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June 9, 2016

SENT BY ELECTRONIC MAIL

jeff@jeffcrockettlaw.com

Jeffrey W. Crockett
Crockett Law Group

**RE: EFCA's Supplemental Response to SSVEC's First Set of Data Requests
SSVEC Rate Case Docket No. E-01575A-15-0312**

Dear Jeff:

On behalf of the Energy Freedom Coalition of America, LLC ("EFCA"), please find the attached Supplemental Response to Sulphur Springs Valley Electric Cooperative's ("SSVEC") First Set of Data Requests to EFCA (the "Data Request"). As set forth in the attached Supplemental Response and pursuant to Judge Martin's Procedural Order, EFCA queried its members to ask if such members would voluntarily provide any information in their possession that would be responsive to the Data Request. In response to its outreach to members, EFCA learned that only one EFCA member had any information responsive to the Data Request.

It is EFCA's understanding that EFCA Member, SolarCity Corporation ("SolarCity"), received a subpoena directly from SSVEC seeking the same information requested of EFCA in the Data Request. Further, EFCA believes that SolarCity is working with SSVEC on a response to that subpoena.

At this point EFCA has fully complied with Judge Martin's Procedural Order and has no further information responsive to the disputed Data Request.

Sincerely,

/s/ Court S. Rich
Court S. Rich

Arizona Corporation Commission

DOCKETED

JUN 9 2016

cc: Arizona Corporation Commission Docket

Attachment

DOCKETED BY 

RECEIVED
2016 JUN -9 P 4:55
AZ CORP COMMISSION
DOCKET CONTROL

**ENERGY FREEDOM COALITION OF AMERICA'S SUPPLEMENTAL REPOSE TO
SULPHUR SPRINGS VALLEY ELECTRIC COOPERATIVE INC.'S
FIRST SET OF DATA REQUESTS DOCKET NO. E-01575A-15-0312**

EFCA provides the following objections and supplemental responses subject to, and without waiving any, previously made objection. Each of the following supplemental responses are subject to the following:

GENERAL OBJECTIONS:

EFCA is a limited liability company formed in Delaware with seven Members. Not all of the Members operate in the state of Arizona and not all members sell or install rooftop solar systems to residential customers.

EFCA Member Zep Solar LLC manufactures mounting systems for solar panels. It does not sell or install rooftop solar systems. It has responded to EFCA's request for the information sought by SSVEC and stated it has no information responsive to SSVEC's request.

EFCA Member Ecological Energy Systems operates in parts of Tennessee, Virginia, and North Carolina. It does not appear to sell or lease rooftop solar systems in the SSVEC service territory. It has not responded to EFCA's request for the information sought by SSVEC.

EFCA Member 1 Sun Solar Electric LLC is a Nevada limited liability company and operates in southern Nevada. It does not sell or lease rooftop solar systems in Arizona.

EFCA Member Go Solar LLC, a Nevada limited liability company operates in southern Nevada. It does not sell or lease rooftop solar systems in the SSVEC service territory. It has responded to EFCA's request for the information sought by SSVEC and stated it has no information responsive to SSVEC's request.

EFCA Member Silveo LLC is a California limited liability company which manufactures photovoltaic solar modules. It does not appear to be a seller or installer of rooftop solar systems. It has responded to EFCA's request for the information sought by SSVEC and stated it has no information responsive to SSVEC's request.

Member NRG Energy Inc. has responded to EFCA's request for the information sought by SSVEC and stated it has no information responsive to SSVEC's request.

Member SolarCity Corporation has responded to EFCA's request for the information sought by SSVEC and stated it has received a subpoena from SSVEC for the same information requested by EFCA and will respond as appropriate to the SSVEC subpoena and not provide the requested information to EFCA.

SSVEC 1.1 For each of the years 2014, 2015 and 2016 year-to-date, provide the number of rooftop solar systems that were leased to a customer by each member of the Energy Freedom Coalition of America ("EFCA") within the service area of Sulphur Springs Valley Electric

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Cooperative, Inc. ("SSVEC"). Please show the number of systems leased by each EFCA member separately and provide the totals by year and in the aggregate.

RESPONSE: Subject to the General Objections above, and without waiving any prior objections including the prior objections of relevance and that this information is already in the possession of SSVEC as a result of the information that SSVEC collects during the interconnection process, EFCA supplements its prior Response as follows:

EFCA does not have any internal mechanism to compel its members to provide the data requested by SSVEC. Further, EFCA does not compile, assemble, obtain, or maintain any of the information sought in this Request from any of its members and has no information in its possession with which to respond. The members listed in the General Objection do not appear likely to have any information responsive to this Request and this conclusion could have been drawn by SSVEC by reviewing its own files. EFCA has requested this information from all its members. EFCA believes that the requested information is proprietary and disclosure of that information could result in an unfair competitive advantage if that information was made available to competitors including SSVEC and competitors within EFCA and further EFCA is concerned that sharing pricing and cost information even among EFCA members may implicate anti-trust concerns and be prohibited by law.

EFCA believes that SSVEC has served Subpoenas upon some of its members.

Subject to the General Objections above, and without waiving any objections, EFCA has made a good faith and diligent effort to obtain the information requested by SSVEC. Copies of the letters EFCA sent to each of its Members are attached as Exhibit A. None of the EFCA Members have provided any of the requested information to EFCA. If any EFCA Member does elect to provide the requested information to EFCA, this Response will be supplemented.

