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BEFORE THE ARIZONA CORPORATION COMMISSION

SUSAN BITTER SMITH
CHAIRMAN

BOB STUMP
COMMISSIONER

BOB BURNS
COMMISSIONER

TOM FORESE
COMMISSIONER

DOUG LITTLE
COMMISSIONER

11 **IN THE MATTER OF THE**)
12 **APPLICATION OF SULPHUR**)
13 **SPRINGS VALLEY ELECTRIC**)
14 **COOPERATIVE, INC. FOR**)
15 **APPROVAL OF A NEW NET**)
16 **METERING TARIFF SCHEDULE**)
NM-2 AND REVISIONS TO THE)
EXISTING NET METERING)
TARIFF SCHEDULE NM.)

DOCKET NO. E-01575A-15-0127

**ALLIANCE FOR SOLAR CHOICE
(TASC) BRIEF**

Arizona Corporation Commission

DOCKETED

JUL 31 2015

I. Background

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17
18 The Alliance for Solar Choice (“TASC”) submits this Brief in response to the request from the
19 Administrative Law Judge assigned to this proceeding. Below, TASC sets forth the numerous
20 legal and policy reasons that Sulphur Springs Valley Electric Cooperative’s (“SSVEC”)
21 *Application of Sulphur Springs Valley Electric Cooperative, Inc. For Approval Of A New Net*
22 *Metering Tariff Schedule NM-2 And Revisions To The Existing Net Metering Schedule NM.* (the
23 “Application”) cannot and should not be heard outside a full rate case proceeding. Rather than
24 evaluating the merits of SSVEC’s proposal, this brief focuses on the numerous deficiencies in
25 SSVEC’s attempt to evade legally necessary scrutiny of the Application in a full rate case.
26
27
28

1 First, as described in Section II, SSVEC's Application asks the Commission to engage in
2 impermissible single issue ratemaking. Single issue ratemaking is the prohibited practice of
3 making adjustments to utility rates because of changes in costs in a single item without examining
4 the entire cost and revenue structure of the utility and any potential impact of the rate change on
5 the utility's rate of return on investment. Despite this well-established prohibition, SSVEC's
6 Application asks the Commission to approve an increase in recovery without the examination
7 required under the Arizona Constitution. Further, if granted, the Application would send a windfall
8 of increased revenue from all future solar customers to SSVEC, while failing to return any of that
9 increased revenue to SSVEC ratepayers. Given that reality, Arizona's Constitution is clear that
10 the Application must be heard in the context of a full rate proceeding.

11
12 Moreover, SSVEC proposes an unprecedented waiver of the Commission's Rules where no such
13 waiver is authorized. Section III explains why the waiver request cannot be granted and why
14 SSVEC's suggested precedent is irrelevant.

15
16 SSVEC has expressly stated that the resolution it seeks in this docket is not a full resolution of the
17 issue from its perspective. As explained in Section IV(A), SSVEC's desire to prosecute a resource
18 intensive adjudication that results in something other than a final resolution is a substantial waste
19 of time and money. Section IV(B) explains how the Commission is unable to use its full powers
20 to deal with the issues raised in this docket because it is not being raised in a rate case proceeding.

21 As noted, SSVEC also seeks permission to end net metering in its service territory. Net metering,
22 or "NEM," is the law in 43 states, including in Arizona since 2009. Section IV(C) explains that
23 the Commission should reject SSVEC's request to end NEM -- itself a significant and extremely
24 controversial proposal -- without consideration of all the relevant costs and benefits through a test
25 year revenue requirement study, cost of service analysis, rate design, and other safeguards of a
26 general rate case.

1 Finally, in addition to these legal and policy deficiencies, and perhaps because of them, all five
2 sitting Arizona Corporation Commissioners have expressly stated his or her desire to address
3 utilities' claims of issues with rate design leading to cost shifts in a full rate case proceeding.
4 Commission Staff, RUCO, and numerous interested parties have all similarly indicated that a
5 general rate case is the appropriate forum for resolution of these issues while three Arizona utilities
6 have already withdrawn similar proposals in favor of bringing this issue forward in a rate case.

7
8 For all these reasons, on which TASC elaborates below, SSVEC's Application should be heard
9 only in a full rate case proceeding.

