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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

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Arizona Corporation Commission
CHAIRMAN

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IN THE MATTER OF THE APPLICATION OF)
TRICO ELECTRIC COOPERATIVE, INC. FOR)
APPROVAL OF A NEW NET-METERING)
TARIFF, THE PARTIAL WAIVER OF THE)
COMMISSION'S NET METERING RULES)
AND A REVISED AVOIDED COST RATE IN)
THE COMPANY'S EXISTING NET METERING)
TARIFF.)

DOCKET NO. E-01461A-15-0057

**TUCSON ELECTRIC POWER
AND UNS ELECTRIC
COMMENTS ON
PROCEDURAL ORDER**

On April 3, 2015, the Administrative Law Judge issued a Procedural Order requesting briefs on certain process issues in this docket. In light of the Procedural Order, on April 7, 2015, Tucson Electric Power Company ("TEP") and UNS Electric, Inc. ("UNS Electric") (collectively, the "Companies"), filed a Motion to Intervene ("Motion") in the Trico docket. The Companies have pending before the Arizona Corporation Commission ("Commission") their own applications that are similar in certain respects to Trico's application.¹ Accordingly, the Companies believe they may be directly and substantially affected by the issues in this proceeding. Although the Motion has not yet been ruled upon, the Companies hereby file their comments as pending Intervenors. If, however, the Companies' Motion is not ultimately granted, the Companies request this filing be considered as public comment.

The Companies believe that Trico's application (as well as the pending applications of the Companies) should proceed to an evidentiary hearing as there is no legal reason why the application needs to be addressed in conjunction with a rate case. Consideration of the important issues raised in the application in the near-term is necessary in order for the Commission to make

¹ Docket Nos. E-01933A-15-0100 and E-04204A-15-0099.

1 a timely assessment of the DG cost-shift and whether the relief requested therein is in the public
2 interest and should be granted. The Commission's approval of utility net metering tariffs, as well
3 as periodic modifications to utility avoided cost rates, has been done outside of rate cases in
4 connection with the Commission's net metering rules.² Such approvals are not inconsistent with
5 the legal requirements of *Scates* that would require a rate case.³ Moreover, the Commission has
6 the authority to grant waivers of its rules outside of a rate case.

7 Finally, the Companies submit that in the event that the Commission determines that
8 Trico's application should be considered in a rate case, such determination should be made
9 without prejudice to the Companies' pending applications and should not be considered
10 precedential. The Companies are fundamentally different than Trico. Their applications request
11 relief that is also different than Trico's requested relief. The Companies are investor-owned
12 utilities (as opposed to member-owned non-profit cooperatives) with different service territories
13 and different financial characteristics. These circumstances must be taken into consideration
14 independently by the Commission in order for it to assess whether approval of the Companies'
15 applications is in the public interest for the Companies and their customers.

16 RESPECTFULLY SUBMITTED this 10th day of April 2015.

17 TUCSON ELECTRIC POWER COMPANY and
18 UNS ELECTRIC, INC.

19
20 By 

21 Bradley S. Carroll
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26 ² The Commission recently approved TEP's annual application for a change in its MCCCCG rate (Decision
27 No. 74973, March 16, 2015) and the application for approval to modify the MCCCCG rate for UNS Electric
is currently pending before the Commission in Docket No. E-04204A-15-0097.

³ *Scates v. Arizona Corporation Comm'n*, 118 Ariz 531, 578 P.2d 612 (Ct. App. 1978).

1 Original and 13 copies of the foregoing
2 filed this 10th day of April 2015, with:

3 Docket Control
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