

ORIGINAL

INTERVENTION



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IBEW Locals 387 and 769

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BEFORE THE ARIZONA

CORPORATION COMMISSION

IN THE MATTER OF THE  
APPLICATION OF ARIZONA PUBLIC  
SERVICE FOR APPROVAL OF NET  
METERING COST SHIFT SOLUTION.

Docket No. E-01345A-13-0248

APPLICATION TO INTERVENE  
ON BEHALF OF INTERVENOR-  
APPLICANTS IBEW LOCALS 387  
AND 769

Pursuant to A.A.C. R14-3-105(A) and (B), Local Unions 387 and 769 of the International Brotherhood of Electrical Workers, AFL-CIO ("IBEW Local 387" and "IBEW Local 769") (collectively, "the IBEW Locals"), by and through undersigned counsel, hereby jointly move the Arizona Corporation Commission for leave to intervene as parties in the above-captioned matter.<sup>1</sup>

IBEW Local 387 is directly and substantially affected by the proceedings inasmuch as it is the duly elected and recognized exclusive bargaining agent for approximately one-thousand five-hundred (1,500) employees of the Arizona Public Service Company ("APS"). IBEW Local 387, in its capacity as the exclusive representative of these employees, and APS have entered into a long series of collective bargaining agreements

<sup>1</sup> As recently noted by the Chief Administrative Law Judge, "no deadline for intervention has yet been established in this docket." See August 17, 2015, Procedural Order Granting Intervention, at 2. The IBEW Locals seek to participate in the further proceedings prescribed by the Commission in Decision No. 75251.

1 (“CBA”) dating back to 1945 concerning rates of pay, wages, hours of employment, and  
2 other terms and conditions of employment. *See generally International Brotherhood of*  
3 *Electrical Workers, Local 387 v. NLRB*, 788 F.2d 1412, 1413 (9<sup>th</sup> Cir. 1986).  
4 Furthermore, IBEW Local 387 intervened in Docket No. E-01933A-11-0224 (among  
5 many other proceedings before the ACC involving APS and other regulated utilities), and  
6 was a party to the APS rate case settlement agreement dated January 6, 2012, which was  
7 approved in Decision No. 73183.

8 IBEW Local 769 is directly and substantially affected by the proceedings inasmuch  
9 as IBEW Local 769 represents employees of subcontractors working for APS. More  
10 specifically, IBEW Local 769 represents a large number of employees of signatory  
11 electrical contractors who perform outside line construction and maintenance work,  
12 including tele-data, street light, and trenching, for APS and throughout the State of  
13 Arizona. At any given time, IBEW Local 769 will have anywhere from five (5) to two-  
14 hundred (200) of its bargaining unit employees working for subcontractors of APS.  
15 Moreover, IBEW Local 769 likewise intervened in Docket No. E-01933A-11-0224  
16 (among several other proceedings before the ACC involving APS and other regulated  
17 utilities), and was a party to the APS rate case settlement agreement dated January 6,  
18 2012, which was approved in Decision No. 73183.

19 Together, the IBEW Locals represent many of the workers who contribute daily,  
20 directly, and significantly to APS’s efforts to generate, transmit, and distribute power to  
21 customers throughout its service territory. As such, the employees represented by the  
22 IBEW Locals understand both the uses and demands which residential rooftop solar  
23 places on the grid and overall electric system as well as potential operational benefits of  
24 rooftop solar. Such employees also understand that certain costs, especially costs  
25 associated with operating and maintaining power plants and electrical lines, may not  
26 necessarily be avoided as a result of the installation of rooftop solar. The IBEW Locals  
27 wish to be a part of the conversation aimed at achieving a proper cost-sharing  
28

1 arrangement between solar and non-solar customers in a manner that is fair, sustainable,  
2 and gradual.


3 The Arizona Constitution expressly recognizes the status of employees of public  
4 service corporations as central stakeholders and their interests as important considerations  
5 for any Commission action. Article XV § 3 of the Arizona Constitution provides in this  
6 regard that “[t]he Corporation Commission shall . . . make and enforce reasonable rules,  
7 regulations, and orders for the convenience, comfort, and safety, and the preservation of  
8 the health, of the employees and patrons of [public service corporations].”

9 As the foregoing demonstrates, the IBEW Locals not only have a direct interest in  
10 the outcome of this rate proceeding, but what is more, there is a substantial risk that this  
11 case may impair their interests absent being permitted to intervene into the above-  
12 captioned matter. The IBEW Locals are confident that their participation in these  
13 proceedings will not unduly broaden the issues presented herein. Similarly, given their  
14 unique status as the exclusive representative of many employees who work directly or  
15 indirectly for APS and on its electrical system, no existing (or potential) party could  
16 adequately protect the interests of the IBEW Locals or offer the perspective the IBEW  
17 Locals are uniquely positioned to present. The IBEW Locals submit that their  
18 participation will lead to a more well-reasoned decision on the part of the Arizona  
19 Corporation Commission.

20 **WHEREFORE**, the IBEW Locals respectfully request that the Commission issue  
21 an order permitting them to intervene in this matter and according them full rights as  
22 parties of record.

23 **RESPECTFULLY SUBMITTED** this 4th day of September, 2015.

24 LUBIN & ENOCH, P.C.

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26   
27 Jarrett J. Haskovec  
28 Attorneys for Intervenor-Applicants

1 Original and thirteen (13) copies  
2 of IBEW Locals' Application  
3 to Intervene filed this 4th day  
4 of September, 2015, with:

5 Arizona Corporation Commission  
6 Docket Control Center  
7 1200 West Washington Street  
8 Phoenix, Arizona 85007-2996

9 Copies of the foregoing transmitted  
10 electronically or mailed\* this same date to  
11 those identified on the attached service list  
12 for this docket.

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