11 **II. The Application Constitutes Impermissible Single Issue Ratemaking**

13 **A. Single Issue Ratemaking Is Impermissible In Arizona**

14
15 In cases such as *Scates v. Arizona Corp. Commission*, Arizona courts have determined that
16 "[w]hile the Corporation Commission has broad discretion in establishing rates, it is required by
17 our Constitution to ascertain the value of a utility's property within the State in setting just and
18 reasonable rates."¹ The goal is first to "determine the 'fair value' of a utility's property and use
19 this value as the utility's rate base,"² and then to "determine what the rate of return should be, and
20 then apply that figure to the rate base in order to establish just and reasonable tariffs."³ It is
21 precisely these careful considerations in which the Commission will be unable to engage without
22 a rate case. It is precisely these determinations that SSVEC's Application seeks to
23 unconstitutionally bypass.

24
25 Single-issue ratemaking occurs when utility rates or rate schedules are adjusted in response to a
26 change in a single cost item considered in isolation. In *Scates*, *Mountain States Telephone and*

27
28 ¹ *Scates v. Arizona Corp. Commission*, 578 P.2d 612, 615 (Ariz. Ct. App. 1978) (citing Ariz. Const. art. 15, § 14).

² *Id.* at 615.

³ *Id.*

1 Telegraph Company sought to increase rates for the installation, moving, and changing of
2 telephones, without an examination of the company's other costs and revenues.⁴ As the *Scates*
3 court recognized,⁵ considering some costs in isolation might cause the Commission to allow a
4 utility to increase rates to recover higher costs in one area without recognizing counterbalancing
5 savings in another. Such single-issue ratemaking is unsound regulatory policy, and impermissible
6 under law.

7
8 **B. SSVEC Is Attempting Forbidden Single-Issue Ratemaking**

9
10 Despite Arizona courts' rejection of single-issue ratemaking, SSVEC is asking for exactly that.
11 The Application seeks to eliminate net metering and serve all new solar customers under a new
12 rate that will result in increased recovery for SSVEC from all new solar customers. SSVEC asks
13 that this rate alteration occur in isolation, outside of a rate case, and without the constitutionally
14 mandated examination into fair value and impact on its rate of return. SSVEC asks the
15 Commission to approve the Application without considering the relevant costs and benefits
16 through a test year revenue requirement study, cost of service analysis, and rate design, as a general
17 rate case would require which means it is asking to do precisely what the *Scates* court forbade.

18
19 **C. Even If Single Issue Ratemaking Were Permissible, SSVEC's Application Fails**
20 **As Proper Ratemaking Because It Does Not Allocate The Additional Revenue**
21 **That Would Be Generated To Other Customer Classes**

22
23 Even were single-issue ratemaking permissible – which it is not – the Application has another fatal
24 problem. SSVEC has made no attempt to allocate the increased revenue that its proposal would
25

26 ⁴ *Id.* at 614 (“The increase affected charges for all installation, moving and changing of telephones within the State
27 of Arizona. It amounted to an annual rise in revenue to Mountain States of approximately 4.9 million dollars,
representing about two percent of its entire annual revenue in the state.”).

28 ⁵ *Id.* (“The Commission approved the increase without any examination of the costs of the utility apart from the
affected services, without any determination of the utility's investment, and without any inquiry into the effect of
this substantial increase upon Mountain States' rate of return on that investment.”).

1 create. In a general rate case, such revenue would be properly allocated, and a proposed increase
2 in collection from one class of customers would require a corresponding reduction across other
3 classes. In contrast, if SSVEC's Application is allowed to go into effect, instead of being properly
4 allocated, SSVEC would receive a revenue windfall. The proposal is no different than if SSVEC
5 proposed to subject all new residential customers to a more expensive rate plan that is not currently
6 being offered. Those increased revenues from those on the new plan would have to be reallocated
7 to the rest of the rate base (in a rate case) if such a proposal were to pass muster as proper
8 ratemaking. SSVEC makes no attempt in its Application to allocate the revenues to the non-solar
9 ratepayers that SSVEC claims are currently bearing unfairly-shifted costs. Perhaps SSVEC does
10 not propose the reallocation of this collected windfall because it realizes that to do so would make
11 it even more obvious that this request properly belongs in a rate case.

12
13 The proposal in the Application will clearly allow SSVEC to collect more revenue, in comparison
14 to what SSVEC expects to collect today. SSVEC is not proposing to lower non-solar customers'
15 rates as a result of collecting this additional revenue. Given this lack of allocation, SSVEC's intent
16 with this increased revenue is entirely unknown. If any customers were in fact unfairly paying
17 "more" than they would be absent the existence of NEM, SSVEC's Application provides no relief
18 to them. They will continue to pay "more" than SSVEC has alleged is their fair share, and in
19 addition, solar customers will pay more than they currently pay.