SSVEC 1.2 For each of the years 2014, 2015 and 2016 year-to-date, provide the number of rooftop solar systems that were purchased by a customer and installed by each member of EFCA within the service area of SSVEC. Please show the number of systems sold and installed by each EFCA member separately and provide the totals by year and in the aggregate.

RESPONSE: Subject to the General Objections above, and without waiving any prior objections including the prior objections of relevance and that this information is already in the possession of SSVEC as a result of the information that

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SSVEC collects during the interconnection process, EFCA supplements its prior Response as follows:

EFCA does not have any internal mechanism to compel its members to provide the data requested by SSVEC. Further, EFCA does not compile, assemble, obtain, or maintain any of the information sought in this Request from any of its members and has no information in its possession with which to respond. The members listed in the General Objection do not appear likely to have any information responsive to this Request and this conclusion could have been drawn by SSVEC by reviewing its own files. EFCA has requested this information from all its members. EFCA believes that the requested information is proprietary and disclosure of that information could result in an unfair competitive advantage if that information was made available to competitors including SSVEC and competitors within EFCA and further EFCA is concerned that sharing pricing and cost information even among EFCA members may implicate anti-trust concerns and be prohibited by law.

EFCA believes that SSVEC has served Subpoenas upon some of its members.

Subject to the General Objections above, and without waiving any objections, EFCA has made a good faith and diligent effort to obtain the information requested by SSVEC. Copies of the letters EFCA sent to each of its Members are attached as Exhibit A. None of the EFCA Members have provided any of the requested information to EFCA. If any EFCA Member does elect to provide the requested information to EFCA, this Response will be supplemented.

SSVEC 1.3 Does any member of EFCA install solar rooftop systems within SSVEC's service pursuant to any contract which is neither a lease nor a purchase agreement? If so, describe the contact and for each of the years 2014, 2015 and 2016 year-to-date, provide the number of rooftop solar systems that were installed by each member of EFCA within the service area of SSVEC pursuant to such contacts. Please show the number of systems installed by each EFCA member separately and provide the totals by year and in the aggregate.

RESPONSE: Subject to the General Objections above, and without waiving any prior objections including the prior objections of relevance and that this information is already in the possession of SSVEC as a result of the information that SSVEC collects during the interconnection process, EFCA supplements its prior Response as follows:

EFCA does not have any internal mechanism to compel its members to provide the data requested by SSVEC. Further, EFCA does not compile, assemble,

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obtain, or maintain any of the information sought in this Request from any of its members and has no information in its possession with which to respond. The members listed in the General Objection do not appear likely to have any information responsive to this Request and this conclusion could have been drawn by SSVEC by reviewing its own files. EFCA has requested this information from all its members. EFCA believes that the requested information is proprietary and disclosure of that information could result in an unfair competitive advantage if that information was made available to competitors including SSVEC and competitors within EFCA and further EFCA is concerned that sharing pricing and cost information even among EFCA members may implicate anti-trust concerns and be prohibited by law.

EFCA believes that SSVEC has served Subpoenas upon some of its members.

Subject to the General Objections above, and without waiving any objections, EFCA has made a good faith and diligent effort to obtain the information requested by SSVEC. Copies of the letters EFCA sent to each of its Members are attached as Exhibit A. None of the EFCA Members have provided any of the requested information to EFCA. If any EFCA Member does elect to provide the requested information to EFCA, this Response will be supplemented.

SSVEC 1.4 For the leased systems identified in the response to SSVEC 1.1 above, how many of the system leases have a fixed monthly fee over the life of the lease? For each lease, list the monthly fee, the total fees to be collected over the life of the lease, the EFCA member's cost of the installed equipment for the lease, and the total profit for the lease expressed in dollars, percent and rate of return.

RESPONSE: Subject to the General Objections above, and without waiving any prior objections including the prior objections of relevance and that this information is already in the possession of SSVEC as a result of the information that SSVEC collects during the interconnection process, EFCA supplements its prior Response as follows:

EFCA does not have any internal mechanism to compel its members to provide the data requested by SSVEC. Further, EFCA does not compile, assemble, obtain, or maintain any of the information sought in this Request from any of its members and has no information in its possession with which to respond. The members listed in the General Objection do not appear likely to have any information responsive to this Request and this conclusion could have been drawn by SSVEC by reviewing its own files. EFCA has requested this information from all its members. EFCA believes that the requested information is proprietary and disclosure of that information could result in

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an unfair competitive advantage if that information was made available to competitors including SSVEC and competitors within EFCA and further EFCA is concerned that sharing pricing and cost information even among EFCA members may implicate anti-trust concerns and be prohibited by law.

EFCA believes that SSVEC has served Subpoenas upon some of its members.

Subject to the General Objections above, and without waiving any objections, EFCA has made a good faith and diligent effort to obtain the information requested by SSVEC. Copies of the letters EFCA sent to each of its Members are attached as Exhibit A. None of the EFCA Members have provided any of the requested information to EFCA. If any EFCA Member does elect to provide the requested information to EFCA, this Response will be supplemented.

SSVEC 1.5 For the leased systems identified in the response to SSVEC 1.1 above, how many of the system leases have payments that increase annually. For each lease, list the beginning monthly fee, the amount of the increase of the monthly fee over the life of the lease (as dollars and as a percentage), the total fees to be collected over the life of the lease, the EFCA member's cost of the installed equipment for the lease, the total profit for the lease expressed in dollars, percent and rate of return. List the monthly fee, total fee collected over the life of the lease, cost of installed equipment for the lease and the total profit for the lease expressed in dollars, percent and rate of return.

