

ORIGINAL



0000144304

BEFORE THE ARIZONA CORPORATION COM

RECEIVED

Arizona Corporation Commission

DOCKETED

APR 1 2013

2013 APR 11 P 2:14

AZ CORP COMMISSION DOCKET CONTROL

DOCKETED BY [Signature]

COMMISSIONERS:

- GARY PIERCE, Chairman
BOB STUMP
SANDRA D. KENNEDY
PAUL NEWMAN
BRENDA BURNS

IN THE MATTER OF THE APPLICATION OF )
TUCSON ELECTRIC POWER COMPANY FOR )
THE ESTABLISHMENT OF JUST AND )
REASONABLE RATES AND CHARGES )
DESIGNED TO REALIZE A REASONABLE )
RATE OF RETURN ON THE FAIR VALUE OF )
ITS OPERATIONS THROUGHOUT THE STATE )
OF ARIZONA )

DOCKET NO. E-01933A-12-0291

MOTION TO ASSOCIATE
COUNSEL PRO HAC VICE

Karen White, AZ Bar no. 016820, pursuant to Rule 38(a), Ariz. R. Sup. Ct., moves the Commission to associate Kyle J. Smith as counsel pro hac vice in this action to represent The United States Department of Defense and all other Federal Executive Agencies. In support of this motion and pursuant to Rule 38(a)(3)(C), the following original documents are attached:

- 1. Verified Application to Appear Pro Hac Vice;
2. Certificates of Good Standing; and
3. State Bar of Arizona Notice of Receipt of Complete Application.

Karen White hereby agrees to serve as local counsel in this matter and accepts the responsibilities detailed in Rule 39(a)(2), Ariz. R. Sup. Ct.

Dated this 10th day of April, 2013

Respectfully submitted,

[Handwritten signature of Karen White]

Karen White

1  
2  
3  
4 The original and thirteen (13) copies  
5 of the foregoing is being transmitted  
6 overnight delivery this 11<sup>th</sup> day of  
7 April 2013 to be received and  
8 Filed on the 12<sup>th</sup> day of April  
9 2013 with:

10 Docket Control Division  
11 Arizona Corporation Commission  
12 1200 West Washington Street  
13 Phoenix, Arizona 85007

14 A copy of same is being served by  
15 e-mail or first class mail this same  
16 date to:

17 Lyn Farmer, Chief Administrative Law Judge  
18 Hearing Division  
19 Arizona Corporation Commission  
20 1200 West Washington Street  
21 Phoenix, Arizona 85007

22 Jane Rodda, Administrative Law Judge  
23 Hearing Division  
24 Arizona Corporation Commission  
25 400 West Congress  
26 Tucson, Arizona 85701  
27 [JRodda@azcc.gov](mailto:JRodda@azcc.gov)  
28 [Jane.rodde@azbar.org](mailto:Jane.rodde@azbar.org)

29 Janice Alward, Chief Counsel  
30 Legal Division  
31 Arizona Corporation Commission  
32 1200 West Washington Street  
33 Phoenix, Arizona 85007  
34 [jalward@azcc.gov](mailto:jalward@azcc.gov)

35 Robin Mitchell, Counsel  
36 Legal Division  
37 Arizona Corporation Commission  
38 1200 West Washington Street  
39 Phoenix, Arizona 85007

1

2 Steven M. Olea, Director  
3 Utilities Division  
4 Arizona Corporation Commission  
5 1200 West Washington Street  
6 Phoenix, Arizona 85007  
7 [solea@azcc.gov](mailto:solea@azcc.gov)

8 Bradley S. Carroll  
9 Tucson Electric Power Company  
10 88 E. Broadway Blvd., MS HQE910  
11 P.O. Box 711  
12 Tucson, Arizona 85702  
13 Attorney for Tucson Electric Power  
14 [bcarrroll@tep.com](mailto:bcarrroll@tep.com)

15 Michael W. Patten  
16 ROSHKA DEWULF & PATTEN, PLC  
17 One Arizona Center  
18 400 East Van Buren Street, Suite 800  
19 Phoenix, Arizona 85004  
20 Attorney for Tucson Electric Power  
21 [mpatten@rdp-law.com](mailto:mpatten@rdp-law.com)

