

ORIGINAL INTERVENTION



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AZ CORP COMMISSION
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Arizona Corporation Commission

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JAN 29 2016

6 Attorneys for Intervenor-Applicants IBEW Locals 387, 1116, & 769

7 BEFORE THE ARIZONA CORPORATION COMMISSION

DOCKETED BY

9 IN THE MATTER OF THE
10 COMMISSION'S INVESTIGATION OF
11 VALUE AND COSTS OF DISTRIBUTED
12 GENERATION.

Docket No.: E-00000J-14-0023

APPLICATION TO INTERVENE BY
INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS LOCALS 387,
1116, AND 769

14 Pursuant to A.A.C. R14-3-105(A) and (B), Local Unions 387, 1116, and 769 of the
15 International Brotherhood of Electrical Workers, AFL-CIO (collectively, "the IBEW Locals"),
16 by and through undersigned counsel, hereby jointly move the Arizona Corporation Commission
17 for leave to intervene as parties in the above-captioned matter.

18 IBEW Local 387 is directly and substantially affected by the proceedings inasmuch as it
19 is the duly elected and recognized exclusive bargaining agent for approximately one thousand
20 five hundred employees of the Arizona Public Service Company ("APS"). IBEW Local 387 and
21 APS have a long series of collective bargaining agreements ("CBA") dating back to 1945
22 concerning rates of pay, wages, hours of employment, and other terms and conditions of
23 employment. See generally *Int'l Bhd. of Elec. Workers v. NLRB*, 788 F.2d 1412, 1413 (9th Cir.

1 1986). Furthermore, IBEW Local 387 intervened in Docket No. E-01933A-11-0224, among
2 many other proceedings before the ACC involving APS and other regulated utilities, and was a
3 party to the APS rate case settlement agreement dated January 6, 2012 and approved in Decision
4 No. 73183.

5 IBEW Local 387 is also the exclusive representative of employees at Navopache Electric
6 Cooperative, Inc.; and has been party to a long series of collective bargaining agreements with
7 Navopache, dating back to the early 1950s. It also represents members working for Unisource
8 Electric Workers in Nogales and for Graham County Electric Cooperative.

9 IBEW Local 1116 is directly and substantially affected by the proceedings inasmuch as it
10 is the exclusive bargaining representative of approximately seven hundred non-managerial
11 Tucson Electric Power (“TEP”) employees, including linemen/cablemen, substation electricians,
12 fuel handlers, electronics technicians, equipment servicemen, field technicians, designers, heavy
13 equipment and transport operators, maintenance electricians, maintenance mechanics, and meter
14 repairmen. These represented employees contribute daily, directly, and significantly to TEP’s
15 efforts to provide safe and reliable electrical service. IBEW Local 1116 and TEP’s series of
16 CBAs dates back to November 16, 1937, and its current CBA extends to December 31, 2017.
17 IBEW Local 1116 was a party to the 2008 TEP Rate Case Settlement Agreement, which was
18 approved in Decision No. 70628, to the 2012 TEP Rate Case Settlement Agreement, approved in
19 Decision No. 73912, and to the ongoing TEP Rate Case in Docket No. E-01933A-15-0322.

20 IBEW Local 1116 also represents approximately thirty-seven members working for Trico
21 Electrical Cooperative, and was involved in the 2009 Trico rate case. *See Trico Electric*
22 *Cooperative, Inc. General Rate Case*, 2009 Ariz. PUC LEXIS 186 (August 6, 2009).

1 IBEW Local 769 is directly and substantially affected by the proceedings inasmuch as it
2 represents employees of subcontractors working for virtually all Arizona's utility companies,
3 large and small. IBEW Local 769 represents employees of signatory electrical contractors who
4 perform outside line construction and maintenance work, including teledata, street light, and
5 trenching for APS and throughout the state of Arizona. By way of example, at any given time,
6 IBEW Local 769 has between five and two hundred of its bargaining unit employees working for
7 subcontractors of APS. Moreover, IBEW Local 769 intervened in Docket No. E-01933A-11-
8 0224, among several other proceedings before the ACC involving APS and other utilities, and
9 was a party to the January 6, 2012 APS rate case settlement agreement approved in Decision No.
10 73183. IBEW Local 769 is also the exclusive bargaining representative of approximately 80
11 employees of UNS Electric Corporation in Mohave County.

12 Together, the IBEW Locals represent many of the workers who contribute daily, directly,
13 and significantly to statewide efforts to generate, transmit, and distribute power to customers.
14 Moreover, the IBEW Locals represent employees who must, to one degree or another, interface
15 with rooftop solar as part of their duties. As such, the represented employees understand both
16 the uses and demands which residential rooftop solar places on the grid and overall electric
17 system, as well as potential operational benefits of rooftop solar, real or imagined. Such
18 employees also understand that certain costs, especially costs associated with operating and
19 maintaining power plants and electrical lines, may not necessarily be avoided as a result of the
20 installation of rooftop solar. The IBEW Locals wish to be a part of the conversation aimed at
21 achieving a proper cost-sharing arrangement between solar and non-solar customers in a manner
22 that is fair, sustainable, and gradual.

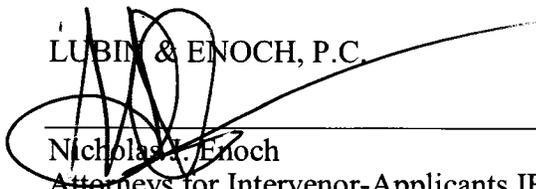
1 The Arizona Constitution expressly recognizes the status of employees of public service
2 corporations as central stakeholders and their interests as important considerations for any
3 Commission action. Article XV § 3 of the Arizona Constitution provides in this regard that
4 “[t]he Corporation Commission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

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

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

20 RESPECTFULLY SUBMITTED this 29th day of January, 2016.

21 LUBIN & ENOCH, P.C.

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Locals 387, 116, & 769

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Original and thirteen copies of the IBEW Locals' Application to Intervene filed this 29th day of January, 2016, with:

Arizona Corporation Commission
Docket Control Center
1200 West Washington Street
Phoenix, Arizona 85007-2996

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

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