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1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 **COMMISSIONERS**

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

Arizona Corporation Commission
DOCKETED

AUG 01 2016

DOCKETED BY

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7 IN THE MATTER OF THE APPLICATION OF
8 ARIZONA PUBLIC SERVICE COMPANY FOR A
9 HEARING TO DETERMINE THE FAIR VALUE OF
10 THE UTILITY PROPERTY OF THE COMPANY
FOR RATEMAKING PURPOSES, TO FIX A JUST
AND REASONABLE RATE OF RETURN
THEREON, TO APPROVE RATE SCHEDULES
DESIGNED TO DEVELOP SUCH RETURN

DOCKET NO. E-01345A-16-0036

11 IN THE MATTER OF FUEL AND PURCHASED
12 POWER PROCUREMENT AUDITS FOR ARIZONA
PUBLIC SERVICE COMPANY.

DOCKET NO. E-01345A-16-0123

PROCEDURAL ORDER

13 **BY THE COMMISSION:**

14 On June 1, 2016, Arizona Public Service Company (“APS” or “Company”) filed with the
15 Arizona Corporation Commission (“Commission”) the above-captioned Rate Case Application.

16 Parties who have previously been granted intervention in this docket are Richard Gayer, Patricia
17 Ferré, Warren Woodward, IO Data Centers, LLC (“IO”), Freeport Minerals Corporation (“Freeport”),
18 Arizonans for Electric Choice and Competition (“AECC”), Sun City Home Owners Association (“Sun
19 City HOA”), Western Resource Advocates (“WRA”), Arizona Investment Council (“AIC”), Arizona
20 Utility Ratepayer Alliance (“AURA”), Property Owners and Residents Association, Sun City West
21 (“PORA”), Arizona Solar Energy Industries Association (“AriSEIA”), Arizona School Boards
22 Association (“ASBA”) and Arizona Association of School Business Officials (“AASBO”)
23 (collectively “ASBA/AASBO”), Cynthia Zwick, Arizona Community Action Association (“ACAA”),
24 Southwest Energy Efficiency Project (“SWEEP”), the Residential Utility Consumer Office (“RUCO”),
25 Vote Solar, Electrical District Number Eight and McMullen Valley Water Conservation & Drainage
26 District (collectively, “ED8/McMullen”), The Kroger Co. (“Kroger”), Tucson Electric Power
27 Company (“TEP”), Pima County, and Solar Energy Industries Association (“SEIA”).

1 On June 14, 2016, APS filed a Notice of Errata.

2 On June 23, 2016, APS filed its Second Notice of Errata.

3 On June 24, 2016, APS filed a copy of the notice it provided to parties of record of the Rate
4 Case Technical Conferences scheduled for July 20, 2016, August 23, 2016, September 29, 2016, and
5 October 26, 2016.

6 On July 1, 2016, the Commission's Utilities Division ("Staff") issued a Letter of Sufficiency
7 pursuant to Arizona Administrative Code ("A.A.C.") R14-2-103, classifying APS as a Class A utility.

8 On July 11, 2016, Staff filed a Request for Procedural Schedule.

9 On July 15, 2016, the Energy Freedom Coalition of America ("EFCA") filed a Motion to
10 Intervene.

11 On July 18, 2016 Wal-Mart Stores, Inc. and Sam's West, Inc. (collectively, "Walmart") filed
12 an Application for Leave to Intervene and a Consent to Email Service.

13 On July 19, 2016, Staff filed a Motion to Consolidate, requesting that this docket be
14 consolidated with Docket No. E-01345A-16-0123.

15 On July 22, 2016, a Rate Case Procedural Order was issued setting the procedural schedule and
16 associated procedural deadlines for this matter, granting several interventions, and granting several
17 requests to receive service by email.

