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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

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AZ CORP COMMISSIO
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ORIGINAL

IN THE MATTER OF THE APPLICATION OF
ARIZONA PUBLIC SERVICE COMPANY FOR
APPROVAL OF NET METERING COST SHIRT
SOLUTION

DOCKET NO. E-01345A-13-0248

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

Arizona Corporation Commission

DOCKETED

SEP 10 2015

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1 The Arizona Utility Ratepayer Alliance, ("AURA"), hereby responds to *Arizona Public*
2 *Service Company's Opposition to Motion to Intervene by Arizona Utility Ratepayer Alliance.*

3 The motion by Arizona Public Service Company ("APS") fails for two reasons and should be
4 denied. First, contrary to APS's baseless claim, AURA and its members will be "directly and
5 substantially affected by the proceedings." Second, AURA's participation in the hearing at this
6 early stage cannot and will not unduly broaden the scope of the hearing.

7 **I. AURA and its members will be directly and substantially affected by this**
8 **proceeding**

9 Per AURA's website (<http://www.ratepayeralliance.org/>) it is obvious why this case is so
10 important to AURA and its members:

11 The Arizona Utility Ratepayer Alliance (AURA) was founded in 2015 to advise and
12 represent utility ratepayers on vital issues affecting their pocketbook. AURA is a
13 nonpolitical, non-partisan organization advocating on behalf of everyday Arizonans to
14 ensure that utilities act responsibly with affordable rates, subject to transparent
15 regulation, while providing sustainable utility services. Independent from the Governor's
16 Office, Legislature, or any other government entity, AURA is unique in its commitment
17 to all Arizona ratepayers, advocating effective and efficient utility oversight. AURA does
18 not advocate any particular alternative energy production or efficiency measures; rather it
19 believes that all such prudent measures should be part of Arizona's energy portfolio, with
20 rates set accordingly but without undue ratepayer subsidies. (Emphasis added.)

1 This case will directly affect which prudent energy production and efficiency measures
2 will be part of APS's energy portfolio and the corresponding ratepayer subsidies.

3 **II. AURA's Participation Will Not Unduly Broaden this Proceeding**

4 **A. RUCO Does Not Represent AURA's Interest**

5 AURA's interest is both broader and narrower than RUCO's. RUCO represents the
6 interests of only residential customers. RUCO's mandate is "to represent the interests of
7 residential utility ratepayers in rate-related proceedings." <https://ruco.az.gov/about-ruco>. AURA
8 is concerned not only with residential customers, but also with small businesses and other
9 commercial customers, customer interests long underrepresented at the Commission. But
10 AURA's focus is also sharper than RUCO's. AURA will focus on how energy and efficiency
11 measures affect residents, small business, and other commercial customers. Finally, RUCO is
12 state-funded and reports to the Governor's office, whereas AURA is privately funded and
13 independent of any political body.

14 It is curious that APS has reserved its opposition to AURA on the basis that RUCO
15 represents its issues. There are already a large number of individual residential customers who
16 are intervenor-parties in this case, together with a residential organization (the Sun City West
17 Property Owners and Residents Association), and various at-large renewable energy advocacy
18 groups such as the Arizona Solar Deployment Alliance and the Interstate Renewable Energy
19 Council, Inc. These intervenors and others clearly overlap with RUCO, yet APS does not
20 explain why it reserves its opposition solely to AURA.

21 **B. AURA will not broaden the scope of this case**

22 First, contrary to APS's apparent belief, a motion to intervene does not have to provide a
23 detailed statement of every issue concerning which the intervenor may take a position. At this
24 point in the proceeding, the Commission has not specified the issues that will be investigated in
25 this case. As APS well knows, it is very common for a motion to intervene to reserve the right to
26 take positions on any other issues in this case. This is the way Commission cases work. First,
27 the scope of the proceeding is specified, then the parties determine the positions they will take.

1 Sometimes, based on the evidence offered, parties even change their positions. There is nothing
2 objectionable about a *pro-forma* reservation of rights.

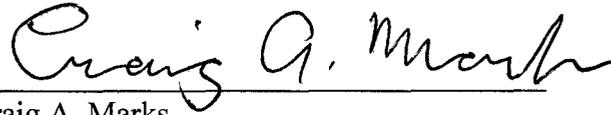
3 APS then discusses public statements made by Patrick Quinn, AURA's President and
4 Managing Partner, and concludes based on those statements that AURA may unduly broaden the
5 issues in this case. This is bizarre for many reasons.

- 6 • First, Mr. Quinn is a U.S. citizen with the same constitutional free-speech rights
7 as APS. He is free to say whatever he wants in any forum outside this
8 proceeding, just as APS has diligently exercised its free speech rights post
9 *Citizens United v. Federal Election Commission* 558 U.S. 310 (2010). It seems
10 ironic for APS to try to quash free speech.
- 11 • Second, Mr. Quinn's editorial was as a private citizen. He did not purport to
12 speak for AURA.
- 13 • Third, even if he had spoken for AURA, extra-Commission speech is irrelevant to
14 this case. AURA can speak to the Commission only through its testimony and
15 pleadings. If APS believes that some part of AURA's future testimony or
16 pleadings is outside the scope of this proceeding, its remedy is to file a motion to
17 strike, not to wave its arms about something Mr. Quinn said two months ago in an
18 editorial.
- 19 • Fourth, the Commission has not even set the scope of this proceeding. How can
20 APS rationally argue that AURA intends to unduly broaden its scope when the
21 scope is unknown?

22 **III. Requested Relief**

23 For all the reasons set forth above, APS's opposition should be denied.

1 Respectfully submitted on September 10, 2015, by:
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6 Craig A. Marks
7 Craig A. Marks, PLC
8 10645 N. Tatum Blvd.
9 Suite 200-676
10 Phoenix, AZ 85028
11 (480) 367-1956
12 Craig.Marks@azbar.org
13 Attorney for Arizona Utility Ratepayer Alliance

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16
17 Docket Control
18 Arizona Corporation Commission
19 1200 West Washington
20 Phoenix, Arizona 85007

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22 **Copies e-mailed**
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24
25 **Service List**