RESPONSE: Subject to the General Objections above, and without waiving any of prior objections including the prior objections of relevance, EFCA has no information with which to respond to this Request, the information requested is confidential and competitive business information of the EFCA members, and to require EFCA to gather the requested information is unduly burdensome, EFCA supplements its prior Response as follows:

EFCA does not have any internal mechanism to compel its members to provide the data requested by SSVEC. Further, EFCA does not compile, assemble, obtain, or maintain any of the information sought in this Request from any of its members and has no information in its possession with which to respond. The members listed in the General Objection do not appear likely to have any information responsive to this Request and this conclusion could have been drawn by SSVEC by reviewing its own files. EFCA has requested this information from all its members. EFCA believes that the requested information is proprietary and disclosure of that information could result in an unfair competitive advantage if that information was made available to competitors including SSVEC and competitors within EFCA and further

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EFCA is concerned that sharing pricing and cost information even among EFCA members may implicate anti-trust concerns and be prohibited by law. EFCA believes that SSVEC has served Subpoenas upon some of its members.

Subject to the General Objections above, and without waiving any objections, EFCA has made a good faith and diligent effort to obtain the information requested by SSVEC. Copies of the letters EFCA sent to each of its Members are attached as Exhibit A. None of the EFCA Members have provided any of the requested information to EFCA. If any EFCA Member does elect to provide the requested information to EFCA, this Response will be supplemented.

SSVEC 1.6 For the leased systems identified in the response to SSVEC 1.1 above, what is the Cost per Watt for each system (calculated as total lease cost / system DC watts) over the life of the lease.

RESPONSE: Subject to the General Objections above, and without waiving any of prior objections including the prior objections of relevance, EFCA has no information with which to respond to this Request, the information requested is confidential and competitive business information of the EFCA members, and to require EFCA to gather the requested information is unduly burdensome, EFCA supplements its prior Response as follows:

EFCA does not have any internal mechanism to compel its members to provide the data requested by SSVEC. Further, EFCA does not compile, assemble, obtain, or maintain any of the information sought in this Request from any of its members and has no information in its possession with which to respond. The members listed in the General Objection do not appear likely to have any information responsive to this Request and this conclusion could have been drawn by SSVEC by reviewing its own files. EFCA has requested this information from all its members. EFCA believes that the requested information is proprietary and disclosure of that information could result in an unfair competitive advantage if that information was made available to competitors including SSVEC and competitors within EFCA and further EFCA is concerned that sharing pricing and cost information even among EFCA members may implicate anti-trust concerns and be prohibited by law.

EFCA believes that SSVEC has served Subpoenas upon some of its members.

Subject to the General Objections above, and without waiving any objections, EFCA has made a good faith and diligent effort to obtain the information requested by SSVEC. Copies of the letters EFCA sent to each of its Members are attached as Exhibit A. None of the EFCA Members have provided any of

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the requested information to EFCA. If any EFCA Member does elect to provide the requested information to EFCA, this Response will be supplemented.

SSVEC 1.7 For the leased systems identified in the response to SSVEC 1.1 above, what is the average cost per kWh produced by each system (per each year of the term of the lease for those leases where the monthly payment increases each year).

RESPONSE: Subject to the General Objections above, and without waiving any of prior objections including the prior objections of relevance, EFCA has no information with which to respond to this Request, the information requested is confidential and competitive business information of the EFCA members, and to require EFCA to gather the requested information is unduly burdensome, EFCA supplements its prior Response as follows:

EFCA does not have any internal mechanism to compel its members to provide the data requested by SSVEC. Further, EFCA does not compile, assemble, obtain, or maintain any of the information sought in this Request from any of its members and has no information in its possession with which to respond. The members listed in the General Objection do not appear likely to have any information responsive to this Request and this conclusion could have been drawn by SSVEC by reviewing its own files. EFCA has requested this information from all its members. EFCA believes that the requested information is proprietary and disclosure of that information could result in an unfair competitive advantage if that information was made available to competitors including SSVEC and competitors within EFCA and further EFCA is concerned that sharing pricing and cost information even among EFCA members may implicate anti-trust concerns and be prohibited by law.

EFCA believes that SSVEC has served Subpoenas upon some of its members.

Subject to the General Objections above, and without waiving any objections, EFCA has made a good faith and diligent effort to obtain the information requested by SSVEC. Copies of the letters EFCA sent to each of its Members are attached as Exhibit A. None of the EFCA Members have provided any of the requested information to EFCA. If any EFCA Member does elect to provide the requested information to EFCA, this Response will be supplemented.

SSVEC 1.8 For the purchased systems identified in the response to SSVEC 1.2 above, what is the Cost per Watt for each system (calculated as purchase cost / system DC watts)? List the EFCA member's cost of installed equipment for the purchased system, the

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total installation cost and total profit for the purchased system expressed in dollars, percent and rate of return.

RESPONSE: Subject to the General Objections above, and without waiving any of prior objections including the prior objections of relevance, EFCA has no information with which to respond to this Request, the information requested is confidential and competitive business information of the EFCA members, and to require EFCA to gather the requested information is unduly burdensome, EFCA supplements its prior Response as follows:

EFCA does not have any internal mechanism to compel its members to provide the data requested by SSVEC. Further, EFCA does not compile, assemble, obtain, or maintain any of the information sought in this Request from any of its members and has no information in its possession with which to respond. The members listed in the General Objection do not appear likely to have any information responsive to this Request and this conclusion could have been drawn by SSVEC by reviewing its own files. EFCA has requested this information from all its members. EFCA believes that the requested information is proprietary and disclosure of that information could result in an unfair competitive advantage if that information was made available to competitors including SSVEC and competitors within EFCA and further EFCA is concerned that sharing pricing and cost information even among EFCA members may implicate anti-trust concerns and be prohibited by law.

