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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

Arizona Corporation Commission

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

DOCKETED

FEB 29 2016

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IN THE MATTER OF THE COMMISSION'S
INVESTIGATION OF VALUE AND COST OF
DISTRIBUTED GENERATION.

DOCKET NO. E-00000J-14-0023

PROCEDURAL ORDER
(Granting Admission *Pro Hac Vice*)

BY THE COMMISSION:

On December 3, 2013, the Arizona Corporation Commission (“Commission”) issued Decision No. 74202 in Docket No. E-01345A-13-0248. As part of that Decision, the Commission ordered that a generic docket be opened on net metering (“NM”) issues, and that workshops be held with all stakeholders to help inform future Commission policy on the value that distributed generation (“DG”) installations bring to the grid.¹ As a result, this docket was opened.

On October 20, 2015, at its regularly scheduled Open Meeting, in the course of considering Docket No. E-01345A-13-0248,² the Commission ordered that an evidentiary hearing be held in this generic docket to include, in addition to the value and cost of DG, cost of service issues related to Arizona Public Service Company’s (“APS’s”) provision of service to DG and non-DG customers.

Parties to this case include: The Alliance for Solar Choice (“TASC”), Clean Power Arizona, Freeport Minerals Corporation (“Freeport Minerals”), Arizonans for Electric Choice and Competition (“AECC”), Arizona Solar Deployment Alliance (“ASDA”), Vote Solar, Arizona Utility Ratepayer Alliance (“AURA”), Arizona Investment Council (“AIC”), the Residential Utility Consumer Office (“RUCO”), Grand Canyon State Electric Cooperative Association, Inc. (“GCSECA”), Arizona Competitive Power Alliance (“ACPA”), Western Resource Advocates (“WRA”), Ajo Improvement Company (“Ajo”), Arizona Electric Power Cooperative, Inc. (“AEPCO”), APS, Columbus Electric

¹ Decision No. 74202 at 30.

² In the matter of the application of Arizona Public Service Company for approval of net metering cost shift solution. The Commission closed Docket No. E-01345A-13-0248 by Decision No. 75290 (October 27, 2015).

1 Cooperative, Inc. (“CEC”), Dixie-Escalante Rural Electric Association, Inc., Duncan Valley Electric
2 Cooperative, Inc. (“DVEC”), Garkane Energy Cooperative, Inc. (“Garkane”), Graham County Electric
3 Cooperative, Inc. (“GCEC”), Mohave Electric Cooperative, Inc. (“MEC”), Morenci Water and Electric
4 Company (“MWE”), Navopache Electric Cooperative, Inc. (“NEC”), Sulphur Springs Valley Electric
5 Cooperative, Inc. (“SSVEC”), Trico Electric Cooperative, Inc. (“Trico”), Tucson Electric Power
6 Company (“TEP”), UNS Electric, Inc. (“UNSE”), Patricia Ferré, Nancy Baer, Arizona Solar Energy
7 Industries Association (“ARISEIA”), Local Unions 387, 1116 and 769 of the International Brotherhood
8 of Electrical Workers, AFL-CIO (“IBEW”), Lewis M. Levenson, Susan Pitcairn, Richard Pitcairn, and
9 the Commission’s Utilities Division (“Staff”).

10 On December 3, 2015, following consideration of oral and written comments received in this
11 docket regarding procedural issues related to the evidentiary hearing to be held in this docket, a
12 Procedural Order was issued governing procedural matters. The Procedural Order set the hearing to
13 commence on April 18, 2016, and set associated public notice requirements and testimony filing
14 deadlines.³

15 Numerous public comments have been filed.

16 On December 22, 2015, Commissioner Little filed a letter to the docket outlining his views
17 regarding the purpose of the evidentiary hearing, expected outcomes of the process, and parties’
18 participation. Commissioner Little’s letter also enumerated some specific issues/questions he believes
19 should be addressed by participating parties.

20 On January 6, 2015, Commissioner Little’s office filed a copy of a document used as a reference
21 in Commissioner Little’s December 22, 2015 letter to the docket.

22 On January 8, 2015, Commissioner Forese filed a letter to the docket expressing his concerns
23 and requesting that the parties work to develop “win-win” methodologies and solutions.

24 On February 8, 2016, Commissioner Burns filed a letter to the docket requesting that the parties
25

26 ³ On December 23, 2015, a Procedural Order was issued extending the December 31, 2015 public notice requirement
27 deadline set by the December 3, 2015 Procedural Order to February 1, 2016, extending the intervention deadline to February
28 19, 2016, widening the acceptable means of providing public notice, and indicating that utilities could include their own
individual introductory paragraphs preceding the prescribed form of public notice. Public notice, pursuant to the
requirements of the December 3, 2015 and December 23, 2015 Procedural Orders, has been provided to all customers of
Arizona electric utilities subject to rate regulation by the Commission.

