

ORIGINAL

OPEN MEETING ITEM



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



ARIZONA CORPORATION COMMISSION

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AZ CORP COMMISSION  
DOCKET CONTROL

2013 NOV 18 PM 1 35

DATE: NOVEMBER 18, 2013

DOCKET NO.: E-01703A-13-0272

TO ALL PARTIES:

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

DUNCAN VALLEY ELECTRIC COOPERATIVE, INC.  
(FINANCE)

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:

NOVEMBER 27, 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:

DECEMBER 17, 2013 and DECEMBER 18, 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

NOV 18 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](http://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](mailto: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 THE APPLICATION OF  
DUNCAN VALLEY ELECTRIC COOPERATIVE,  
INC. FOR APPROVAL OF A LOAN.

DOCKET NO. E-01703A-13-0272

DECISION NO. \_\_\_\_\_

ORDER

Open Meeting  
December 17 & 18, 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 August 8, 2013, Duncan Valley Electric Cooperative, Inc. ("DVEC" or "Cooperative") filed an application requesting authorization to borrow funds to make accelerated funding payments to the National Rural Electric Cooperative Association ("NRECA") Retirement Security Plan ("RSP") ("Finance Application").

2. DVEC is a public service corporation and non-profit, member-owned cooperative located in Duncan, Arizona, that provides electric and natural gas distribution service to approximately 1,660 members in portions of southeastern Arizona and southwestern New Mexico.<sup>1</sup>

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<sup>1</sup> DVEC is one of five Class A member distribution cooperatives who purchase all or most of their electric power from Arizona Electric Power Cooperative, Inc. ("AEPSCO"). The Cooperative defines a member as "a consumer or group of consumers who jointly hold a membership in the cooperative for one or more services." The Cooperative reports that in 2012 it had 1,468 members in Arizona and 193 members in New Mexico; and had 3,043 total customers-- 1,974 electric customers and 732 gas customers in Arizona, and 337 electric customers in New Mexico. Staff Report at 1.

1           3.       On September 4, 2013, DVEC filed an Affidavit of Publication verifying that public  
2 notice of its Finance Application was published on August 28, 2013, in *The Copper Era*, a weekly  
3 newspaper of general circulation published in Greenlee County, Arizona.

4           4.       On October 31, 2013, the Commission's Utilities Division ("Staff") filed a Staff  
5 Report recommending approval of the Finance Application. Any Comments to the Staff Report were  
6 due on or before November 8, 2013. No Comments were filed.

7           5.       DVEC's current rates were approved in Decision No. 67433 (December 3, 2004).

8           6.       DVEC requests authority to borrow up to \$475,099 from the National Rural Utilities  
9 Cooperative Finance Corporation ("CFC") in the form of an 11-year amortizing loan at an annual  
10 interest rate of 2.95 percent in order to finance the prepayment of a portion of DVEC's future funding  
11 obligations to the NRECA RSP.

12          7.       DVEC estimates that by pre-paying a portion of its RSP payments, it will experience  
13 retirement expense savings of \$67,485 (net after financing costs) over the 11-year loan period, based  
14 on an assumed 3.0 percent annual increase in base salaries.<sup>2</sup> The savings would be greater if the base  
15 salary expense over the period is greater than 3.0 percent. Over a 20-year period, DVEC anticipates  
16 retirement expense savings of approximately \$750,000.<sup>3</sup>

17          8.       DVEC argues that the benefit of all savings realized from the prepayment will accrue  
18 to the DVEC members in the form of a lower cost of service.<sup>4</sup>

19          9.       Staff's financial analysis indicates that as of December 31, 2012, the Cooperative had  
20 a capital structure (not including a capital lease that had payments starting in 2013) consisting of 0.3  
21 percent short-term debt, 2.8 percent long-term debt, and 96.9 percent equity.<sup>5</sup> Taking the capital  
22 lease into consideration, as of December 31, 2012, DVEC's capital structure consisted of 0.35  
23 percent short-term debt, 2.5 percent long-term debt and 97.15 percent equity.<sup>6</sup>

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25 ...

26 <sup>2</sup> Finance Application at 2 & Exhibit B.

27 <sup>3</sup> Staff Report at 2.

28 <sup>4</sup> Finance Application at 2.

<sup>5</sup> Staff Report Schedule JAC-1.

<sup>6</sup> Staff Report at Schedule JAC-1

1           10. Staff's pro forma analysis indicates that based on audited financial statements dated  
2 December 31, 2012, the addition of the proposed \$475,000 loan would create a capital structure  
3 consisting of 0.8 percent short-term debt, 8.0 percent long-term debt and 91.2 percent equity.<sup>7</sup>

4           11. Staff's financial analysis indicates that for the year ended December 31, 2012,  
5 (including the payments related to the capital lease), DVEC had a Debt Service Coverage ratio  
6 ("DSC") of 5.22. DSC represents the number of times operating income will cover required principal  
7 and interest payments on short-term and long-term debt. A DSC greater than 1.0 indicates that cash  
8 flow from operations is sufficient to cover debt obligations. A DSC less than 1.0 means that debt  
9 service obligations cannot be met by cash generated from operations and that another source of funds  
10 may be needed to avoid default under certain conditions.