EFCA believes that SSVEC has served Subpoenas upon some of its members.

Subject to the General Objections above, and without waiving any objections, EFCA has made a good faith and diligent effort to obtain the information requested by SSVEC. Copies of the letters EFCA sent to each of its Members are attached as Exhibit A. None of the EFCA Members have provided any of the requested information to EFCA. If any EFCA Member does elect to provide the requested information to EFCA, this Response will be supplemented.

SSVEC 1.9 For the purchased systems identified in the response to SSVEC 1.2 above, what is the average cost per kWh produced by each system?

RESPONSE: Subject to the General Objections above, and without waiving any of prior objections including the prior objections of relevance, EFCA has no information with which to respond to this Request, the information requested is confidential and competitive business information of the EFCA members, and to require EFCA to gather the requested information is unduly burdensome, EFCA supplements its prior Response as follows:

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EFCA does not have any internal mechanism to compel its members to provide the data requested by SSVEC. Further, EFCA does not compile, assemble, obtain, or maintain any of the information sought in this Request from any of its members and has no information in its possession with which to respond. The members listed in the General Objection do not appear likely to have any information responsive to this Request and this conclusion could have been drawn by SSVEC by reviewing its own files. EFCA has requested this information from all its members. EFCA believes that the requested information is proprietary and disclosure of that information could result in an unfair competitive advantage if that information was made available to competitors including SSVEC and competitors within EFCA and further EFCA is concerned that sharing pricing and cost information even among EFCA members may implicate anti-trust concerns and be prohibited by law.

EFCA believes that SSVEC has served Subpoenas upon some of its members.

Subject to the General Objections above, and without waiving any objections, EFCA has made a good faith and diligent effort to obtain the information requested by SSVEC. Copies of the letters EFCA sent to each of its Members are attached as Exhibit A. None of the EFCA Members have provided any of the requested information to EFCA. If any EFCA Member does elect to provide the requested information to EFCA, this Response will be supplemented.

SSVEC 1.10 For the systems identified in the responses to SSVEC 1.1, 1.2 and 1.3, provide copies of all versions of all lease agreements and all purchase agreements used by each EFCA member for the years 2014, 2015 and 2016 year-to-date. In addition, provide the discourse documentation as required by Arizona law for each system leased or sold. For every lease or purchase, provide a table by month for the renewable energy credit (REC) purchase agreements entered into between EFCA and its members implementing distributed solar generation. By "renewable energy credit (REC) purchase agreement" SSVEC means the agreement(s), no matter the name, whereby the EFCA member received up front incentives from SSVEC or provided by SSVEC to the residential customers, and performance-based incentives to commercial customers, during the period of time that SSVEC offered direct cash incentives in exchange for RECs to those installing rooftop solar systems. For the period when SSVEC did not offer incentives in exchange for RECs, list by lease and purchase agreements RECs provided and who received them.

RESPONSE: The Procedural Order dated May 16, 2016 does not require EFCA to provide information sought in this data request.

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SSVEC 1.11 For the systems identified in the responses to SSVEC 1.1, 1.2 and 1.3, provide the work papers and all documentation presented to the buyer (or internal documents) showing the payback and rate of return to each EFCA member.

RESPONSE: The Procedural Order dated May 16, 2016 does not require EFCA to provide information sought in this data request.

SSVEC 1.12 For each of the years 2014, 2015 and 2016 year-to-date, please provide:

- a. The total number of customers of each EFCA member interconnected to SSVEC's system on the day of the rate application filed in this case expressed in total number and as a percent of the total number of EFCA member residential customers leases and purchases by EFCA members;
- b. The total number of customers of each EFCA member interconnected to SSVEC's system during each month of the years 2014, 2015 and 2016 year-to-date expressed in total number and as a percent of total number of the EFCA member residential customers by EFCA member; and
- c. A list of the various upfront incentive levels that customers of EFCA members received, the time period incentives were offered at each level, and the number of customers receiving the incentive at each level by EFCA member.

RESPONSE A-C: Subject to the General Objections above, and without waiving any of prior objections including the prior objections of relevance, EFCA has no information with which to respond to this Request, the information requested is confidential and competitive business information of the EFCA members, and to require EFCA to gather the requested information is unduly burdensome, EFCA supplements its prior Response as follows:

EFCA does not have any internal mechanism to compel its members to provide the data requested by SSVEC. Further, EFCA does not compile, assemble, obtain, or maintain any of the information sought in this Request from any of its members and has no information in its possession with which to respond. The members listed in the General Objection do not appear likely to have any information responsive to this Request and this conclusion could have been drawn by SSVEC by reviewing its own files. EFCA has requested this information from all its members. EFCA believes that the requested information is proprietary and disclosure of that information could result in an unfair competitive advantage if that information was made available to competitors including SSVEC and competitors within EFCA and further

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EFCA is concerned that sharing pricing and cost information even among EFCA members may implicate anti-trust concerns and be prohibited by law. EFCA believes that SSVEC has served Subpoenas upon some of its members.