20
21 **III. The Application Asks The Commission To Illegally Waive Its Net Metering**
22 **Rules Where No Such Waiver Is Permitted**

23
24 The Commission's Net Metering Rules do not include a provision permitting the Commission to
25 issue a waiver and as a result the Commission cannot grant the request SSVEC seeks. In contrast,
26 several Articles of the Commission's Rules expressly *permit* the issuance of waivers. For example,
27 the Commission's Renewable Energy Standard and Tariff (the "REST Rules") is one example of
28 a discrete Article of the Commission's Rules that includes a waiver provision under Section R14-

1 2-1816. This section of the REST Rules is not unlike other such sections throughout the
2 Commission's Rules including R14-2-806, R14-2-1311, R14-2-2419, and R14-2-2520. As noted,
3 no such permissive waiver section appears in the Article setting out the Net Metering Rules.
4

5 While it is unclear on what grounds SSVEC believes it is entitled to a waiver where the Rules do
6 not permit one, in a similar request, TEP pointed the Commission to Decision No. 70706 in Docket
7 No. T-01051B-07-0527. This Docket involved the adjudication of a merger whereby Quest LD
8 was merged into Quest Corporation to provide long distance service. As part of this merger the
9 companies sought waivers of three Commission Rules; Sections R14-2-1107 (requiring individual
10 notice to customers whenever a telephone provider is discontinuing service along with provisions
11 permitting objections to be filed by customers) and R14-2-1905 and 1906 (requiring written notice
12 of change in service provider and requiring the companies to receive written or verbal confirmation
13 from all 770,000 customers of the switch to Quest long distance service --a/k/a the Commission's
14 "anti-slamming rules").
15

16 The Commission granted all three waiver requests. First, citing R14-2-1115(I), the Commission
17 granted the waiver from R14-2-1107. The Commission found that R14-2-1115(I) expressly
18 permitted waivers of Rules set out in Article 11. In other words, unlike the situation at hand, this
19 waiver request was permitted in the Rules.
20

21 Then the Commission turned to the waivers of R14-2-1905 and 1906. The Commission noted that
22 the anti-slamming Rules do not have a waiver provision but asserted that it could still grant such
23 a waiver "when doing so served the public interest."⁶ Essentially, the Commission reasoned that
24 the anti-slamming Rules are in place to protect customers from getting switched to a new long
25 distance provider without their consent but that in this situation there was no danger or risk to the
26 public. They would still be "Quest" customers, still have the same service for the same price, and
27

28 _____
⁶Decision 70706 at para 46

1 notice may only serve to confuse customers and cause them to believe they were losing their
2 service altogether.

3
4 In granting this waiver, the Commission cited to several other waivers of the anti-slamming Rules.
5 All of these examples appear to involve mergers or acquisitions of telecom companies and involve
6 similar facts.

7
8 In defense of its position that a waiver should have been granted in decision 70706, Commission
9 Staff, in a separate filing docketed June 11, 2008, cited three cases; 1) Keys v. Unemployment
10 Compensation Board of Review, 130 A.2d 262,264 (1957) (Staff argues this supports the
11 proposition the “the Commission can always waive its own rules”); 2) P&R Temmer v. FCC, 743
12 F.2d 918,929 (D.C.Cir. 1984) (Staff asserts this supports that the Commission can always waive
13 its own rules “especially [] when the rule as applied to particular facts is not in the public interest”);
14 and 3) National Rural Telecom Ass’n v. FCC, 988 F.2d 174,181 (D.C.Cir. 1993) (Staff argues that
15 this case finds that waivers are appropriate to “cure over-breadth of a general rule as applied to a
16 specific set of facts”).

17
18 Each of the cases involves an application of federal law to federal agencies that report to and derive
19 their power from acts of Congress. The cases each make reference to congressional intent and cite
20 to other cases that similarly find in favor of waiver based in part on congressional intent. As a
21 result, these cases are inapposite and do not provide justification for the Commission issuing a
22 waiver under these circumstances.

