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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

Arizona Corporation Commission

DOCKETED

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

MAR 21 2013

DOCKETED BY	nr
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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

Decision No. 73765

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.<sup>1</sup> A representative for APS requested permission to submit the correct numbers shortly  
23 after the Open Meeting.<sup>2</sup>

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

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28 <sup>1</sup> Transcript of January 23, 2013 Special Open Meeting of the Commission (“Tr.”) at 78, 83, 95-96.

<sup>2</sup> 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.

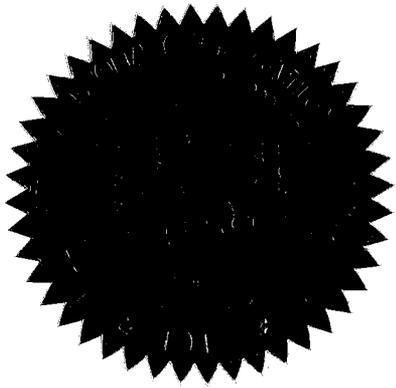
  
CHAIRMAN

  
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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 21st day of March 2013.

  
JODI JERICH  
EXECUTIVE DIRECTOR

DISSENT \_\_\_\_\_

DISSENT \_\_\_\_\_

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SERVICE LIST FOR:

UNS ELECTRIC, INC., ARIZONA PUBLIC SERVICE COMPANY, AND TUCSON ELECTRIC POWER COMPANY

DOCKET NOS.:

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

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