Subject to the General Objections above, and without waiving any objections, EFCA has made a good faith and diligent effort to obtain the information requested by SSVEC. Copies of the letters EFCA sent to each of its Members are attached as Exhibit A. None of the EFCA Members have provided any of the requested information to EFCA. If any EFCA Member does elect to provide the requested information to EFCA, this Response will be supplemented.

SSVEC 1.13 Was not subject to the Motion to Compel and at this time EFCA has no information with which to supplement its prior Response.

SSVEC 1.14 For each of the following categories of customers, please provide the number of residential lease customers falling into the category expressed as both a total number and a percent of the total number of EFCA member residential customers and also indicate how many of the residential customers identified in each category are net metered solar customers:

- 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.

RESPONSE A-K: Subject to the General Objections above, and without waiving any of prior objections including the prior objections of relevance, EFCA has no information with which to respond to this Request, the information requested is confidential and competitive business information of the EFCA members, and to require EFCA to gather the requested information is unduly burdensome, EFCA supplements its prior Response as follows:

EFCA does not have any internal mechanism to compel its members to provide the data requested by SSVEC. Further, EFCA does not compile, assemble, obtain, or maintain any of the information sought in this Request from any of

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its members and has no information in its possession with which to respond. The members listed in the General Objection do not appear likely to have any information responsive to this Request and this conclusion could have been drawn by SSVEC by reviewing its own files. EFCA has requested this information from all its members. EFCA believes that the requested information is proprietary and disclosure of that information could result in an unfair competitive advantage if that information was made available to competitors including SSVEC and competitors within EFCA and further EFCA is concerned that sharing pricing and cost information even among EFCA members may implicate anti-trust concerns and be prohibited by law.

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Subject to the General Objections above, and without waiving any objections, EFCA has made a good faith and diligent effort to obtain the information requested by SSVEC. Copies of the letters EFCA sent to each of its Members are attached as Exhibit A. None of the EFCA Members have provided any of the requested information to EFCA. If any EFCA Member does elect to provide the requested information to EFCA, this Response will be supplemented.

SSVEC 1.15 through and including SSVEC 1.18 are not subject to the Motion to Compel and at this time EFCA has no information with which to supplement its prior Responses.

EXHIBIT A

May 26, 2016

1 Sun Solar Electric, LLC
Attn: Louis Helton
2910 S Highland Dr. Suite B
Las Vegas, NV 89109

RE: Request for Information of Individual EFCA Members in Rate Case.

To whom it may concern,

As you may be aware, the Energy Freedom Coalition of America (EFCA) is participating in the Sulphur Spring Valley Electric Cooperative (SSVEC) rate case before the Arizona Corporation Commission, docketed as E-01575A-15-0312.

In late April, SSVEC propounded discovery on EFCA related to its individual members in this proceeding. EFCA objected to this request on multiple grounds, including, among other things, that EFCA does not have this information and that it does not believe it is relevant to the case. But SSVEC persisted and the Administrative Law Judge (ALJ) in the case has ordered EFCA to disclose its members' company-specific information. As you know, EFCA does not possess your company-specific information, but we must make a good faith attempt to obtain this information pursuant to the ALJ's order. Without waiving EFCA's objections to the ALJ's order, the purpose of this letter is to request that you provide the information requested, if possible.

The ALJ's order and the information sought by SSVEC are attached. It is our understanding that SSVEC has also issued subpoenas to each EFCA member company seeking this same information. Please confer with your individual counsel as part of your review of the document requests, as appropriate.

EFCA encourages you to have your own counsel deal directly with SSVEC regarding a response or objection to any subpoena you may have received. However, if you provide information to EFCA in response to this request, be assured that only EFCA Staff and counsel will view your submissions. EFCA will provide the information subject to a protective order limiting its use and who can see it in the regulatory proceeding. Other EFCA member companies will not be privy to your sensitive information.

Please feel free to contact me if you have any further questions.

Sincerely,



Julia Jazyuka
Associate, Energy Freedom Coalition of America

May 26, 2016

Go Solar, LLC
Attn: Scott Shaw
3863 S. Valley View Blvd., 2
Las Vegas, NV 89103

RE: Request for Information of Individual EFCA Members in Rate Case.

To whom it may concern,

As you may be aware, the Energy Freedom Coalition of America (EFCA) is participating in the Sulphur Spring Valley Electric Cooperative (SSVEC) rate case before the Arizona Corporation Commission, docketed as E-01575A-15-0312.

In late April, SSVEC propounded discovery on EFCA related to its individual members in this proceeding. EFCA objected to this request on multiple grounds, including, among other things, that EFCA does not have this information and that it does not believe it is relevant to the case. But SSVEC persisted and the Administrative Law Judge (ALJ) in the case has ordered EFCA to disclose its members' company-specific information. As you know, EFCA does not possess your company-specific information, but we must make a good faith attempt to obtain this information pursuant to the ALJ's order. Without waiving EFCA's objections to the ALJ's order, the purpose of this letter is to request that you provide the information requested, if possible.

The ALJ's order and the information sought by SSVEC are attached. It is our understanding that SSVEC has also issued subpoenas to each EFCA member company seeking this same information. Please confer with your individual counsel as part of your review of the document requests, as appropriate.

EFCA encourages you to have your own counsel deal directly with SSVEC regarding a response or objection to any subpoena you may have received. However, if you provide information to EFCA in response to this request, be assured that only EFCA Staff and counsel will view your submissions. EFCA will provide the information subject to a protective order limiting its use and who can see it in the regulatory proceeding. Other EFCA member companies will not be privy to your sensitive information.