11           12. Staff's pro forma analysis indicates that including the proposed loan would result in a  
12 DSC of 1.85.<sup>8</sup> Based on the foregoing, Staff concludes that DVEC has sufficient operating cash flows  
13 to meet the debt service obligations associated with the proposed financing.

14           13. DVEC informed Staff that the proposed financing does not involve the Cooperative  
15 encumbering its assets.

16           14. Staff concludes that the prepayment of pension contributions using the currently  
17 available low interest rates is a proper use of funds, and is in the public interest.<sup>9</sup>

18           15. Staff indicates that as of October 11, 2013, a check of the Commission's compliance  
19 database showed that DVEC had no unresolved compliance issues.

20           16. Staff concludes that issuance of the proposed debt financing for the purposes stated in  
21 the Finance Application is within DVEC's corporate powers, is compatible with the public interest, is  
22 consistent with sound financial practices and will not impair its ability to provide services.

23           17. Staff recommends authorizing DVEC to borrow up to \$475,000 in the form of an 11-  
24 year amortizing loan at an interest rate of 2.95 percent per annum from CFC to finance the  
25 prepayment of a portion of DVEC's future funding pension contributions, as described in the Finance  
26 Application.

27 <sup>7</sup> Staff Report at Schedule JAC-1.

28 <sup>8</sup> Staff Report at 2 and Schedule JAC-1.

<sup>9</sup> Staff Report at 3.



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**ORDER**

IT IS THEREFORE ORDERED that Duncan Valley Electric Cooperative, Inc. is hereby authorized to borrow up to \$475,000 from the National Rural Utilities Cooperative Finance Corporation in the form of an 11-year amortizing loan at an interest rate of 2.95 percent.

IT IS FURTHER ORDERED that such finance authority shall be expressly contingent upon Duncan Valley Electric Cooperative, Inc.'s use of the proceeds for the purposes stated in its Finance Application and approved herein.

IT IS FURTHER ODRERED that any unused authorizations granted herein shall expire on December 31, 2014.

IT IS FURTHER ORDERED that Duncan Valley Electric Cooperative, Inc. may engage in any transaction and execute any documents necessary to effectuate the authorizations granted herein.

IT IS FURTHER ORDERED that approval of the financing set forth herein does not constitute or imply approval or disapproval by the Commission of any particular expenditure of the proceeds derived thereby for purposes of establishing just and reasonable rates.

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1 IT IS FURTHER ORDERED that Duncan Valley Electric Cooperative, Inc. shall provide the  
2 Utilities Division Director a copy of any loan documents executed pursuant to the authorizations  
3 granted herein, within 30 days of the execution of the loan, and shall file with Docket Control, as a  
4 compliance item in this Docket, a letter verifying that such documents have been provided to the  
5 Utilities Division.

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

7 BY ORDER OF THE ARIZONA CORPORATION COMMISSION.  
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10 CHAIRMAN \_\_\_\_\_ COMMISSIONER

11  
12 COMMISSIONER \_\_\_\_\_ COMMISSIONER \_\_\_\_\_ COMMISSIONER

13  
14 IN WITNESS WHEREOF, I, JODI JERICH, Executive  
15 Director of the Arizona Corporation Commission, have  
16 hereunto set my hand and caused the official seal of the  
17 Commission to be affixed at the Capitol, in the City of Phoenix,  
18 this \_\_\_\_\_ day of \_\_\_\_\_ 2013.

19  
20 JODI JERICH  
21 EXECUTIVE DIRECTOR

22 DISSENT \_\_\_\_\_

23 DISSENT \_\_\_\_\_  
24 JR/tv

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1 SERVICE LIST FOR: DUNCAN VALLEY ELECTRIC COOPERATIVE,  
INC.

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3 DOCKET NO.: E-01703A-13-0272

4 Mr. Michael Pearce  
5 Duncan Valley Electric Cooperative, Inc.  
6 379597 AZ 75  
7 PO Box 440  
8 Duncan, AZ 85534

9 Mr. John V. Wallace  
10 Grand Canyon State Electric Cooperative Association, Inc.  
11 2210 South Priest Drive  
12 Tempe, AZ 85282

13 Janice Alward, Chief Counsel  
14 Legal Division  
15 ARIZONA CORPORATION COMMISSION  
16 1200 West Washington Street  
17 Phoenix, AZ 85007

18 Steven M. Olea, Director  
19 Utilities Division  
20 ARIZONA CORPORATION COMMISSION  
21 1200 West Washington Street  
22 Phoenix, AZ 85007

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