18 On July 28, 2016, Mr. Woodward filed a Motion for Reconsideration of July 22, 2016
19 Procedural Order.

20 Numerous public comments have been filed.

21 Correction of Typographical Errors in Rate Case Procedural Order

22 Two Ordering Paragraphs in the Rate Case Procedural Order, both on page 10, contain
23 typographical errors. One Ordering Paragraph incorrectly states that "all motions to intervene must be
24 filed on or before November 10, 2017."¹ The other erroneous Ordering Paragraph provides the
25 incorrect date of "December 21, 2010" for the date on which discovery deadlines will shorten. These
26 incorrect dates should be corrected to November 10, 2016, and December 21, 2016, respectively. The

27

28 ¹ The intervention deadline was correctly stated in the Rate Case Procedural Order form of notice that APS was directed to mail and publish.

1 correct dates are set forth in Ordering Paragraphs below.

2 Motion to Consolidate

3 Staff's Motion to Consolidate requests that Docket No. E-01345A-16-0123, In the Matter of
4 Fuel and Purchased Power Procurement Audits for Arizona Public Service Company, be consolidated
5 with this rate case docket. Staff states that the matters being addressed in Docket No. E-01345A-16-
6 0123 are relevant to the issues presented by this rate case, and that consolidation of the dockets will aid
7 the Commission in its consideration of both. No objection has been filed to Staff's Motion to
8 Consolidate. Staff's request is reasonable and should be granted.

9 Pending Intervention Requests

10 No party has objected to the pending Motions to Intervene filed by EFCA and Walmart.

11 Accordingly, EFCA and Walmart should be granted intervention.

12 Consents to Email Service

13 The Consents to Email Service filed by ED8/McMullen, Pima County, Walmart, and AriSEIA
14 are now complete. Their requests to be served by email should therefore be granted, and their
15 designated email addresses and courtesy email addresses have now been added to the service list for
16 these consolidated dockets.

17 **ACAA, Kroger, and TEP have each requested to receive service by email, but as of this**
18 **date, none have sent an email containing the party's name and the docket number for this matter**
19 **to HearingDivisionServicebyEmail@azcc.gov from their designated email address.** Once this
20 necessary step has been taken, the Hearing Division can verify the party's designated email address for
21 accomplishing service, and the party's request will be approved by a subsequent Procedural Order.
22 Parties may provide additional courtesy email addresses in addition to the designated email address for
23 accomplishing service. The designated email address and the additional courtesy email addresses
24 provided by the party will be added to the service when the Consents to Email Service are complete.

25 **The Commission is appreciative of parties' requests to receive service by email.**

26 **The Commission has implemented a procedure whereby all filings made by a**
27 **Commissioner, the Commission's Executive Director, or a Commission Division will**
28 **automatically be served via email on parties who have consented to email service. The email will**

1 contain a link to access the filing online.

2 Parties who do not consent to email service will not be provided documents filed by a
3 Commissioner, the Commission's Executive Director, or a Commission Division via an email. In
4 addition, they may not be able to receive some documents, such as Amendments to Open Meeting
5 Agenda items.

6 IT IS THEREFORE ORDERED that Docket No. E-01345A-16-0036 and Docket No. E-
7 01345A-16-0123 are hereby consolidated.

8 IT IS FURTHER ORDERED that EFCA and Walmart are hereby granted intervention.

9 IT IS FURTHER ORDERED that the requests by ED8/McMullen, Pima County, Walmart, and
10 AriSEIA to receive service of all filings in this docket, including all filings by parties and all Procedural
11 Orders and Recommended Opinions and Orders/Recommended Orders issued by the Commission's
12 Hearing Division, via their respective designated email addresses rather than via U.S. Mail, is hereby
13 approved.