Please feel free to contact me if you have any further questions.

Sincerely,



Julia Jazyuka
Associate, Energy Freedom Coalition of America

May 26, 2016

NRG Energy, Inc.
Attn: Abraham Silverman
211 Carnegie Center
Princeton, NJ 08540

RE: Request for Information of Individual EFCA Members in Rate Case.

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Sincerely,



Julia Jazyuka
Associate, Energy Freedom Coalition of America

May 26, 2016

SolarCity c/o Coppersmith Brockelman Lawyers
Attn: Roopali Desai
2800 North Central Ave., Suite 1200
Phoenix, AZ 85004

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Please feel free to contact me if you have any further questions.

Sincerely,



Julia Jazyanka
Associate, Energy Freedom Coalition of America

May 26, 2016

Zep Solar, LLC
Attn: Nate Coleman
161 Mitchell Blvd
San Rafael, CA 94903

RE: Request for Information of Individual EFCA Members in Rate Case.

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Please feel free to contact me if you have any further questions.

Sincerely,



Julia Jazyanka
Associate, Energy Freedom Coalition of America

SSVEC Pending Discovery Questions to EFCA Members

NOTE: SSVEC propounded a total of 18 questions on EFCA. Below you will see that Questions #'s 1.10, 1.11, 1.13, 1.15, 1.16, 1.17, and 1.18 are omitted. This is because the ALJ either ruled that these questions were overly burdensome or they were answerable and answered by EFCA; therefore, there is no need for you to provide information on these omitted questions.

- SSVEC 1.1 For each of the years 2014, 2015 and 2016 year-to-date, provide the number of rooftop solar systems that were leased to a customer by each member of the Energy Freedom Coalition of America ("EFCA") within the service area of Sulphur Springs Valley Electric Cooperative, Inc. ("SSVEC"). Please show the number of systems leased by each EFCA member separately and provide the totals by year and in the aggregate.
- SSVEC 1.2 For each of the years 2014, 2015 and 2016 year-to-date, provide the number of rooftop solar systems that were purchased by a customer and installed by each member of EFCA within the service area of SSVEC. Please show the number of systems sold and installed by each EFCA member separately and provide the totals by year and in the aggregate.
- SSVEC 1.3 Does any member of EFCA install solar rooftop systems within SSVEC's service pursuant to any contract which is neither a lease nor a purchase agreement? If so, describe the contact and for each of the years 2014, 2015 and 2016 year-to-date, provide the number of rooftop solar systems that were installed by each member of EFCA within the service area of SSVEC pursuant to such contacts. Please show the number of systems installed by each EFCA member separately and provide the totals by year and in the aggregate.
- SSVEC 1.4 For the leased systems identified in the response to SSVEC 1.1 above, how many of the system leases have a fixed monthly fee over the life of the lease? For each lease, list the monthly fee, the total fees to be collected over the life of the lease, the EFCA member's cost of the installed equipment for the lease, and the total profit for the lease expressed in dollars, percent and rate of return.
- SSVEC 1.5 For the leased systems identified in the response to SSVEC 1.1 above, how many of the system leases have payments that increase annually. For each lease, list the beginning monthly fee, the amount of the increase of the monthly fee over the life of the lease (as dollars and as a percentage), the total fees to be collected over the life of the lease, the EFCA member's cost of the installed equipment for the lease, the total profit for the lease expressed in dollars, percent and rate of return. List the monthly fee, total fee collected over the life of the lease, cost of installed equipment for the lease and the total profit for the lease expressed in dollars, percent and rate of return.

SSVEC Pending Discovery Questions to EFCA Members

- SSVEC 1.6 For the leased systems identified in the response to SSVEC 1.1 above, what is the Cost per Watt for each system (calculated as total lease cost / system DC watts) over the life of the lease.
- SSVEC 1.7 For the leased systems identified in the response to SSVEC 1.1 above, what is the average cost per kWh produced by each system (per each year of the term of the lease for those leases where the monthly payment increases each year).
- SSVEC 1.8 For the purchased systems identified in the response to SSVEC 1.2 above, what is the Cost per Watt for each system (calculated as purchase cost / system DC watts)? List the EFCA member's cost of 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.
- SSVEC 1.9 For the purchased systems identified in the response to SSVEC 1.2 above, what is the average cost per kWh produced by each system?
- SSVEC 1.12 For each of the years 2014, 2015 and 2016 year-to-date, please provide:
- a. The total number of customers of each EFCA member interconnected to SSVEC's system on the day of the rate application filed in this case expressed in total number and as a percent of the total number of EFCA member residential customers leases and purchases by EFCA members;
 - b. The total number of customers of each EFCA member interconnected to SSVEC's system during each month of the years 2014, 2015 and 2016 year-to-date expressed in total number and as a percent of total number of the EFCA member residential customers by EFCA member; and
 - c. A list of the various upfront incentive levels that customers of EFCA members received, the time period incentives were offered at each level, and the number of customers receiving the incentive at each level by EFCA member.
- SSVEC 1.14 For each of the following categories of customers, please provide the number of residential lease customers falling into the category expressed as both a total number and a percent of the total number of EFCA member residential customers and also indicate how many of the residential customers identified in each category are net metered solar customers:
- 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;

SSVEC Pending Discovery Questions to EFCA Members

- 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.

