

ORIGINAL

OPEN MEETING AGENDA ITEM



0000169973

BEFORE THE ARIZONA CORPORATION COMMISSION

RECEIVED

2 COMMISSIONERS:

INTERVENTION

2016 APR 28 A 8:00

- 3 DOUG LITTLE, Chairman
- 4 BOB STUMP
- 5 BOB BURNS
- 6 TOM FORESE
- 7 ANDY TOBIN

AZ CORP COMMISSION
DOCKET CONTROL

8
9 IN THE MATTER OF THE APPLICATION OF)
10 TUCSON ELECTRIC POWER COMPANY FOR)
11 THE ESTABLISHMENT OF JUST AND)
12 REASONABLE RATES AND CHARGES)
13 DESIGNED TO REALIZE A REASONABLE)
14 RATE OF RETURN ON THE FAIR VALUE OF)
15 THE PROPERTIES OF TUCSON ELECTRIC)
16 POWER COMPANY DEVOTED TO ITS)
17 OPERATIONS THROUGHOUT THE STATE)
18 OF ARIZONA AND FOR RELATED)
19 APPROVALS.)
20)
21)

DOCKET NO. E-01933A-15-0322
E-01933A-15-0239

Arizona Corporation Commission
DOCKETED

APR 28 2016

DOCKETED BY	KJ
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22 MOTION TO INTERVENE OF THE UNITED STATES DEPARTMENT OF DEFENSE
 23 AND ALL OTHER FEDERAL EXECUTIVE AGENCIES
 24 AND MOTION TO APPEAR PRO HAC VICE
 25

26 The Secretary of Defense, through duly authorized counsel and on behalf of the consumer interests
 27 of the United States Department of Defense and all other Federal Executive Agencies
 28 (“DoD/FEA”), hereby moves to intervene in the above captioned matter. Kyle J. Smith,
 29 DoD/FEA’s authorized counsel, also moves to appear *pro hac vice* in this matter. In support of
 30 this Motion, DoD/FEA further states:

31 1. On November 5, 2015, Tucson Electric Power Company (“TEP”) filed an Application with
 32 the Arizona Corporation Commission for a rate increase.

33 2. DoD/FEA maintains military installations in Arizona, including, but not limited to, Fort
 34 Huachuca and Davis-Monthan Air Force Base. DoD/FEA is a large customer of TEP. If TEP’s
 35 application is granted, the cost for electric power service to DoD/FEA in Arizona could be

1 substantially impacted. Accordingly, DoD/FEA has a substantial and vital interest in the outcome
2 of this proceeding which cannot be adequately represented by any other party.

3 3. DoD/FEA's attorneys and contact information are as follows:

4 Lead Counsel: Kyle J Smith
5 9275 Gunston Road (JALS RL/IP)
6 Suite 1300
7 Fort Belvoir, VA 22060
8 Phone: (703) 693 – 1274
9 Email: kyle.j.smith124.civ@mail.mil

10
11 Local Counsel: Karen White
12 AZ Bar No. 016820
13 139 Barnes Drive
14 Suite 1
15 Tyndall Air Force Base, FL 32401
16 Phone: (850) 283 – 6575
17 Email: karen.white.13@us.af.mil
18

19 4. Counsel for DoD/FEA consents to be served by electronic mail at the email addresses
20 provide above.

21 5. DoD/FEA's lead counsel is an attorney licensed in Florida and Washington, D.C. An
22 application to appear *pro hac vice* has been filed with the State Bar of Arizona, together with
23 certificates of good standing and fees, for Kyle J Smith to appear in this matter. A copy of the
24 Application is attached hereto as Exhibit "A".

25 6. Karen White hereby agrees to serve as local counsel in this matter and accepts the
26 responsibilities detailed in Rule 39(a)(2), Ariz. R. Sup. Ct. Karen White moves the Arizona
27 Corporation Commission to associate Kyle J. Smith as counsel *pro hac vice* in this action to
28 represent DoD/FEA. A proposed order granting the *pro hac vice* application is attached hereto as
29 Exhibit "B".