14 IT IS FURTHER ORDERED that intervention shall be in accordance with A.A.C. R14-3-105,
15 except that **all motions to intervene must be filed on or before November 10, 2016.**

16 IT IS FURTHER ORDERED that discovery shall be as permitted by law and the rules and
17 regulations of the Commission, except that until **December 21, 2016**, any objection to discovery
18 requests shall be made within 7 calendar days of receipt,² and responses to discovery requests shall be
19 made within 10 calendar days of receipt. Thereafter, objections to discovery requests shall be made
20 within 5 calendar days, and responses shall be made within 7 calendar days. The response time may
21 be extended by mutual agreement of the parties involved if the request requires an extensive
22 compilation effort.

23 IT IS FURTHER ORDERED that all other deadlines set forth in the July 22, 2016 Rate Case
24 Procedural Order remain in effect.

25 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance
26 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Arizona

27 _____
28 ² The date of receipt of discovery requests is not counted as a calendar day, and requests received after 4:00 p.m. Arizona time will be considered as received the next business day.

1 Supreme Court Rule 42). Representation before the Commission includes appearances at all hearings
2 and procedural conferences, as well as all Open Meetings for which the matter is scheduled for
3 discussion, unless counsel has previously been granted permission to withdraw by the Administrative
4 Law Judge or the Commission.

5 IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court Rules
6 31, 38, 39, and 42 and A.R.S. § 40-243 with respect to the practice of law and admission *pro hac vice*.

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

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

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

1 coding indicating that an automatic service email for the filing shall be sent to each party
2 whose consent to email service has been approved;

3 6. Understand and agree that the party may provide additional email addresses on the
4 Consent to Email Service for individuals to whom the party desires to have service
5 emails sent as a courtesy, but that these courtesy email addresses are not the designated
6 email address and will not be verified; and

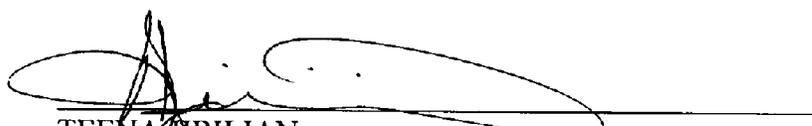
7 7. Understand and agree that the party will no longer receive service of filings in this
8 matter through First Class U.S. Mail or any other form of hard-copy delivery, unless
9 and until the party withdraws this consent through a filing made in this docket.

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

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

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

20 DATED this 1st day of August, 2016.

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23 
24 **TEENA JIBILIAN**
25 **ASSISTANT CHIEF ADMINISTRATIVE LAW JUDGE**
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1 On this 1st day of August, 2016, the foregoing document was filed with Docket Control as a
2 Procedural Order – Regarding Consolidation, and copies of the foregoing were mailed on behalf of the
3 Hearing Division to the following who have not consented to email service. On this date or as soon as
4 possible thereafter, the Commission’s eDocket program will automatically email a link to the foregoing
to the following who have consented to email service.

5 Thomas A. Loquvam
6 Thomas L. Mumaw
7 Melissa M. Krueger
8 PINNACLE WEST CAPITAL CORPORATION
9 PO BOX 53999, MS 8695
10 Phoenix, AZ 85072
11 Attorneys for Arizona Public Service Company

12 Patricia Ferré
13 P.O. Box 433
14 Payson, AZ 85547

15 Richard Gayer
16 526 W. Wilshire Drive
17 Phoenix, AZ 85003
18 rgayer@cox.net

19 **Consented to Service by Email**

20 Warren Woodward
21 55 Ross Circle
22 Sedona, AZ 86336
23 w6345789@yahoo.com

24 **Consented to Service by Email**

25 Anthony L. Wanger
26 Alan L. Kierman
27 Brittany L. DeLorenzo
28 IO DATA CENTERS, LLC
615 N. 48th St.
Phoenix, AZ 85008

Patrick J. Black
C. Webb Crockett
FENNEMORE CRAIG, PC
2394 E. Camelback Road, Suite 600
Phoenix, Arizona 85016
Attorneys for Freeport Minerals Corporation and
Arizonans for Electric Choice and Competition
wrocket@fclaw.com
pblack@fclaw.com
khiggins@energystrat.com

Consented to Service by Email

...