ORIGINAL

BEFORE THE ARIZONA CORPORATION COMMISSION

RECEIVED

COMMISSIONERS

Arizona Corporation Commission

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

DOCKETED

2016 MAY 24 A 11: 56

MAY 24 2016

AZ CORP COMMISSION
DOCKET CONTROL

DOCKETED BY *AG*

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

PROCEDURAL ORDER
CLARIFYING PREVIOUS
PROCEDURAL ORDER AND
EXTENDING THE TIME CLOCK

BY THE COMMISSION:

On May 5, 2015, Sulphur Springs Valley Electric Cooperative, Inc. (“SSVEC” or “Co-op”) filed an Application with the Arizona Corporation Commission (“Commission”) for a rate increase. By Procedural Order dated October 6, 2015 (modifying a previous Procedural Order), the matter was set for hearing to commence on May 17, 2016, and other procedural guidelines were established.

On January 13, 2016, the Energy Freedom Coalition of America (“EFCA”) requested intervention. EFCA is comprised of seven solar energy system providers: Solar City Corporation (“Solar City”), Silevo, LLC, Zep Solar, LLC, NRG Energy, Inc. (“NRG”), Go Solar, LLC (“Go Solar”), 1 Sun Solar Electric (“Sun Solar”), LLC, and Ecological Energy Systems. In its Application to Intervene, EFCA stated:

These companies are important stakeholders in Arizona’s rooftop solar industry. EFCA’s members are responsible for thousands of residential, school, church, government and commercial solar installations in the [sic] Arizona. Together, EFCA’s members have brought hundreds of jobs and many tens of millions of dollars of investment to Arizona’s cities and towns.

* * * * *

EFCA is entitled to intervene because EFCA and its members are directly and substantially affected by the Proceeding...¹

¹ EFCA’s Application for Leave to Intervene, pages 1 – 2.

1 By Procedural Order issued January 22, 2016, EFCA's Application for Intervention was
2 granted.

3 The evidentiary hearing in this matter commenced on May 17, 2016, and is scheduled to resume
4 May 26, 2016.

5 On May 10, 2016, SSVEC filed a Motion to Compel Intervenor Energy Freedom Coalition of
6 America's Responses to SSVEC's First Set of Data Requests ("Motion"). The Co-op also requested
7 expedited oral argument.

8 On May 11, 2016, EFCA filed its Response to SSVEC's Motion to Compel Responses to
9 SSVEC's First Set of Data Requests.

10 Oral argument on SSVEC's Motion was held on May 12, 2016. Appearing through counsel
11 were SSVEC, EFCA, Commission Utilities Division ("Staff"), and additional intervenors, Trico
12 Electric Cooperative, Inc. ("Trico"), Arizona Public Service Company ("APS"), and Arizona Solar
13 Deployment Alliance ("ASDA"). A fourth intervenor, Arizona Solar Energy Industries Association
14 ("AriSEIA"), was not present at oral argument.

15 In its Motion, the Co-op claims it had provided 18 narrowly-focused data requests to EFCA
16 seeking information pertaining to leases and purchase contracts between distributed generation ("DG")
17 customers and EFCA's members. The information sought was limited to the years 2014, 2015, and
18 2016 to date, and restricted to those solar installations within SSVEC's service area. SSVEC asserts
19 the information sought is necessary to help it evaluate EFCA's arguments regarding the economic
20 impact of proposed rates on DG customers. SSVEC asserts this information is relevant to the issues in
21 this matter.

22 EFCA objected to 13 of the 18 data requests, claiming that SSVEC "is impermissibly
23 demanding information not from EFCA, but from EFCA's individual members who are not parties to
24 this docket." EFCA points out that it does not have the information sought, and, as such, cannot provide
25 it. EFCA also contends that the requested information is not relevant, not reasonably calculated to lead
26 to the discovery of admissible evidence, unreasonably vague, and is unduly burdensome. In addition,
27 EFCA claims the information described is confidential and proprietary business information. Finally,
28 EFCA contends that requiring its non-party members to respond to discovery would have a chilling

1 effect on trade associations' future participation as intervenors in matters before the Commission.

2 During the oral argument, both SSVEC and EFCA acknowledged that the Commission has
3 broad discretion when directing discovery and has the authority to order disclosure that might be
4 otherwise impermissible in the traditional courts.² EFCA claimed it does not have the authority to
5 compel its members to provide the information sought in the data requests. The parties were advised
6 that the Commission has the authority to issue subpoenas, if necessary, pursuant to Arizona
7 Administrative Code ("A.A.C.") R14-3-109(O).

8 At the conclusion of the procedural conference, EFCA was directed to provide the information
9 sought in data requests numbered 1.1, 1.2, 1.3, 1.4, 1.5, 1.6, 1.7, 1.8, 1.9, 1.12, and 1.14. EFCA had
10 previously provided responses to data requests numbered 1.13, 1.15, 1.16, 1.17, and 1.18. the
11 Administrative Law Judge also ruled that the information sought in data requests numbered 1.10 and
12 1.11 would be unduly burdensome and would contain private information of the members' customers,
13 which is unnecessary for the purposes of this proceeding.

14 In response to EFCA's concerns that the data requests sought information that is confidential
15 and proprietary, SSVEC and EFCA were advised that they could execute a confidentiality agreement
16 in which the information provided by EFCA could be viewed only by SSVEC's counsel, SSVEC's
17 outside consultants, and Staff. The remaining parties present during oral argument did not object to
18 this limitation.