Attn: Pro Hac Vice Dept
 P.O. Box 53099
 Phoenix, AZ 85072-3099
 Phone: 602-340-7239

For Official Use Only

App# _____
 Bar Number# _____

Overnight or Hand Delivery:
 4201 N. 24th St., Ste 100
 Phoenix, AZ 85016-6266

Application for Appearance Pro Hac Vice

PART I: Applicant Information

Name of Applicant: Kyle J Smith

Firm/Company Name: U.S. Army Legal Services Agency

Office Address: 9275 Gunston Road (JALS RL/IP), Suite 1300, Fort Belvoir, VA 22060

Telephone: (703) 693 - 1274 Fax: _____ Email Address: kyle.j.smith124.civ@mail.mil

Residence Address: 2451 Midtown Ave. Apt. 1014, Alexandria, VA 22303

Title of cause or case where applicant seeks to appear: In the Matter of the Application of Tucson Electric Power Company for the Establishment of Just and Reasonable Rates and Charges

Docket Number: E-01933A-15-0322

Court, Board, or Administrative Agency: Arizona Corporation Commission

Party on whose behalf applicant seeks to appear: U.S. Department of Defense and all other Federal Executive Agencies

Pursuant to Arizona Supreme Court Rule 39(a)(4), the applicant shall complete the information below:

Courts to Which Applicant Has Been Admitted: <small>(Attach additional pages if necessary)</small>	Date of Admission:	Bar Number:
<u>Florida</u>	<u>06/03/2005</u>	<u>12646</u>
<u>Washington, D.C.</u>	_____	<u>980021</u>
_____	_____	_____
_____	_____	_____

Applicant is a member in good standing in such courts.

Applicant is not currently disbarred or suspended in any court.

Applicant is / is not (select one) currently subject to any pending disciplinary proceeding or investigation by any court, agency or organization authorized to discipline attorneys at law. If yes, specify the jurisdiction, nature of investigation and contact information of the disciplinary authority investigating on an additional page:

In the preceding three (3) years, applicant has filed applications to appear as counsel under Ariz. R. Sup. Ct., Rule 39(a) in the following:

Title of Matter:	Docket #:	Court or Agency:	App Granted? (Y/N)
<u>In the Matter of the Application of Tucson Electric Power</u>	<u>E-01933A-12-0291</u>	<u>Arizona Corporation Commission</u>	<u>Y</u>
<u>In the Matter of the Application of Tucson Electric Power</u>	<u>E-01933A-12-0298</u>	<u>Arizona Corporation Commission</u>	<u>Y</u>
_____	_____	_____	_____

This case or cause is / is not (select one) a related or consolidated matter for which applicant has previously applied to appear pro hac vice in Arizona. If this matter is a related or consolidated with any previous application, Applicant certifies that he/she will review and comply with appropriate rules of procedure as required in the underlying cause.

If applicable, please provide related or consolidated matter application or docket# _____

PART II: Local Counsel Information

Name of Arizona Local Counsel: Karen White
State Bar of Arizona Number: 016820
Address: 139 Barnes Drive, Suite 1, Tyndall AFB, FL 32401
Telephone: 850-283-6575 Fax: _____ Email Address: karen.white.13@us.af.mil

- Local Counsel is a member in good standing.
- Local Counsel associating with a nonresident attorney in a particular cause shall accept joint responsibility with the nonresident attorney to the client, to opposing parties and counsel, and to court, board, or administrative agency in that particular cause.

PART III: Parties and Certification

Name(s) of each party in this cause and name and address of all counsel of record:

Party:	Counsel of Record:	Address:
<u>see attached</u>	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Applicant is including with this application a nonrefundable application fee, payable to the State Bar of Arizona, in the amount of \$490.00. Fifteen percent of the non-refundable application fee paid pursuant to this section shall be deposited into a civil legal services fund to be distributed by the Arizona Foundation for Legal Services and Education entirely to approved legal services organizations, as that term is defined in subparagraph (f) of this rule.

