

OPEN MEETING ITEM



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COMMISSIONERS  
SUSAN BITTER SMITH - Chairman  
BOB STUMP  
BOB BURNS  
DOUG LITTLE  
TOM FORESE



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ARIZONA CORPORATION COMMISSION

2015 JAN 20 P 2:54

DATE: JANUARY 20, 2015

DOCKET NO.: E-04230A-14-0011 AND E-01933A-14-0011

AZ CORP COMMISSION  
DOCKET CONTROL

TO ALL PARTIES:

ORIGINAL

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

UNS ENERGY CORPORATION  
(ORDER EXTENDING DEADLINE CONTAINED IN DECISION NO. 74689)

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:

JANUARY 29, 2015

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:

FEBRUARY 3, 2015 and JANUARY 4, 2015

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

JAN 20 2015

DOCKETED BY 



JODI JERICH  
EXECUTIVE DIRECTOR

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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

SUSAN BITTER SMITH - Chairman  
BOB STUMP  
BOB BURNS  
DOUG LITTLE  
TOM FORESE

IN THE MATTER OF THE REORGANIZATION  
OF UNS ENERGY CORPORATION.

DOCKET NO. E-04230A-14-0011  
DOCKET NO. E-01933A-14-0011

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

**ORDER EXTENDING DEADLINE  
CONTAINED IN DECISION NO.  
74689**

February 3 & 4, 2015  
Open Meeting  
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. In Decision No. 74689 (August 12, 2014), the Commission approved the application of UNS Energy Corporation ("UNS Energy"), Tucson Electric Power Company ("TEP"), UNS Electric, Inc. ("UNS Electric") and UNS Gas, Inc. ("UNS Gas") (collectively, "Companies") for approval of their reorganization.<sup>1</sup>

2. As part of Decision No. 74689, the Commission ordered the Companies to "compile and file with Docket Control as a compliance item, within 120 days of the effective date of this Decision, a comprehensive list of all waivers of Commission rules that remain in effect as well as any conditions imposed on the utilities as a result of other prior Commission Orders, and address whether the waivers and conditions are necessary and in the public interest."

<sup>1</sup> Fortis Inc., a utility holding company, merged with UniSource Energy Corporation (the Companies' parent), thus becoming the new ultimate parent of the Companies.

1           3.       The deadline for the compliance filing was December 10, 2014.

2           4.       On December 9, 2014, the Companies filed a Request for Extension of Compliance  
3 Filing Date, stating that due to the extensive nature of the compliance filing and the other ongoing  
4 Commission proceedings that involved the same personnel, the Companies requested an extension of  
5 the deadline until January 16, 2015. The Companies filed a second extension request on December  
6 12, 2014.<sup>2</sup>

7           5.       On January 16, 2015, the Commission's Utilities Division ("Staff") filed a  
8 Memorandum in response the Companies' request.

9           6.       In its Response, Staff notes that it met with an attorney of the Companies on  
10 December 30, 2014, to discuss the extension request, at which time Staff learned that the Companies'  
11 long-term compliance employee is no longer with the Companies. Staff states that based on all the  
12 circumstances of this matter, it does not object to the request for an extension, and recommends that  
13 the compliance requirement for the "comprehensive list of all waivers" be extended until January 31,  
14 2015. In addition, focusing on the December 12, 2014 filing date, Staff recommends that the  
15 Companies should be put on notice that they should file any and all requests for extensions of time  
16 prior to the due dates.

17           7.       On January 20, 2015, the Companies filed a Clarification Comment to the Staff  
18 Report. The Companies state that they filed their request for an extension on December 9, 2014, prior  
19 to the December 10, 2014 compliance deadline, but did not include the entire service list in that  
20 filing. They state that after being contacted by counsel for Staff, on or about December 11, 2014,  
21 requesting that they include the full service list, the Companies re-filed the extension request with the  
22 entire service list on December 12, 2014. As a result, the Companies believe that they filed their  
23 extension request prior to the deadline.

24           8.       No opposition to the requested extension was received. The requested compliance  
25 compilation is extensive and the deadline fell during a time when the Companies were involved in  
26 several other proceedings at the Commission, as well as during the holiday season. Given the totality

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28 <sup>2</sup> The only difference between the two filings, beside their filing dates, is the service lists, with the second filing including all parties to this docket.

1 of circumstances, the request for an extension is reasonable, and will not harm the public interest.

2 9. The Companies first requested the extension one day prior to the deadline, which  
3 complies with Commission practice that such requests be filed before the deadline. However, Staff's  
4 request that the entire service list be included on all filings is justified. In this case, there has been no  
5 prejudice to other parties or the public interest as all have received adequate notice of the request. All  
6 interested parties are reminded to file timely extension requests, and unless excused by Commission  
7 Order, to include all parties on all filings.

8 **CONCLUSIONS OF LAW**

9 1. TEP, UNS Electric and UNS Gas are public service corporations pursuant to the  
10 Arizona Constitution Article 15, Arizona Revised Statutes, and Title 40 generally, and A.A.C. R14-2-  
11 801 et seq., and UNS Energy is a Public Utility Holding Company pursuant to A.A.C. R14-2-801.4.

12 2. The Commission has jurisdiction over the Companies and the subject matter of the  
13 request.

14 3. Under the circumstances described in the filing, the requested extension of time is  
15 reasonable and should be approved.

16 **ORDER**

17 IT IS THEREFORE ORDERED that the deadline for UNS Energy Corporation, Tucson  
18 Electric Power Company, UNS Electric, Inc., and UNS Gas, Inc. to file a list of waivers and  
19 conditions that remain in effect, and to address whether they remain in the public interest, as set forth  
20 in Decision No. 74689, is extended until January 30, 2015.

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1 IT IS FURTHER ORDERED that all other provisions of Decision No. 74689 shall remain in  
2 effect.

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

4 BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

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7 CHAIRMAN \_\_\_\_\_ COMMISSIONER

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9 COMMISSIONER \_\_\_\_\_ COMMISSIONER \_\_\_\_\_ COMMISSIONER

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11 IN WITNESS WHEREOF, I, JODI JERICH, Executive  
12 Director of the Arizona Corporation Commission, have  
13 hereunto set my hand and caused the official seal of the  
14 Commission to be affixed at the Capitol, in the City of Phoenix,  
15 this \_\_\_\_\_ day of \_\_\_\_\_ 2015.

16 \_\_\_\_\_  
17 JODI JERICH  
18 EXECUTIVE DIRECTOR

19 DISSENT \_\_\_\_\_

20 DISSENT \_\_\_\_\_  
21 JR:ru

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