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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

2016 MAY 18 P 12: 04

BOB BURNS
TOM FORESE
DOUG LITTLE
BOB STUMP
ANDY TOBIN

AZ CORP COMMISSION
DOCKET CONTROL

IN THE MATTER OF THE APPLICATION OF
SULPHUR SPRINGS VALLEY ELECTRIC
COOPERATIVE, INC., FOR A HEARING TO
DETERMINE THE FAIR VALUE OF ITS
PROPERTY FOR RATEMAKING PURPOSES,
TO FIX A JUST AND REASONABLE
RETURN THEREON, TO APPROVE RATES
DESIGNED TO DEVELOP SUCH RETURN
AND FOR RELATED APPROVALS.

DOCKET NO. E-01575A-15-0312

APPLICATION FOR
ADMINISTRATIVE SUBPOENA

Sulphur Springs Valley Electric Cooperative, Inc. requests the issuance of a subpoena to NRG Energy, Inc., pursuant to A.R.S. §§ 40-241, 40-244, A.A.C. R14-3-109, and Ariz. R. Civ. P. 30 and 45 in connection with the administrative hearing in the above-captioned action.

DATED this 17th day of May, 2016.

Arizona Corporation Commission

DOCKETED

MAY 18 2016

DOCKETED BY *MG*

Jeffrey Crockett

Jeffrey Crockett, CROCKETT LAW GROUP PLLC

2198 East Camelback Road, Suite 305

Phoenix, Arizona 85016

Telephone: 602-441-2775

E-mail: jeff@jeffcrockettlaw.com

Attorney for Sulphur Springs Valley Electric

Cooperative, Inc.

1 ORIGINAL and thirteen (13) copies filed
2 this 17th day of May, 2016, with:

3 Docket Control
4 ARIZONA CORPORATION COMMISSION
5 1200 West Washington Street
6 Phoenix, Arizona 85007

7 COPY of the foregoing hand-delivered
8 this 17th day of May, 2016, to:

9 Dwight D. Nodes, Chief Administrative Law Judge
10 Hearing Division
11 ARIZONA CORPORATION COMMISSION
12 1200 West Washington Street
13 Phoenix, Arizona 85007

14 Thomas M. Broderick, Director
15 Utilities Division
16 ARIZONA CORPORATION COMMISSION
17 1200 West Washington Street
18 Phoenix, Arizona 85007

19 COPY of the foregoing send via e-mail
20 this 17th day of May, 2016, to:

21 Janice M. Alward, Chief Counsel
22 Legal Division
23 ARIZONA CORPORATION COMMISSION
24 1200 West Washington Street
25 Phoenix, Arizona 85007
26 jalward@azcc.gov
27 rgeake@azcc.gov
28 wvancleve@azcc.gov
mfinical@azcc.gov

Consented to Service by E-mail

20 Thomas A. Loquvam
21 Thomas L. Mumaw
22 Melissa M. Krueger
23 PINNACLE WEST CAPITAL CORPORATION
24 P.O. Box 53999, MSW 8692
25 Phoenix, Arizona 85072
26 Attorneys for Arizona Public Service Company
27 thomas.loquvam@pinnaclewest.com
28 **Consented to Service by E-mail**

25 Thomas A. Harris, Chairman
26 ARIZONA SOLAR ENERGY INDUSTRIES ASSOCIATION
27 2122 W. Lone Cactus Drive, Suite 2
28 Phoenix, Arizona 85027
Tom.Harris@AriSEIA.org
Consented to Service by E-mail

1 COPY mailed via First Class U.S. Mail
this 17th day of May, 2016, to:

2
3 Garry D. Hays
4 THE LAW OFFICES OF GARRY D. HAYS, P.C.
2198 E. Camelback Road, Suite 305
5 Phoenix, Arizona 85016
Attorney for Arizona Solar Deployment Alliance

6 Michael W. Patten
7 SNELL & WILMER, L.L.P.
One Arizona Center
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Phoenix, Arizona 85004
Attorney for Trico Electric Cooperative, Inc.

9 Kerri A. Carnes
10 ARIZONA PUBLIC SERVICE COMPANY
P.O. Box 53999, MS 9712
11 Phoenix, Arizona 85072

12 Court S. Rich, Esq.
13 ROSE LAW GROUP PC
7144 E. Stetson Drive, Suite 300
14 Scottsdale, Arizona 85251
Attorney for Energy Freedom Coalition of America

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2 **BEFORE THE ARIZONA CORPORATION COMMISSION**

3 **COMMISSIONERS**

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

9 IN THE MATTER OF THE APPLICATION
10 OF SULPHUR SPRINGS VALLEY
11 ELECTRIC COOPERATIVE, INC., FOR A
12 HEARING TO DETERMINE THE FAIR
13 VALUE OF ITS PROPERTY FOR
14 RATEMAKING PURPOSES, TO FIX A
15 JUST AND REASONABLE RETURN
16 THEREON, TO APPROVE RATES
17 DESIGNED TO DEVELOP SUCH
18 RETURN AND FOR RELATED
19 APPROVALS.

