

ORIGINAL

OPEN MEETING AGENDA ITEM



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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

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APR 16 2015

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AZ CORP COMMISSION DOCKET CONTROL

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

PROCEDURAL ORDER

**BY THE COMMISSION:**

On February 26, 2015, Trico Electric Cooperative, Inc. ("Trico" or "Cooperative") filed an Application for Approval of Net Metering Tariffs and Partial Waiver of the Net Metering Rules.

On March 3, 2015, Trico filed a Notice of Waiver of any 30-day "time clock" that would apply to the Application.

On March 11, 2015, Trico filed a Request for Expedited Consideration and Procedural Conference. Trico seeks quick resolution of its request to avoid new Distributed Generation ("DG") members experiencing tariff changes and to mitigate increases in lost fixed revenue recovery and cost shifting.

On March 19, 2015, the Commission's Utilities Division ("Staff") filed a Response to Trico's Request for Procedural Order. Staff expressed the position that Trico's requested relief would be more appropriately addressed in a rate case, but also proposed a schedule for an evidentiary hearing in the event Trico did not voluntarily withdraw all but the avoided cost portion of its Application.

On March 26, 2015, Trico filed a Reply to Staff's Response. Trico indicated that it opted to proceed in this docket and not withdraw any part of the Application; that it did not oppose a hearing,

1 only that a hearing not be conducted in “conjunction with hearings on any other similar applications;”  
2 and that it did not object to Staff’s proposed schedule.

3 By Procedural Order dated March 27, 2015, it was determined that a hearing on the  
4 Application would be necessary, and a Procedural Conference was set to discuss a hearing schedule  
5 and process.

6 The Procedural Conference convened on April 2, 2015. Appearing through counsel were  
7 Trico, and Intervenors Mohave Electric Cooperative, Inc. (“MEC”), Navopache Electric Cooperative,  
8 Inc. (“NEC”), The Alliance for Solar Choice (“TASC”), the Arizona Solar Deployment Alliance  
9 (“ASDA”), and Staff; Mr. Hall, an individual Intervenor appeared on his own behalf. The Pascua  
10 Yaqui Tribe appeared through its counsel as a pending intervenor, and was granted intervention with  
11 no opposition. A Statement to the Docket from Commissioner Burns was read into the record wherein  
12 Commissioner Burns requested that the parties brief the question whether Trico’s Application should  
13 be considered in a hearing process now, or whether it should be dismissed without prejudice and the  
14 matter concerned in Trico’s next rate case.  
15  
16

17 Determining the threshold issue of whether any portion of Trico’s Application must be  
18 considered in a rate case in advance of an evidentiary hearing on the Application promotes efficiency  
19 and economy. By Procedural Order dated April 3, 2015, a schedule for filing initial briefs was  
20 established, and parties were informed that oral argument would be scheduled for a date and time to be  
21 determined.  
22

23 Pursuant to the April 3, 2015 Procedural Order, initial briefs were filed on April 10, 2015 by  
24 Trico, Staff, Mr. Hall, TASC, ASDA, MEC and NEC. Tucson Electric Power Company (“TEP”) and  
25 UNS Electric, Inc. (“UNS Electric”), with pending intervention requests, filed Comments.

26 ...

27 ...

1 Motions to Intervene were filed by TEP and UNS Electric on April 7, 2015, by the Solar  
2 Energy Industries Association ("SEIA") on April 10, 2015, and by Kevin Koch on April 13, 2015.<sup>1</sup>

3 In an April 13, 2015 Commission Open Meeting Staff meeting, the Commission directed the  
4 Hearing Division to schedule Response Briefs and a time for oral argument, and to prepare a  
5 Recommended Opinion on the issue(s) raised in the briefs for consideration by the Commission.

6 On April 14, 2015, The Commission's Utilities Division ("Staff") filed a Request for  
7 Procedural Scheduling Order and Procedural Conference. Staff reported that the parties to this docket  
8 have agreed on a date to file Response Briefs of April 30, 2015, and requested a Procedural  
9 Conference to schedule oral argument.  
10

11 In the meantime, applications for net metering tariffs have been filed by Tucson Electric  
12 Company ("TEP") (Docket No. E-01933A-15-0100) and UNS Electric, Inc. (Docket No. E-04204A-  
13 15-0099). The same issue of the whether the proposed net metering tariffs can be heard outside of a  
14 rate case has been raised in all of these dockets. While the dockets are distinct and will be evaluated  
15 on their own merits, consideration of the "rate case issue" should be coordinated.  
16

17 **IT IS THEREFORE ORDERED** that a Procedural Conference shall commence on **April 27,**  
18 **2015, at 10:30 a.m.,** or as soon thereafter as is practical,<sup>2</sup> at the Commission's Tucson offices, **Room**  
19 **222, 400 West Congress, Tucson, Arizona 85701. The parties may appear telephonically by using**  
20 **the following conference line: 1-888-450-5996, code 457395#.**

21 **IT IS FURTHER ORDERED** that the **parties shall file any Response Briefs by April 30,**  
22 **2015.**  
23

24 **IT IS FURTHER ORDERED** that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized  
25 Communications) continues to apply to this proceeding and shall remain in effect until the  
26

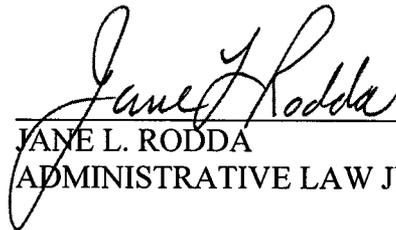
27 <sup>1</sup> The Response times on these Motions have not yet passed, but the movants are included on the service list for this  
Procedural Order pending a decision on their motions.

28 <sup>2</sup> The Procedural Conference will convene immediately following the Procedural Conferences set in the TEP and UNSE  
matters, but no earlier than 10:30 a.m.

1 Commission's Decision in this matter is final and non-appealable.

2 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive  
3 any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

4 DATED this 12 day of April, 2015.

5  
6   
7 JANE L. RODDA  
8 ADMINISTRATIVE LAW JUDGE

9 Copies of the foregoing mailed  
10 this 12 day of April, 2015 to:

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