23
24 In contrast to congressionally created federal agencies, the Commission is the fourth branch of
25 Arizona government deriving its powers directly from the State Constitution. This means that the
26 Commission’s Rules have the force of law in a way that other executive agencies’ Rules do not.
27 Article 15, Section 3 of the Arizona Constitution vests the Commission with the sole authority to
28 promulgate “...reasonable rules, regulations, and orders, by which such [public service]

1 corporations shall be governed in the transaction of business within the state....” It is the
2 Constitution, not the legislature that has given the Commission the authority to promulgate its
3 Rules. As such, the Rules of the Commission must have the same effect and meaning as statutes
4 promulgated by the legislature; another constitutional branch of the Arizona government.
5 Certainly, the legislature does not have the authority to simply waive the applicability of its statutes
6 where no such waiver is permitted by law, yet this is what the Commission is being asked to do
7 here.

8
9 Further, the precedent of the Commission waiving notice and mailing requirements under the anti-
10 slamming rules after finding that such Rules were needlessly complicating and could be confusing
11 to customers is substantially different from the Commission authorizing a utility to forever ignore
12 and stop complying with the key tenants of the Net Metering Rules.

13
14 After careful examination, the Quest example proffered by TEP does not support the request
15 SSVEC is making in this docket. Simply put, SSVEC has failed to point to applicable precedent
16 for its unprecedented request for a permanent waiver of the Commission’s Rules where no such
17 waiver is authorized.

18
19 **IV. It Would Be Poor Policy To Entertain SSVEC’s Proposal Outside A General**
20 **Rate Case**

21
22 In addition to the legal reasons barring single-issue ratemaking, there are solid policy reasons why
23 the Application should only be considered as part of a general rate case.

24
25 **A. Adjudicating This Issue Outside A Rate Case Is A Waste Of Commission**
26 **Resources**

1 According to SSVEC, its Application does not seek a final solution to the alleged problem it is
2 attempting to solve. This means that even after resolving this docket, the Commission and
3 intervenors will be required to engage in another round of litigation on this same topic. In fact,
4 SSVEC freely admits that in its opinion, “the proposal set forth herein does not fully resolve the
5 net metering cost shift problem.⁷” There is simply no justification for the Commission to engage
6 in an expensive and time consuming adjudication of this issue when the Applicant itself admits
7 that even it does not believe the proposal put forth fully resolves the issue.

8
9 The time that will be spent and the resources expended on this issue will not be trivial. With
10 multiple intervenors retaining legal counsel and hiring multiple experts and with protracted
11 litigation being a near certainty, one can expect the cost of litigation to be substantial. This cost
12 will be passed on to taxpayers, ratepayers, and private entities who will all turn around and be
13 forced to litigate this issue yet again whenever SSVEC decides to propose a solution that, in its
14 opinion, does fully resolve the alleged issue.

15
16 SSVEC can propose what it views as a full solution to this issue inside its next rate case for full
17 examination and review. In fact, four Arizona utilities⁸ have filed rate cases or announced their
18 intent to file rate cases to deal with this issue in a comprehensive manner. SSVEC is, at this point,
19 an outlier still pushing the Commission to inefficiently consider a partial resolution to a problem
20 outside a rate case before taking it up yet again at a later date.

21
22 **B. Outside Of A Rate Case, The Commission Cannot Utilize All Its Regulatory**
23 **Powers To Address The Application**
24

25 Another consideration is that the Commission would be hamstrung in its ability to address the
26 Application’s issues if forced to do so outside a formal utility rate case and Commission Staff
27

28 ⁷ Application 10:6-7 (emphasis added).

⁸ The four utilities are: Garkane Electric Cooperative, UNS Electric, TEP, and Trico Electric Cooperative

1 agrees. For example, outside of a rate case, the Commission is powerless to address rate design
2 issues in a broad context by reallocating costs across different classes.

3
4 Similarly, the Commission would be unable to create a new rate or multiple rate tariffs to address
5 any concerns it might have. Perhaps most importantly, outside of a rate case the Commission
6 simply will not have all the relevant information, including cost of service studies, test year
7 revenue requirement, and a full cost benefit analysis, which is necessary to fully examine the issues
8 presented in the Application.

9
10 SSVEC is proposing to box the Commission into a narrow potential solution, focused on a single
11 characteristic of a small imaginary class of customers, in response to an alleged problem – one that
12 if real and verifiable-- is likely caused by the very nature of rates themselves, and not by a narrow
13 class of customers who generate a portion of their own power. The Commission should deal with
14 this issue in a forum that allows it to truly consider and implement any and all options it deems
15 appropriate after reviewing the matter. The only forum that permits that process is a general rate
16 case.

