ORIGINAL

OPEN MEETING ITEM

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COMMISSIONERS
DOUG LITTLE – Interim Chairman
BOB STUMP
BOB BURNS
TOM FORESE

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Executive Director

ARIZONA CORPORATION COMMISSION

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AZ CORP COMMISSION
DOCKET CONTROL

DATE: JANUARY 26, 2016

DOCKET NO.: E-01749A-09-0185

TO ALL PARTIES:

Enclosed please find the recommendation of Administrative Law Judge Jane L. Rodda. The recommendation has been filed in the form of an Order on:

GRAHAM COUNTY ELECTRIC COOPERATIVE, INC.
(ORDER CORRECTING DECISION NO. 75342 *NUNC PRO TUNC*)

Pursuant to A.A.C. R14-3-110(B), you may file exceptions to the recommendation of the Administrative Law Judge by filing an original and thirteen (13) copies of the exceptions with the Commission's Docket Control at the address listed below by **4:00** p.m. on or before:

JANUARY 29, 2016

The parties have waived the 10 days for filing of exceptions

The enclosed is NOT an order of the Commission, but a recommendation of the Administrative Law Judge to the Commissioners. Consideration of this matter has tentatively been scheduled for the Commission's Open Meeting to be held on:

FEBRUARY 2, 2016 AND FEBRUARY 3, 2016

For more information, you may contact Docket Control at (602) 542-3477 or the Hearing Division at (602) 542-4250. For information about the Open Meeting, contact the Executive Director's Office at (602) 542-3931.

Arizona Corporation Commission
DOCKETED
JAN 26 2016

DOCKETED BY

JODI A. JERICH
EXECUTIVE DIRECTOR

This document is available in alternative formats by contacting Shaylin Bernal, ADA Coordinator, voice phone number 602-542-3931, E-mail SABernal@azcc.gov

BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

DOUG LITTLE - Interim Chairman
BOB STUMP
BOB BURNS
TOM FORESE
VACANT

IN THE MATTER OF THE APPLICATION OF GRAHAM COUNTY ELECTRIC COOPERATIVE, INC. TO AMEND ITS CERTIFICATE OF CONVENIENCE AND NECESSITY AND TO TRANSFER CERTAIN OF ITS ASSETS TO THE CITY OF SAFFORD.	DOCKET NO. E-01749A-09-0185 DECISION NO. _____ **ORDER CORRECTING DECISION NO. 75342 *NUNC PRO TUNC***

Open Meeting
February 2 and 3, 2016
Phoenix, Arizona

BY THE COMMISSION:

* * * * * * * * * *

Having considered the entire record herein and being fully advised in the premises, the Arizona Corporation Commission ("Commission") finds, concludes, and orders that:

FINDINGS OF FACT

1. In Decision No. 75342 (December 17, 2015) the Commission approved the final transfer of customers and assets from Graham County Electric Cooperative, Inc. ("GCEC" or "Cooperative") and the City of Safford ("Safford") pursuant to the parties' Territorial Settlement Agreement ("TSA") entered into in December 2008.[1]

2. On January 25, 2016, GCEC filed a Request for Order *Nunc Pro Tunc*, to amend Decision 75342 to include a finding that was inadvertently omitted.

3. The second sentence in Finding of Fact No. 35 of Decision 75342 states that "Safford will not charge a connection fee to new customers received in the Final Transfer." After conferring with the Commission's Utilities Division ('Staff") GCEC states that the parties intended that the transferred customers would not be assessed any fee (connection or disconnection) in association with

[1] The Commission approved the TSA in Decision No. 71471 (January 26, 2010).

the transfer to Safford. However, because GCEC has a $10 disconnection fee as part of its Rate Schedule SC, Service Charges, that was approved in Decision No. 70289 (April 24, 2008), some transferred customers were automatically assessed the disconnection charge.

4. Thus, in order to rectify the situation, and in keeping with the parties' intent that the transferred customers would not incur a disconnect or connection charge as a result of the transfer, GCEC requests that the Commission amend Decision No. 75342 *nunc pro tunc* as follows:

- Delete the second sentence of Finding 35, on page 9, line 8-9, and replace it with "The customers will not incur a disconnect fee or a new connection fee in association with the transfer."
- Revise the fourth Ordering Paragraph, on page 10, lines 16-18:

  "IT IS FURTHER ORDERED that Graham County Electric Cooperative, Inc., is authorized to engage in any transactions and to execute or cause to be executed any documents necessary to effectuate the authorizations approved herein, including authorization to waive or, where necessary, refund to the customers transferred to the City of Safford the $10 disconnect fee approved by the Commission in Decision No. 70289.

5. In order to expedite the processing of this request so that it may be considered by the Commission at its February 2, 2016 Open Meeting, the Cooperative waived the 10-day period for filing exceptions, and states that it confirmed with the City of Safford that it too agrees to waive the 10-day period.

6. In keeping with the intent of the parties and the Commission that transferred customers would not be assessed a termination or establishment fee by GCEC or Safford on account of the transfer pursuant to the TSA, the requested amendment to Decision No. 75342 is necessary, appropriate and in the public interest.

CONCLUSIONS OF LAW

1. GCEC is an Arizona public service corporation within the meaning of Article XV, Section 2, of the Arizona Constitution and A.R.S. §§ 40-281, 40-282 and 40-285.

2. The Commission has jurisdiction over GCEC and over the subject matter of the

application.

3. Decision No. 75342 should be corrected, *nunc pro tunc*, as discussed herein.

ORDER

IT IS THEREFORE ORDERED that Decision No. 75342 is corrected *nunc pro tunc* as follows:

Page 9, lines 8-9: DELETE second sentence. INSERT "The customers will not incur a disconnect fee or a new connection fee in association with the transfer."

Page 10, line 18, after "authorizations approved herein" INSERT ", including authorization to waive or, where necessary, refund to the customers transferred to the City of Safford the $10 disconnect fee approved by the Commission in Decision No. 70289."

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

CHAIRMAN COMMISSIONER

COMMISSIONER COMMISSIONER COMMISSIONER

IN WITNESS WHEREOF, I, JODI JERICH, Executive Director of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this _____ day of _____ 2016.

JODI JERICH
EXECUTIVE DIRECTOR

DISSENT _____

DISSENT _____
JR:ru

SERVICE LIST FOR: GRAHAM COUNTY ELECTRIC COOPERATIVE, INC.

DOCKET NO.: E-01749A-09-0185

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