

**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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DATE: FEBRUARY 25, 2014

DOCKET NO.: E-01933A-12-0400

ARIZONA CORPORATION COMMISSION  
DOCKET CONTROL

TO ALL PARTIES:

Enclosed please find the recommendation of Administrative Law Judge Belinda A. Martin. The recommendation has been filed in the form of an Order on:

DANIEL SINGER V. TUCSON ELECTRIC POWER COMPANY  
(ORDER DISMISSING COMPLAINT)

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 6, 2014

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 11, 2014 and MARCH 12, 2014

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 25 2014

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).

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 COMMISSIONERS

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

8 IN THE MATTER OF THE FORMAL  
9 COMPLAINT OF DANIEL SINGER,

10 COMPLAINANT,

11 V.

12 TUCSON ELECTRIC POWER COMPANY,

13 RESPONDENT.

DOCKET NO. E-01933A-12-0400

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

**ORDER DISMISSING COMPLAINT**

14 Open Meeting  
15 March 11 and 12, 2014  
16 Phoenix, Arizona

17 **BY THE COMMISSION:**

18 Having considered the entire record herein and being fully advised in the premises, the  
19 Arizona Corporation Commission ("Commission") finds, concludes, and orders that:

20 **FINDINGS OF FACT**

21 **Procedural History**

22 1. On September 17, 2012, Daniel Singer filed a formal complaint with the Arizona  
23 Corporation Commission ("Commission") against Tucson Electric Power Company ("TEP").

24 2. On October 5, 2012, TEP filed its Answer to Formal Complaint and Motion to  
25 Dismiss and on October 24, 2012, Mr. Singer filed his Response.

26 3. Pursuant to a Procedural Order docketed November 29, 2012, a procedural conference  
27 was held on December 13, 2012. During the procedural conference, the parties stated they had not  
28 resolved the dispute and wished to set the matter for hearing.

4. On March 20, 2013, a Procedural Order was docketed denying TEP's Motion to  
Dismiss, scheduling a hearing for May 21 and 22, 2013, and setting other procedural deadlines.

1           5.       On April 4, 2013, Mr. Singer filed a Motion to Continue May 22, 2013, Hearing and  
2 April 17, 2013 Pretrial Statement Deadline, requesting the hearing's continuance due to several  
3 scheduling conflicts and asked that the hearing be reset to begin in the fall. TEP docketed its  
4 Response on April 10, 2013, stating it did not object to the continuance.

5           6.       A Procedural Order was docketed on April 17, 2013, granting Mr. Singer's Motion  
6 and resetting the hearing for October 22 and 23, 2013.

7           7.       On September 17, 2013, Mr. Singer docketed his Second Motion to Continue Hearing  
8 requesting that the October 22 and 23, 2013, hearing be rescheduled for March 2014, at the earliest,  
9 due to medical issues.

10          8.       On September 19, 2013, TEP filed its Response to Complainant's Second Motion to  
11 Continue Hearing, stating it did not object to the continuance.

12          9.       A Procedural Order docketed September 26, 2013, granted Mr. Singer's Second  
13 Motion, and reset the hearing for March 18 and 19, 2014.

14          10.      On October 9, 2013, Mr. Singer docketed with the Commission's Tucson office his  
15 Third Motion to Accelerate or Continue, stating that he had a vacation planned for March 14, 2014,  
16 through April 9, 2014, and requesting that the hearing be rescheduled to begin either before or after  
17 those dates.

18          11.      A Procedural Order docketed October 30, 2013, vacated the March 18 and 19, 2014,  
19 hearing and reset the hearing for April 15 and 16, 2014.

20          12.      On February 7, 2014, the parties filed a Joint Motion to Dismiss and Request to  
21 Vacate Hearing Date ("Motion to Dismiss"), stating they had settled the issues underlying the  
22 Complaint and asking for the Complaint to be dismissed with prejudice and the hearing vacated.

23          13.      A Procedural Order issued February 24, 2014, vacated the April 15 and 16, 2014,  
24 hearing.

25 **Summary of the Complaint**

26          14.      Mr. Singer alleged TEP's meter serving his commercial property failed in the spring  
27 of 2012, resulting in excessive charges for electric service of \$7,486.92 during the April and May,  
28 2012, billing cycles. Mr. Singer asked TEP to remove the charges from his account.

1           15.     TEP claimed it tested the meter and found that it was working properly. TEP denied  
2 Mr. Singer's assertions and refused to credit the account.

3           16.     Mr. Singer filed an informal complaint with the Commission on June 6, 2012, but the  
4 parties did not resolve the matter and Mr. Singer filed this Complaint on September 17, 2012.

5 **Settlement Agreement and Motion to Dismiss**

6           17.     On February 7, 2014, the parties filed their Motion to Dismiss, stating that they had  
7 settled the issues underlying the Complaint. The parties attached a copy of the Settlement  
8 Agreement, which Mr. Singer signed on January 31, 2014, and TEP signed on February 6, 2014.  
9 Under the terms of the Settlement Agreement, Mr. Singer agreed to pay TEP \$3,700 of the disputed  
10 amount no later than February 14, 2014, and TEP agreed to waive the remainder of the charges,  
11 provided that the Commission dismisses the Complaint with prejudice. The Settlement Agreement  
12 states that Mr. Singer acknowledges TEP would not have consented to the settlement if Mr. Singer  
13 had not agreed to the Complaint's dismissal.<sup>1</sup>

14           18.     Based on the record in this matter, we find it is in the public interest to grant the  
15 parties' Motion to Dismiss.

16 **CONCLUSIONS OF LAW**

17           1.     TEP is a public service corporation pursuant to Article XV of the Arizona Constitution  
18 and A.R.S. §§ 40-246 and 40-361.

19           2.     The Commission has jurisdiction over TEP and over the subject matter of the  
20 Complaint.

21           3.     It is in the public interest to grant the Motion to Dismiss.

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28 <sup>1</sup> Settlement Agreement, page 2.

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**ORDER**

IT IS THEREFORE ORDERED that the Formal Complaint of Daniel Singer vs. Tucson Electric Power Company, Docket No. E-01933A-12-0400, is dismissed with prejudice.

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 \_\_\_\_\_ 2014.

JODI JERICH  
EXECUTIVE DIRECTOR

DISSENT \_\_\_\_\_

DISSENT \_\_\_\_\_  
BAM:tv

1 SERVICE LIST FOR: DANIEL SINGER VS. TUCSON ELECTRIC POWER  
2 COMPANY

3 DOCKET NO.: E-01933A-12-0400

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