17
18 **C. SSVEC Is Really Seeking A Full, Not “Partial,” Waiver Of the Net Metering**
19 **Rules, A Major Change That Should Only Be Considered In A Rate Case**

20
21 Net metering (NEM) is the policy in 43 states and the District of Columbia whereby solar
22 customers receive a one for one credit for any excess power exported to the grid, and may rollover
23 any unused credits from month to month over an annual term. Although SSVEC characterizes its
24 Application as a request for a “partial waiver” of the Commission’s Net Metering Rules, in reality
25 SSVEC is requesting freedom to not provide NEM to its customers. Not only is such a waiver
26 illegal as described above, it is poor policy to permanently waive a Commission Rule in a limited
27 docket without full consideration.

1 As the Commission no doubt understands, this proposal would be a significant departure from the
2 current state of policy in Arizona. The Commission should not consider the elimination of net
3 metering in a one-off forum of the utility's choosing. Such an important examination and analysis
4 must be carried out in a full general rate case.

5
6 **V. All Five Commissioners, Commission Staff, RUCO, and Numerous Other**
7 **Interested Parties Have Indicated that a Rate Case is the Proper Venue for this**
8 **Examination**
9

10 TASC is not alone in its view that SSVEC's Application should be considered in a full rate case.
11 In fact, there is near unanimity among interested parties – the decision-makers themselves,
12 Commission Staff, and RUCO -- that a rate case is the proper venue. What follows is a brief
13 survey of various supporting statements that have been made from these important interests.

14
15 **A. All Five Commissioners Appear To Support Rate Case Resolutions Of This Type**
16 **Of Issue**
17

18 Starting on the final day of the previous APS net metering public meeting and going forward, both
19 newly elected and incumbent Commissioners have been asked about their position on the net
20 metering debate or have signaled their position regarding the issue's proper forum. The unanimous
21 chorus of responses is perhaps best summarized by a quote from Commissioner Little, where he
22 stated, "[w]ell here's the thing, this [whole] question of net metering really needs to be discussed
23 in the context of a rate case. Because, that's an evidentiary hearing, sworn testimony, everybody
24 has an opportunity to provide input, all the different interveners and stakeholders....But the true,
25 correct amount [] is something we probably do need to look like in the context of a rate case."⁹
26 Then-candidate and now-Commissioner Forese echoed those sentiments when he stated, "[t]his
27 issue of net metering should have been handled in a rate case. I would have preferred to see it that

28

⁹PBS Candidate Interview September 22, 2014.

1 way. You need to look at it in depth and look at it on all sides. It is sustainable. It can work. You
2 just have to make sure that you find the balance and that is done in a rate case.”¹⁰

3
4 Then-Chairman and now-Commissioner Stump signaled his apparent support for a full vetting of
5 the issues raised in the Application in the context of a rate case during the debate on APS’s
6 proposed net metering “solution.” Chairman Stump’s Proposed Amendment No. 1 to the APS net
7 metering decision included the following proposed paragraph:

8
9 *“85. We reiterate that our decision today is a first step toward sorting out the*
10 *complex issues presented by this case. We recognize that a complete consideration*
11 *of the many facets of these issues must await APS’s next rate case. We therefore*
12 *will require APS to file its next full rate case at the earliest date that is consistent*
13 *with the Commission’s decision in APS’s last rate case.¹¹”*

14
15 Then-Commissioner and now-Chairman Bitter Smith proposed an amendment seeking to have the
16 entire APS net metering issue decided in a quickly brought rate case and to forego taking any
17 action on the matter outside of a rate case. Commissioner Bitter Smith’s Proposed Amendment
18 #1 included the following proposed paragraph:

19
20 *“53. We agree with Staffs view that the issues presented herein will likely need to*
21 *be addressed and considered as part of APS’s next rate case filing. This is also the*
22 *view expressed by RUCO in its comments to the docket. Therefore, the sooner APS*
23 *makes its filing consistent with the provisions of Decision No. 73 183, the sooner*
24 *the important issues arising from these matters can be considered in the context of*
25 *a full rate case.¹²”*

26
27
28 ¹⁰ PBS Candidate Interview June 25, 2014.