22 Kevin C. Higgins, Principal  
23 Energy Strategies, LLC  
24 215 South State Street  
25 Suite 200  
26 Salt Lake City, Utah 84111  
27 Consultant to Freeport-McMorrان  
28 and AECC  
29 [KHiggins@Energystrat.com](mailto:KHiggins@Energystrat.com)

30 Kurt J. Boehm  
31 Jody M. Kyler  
32 BOEHM, KURTZ & LOWRY  
33 36 East Seventh Street, Suite 1510  
34 Cincinnati, Ohio 45202  
35 Attorneys for Kroger  
36 [kboehm@BKLawfirm.com](mailto:kboehm@BKLawfirm.com)  
37 [jkyler@BKLawfirm.com](mailto:jkyler@BKLawfirm.com)

38 Lawrence V. Robertson, Jr.  
39 Attorney at Law  
40 P.O. Box 1448

1 Tubac, Arizona 85646  
2 Attorney for Southern Arizona Homebuilders  
3 Association (SAHBA) and  
4 EnerNOC, Inc. and Southern Arizona Water  
5 Users Association (SAWUA)  
6 [TubacLawyer@aol.com](mailto:TubacLawyer@aol.com)

7 John William Moore, Jr.  
8 MOORE, BENHAM & BEAVER  
9 7321 North 1 gfh Street  
10 Phoenix, Arizona 85020  
11 Attorney for Kroger Co.  
12 [jmoore@mbmblaw.com](mailto:jmoore@mbmblaw.com)

13 Daniel Pozefsky  
14 Chief Counsel  
15 Residential Utility Consumer Office  
16 11 10 West Washington, Suite 220  
17 Phoenix, Arizona 85007  
18 [dpozefsky@ruco.gov](mailto:dpozefsky@ruco.gov)

19 Stephen J. Baron  
20 J. Kennedy & Associates  
21 570 Colonial Park Drive, Suite 305  
22 Roswell, Georgia 30075  
23 Consultant to Kroger Co.  
24 [sbaron@jkenn.com](mailto:sbaron@jkenn.com)

25 C. Webb Crockett  
26 Patrick J. Black  
27 FENNEMORE CRAIG, P.C.  
28 3003 North Central Avenue  
29 Suite 2600  
30 Phoenix, Arizona 850 12-29 13  
31 Attorneys for Freeport-McMoRan  
32 and AECC  
33 [wrockett@fclaw.com](mailto:wrockett@fclaw.com)  
34 [pblack@fclaw.com](mailto:pblack@fclaw.com)

35 Thomas L. Mumaw  
36 Melissa Krueger  
37 Pinnacle West Capital Corporation  
38 P.O. Box 53999, MS 8695  
39 Phoenix, Arizona 85072-3999  
40 [Thomas.Mumaw@pinnaclewest.com](mailto:Thomas.Mumaw@pinnaclewest.com)  
41 [Melissa.Krueger@pinnaclewest.com](mailto:Melissa.Krueger@pinnaclewest.com)

1

2 Leland Snook  
3 Zachary J. Fryer  
4 Arizona Public Service Company  
5 P.O. Box 53999, MS 9708  
6 Phoenix, Arizona 85072-3999  
7 [Leland.Snook@aps.com](mailto:Leland.Snook@aps.com)  
8 [Zachary.Fryer@aps.com](mailto:Zachary.Fryer@aps.com)

9 Michael M. Grant  
10 GALLAGHER & KENNEDY, P.A.  
11 2575 East Camelback Road  
12 Phoenix, AZ 8501 6-9225  
13 Attorneys for AIC  
14 [mmg@gknet.com](mailto:mmg@gknet.com)

15 Timothy M. Hogan  
16 ARIZONA CENTER FOR LAW IN THE  
17 PUBLIC INTEREST  
18 202 E. McDowell Road, Suite 153  
19 Phoenix, Arizona 85004  
20 Attorneys for SWEEP and Vote Solar  
21 Initiative  
22 [thogan@aclpi.org](mailto:thogan@aclpi.org)