DOCKET E-01575A-15-0312

SUBPOENA DUCES TECUM

20 TO: NRG ENERGY, INC.
21 c/o CT CORPORATION SYSTEM, statutory agent
22 3800 NORTH CENTRAL AVENUE, SUITE 460
23 PHOENIX, ARIZONA 85012

24 YOU ARE HEREBY COMMANDED, pursuant to A.R.S. §§ 40-241, 40-244, A.A.C. R14-3-109 and
25 Ariz. R. Civ. P. 30 and 45, to produce and permit inspection, copying, testing, or sampling of the
26 following designated documents, electronically stored information or tangible things, or to permit the
27 inspection of premises:

- 28
1. For each of the years 2014, 2015 and 2016 year-to-date, provide any computations of the number of rooftop solar systems that were leased to a customer by NRG Energy, Inc. ("NRG") within the service area of Sulphur Springs Valley Electric Cooperative, Inc. ("SSVEC"). Please provide any computations of the number of systems leased by NRG separately and provide the totals by year and in the aggregate.
 2. For each of the years 2014, 2015 and 2016 year-to-date, provide any computations of the number of rooftop solar systems that were purchased by a customer and installed by NRG

1 within the service area of SSVEC. Please provide any computations of the number of systems
2 sold and installed by NRG separately and provide the totals by year and in the aggregate.

3 3. For each of the years 2014, 2015, and 2016, please provide all contracts to install solar rooftop
4 systems within SSVEC's service area, if such contract is neither a lease nor a purchase
5 agreement? Please provide any computations of the number of systems installed by NRG
6 separately and provide the totals by year and in the aggregate.

7 4. For the leased systems identified in the response to No. 1 above, please provide any
8 computations of how many of the system leases have a fixed monthly fee over the life of the
9 lease. For each lease, list the monthly fee, the total fees to be collected over the life of the lease,
10 NRG's cost of the installed equipment for the lease, and the total profit for the lease expressed
11 in dollars, percent and rate of return.

12 5. For the leased systems identified in the response to No. 1 above, please provide any
13 computations of how many of the system leases have payments that increase annually. For
14 each lease, please provide any computations of the beginning monthly fee, the amount of the
15 increase of the monthly fee over the life of the lease (as dollars and as a percentage), the total
16 fees to be collected over the life of the lease, NRG's cost of the installed equipment for the
17 lease, the total profit for the lease expressed in dollars, percent and rate of return. Provide any
18 computations of the monthly fee, total fee collected over the life of the lease, cost of installed
19 equipment for the lease and the total profit for the lease expressed in dollars, percent and rate
20 of return.

21 6. For the leased systems identified in the response to No. 1 above, provide any computations of
22 the Cost per Watt for each system (calculated as total lease cost / system DC watts) over the
23 life of the lease.

24 7. For the leased systems identified in the response to No. 1 above, provide any computations of
25 the average cost per kWh produced by each system (per each year of the term of the lease for
26 those leases where the monthly payment increases each year).

27 8. For the purchased systems identified in the response to No. 2 above, provide any computations
28 of the Cost per Watt for each system (calculated as purchase cost / system DC watts). Provide
any computations of NRG's cost of the installed equipment for the purchased system, the total
installation cost and total profit for the purchased system expressed in dollars, percent and rate
of return.

9. For the purchased systems identified in the response to No. 2 above, provide any computations
of the average cost per kWh produced by each system.

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10. For each of the years 2014, 2015 and 2016 year-to-date, please provide any computations of:

- a. The total number of customers of NRG's interconnected to SSVEC's system on August 31, 2015;
- b. The total number of customers of NRG's interconnected to SSVEC's system during each month for the years 2014, 2015 and 2016; and
- c. A list of the upfront incentive levels that customers of NRG's received, the time period incentives were offered at each level, and the number of customers receiving the incentive at each level.