1 file testimony regarding the impact of rooftop solar and other distributed generation on water use,
2 discussed in the context of developing a methodology for the value and cost of distributed generation.

3 On February 2, 2016, pursuant to Arizona Supreme Court Rule 39, Timothy Hogan filed with
4 the Commission a Motion to Associate Counsel *Pro Hac Vice* to associate Chinyere Ashley Osuala as
5 counsel for Vote Solar. The Motion lists Mr. Hogan as the designated member of the Arizona State
6 Bar with whom communication may be made and upon whom papers should be served. Attached to
7 the Motion is a copy of the verified Application for Appearance *Pro Hac Vice* filed with the State Bar
8 of Arizona for Ms. Osuala; a copy of the certificates of good standing from the jurisdictions in which
9 she has been admitted to practice law; and a copy of the Notice of Receipt of Complete Application
10 from the State Bar of Arizona.

11 On February 19, 2016, Commissioner Stump filed a letter to the docket listing policy
12 considerations and questions intended to inform both cost of service and value of solar considerations
13 within the context of the upcoming evidentiary hearing in this docket.

14 On February 25, 2016, direct testimony in this matter was filed by APS, TEP, UNSE, SSVEC,
15 GSECA, AIC, IBEW, Vote Solar, TASC, RUCO, and Staff.

16 In the discretion of the Commission, Ms. Osuala should be permitted to appear and participate
17 in the above-captioned matter on behalf of Vote Solar.

18 IT IS THEREFORE ORDERED that Chinyere Ashley Osuala is admitted *pro hac vice* in the
19 above-captioned matter.

20 IT IS FURTHER ORDERED that Ms. Osuala's address for service of papers and other
21 communication is:

22 Chinyere Ashley Osuala
23 Earthjustice
24 48 Wall Street, 19th Floor
New York, NY 10005

25 ...

26 ...

27 ...

28 ...

1 IT IS FURTHER ORDERED that the address for service of papers and other communication
2 for the Arizona-licensed attorney designated as local counsel for Vote Solar is:

3 Timothy M. Hogan
4 ARIZONA CENTER FOR LAW IN THE PUBLIC INTEREST
5 514 W. Roosevelt St.
6 Phoenix, AZ 85003

7 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance
8 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Arizona
9 Supreme Court Rule 42). Representation before the Commission includes the obligation to appear at
10 all hearings and procedural conferences, as well as all Open Meetings for which the matter is scheduled
11 for discussion, unless counsel has previously been granted permission to withdraw by the
12 Administrative Law Judge.

13 IT IS FURTHER ORDERED that, as permitted under A.A.C. R14-3-107(B), each party to this
14 matter may opt to receive service of all filings in this docket, including all filings by parties and all
15 Procedural Orders and Recommended Opinions and Orders/Recommended Orders issued by the
16 Commission's Hearing Division, via email sent to an email address provided by the party rather than
17 via U.S. Mail. To exercise this option, a party shall:

- 18 1. Ensure that the party has a valid and active email address to which the party has regular
19 and reliable access ("designated email address");
- 20 2. Complete a Consent to Email Service using the form available on the Commission's
21 website (www.azcc.gov) or a substantially similar format;
- 22 3. File the original and 13 copies of the Consent to Email Service with the Commission's
23 Docket Control, also providing service to each party to the service list;
- 24 4. Send an email, containing the party's name and the docket number for this matter, to
25 HearingDivisionServicebyEmail@azcc.gov from the designated email address, to allow
26 the Hearing Division to verify the validity of the designated email address;
- 27 5. Understand and agree that service of a document on the party shall be complete upon
28 the sending of an email containing the document to the designated email address,

1 regardless of whether the party receives or reads the email containing the document;
2 and

- 3 6. Understand and agree that the party will no longer receive service of filings in this
4 matter through First Class U.S. Mail or any other form of hard-copy delivery, unless
5 and until the party withdraws this consent through a filing made in this docket.

6 IT IS FURTHER ORDERED that a party's consent to email service shall not become effective
7 until a Procedural Order is issued approving the use of email service for the party. The Procedural
8 Order shall be issued only after the party has completed steps 1 through 4 above, and the Hearing
9 Division has verified receipt of an email from the party's designated email address.

10 **IT IS FURTHER ORDERED that a party's election to receive service of all filings in this**
11 **matter via email does not change the requirement that all filings with the Commission's Docket**
12 **Control must be made in hard copy and must include an original and 13 copies.**

13 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend, or
14 waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at a
15 hearing.

16 DATED this 29th day of February, 2016.

17
18
19 
TEENA JIBILIAN
ASSISTANT CHIEF ADMINISTRATIVE LAW JUDGE

20 Copies of the foregoing mailed/delivered
21 this 29th day of February, 2016 to:

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