¹¹ See Docket No. E-01345A-13-0248, Chairman Stump’s Proposed Amendment #1 (emphasis added)

¹² See Docket No. E-01345A-13-0248, Commissioner Bitter Smith’s Proposed Amendment #1 (emphasis added)

1 Finally, During a Commission Staff Meeting on August 22, 2014, Commissioner Bob Burns
2 indicated it is his clear preference that rate design issues be dealt with in rate cases as opposed to
3 other forums where fewer parties participate. Commissioner Burns said, “I’ve found out more
4 about how a workshop with a rate design would work and the universe that would be participating
5 would be considerably smaller possibly than if things were handled in a rate case, I’m now of the
6 position that we ought to do this rate design within a rate case.”¹³

7
8 **B. Commission Staff has repeatedly expressed a preference for a rate case**

9
10 Commission Staff has been outspoken in its support for hearing net metering issues in a rate case.
11 In its Staff Report and Recommended Order in the APS net metering case, Staff succinctly
12 explained its support for a rate case by writing:

13
14 *“Staff believes that any cost-shift issue created by NM is fundamentally a matter of*
15 *rate design. The appropriate time for designing rates that equitably allocate the*
16 *costs and benefits of NM is during APS’s next general rate case. Data on all of*
17 *APS’s costs are available within a rate case. In addition, the Commission has more*
18 *options available within a rate case than it has outside of a rate case. Therefore,*
19 *Staff recommends that the Commission take no action on the instant application*
20 *and defer the matter for consideration during APS’s next rate case.*¹⁴

21
22 More importantly, Staff has already taken a strong position in favor of a rate case examination in
23 this docket. “In order to be able to more fully address these overriding issues, Staff recommends
24 that SSVEC withdraw its application so that the Commission may consider these matters in a rate
25 case. [] Addressing these issues in a rate case pursuant to A.A.C. R14-2-103 will increase the
26

27
28 ¹³ August 22, 2014 Staff Meeting, Agenda Item No. 2; audio available here at 8:45
http://azcc.granicus.com/MediaPlayer.php?view_id=3&clip_id=1646

¹⁴ See September 30, 2013 Staff Report in Docket No. E-01345A-13-0248 at 6-7.

1 solutions available to the Commission, which may facilitate a result that better serves the public
2 interest.¹⁵”

3 4 **C. RUCO has expressed support for a rate case**

5
6 RUCO has long contended that rate design issues should be heard in the context of a rate case.
7 During the APS net metering debate RUCO wrote that, “[t]he current net metering debate is a sub-
8 component of a much larger debate about the implications and benefits of new technology, the
9 value of the electric grid, and rate design. The Residential Utility Consumer Office (RUCO) agrees
10 with Arizona Corporation Commission (ACC) Staff that this issue should be part of a broader
11 discussion such as a rate case.”¹⁶

12 13 **VI. Conclusion**

14
15 For legal and policy reasons, the Commission cannot and should not hear SSVEC’s Application
16 outside of a general rate case. Before the Commission can pass judgment on SSVEC’s proposal,
17 the State Constitution requires a detailed and robust examination of costs, rate of return impacts,
18 fair value, and other items that simply cannot be completed outside of a rate case. Further,
19 SSVEC’s proposal plainly fails to reallocate any of the increased revenue it will generate for the
20 utility and such increased revenue can only be reallocated inside a rate case.

21
22 SSVEC proposes a drastic elimination of net metering without any scrutiny. Such a major
23 departure from the law should only be examined in a setting where it can be adequately vetted and,
24 perhaps most importantly, where the Commission has all of its many tools at its disposal. SSVEC
25 is overdue for a rate case and this issue should be brought to the Commission in the context of a
26 rate proceeding.

27
28 ¹⁵ Staff’s Request for Procedural Order dated April 22, 2015 at 2:14-22.

¹⁶ See RUCO Letter to ACC Dated October 30, 2013 in Docket E-01345A-13-0248 at 1.

1 Finally, Commissioners, Commission Staff, and RUCO have all expressed a clear preference for
2 a deliberative process and a thorough examination of the rate design issues raised in the
3 Application to be carried out in a rate case.

4

5 For the forgoing reasons, TASC respectfully requests that the Commission dismiss the entirety of
6 the Application and only consider the issues presented therein in the context of SSVEC's next
7 general rate case.

8

9 Respectfully submitted this 31st day of July, 2015.

10

11

12



Court S. Rich
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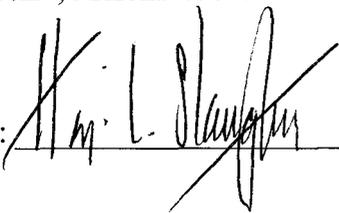
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