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AZ CORP COMMISSION
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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

9 SUSAN BITTER SMITH, Chairman
 10 BOB STUMP
 11 BOB BURNS
 12 DOUG LITTLE
 13 TOM FORESE

Arizona Corporation Commission

DOCKETED

SEP 04 2015

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13 IN THE MATTER OF THE APPLICATION
 14 OF ARIZONA PUBLIC SERVICE
 15 COMPANY FOR APPROVAL OF NET
 16 METERING COST SHIFT SOLUTION.

DOCKET NO. E-01345A-13-0248

**ARIZONA PUBLIC SERVICE
 COMPANY'S OPPOSITION TO
 MOTION TO INTERVENE BY
 ARIZONA UTILITY RATEPAYER
 ALLIANCE**

17
 18 APS requests that the Arizona Corporation Commission deny the Motion to
 19 Intervene filed by Arizona Utility Ratepayer Alliance (AURA). A.A.C. R14-2-105
 20 permits parties to intervene only if they are "directly and substantially affected by the
 21 proceedings." In addition, intervention will be denied if doing so would unduly broaden
 22 the issues. AURA's attempt to intervene in these proceedings fails on both counts.

23 AURA's participation would unduly broaden the Grid Access Charge Reset
 24 Proceeding. Indeed, AURA's Motion purports to reserve the right to take a position on
 25 any potential issue in this proceeding, even if the issue is not within the Commission-
 26 defined scope of the proceeding. This suggests that AURA might intend to broaden the
 27 Grid Access Charge Reset Proceeding to include other issues that interest AURA.
 28

1 Moreover, the Residential Utility Consumer Office is the entity responsible for
2 protecting utility customer interests as established by Arizona Revised Statute § 40-464.
3 AURA's duplication of RUCO's efforts is both unnecessary and further likely to lead to
4 an undue broadening of the issues in this proceeding.

5 **A. AURA's Motion May be Denied Because AURA has No Direct and**
6 **Substantial Interest at Issue in this Proceeding.**

7 AURA does not allege that it will be impacted by the Commission's eventual
8 ruling in this matter, much less directly and substantially impacted. It is vitally important
9 for the Commission to hear perspectives held by members of the public. But having an
10 opinion on an issue before the Commission is not the same thing as a direct and
11 substantial interest within the meaning of Rule 105. AURA is certainly entitled to make
12 public comment. But to make AURA a party when it is not a residential customer,
13 market participant, statutorily-created customer advocate, or otherwise hold a direct and
14 substantial interest would render Rule 105 meaningless.

15 **B. Any Interest Held by AURA is Already Represented by RUCO and**
16 **AURA's Participation Would Unduly Broaden this Proceeding.**

17 AURA purports to be an entity that advocates for "utility ratepayers." RUCO,
18 however, was created by the Legislature for the express purpose of representing
19 residential utility customers in matters affecting rates before the Commission. Yet
20 AURA is funded by Energy Foundation, whose mission is to find "the new energy
21 economy" for technology vendors. See "Ex-RUCO Chief Forms Energy Advocacy
22 Group," *Arizona Capital Times*, August 11, 2015; attached as Exhibit 1. AURA's
23 participation in this matter would be divisive at worst for residential customers given
24 AURA's stated goals and duplicative of that effort at best.

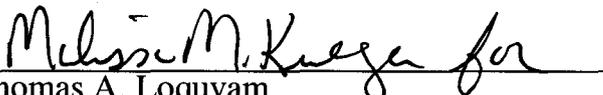
25 Moreover, other facts suggest that AURA might be intervening with the intent to
26 broaden the scope of the Grid Access Charge Reset Proceeding. In its Motion to
27 Intervene, AURA cites to the language in Decision No. 75251 regarding the
28 Commission providing guidance on the scope of the Grid Access Charge Reset
Proceeding, but then states that "AURA reserves the right to take positions on any other

1 issues in this case.” It is not clear what other issues might interest AURA, but statements
2 by AURA’s President and Managing Partner in a recent newspaper editorial may
3 provide guidance. In a July 14, 2015 editorial,¹ AURA’s President and Managing
4 Partner opined that the issues in this proceeding require the breadth and scope of a full
5 general rate case. In that article, he further opined that allegations about the electoral
6 process, and even APS executive compensation, are seemingly relevant to the issue of
7 whether the Grid Access Charge should be reset from \$.70 per kW to \$3 per kW.
8 Statements made by AURA in its filing and in public suggest that AURA seeks to
9 expand the Grid Access Charge Reset Proceeding beyond its scope. That RUCO already
10 represents residential utility customers further underscores that AURA’s intervention
11 would not assist the Administrative Law Judge or the Commission in its decision-
12 making process.

13 **C. Conclusion**

14 Because AURA has not and cannot meet the requirements for intervention under
15 A.C.C. R14-3-105, APS respectfully requests that AURA motion to intervene be denied.

16
17 RESPECTFULLY SUBMITTED this 4th day of September 2015.

18
19 By: 
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21 Attorney for Arizona Public Service Company

22 ORIGINAL and thirteen (13) copies
23 of the foregoing filed this 4th day of
September 2015, with:

24 Docket Control
25 ARIZONA CORPORATION COMMISSION
1200 West Washington Street
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27
28 ¹ Pat Quinn, *What’s the rush, APS? Address solar in a rate case*, Arizona Republic, July 14, 2015,
available at: <http://www.azcentral.com/story/opinion/op-ed/2015/07/14/aps-solar-rate-case/30153551/>.

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EXHIBIT 1

(From the Arizona Capitol Times Aug 11, 2015)

EX-RUCO CHIEF FORMS ENERGY ADVOCACY GROUP

Expect former RUCO Director Pat Quinn to become more involved in energy issues in Arizona in the coming months. Quinn has formed a new group, called Arizona Utility Ratepayer Alliance, which he said will strive to offer balanced solutions to energy issues. "It's certainly conceivable that we'll intervene in rate cases and do some of that stuff," he said. Quinn said he has gotten seed money from Energy Foundation, which doles out grants to groups that work toward what it calls "the new energy economy." On its website, Energy Foundation said it focuses on, among other things, advancing policies that open big markets for clean energy technology (LINK). Quinn said his next step is to find out how consumers view a host of major energy issues. "There needs to be a balance [in] all these," he said, noting the feud between rooftop solar and the utilities. "The true goal is: Let's find an energy policy that does the best it can to balance all the desires and needs and wants of all the customers and the utilities and solar companies, and everybody else." At some point, Arizona will have to find a workable solution, Quinn said. He noted, for example, that the EPA's final carbon rules will likely compel the state to accelerate the retirement of some of its coal-fired plants. "From my perspective, some of those plants are going to be retired anyway in the next 20 years. Why do you want to have to hurry some of that up? That's going to cost the customers more money," he said.