

INTERVENTION



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BEFORE THE ARIZONA CORPORATION COMMISSION RECEIVED

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AZ CORP COMMISSION
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JUL 16 2015

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ORIGINAL

IN THE MATTER OF THE APPLICATION OF
UNS ELECTRIC, INC. FOR THE
ESTABLISHMENT OF JUST AND
REASONABLE RATES AND CHARGES
DESIGNED TO REALIZE A REASONABLE
RATE OF RETURN ON THE FAIR VALUE
OF THE PROPERTIES OF UNS ELECTRIC,
INC. DEVOTED TO ITS OPERATIONS
THROUGHOUT THE STATE OF ARIZONA,
AND FOR RELATED APPROVALS.

DOCKET NO. E-04204A-15-0142

ARIZONA INVESTMENT
COUNCIL'S MOTIONS (1) FOR
LEAVE TO INTERVENE AND
(2) TO SUPPLEMENT THE
PROCEDURAL ORDER TO
CLARIFY APPLICATION OF
THE EX PARTE RULES

OSBORN
MALEDON
A PROFESSIONAL ASSOCIATION
ATTORNEYS AT LAW

Pursuant to A.A.C. R14-3-105, the Arizona Investment Council ("AIC") applies to the Commission for an Order (1) granting it leave to intervene in this proceeding, and (2) supplementing the procedural order entered in this matter to clarify the application of the *ex parte* rules to membership associations like AIC and The Alliance for Solar Choice. In support of its Motions, AIC states as follows:

1. AIC's missions include the promotion of policies that encourage utility investment and infrastructure development in Arizona, as well as to represent the interests of debt and equity investors in Arizona utilities. AIC's nearly 6,000 members include Arizona utility service providers and individuals who hold stock or debt instruments in these utilities.

2. AIC and its members have a substantial interest in this proceeding. The rates and level of earnings the Commission authorizes for UNS Electric, Inc. impact present, as well as prospective, debt and equity investors. The Commission's decision in this case also sends important signals to capital markets concerning Arizona's regulatory

1 attitude regarding utility investment, required infrastructure development and
2 improvement, and the evolution of utility rate design.

3 3. No other party can adequately represent the interests of AIC's members in
4 this docket. Its participation will not unduly broaden the issues presented.

5 4. Service of all correspondence, pleadings, and other documents should be
6 made to the following:

7 Meghan H. Grabel
8 Osborn Maledon, P.A.
9 2929 North Central Avenue
10 Phoenix, Arizona 85012
11 Email: mgrabel@hotmail.com

12 with a copy to:

13 Gary Yaquinto, President & CEO
14 Arizona Investment Council
15 2100 North Central Avenue
16 Phoenix, Arizona 85004
17 Email: gyaquinto@arizonaaic.org

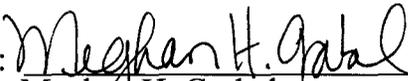
18 In addition, AIC respectfully requests that the Administrative Law Judge
19 supplement the modified Procedural Order entered in this matter on June 24, 2015 to
20 address the application of the *ex parte* rules, which are currently in effect for this case.
21 Certain parties to this proceeding are, like AIC, associations comprised of multiple
22 member companies. The Alliance for Solar Choice, for example, is a solar advocacy
23 association whose membership includes various rooftop solar companies, including
24 Demeter Power, Silevo, SolarCity, Solar Universe, Sunrun, Verengo, and ZEP Solar.
25 With limited exception, the *ex parte* rules prohibit any person from making or causing to
26 be made a non-public communication concerning the substantive merits of a contested
27 proceeding. *See* A.A.C. R14-3-113. By their nature, the rules serve to preserve the
28 "notions of fairness which underlie the due process of law." *See State ex rel. Corbin v.*
Ariz. Corp. Com'n, 143 Ariz 219, 225 (1984). It stands to reason that those same
notions of fairness would prohibit **both** the intervening membership association **and**
each of its member companies from engaging in non-public communications with a
Commissioner or Commission employee concerning the merits of the contested issues in

1 this case. The very purpose of the rules would be undermined were they to apply to the
2 intervening association alone, leaving any of its members free to engage in off-the-
3 record conversations with Commissioners or Commission Staff on the hotly disputed
4 issues raised in this proceeding. AIC therefore requests that the Administrative Law
5 Judge clarify that the application of the *ex parte* rules in this case extends to each and
6 every member company of the membership associations that have been or will be
7 granted intervention in this docket.

8 WHEREFORE, AIC requests that the Administrative Law Judge issue an order
9 granting its Motion to Intervene and to supplement the modified Procedural Order
10 entered in this matter on June 24, 2015 to clarify application of the *ex parte* rules.

11 RESPECTFULLY SUBMITTED this 16th day of July, 2015.

12 OSBORN MALEDON, P.A.

13
14 By: 
15 Meghan H. Grabel
16 2929 N. Central Avenue, Suite 2100
17 Phoenix, AZ 85012

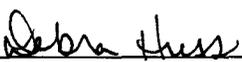
18 Attorneys for Arizona Investment Council

19 **Original and 13 copies** filed this
20 16th day of July, 2015, with:

21 Docket Control
22 Arizona Corporation Commission
23 1200 West Washington Street
24 Phoenix, AZ 85007

25 **Copies of the foregoing** mailed
26 this 16th day of July, 2015, to:

27 All Parties of Record

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