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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

DOUG LITTLE – Chairman
BOB STUMP
BOB BURNS
TOM FORESE
ANDY TOBIN

Arizona Corporation Commission

DOCKETED

FEB 11 2016

DOCKETED BY

DOCKET NO. E-01749A-09-0185

DECISION NO. 75456

**ORDER CORRECTING DECISION
NO. 75342 NUNC PRO TUNC**

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.

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).

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

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

- 7 • Delete the second sentence of Finding 35, on page 9, line 8-9, and replace it with "The
 8 customers will not incur a disconnect fee or a new connection fee in association with
 9 the transfer."

- 10 • Revise the fourth Ordering Paragraph, on page 10, lines 16-18:

11 "IT IS FURTHER ORDERED that Graham County Electric Cooperative, Inc., is
 12 authorized to engage in any transactions and to execute or cause to be executed any
 13 documents necessary to effectuate the authorizations approved herein, including
 14 authorization to waive or, where necessary, refund to the customers transferred to the
 15 City of Safford the \$10 disconnect fee approved by the Commission in Decision No.
 16 70289.

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

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

25 CONCLUSIONS OF LAW

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

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

1 application.

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

3 **ORDER**

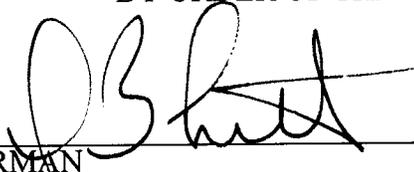
4 IT IS THEREFORE ORDERED that Decision No. 75342 is corrected *nunc pro tunc* as follows:

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

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

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

11 BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

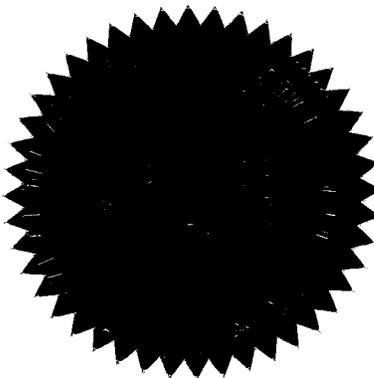
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CHAIRMAN

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18 IN WITNESS WHEREOF, I, JODI JERICH, Executive Director
19 of the Arizona Corporation Commission, have hereunto set my
20 hand and caused the official seal of the Commission to be affixed
21 at the Capitol, in the City of Phoenix, this 11th day
22 of February 2016.

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23 JODI JERICH
24 EXECUTIVE DIRECTOR

24 DISSENT _____

26 DISSENT _____
27 JR:ru

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SERVICE LIST FOR:

GRAHAM COUNTY ELECTRIC COOPERATIVE,
INC.

DOCKET NO.:

E-01749A-09-0185

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