11. For each of the following categories, provide any computations of the number of residential net-metered lease customers of NRG's within SSVEC's service territory for the years 2014, 2015 and 2016, year-to-date:

- a. Those with an average monthly generation above 1000 kWh;
- b. Those with an average monthly generation between 901 - 1000 kWh;
- c. Those with an average monthly generation between 801 - 900 kWh;
- d. Those with an average monthly generation between 701 - 800 kWh;
- e. Those with an average monthly generation between 601 - 700 kWh;
- f. Those with an average monthly generation between 501 - 600 kWh;
- g. Those with an average monthly generation between 401 - 500 kWh;
- h. Those with an average monthly generation between 301 - 400 kWh;
- i. Those with an average monthly generation between 201 - 300 kWh;
- j. Those with an average monthly generation between 101 - 200 kWh;
- k. Those with an average monthly generation at or below 100 kWh.

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at the place, date, and time specified below:

Place of Production or Inspection: CROCKETT LAW GROUP, PLLC

Address: 2198 E. Camelback Road, Suite 305

Date: Monday, May 23, 2016

Time: 10:00 AM

YOU HAVE BEEN SUBPOENED BY: Jeffrey Crockett, CROCKETT LAW GROUP PLLC
2198 East Camelback Road, Suite 305
Phoenix, Arizona 85016
Telephone: 602-441-2775
E-mail: jeff@jeffcrockettlaw.com
Attorney for Sulphur Springs Valley Electric
Cooperative, Inc.

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Your Duties in Responding To This Subpoena

Production of Documentary Evidence or Inspection of Premises. Because this subpoena commands you to produce and permit inspection, copying, testing or sampling of designated documents, electronically stored information, or tangible things, you must make the items available at the place, date and time designated in this subpoena, and in the case of electronically stored information, in the form or forms requested, unless you provide a good faith written objection to the party or attorney who served the subpoena. See Rule 45(c)(5) of the Arizona Rules of Civil Procedure. See also “Your Right To Object To This Subpoena” section below. Similarly, if this subpoena commands you to make certain premises available for inspection, you must make the designated premises available for inspection on the date and time designated in this subpoena unless you provide a good faith written objection to the party or attorney who served the subpoena. See Rule 45(c)(5) of the Arizona Rules of Civil Procedure. See also “Your Right to Object to This Subpoena” section below.

You should note that a command to produce certain designated materials, or to permit the inspection of premises, may be combined with a command to appear at a trial, hearing or deposition. See Rule 45(b)(2) of the Arizona Rules of Civil Procedure. You do not, however, need to appear in person at the place of production or inspection unless the subpoena also states that you must appear for and give testimony at a hearing, trial or deposition. See Rule 45(c)(3) of the Arizona Rules of Civil Procedure.

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If the subpoena commands you to produce documents, you have the duty to produce the designated documents as they are kept by you in the usual course of business, or you may organize the documents and label them to correspond with the categories set forth in the subpoena. See Rule 45(c)(4) of the Arizona Rules of Civil Procedure.

Your Right To Object To This Subpoena

Generally. If you have concerns or questions about this subpoena, you should first contact the party or attorney who served the subpoena. The party or attorney serving the subpoena has a duty to take reasonable steps to avoid imposing an undue burden or expense on you.

Procedure for Objecting to Subpoena For Production of Documentary Evidence. If you wish to object to a subpoena commanding you to produce documents, electronically stored information or tangible items, or to permit the inspection of premises, you may file a motion with the Arizona Corporation Commission or presiding officer thereof, and the Arizona Corporation Commission or presiding officer may:

1. Quash the subpoena if it is unreasonably necessary or oppressive, or
2. Condition denial of the motion upon the advancement by the person in whose behalf the subpoena is issued, of the reasonable cost of producing the books, waybills, paper, accounts or other documents desired.

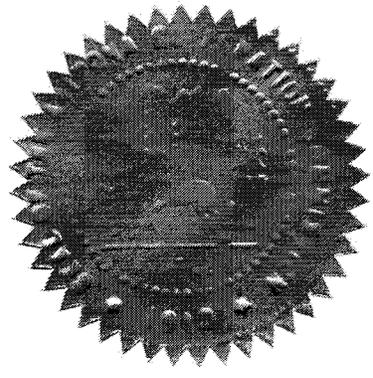
ADA Notification

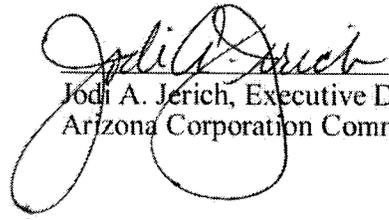
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Requests for reasonable accommodation for persons with disabilities must be made to the court by parties at least 3 working days in advance of a scheduled court proceeding.

DISOBEDIENCE OF THIS SUBPOENA constitutes contempt of the Arizona Corporation Commission and may subject you to further proceedings and penalties under law, pursuant to A.R.S. § 40-424.

Given under by hand the seal of the Arizona Corporation Commission this 17th day of May, 2016.





Jodi A. Jerich, Executive Director
Arizona Corporation Commission