Applicant is furnishing a certificate from the state bar or from the clerk of the highest admitting court of each state, territory, or insular possession of the United States in which the nonresident attorney has been admitted to practice law certifying the nonresident attorney's date of admission to such jurisdiction and the current status of the nonresident attorney's membership or eligibility to practice therein. The certificate furnished shall be no more than forty-five (45) days old.

Applicant certifies the following:

1. Applicant shall be subject to the jurisdiction of the courts and agencies of the State of Arizona and to the State Bar of Arizona with respect to the law of this state governing the conduct of attorneys to the same extent as an active member of the State Bar of Arizona, as provided in Ariz. R. Sup. Ct. Rule 46(b).
2. Applicant will review and comply with appropriate rules of procedure as required in the underlying cause.
3. Applicant understands and shall comply with the standards of conduct required of members of the State Bar of Arizona.

Verification

STATE OF VIRGINIA
County of FAIRFAX ss.

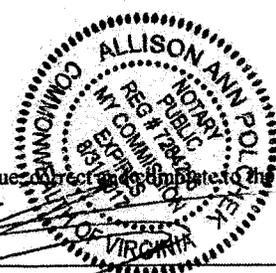
I, Kyle J. Smith, swear that all statements in the application are true and correct to the best of my knowledge and belief.

Dated: 4/25/16 Applicant's Signature: [Signature]

SUBSCRIBED AND SWORN TO before me this 25th day of Apr, 2016, by

Kyle J. Smith
Name of Applicant

[Signature]
Notary Public





District of Columbia Court of Appeals
Committee on Admissions
430 F Street, N.W. — Room 123
Washington, D. C. 20001
202 / 879-2710

I, JULIO A. CASTILLO, Clerk of the District of Columbia Court of Appeals, do hereby certify that

KYLE J. SMITH

was on APRIL 14, 2008 duly qualified and admitted as an attorney and counselor entitled to practice before this Court and is, on the date indicated below, an active member in good standing of this Bar.

In Testimony Whereof, I have hereunto subscribed my name and affixed the seal of this Court at the City of Washington, D.C., on April 4, 2016 .

JULIO A. CASTILLO
Clerk of the Court

By:

Monette Lane
Deputy Clerk



The Florida Bar

651 EAST JEFFERSON STREET
TALLAHASSEE, FLORIDA 32399-2300

850/561-5600
WWW.FLORIDABAR.ORG

JOHN F. HARKNESS, JR.
EXECUTIVE DIRECTOR

State of Florida)

County of Leon)

In Re: 12646
Kyle Jameson Smith
US Army Legal Services Agency
Reg. Law Div.
9275 Gunston Rd.
Fort Belvoir, VA

I HEREBY CERTIFY that I am the duly appointed custodian of membership records of The Florida Bar.

I FURTHER CERTIFY that the records in the office of the Clerk of the Supreme Court of Florida indicate that said attorney was admitted to practice law in the State of Florida on June 3, 2005.

I FURTHER CERTIFY that the records in the office of The Florida Bar indicate that the above attorney is an active member of The Florida Bar in good standing.

Dated this 4th day of April, 2016.

Pam Gerard, Manager
Membership Records Dept.
The Florida Bar

PG/MW/ssM1:R10

1 **COMMISSIONERS:**

- 2 **DOUG LITTLE, Chairman**
- 3 **BOB STUMP**
- 4 **BOB BURNS**
- 5 **TOM FORESE**
- 6 **ANDY TOBIN**

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**ORDER ON MOTION TO
 ASSOCIATE COUNSEL
 PRO HAC VICE**

20 Based on the Motion to Associate Counsel Pro Hac Vice of Karen White and the
 21 consent of Karen White to appear as local counsel, it is hereby ordered that Kyle J. Smith be
 22 admitted pro hac vice as counsel to the U.S Department of Defense and all other Federal Executive
 23 Agencies in this matter.

24
25 Dated this ____ day of April, 2016

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