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BEFORE THE ARIZONA CORPORATION

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Arizona Corporation Commission

SUSAN BITTER SMITH - Chairman
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TOM FORESE

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AZ CORP COMMISSION
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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 OF 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

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

On August 13, 2015, the Arizona Investment Council ("AIC") filed its Motion (1) For Leave To Intervene And (2) To Supplement The Procedural Order To Clarify Application Of The Ex Parte Rules with the Arizona Corporation Commission ("Commission"). Commission Utilities Division Staff ("Staff") does not oppose AIC's Motion to Intervene. However, as to AIC's request to supplement the procedural order, Staff believes the requested supplementation of the Ex Parte Rule, Arizona Administrative Code ("A.A.C."), R14-3-113 requires clarification.

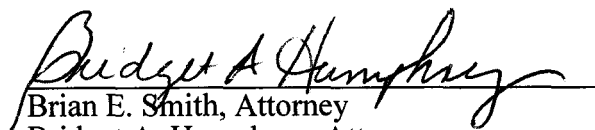
The Procedural Order in question, issued August 13, 2015, ordered that "A.A.C. R14-3-113 (ex parte rule) applies to individual members of intervening membership organizations." AIC seeks to amend that order to state that the ex parte rule prohibits the intervening membership association and each of its member companies from "engaging in non-public communications with a Commissioner or a Commission employee concerning the merits of the contested issues." (Emphasis added.)

AIC's proposed modification is overbroad: it would prohibit the intervening membership association and any of its members from communicating not only with the Commissioners and their staff, but with all employees of the ACC, including the Utilities Division and the Legal Division – a ...

1 party to this action and that party's counsel. This would impede Staff's ability to participate as a
2 party.

3 The prohibitions set forth in the ex parte rule do not apply to **all** Commission employees.
4 Each applies only to "a commissioner or commission employee **involved in the decision making**
5 **process** for that proceeding...." A.A.C. R14-3-112(C) (emphasis added). Any revision to the
6 application of the ex parte rule in any procedural order should, therefore, be limited to non-public
7 communications with a Commissioner or that Commissioner's Policy Advisor or Executive
8 Assistant.

9 RESPECTFULLY SUBMITTED this 20th day of August, 2015.

10 
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18 Original and thirteen (13) copies
19 of the foregoing filed this 20th
20 day of August, 2015 with:

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

25 Copy of the foregoing emailed/mailed
26 this 20th day of August, 2015 to:

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