23 Gary Yaquinto  
24 President and CEO  
25 Arizona Investment Council  
26 2100 North Central Avenue, Suite 210  
27 Phoenix, AZ 85004  
28 [gyaquinto@arizonaic.org](mailto:gyaquinto@arizonaic.org)

29 Jeff Schlegel  
30 SWEEP Arizona Representative  
31 1167 W. Smalayuca Drive  
32 Tucson, Arizona 85704-3224  
33 [schlegelj@aol.com](mailto:schlegelj@aol.com)

34 Cynthia Zwick  
35 1940 E. Luke Avenue  
36 Phoenix, AZ 85016  
37 [czwick@azcaa.org](mailto:czwick@azcaa.org)

38 Annie C. Lappe  
39 Rick Gilliam

1 The Vote Solar Initiative  
2 1120 Pearl Street, Suite 200  
3 Boulder, Colorado 80302  
4 [annie@votesolar.org](mailto:annie@votesolar.org)  
5 [rick@votesolar.org](mailto:rick@votesolar.org)

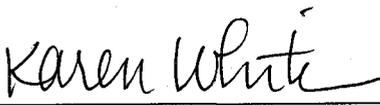
6 Court S. Rich  
7 ROSE LAW GROUP, PC  
8 6613 N. Scottsdale Road, Suite 200  
9 Scottsdale, AZ 85250  
10 Attorney for Solar Energy Industries  
11 Association (SEIA)  
12 [crich@roselawaroup.com](mailto:crich@roselawaroup.com)

13 Nicholas J. Enoch  
14 Jarrett J. Haskovec  
15 LUBIN & ENOCH, P.C.  
16 349 North Fourth Avenue  
17 Phoenix, Arizona 85003  
18 Attorneys for IBEW Local 1116  
19 [Nick@lubinandenoch.com](mailto:Nick@lubinandenoch.com)  
20 [Jarrett@lubinandenoch.com](mailto:Jarrett@lubinandenoch.com)

21 Michael L. Neary  
22 Executive Director  
23 Arizona Solar Energy Industries Association  
24 (AriSEIA)  
25 111 W. Renee Dr.  
26 Phoenix, AZ 85027  
27 [mneary@arizonasolarindustry.org](mailto:mneary@arizonasolarindustry.org)

28 Travis Ritchie  
29 Sierra Club Environmental Law Program  
30 85 Second St., 2<sup>nd</sup> Floor  
31 San Francisco, CA 94105  
32 Attorney for Sierra Club  
33 [travis.ritchie@sierraclub.org](mailto:travis.ritchie@sierraclub.org)

34  
35

---

Karen White

1 **Arizona Corporation Commission**

2 In the Matter of the Application of Tucson )  
Electric, )  
3 Plaintiff )  
4 v. )  
5 )  
6 Defendant. )

CASE # E-01933A120291

SBA App #1007306

**NOTICE OF RECEIPT OF COMPLETE APPLICATION**

7 NOTICE IS HEREBY given by THE STATE BAR OF ARIZONA that it has received the  
verified application and fee from Kyle Smith.

8 In addition to this application, applicant has made the following applications to appear pro hac  
9 vice, pursuant to Rule38 (a), within the previous three (3) years:

Title of Matter	Court/Agency	Date	Granted?
-----------------	--------------	------	----------

10  
11  
12 Exhibit A, the original verified application and Exhibit B, the original Certificate(s) of Good  
Standing are attached hereto.

13 DATED this 26<sup>th</sup> day of March 2013

14 

15  
16 Mirna Lerma  
Resource Center  
State Bar of Arizona

17  
18  
19 Original Mailed on this 26<sup>th</sup> day of March 2013 to:

20 Karen S White  
U S Air Force Utility Law Field Support Center  
21 139 Barnes Dr  
Tyndall AFB, FL 32403  
22  
23



Attn: Pro Hac Vice Dept  
 4201 N. 24<sup>th</sup> St., Ste 100  
 Phoenix, AZ 85016-6266  
 Phone: 602-340-7239

