case.

22 Any person or entity entitled by law to intervene and having a direct substantial interest in the matter
23 will be permitted to intervene. The granting of intervention entitles a party to present sworn evidence
24 at hearing and to cross-examine other witnesses. **If you wish to intervene, you must file an original
25 and 13 copies of a written motion to intervene with the Commission's Docket Control Center
26 no later than April 15, 2013, and send a copy of the motion to all parties of record.**

27 Contact information for the parties of record is located on the "Service List" tab for Docket No. E-
28 01345A-10-0394 et al. using the Commission's e-Docket function. Your motion to intervene must
29 contain the following:

- 30 1. Your name, address, and telephone number, and the name, address, and telephone number of
31 any party upon whom service of documents is to be made, if not yourself;
- 32 2. A short statement of your interest in the proceeding (e.g., a customer, a shareholder, etc.); and
- 33 3. A statement certifying that you have mailed a copy of the motion to intervene to all parties of
34 record in the case.

35 The granting of motions to intervene is governed by A.A.C. R14-3-105, except that all motions to
36 intervene must be filed on or before April 15, 2013. For a sample intervention request form, go to
37 <http://www.azcc.gov/divisions/utilities/FORMS/interven.pdf>. All parties must comply with Arizona
38 Supreme Court Rules 31 and 38 and A.R.S. § 40-243 with respect to the practice of law.

1 **If you do intervene, and you wish to present direct testimony and associated exhibits at the**
2 **hearing, you must, on or before April 24, 2013: (1) reduce your witness direct testimony and**
3 **associated exhibits to writing, (2) file the original and 13 copies of your testimony and exhibits**
4 **with the Commission's Docket Control Center by 4:00 p.m., and (3) mail a copy to each party**
5 **of record.**

4 **ADA/Equal Access Information**

5 The Commission does not discriminate on the basis of disability in admission to its public meetings.
6 Persons with a disability may request a reasonable accommodation such as a sign language
7 interpreter, as well as request this document in an alternative format, by contacting the ADA
8 Coordinator, Shaylin Bernal, email SABernal@azcc.gov, voice phone number 602-542-3931.
9 Requests should be made as early as possible to allow time to arrange the accommodation.

8 IT IS FURTHER ORDERED that APS, TEP, and UNS shall mail to each of their customers a
9 copy of the above notice, and shall cause a copy of such notice to be published at least once in a
10 newspaper of statewide circulation, with publication to be completed no later than **March 15, 2013**,
11 and mailing to be completed no later than **April 5, 2013**. Because the scope of the proceeding has
12 been narrowed, rather than widened, in the event APS, TEP, or UNS have already complied with the
13 notice requirements set forth in the Procedural Order issued on February 26, 2013, the Utilities are
14 not required to incur additional expense to duplicate the publication or mailing.

15 IT IS FURTHER ORDERED that APS, TEP, and UNS shall share the costs of publication of
16 notice.

17 IT IS FURTHER ORDERED that APS, TEP, and UNS shall file affidavits of publication and
18 mailing as soon as possible after the mailing/publication has been completed, but no later than **April**
19 **15, 2013**.

20 IT IS FURTHER ORDERED that notice shall be deemed complete upon mailing/publication
21 of same, notwithstanding the failure of an individual customer to read or receive the notice.

22 IT IS FURTHER ORDERED that all other requirements and procedural deadlines of the
23 February 26, 2013, Procedural Order remain in effect.

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

27 IT IS FURTHER ORDERED that the time periods specified herein shall not be extended
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1 pursuant to Rule 6(a) or (e) of the Rules of Civil Procedure.

2 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend,
3 or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at
4 hearing.

5 DATED this 13th day of March, 2013.

6
7
8 
9 TEENA JIBILIAN
ADMINISTRATIVE LAW JUDGE

10 Copies of the foregoing mailed/delivered
11 this 13th day of March, 2013 to:

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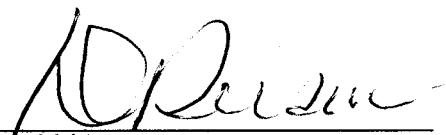
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