19 On May 16, 2016, a Procedural Order was issued directing EFCA to provide responses to
20 SSVEC's data requests numbered 1.1, 1.2, 1.3, 1.4, 1.5, 1.6, 1.7, 1.8, 1.9, 1.12, and 1.14. EFCA was
21 not ordered to provide the information sought in data requests numbered 1.10 and 1.11.

22 On May 17, 2016, at the request of SSVEC, the Commission's Executive Director issued
23 Subpoenas *Duces Tecum* to EFCA members Solar City Corporation,³ NRG Energy, Inc., Sun Solar
24

25 ² See, for example, A.A.C. R-14-3-109(K). "Rules of evidence. In conducting any investigation, inquiry or hearing, neither
26 the Commission nor any officer or employee thereof shall be bound by the technical rules of evidence, and no informality
27 in any proceeding or in the manner of taking testimony shall invalidate any order, decision, rule or regulation made,
28 approved or confirmed by the Commission. Rules of the Superior Court of the state of Arizona will be generally followed
but may be relaxed in the discretion of the Commission or presiding officer when deviation from the technical rules of
evidence will aid in ascertaining the facts."

³ The items requested in the Subpoena issued to Solar City also requested information from Silevo, LLC, and Zep Solar, LLC.

1 Electric, LLC, and Go Solar, LLC. As of May 23, Solar City, NRG, and Sun Solar had accepted service.

2 On May 19, 2016, EFCA filed a Motion to Clarify and Reconsider the Order Granting Motion
3 to Compel and Extending Time Clock ("Motion to Reconsider"). In the Motion to Reconsider, EFCA
4 states, "[t]o clarify the record in this Matter and alleviate EFCA of the potential obligation to comply
5 with orders it cannot satisfy, EFCA requests modification of the Procedural Order to suspend EFCA's
6 obligation to produce the information requested of EFCA's individual members and to direct SSEVC
7 to issue subpoenas to EFCA's individual members if it continues to seek the information previously
8 requested of EFCA."⁴ EFCA requested expedited oral argument on its Motion to Reconsider.

9 Telephonic oral argument on EFCA's Motion to Reconsider was held on May 23, 2016.
10 Counsel for EFCA, SSVEC, Staff, Trico, and APS participated in the telephonic conference. EFCA
11 and SSVEC presented their arguments regarding EFCA's Motion to Reconsider and the remaining
12 parties also stated their positions on the matter. At the conclusion of the proceeding the matter was
13 taken under advisement.

14 As to EFCA's request for clarification, the May 16, 2016, Procedural Order noted that SSVEC
15 had the right to submit applications for the issuance of subpoenas, and also that SSVEC and EFCA
16 could enter into a confidentiality agreement regarding the information sought. These observations were
17 stated in the hope that SSVEC and EFCA could work out the dispute between themselves. However,
18 barring an amicable resolution, EFCA is required to produce the information sought by SSVEC, as
19 limited by the May 16, 2016, Procedural Order.

20 EFCA's Motion to Reconsider contained many of the same arguments it presented in its
21 Response to SSVEC's Motion to Compel. As noted in the May 16, 2016, Procedural Order, the
22 Commission may deviate from the rules of evidence and discovery when doing so will aid in
23 ascertaining the facts and will enable it to determine just and reasonable rates for the public as well as
24 for the utility.

25 Accordingly, after reviewing the facts and law presented in the various motions, and based on
26 the arguments presented during oral arguments, the findings of the May 16, 2016, Procedural Order

27
28

⁴ EFCA's Motion to Reconsider, page 1.

1 remain in effect.

2 SSVEC requested that if EFCA does not respond as ordered, or if the member companies fail
3 to comply with the subpoenas *duces tecum*, the testimony of EFCA's witness be stricken from the
4 record.

5 It is premature at this time to address SSVEC's request. However, SSVEC may renew its
6 request in the future in the event the discovery dispute remains unresolved.

7 SSVEC also indicated that although a delay in the issuance of a final Opinion and Order is not
8 ideal, the Co-op would prefer to have the opportunity to create a complete record and it would not
9 object to an extension of the time clock in order to obtain the data requests from EFCA or its members,
10 and to conduct further cross-examination of EFCA's witness based on the information provided in the
11 responses, if necessary.

12 Additionally, based on the information provided by the parties, it is necessary to add an
13 additional day of hearing.

14 **IT IS THEREFORE ORDERED that the findings of the May 16, 2016, Procedural Order**
15 **remain in effect**, as discussed herein.

16 **IT IS FURTHER ORDERED that an additional day of hearing shall be held on May 27,**
17 **2016, at the Commission's Tucson offices, 400 West Congress, Room 222, beginning at 9:00 a.m.**

18 **IT IS FURTHER ORDERED that the time clock in this matter is extended accordingly.**

19 **IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized**
20 **Communications) applies to this proceeding and shall remain in effect until the Commission's Decision**
21 **in this matter is final and non-appealable.**

22 ...

23 ...

24 ...

25 ...

26 ...

27 ...

28 ...

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

4

5 DATED this 24th day of May, 2016.

6



7

BELINDA A. MARTIN
ADMINISTRATIVE LAW JUDGE

8

9 Copies of the foregoing mailed
10 this 24th day of May, 2016 to:

11

Jeffrey W. Crockett
CROCKETT LAW GROUP, PLC
2198 East Camelback Road, Suite 305
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Attorney for Sulphur Springs Valley Electric
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jeff@jeffcrockettlaw.com
kchapman@ssvec.com
Consented to Service by Email

12

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Garry D. Hays
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28

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22 Assistant to Belinda A. Martin