For Official Use Only  
 App# 1007300  
 Bar Number# P188035

**Application for Appearance Pro Hac Vice**

**PART I: Applicant Information**

Name of Applicant: Kyle Jameson Smith  
 Firm/Company Name: U.S. Army Legal Services Agency (JALS-RL)  
 Office Address: 9275 Gunston Road, Fort Belvoir, VA 22060  
 Telephone: (703) 693 - 1274 Fax: (703) 806 - 0123 Email Address: kyle.j.smith124.civ@mail.mil  
 Residence Address: 2451 Midtown Ave., Apt. 1607, Alexandria, VA 22303  
 Title of cause or case where applicant seeks to appear: In the Matter of the Application of Tucson Electric Power Company for the Establishment of Just and Reasonable Rates and Charges Designed to Realize Rate of Return on the Fair Value of Its Operations Throughout the State of Arizona  
 Docket Number: E-01933A-12-0291  
 Court, Board, or Administrative Agency: Arizona Corporation Commission  
 Party on whose behalf applicant seeks to appear: U.S. Department of Defense and all other Federal Executive Agencies

**Pursuant to Arizona Supreme Court Rule 38(a)(4), the applicant shall complete the information below:**

Courts to Which Applicant Has Been Admitted: <small>(Attach additional pages if necessary)</small>	Date of Admission:	Bar Number:
<u>Florida</u>	<u>June 3, 2005</u>	<u>12646</u>
<u>Washington, D.C.</u>	<u>April 14, 2008</u>	<u>980021</u>
_____	_____	_____
_____	_____	_____

Applicant is a member in good standing in such courts.

Applicant is not currently disbarred or suspended in any court.

Applicant  is /  is not (select one) currently subject to any pending disciplinary proceeding or investigation by any court, agency or organization authorized to discipline attorneys at law.

In the preceding three (3) years, applicant has filed applications to appear as counsel under Ariz. R. Sup. Ct., Rule 38(a) in the following:

Title of Matter:	Docket #:	Court or Agency:	App Granted? (Y/N)
<u>Tucson Electric Power REST Plan</u>	<u>E-01933A-12-0296</u>	<u>Arizona Corporations Commission</u>	<u>Pending</u>
_____	_____	_____	_____
_____	_____	_____	_____

This case or cause  is /  is not (select one) a related or consolidated matter for which applicant has previously applied to appear pro hac vice in Arizona. If this matter is a related or consolidated with any previous application, Applicant certifies that he/she will review and comply with appropriate rules of procedure as required in the underlying cause.

If applicable, please provide related or consolidated matter application or docket# E-01933A-12-0296





District of Columbia Court of Appeals  
Committee on Admissions  
430 F Street, N.W. — Room 123  
Washington, D. C. 20001  
202 / 879-2710

I, *JULIO A. CASTILLO*, Clerk of the District of Columbia Court of Appeals, do hereby certify that

*KYLE SMITH*

---

was on the 14<sup>TH</sup> day of APRIL, 2008

---

duly qualified and admitted as an attorney and counselor entitled to practice before this Court and is, on the date indicated below, an active member in good standing of this Bar.

In Testimony Whereof, I have hereunto subscribed my name and affixed the seal of this Court at the City of Washington, D.C., on February 12, 2013.

*JULIO A. CASTILLO*  
Clerk of the Court

*Blandine A. Hancock*

---

By: Deputy Clerk



# The Florida Bar

JOHN F. HARKNESS, JR.  
EXECUTIVE DIRECTOR

651 EAST JEFFERSON STREET  
TALLAHASSEE, FLORIDA 32399-2300

850/561-5600  
WWW.FLORIDABAR.ORG

State of Florida )

County of Leon )

In Re: 12646  
Kyle Jameson Smith  
US Army Legal Services Agency  
Reg Law Div  
9275 Gunston Rd.  
Fort Belvoir, VA

I HEREBY CERTIFY that I am the duly appointed custodian of membership records of The Florida Bar.

I FURTHER CERTIFY that the records in the office of the Clerk of the Supreme Court of Florida indicate that said attorney was admitted to practice law in the State of Florida on June 3, 2005.

I FURTHER CERTIFY that the records in the office of The Florida Bar indicate that the above attorney is an active member of The Florida Bar in good standing.

Dated this 11th day of February, 2013.

Willie Mae Shepherd  
Supervisor, Membership Records  
The Florida Bar

WMS/ssM1:R10