...

...

...

1 Greg Eisert, Director
Steven Puck, Director
Government Affairs
2 SUN CITY HOMEOWNERS ASSOCIATION
10401 W. Coggins Drive
3 Sun City, AZ 85351
gregeisert@gmail.com
4 Steven.puck@cox.net

Consented to Service by Email

5 Timothy M. Hogan
6 ARIZONA CENTER FOR LAW IN THE PUBLIC INTEREST
202 E. McDowell Road, Suite 153
7 Phoenix, Arizona 85004
Attorney for Western Resource Advocates,
8 Southwest Energy Efficiency Project, and Vote Solar
thogan@aic@acli.org
9 ken.wilson@westernresources.org
schlegelj@aol.com
10 ezuckerman@swenergy.org
bbaatz@aceee.org
11 briana@votesolar.org

Consented to Service by Email

12 Timothy M. Hogan
ARIZONA CENTER FOR LAW IN THE PUBLIC INTEREST
13 202 E. McDowell Road, Suite 153
Phoenix, Arizona 85004
14 Attorney for Arizona School Boards Association and
Arizona Association of School Business Officials

15 Meghan H. Grabel
16 OSBORN MALEDON, P.A.
2929 N. Central Ave., Suite 2100
17 Phoenix, Arizona 85012
Attorney for Arizona Investment Council
18 Mgrabel@omlaw.com
gyaquinto@arizonaaic.org

19 **Consented to Service by Email**

20 Craig A. Marks
CRAIG A. MARKS, PLC
10645 N. Tatum Blvd., Suite 200-676
21 Phoenix, AZ 85028
Attorney for Arizona Utility Ratepayer Alliance
22 Craig.Marks@azbar.org
Pat.Quinn47474@gmail.com

23 **Consented to Service by Email**

24 Al Gervenack, Director
Rob Robbins, President
25 PROPERTY OWNERS & RESIDENTS ASSOCIATION
13815 Camino del Sol
26 Sun City West, AZ 85372
Al.gervenack@porascw.org
27 Rob.robbins@porascw.org

Consented to Service by Email

1 Tom Harris, Chairman
2 ARIZONA SOLAR ENERGY INDUSTRIES ASSOCIATION
3 2122 W. Lone Cactus Dr., Suite 2
4 Phoenix, AZ 85027
5 Tom.Harris@AriSEIA.org
6 **Consented to Service by Email**

7 Cynthia Zwick, Executive Director
8 Kevin Hengehold, Energy Program Director
9 ARIZONA COMMUNITY ACTION ASSOCIATION
10 2700 N. 3rd Street, Suite 3040
11 Phoenix, AZ 85004

12 Daniel Pozefsky, Chief Counsel
13 RESIDENTIAL UTILITY CONSUMER OFFICE
14 1110 W. Washington, Suite 220
15 Phoenix, AZ 85007

16 Jay I. Moyes
17 MOYES SELLERS & HENDRICKS LTD
18 1850 N. Central Avenue, Suite 1100
19 Phoenix, AZ 85012
20 Attorneys for Electrical District Number Eight and
21 McMullen Valley Water Conservation & Drainage District
22 JasonMoyes@law-msh.com
23 jimoyes@law-msh.com
24 jim@harcuvar.com
25 **Consented to Service by Email**

26 Kurt J. Boehm
27 Jody Kyler Cohn
28 BOEHM KURTZ & LOWRY
36 E. Seventh Street, Suite 1510
Cincinnati, OH 45202
Attorneys for The Kroger Co.

John William Moore, Jr.
1321 North 16th Street
Phoenix, AZ 85020
Attorney for The Kroger Co.

Michael W. Patten
Jason D. Gellman
SNELL & WILMER LLP
One Arizona Center
400 East Van Buren Street
Phoenix, AZ 85004
Attorneys for Tucson Electric Power Company

Charles Wesselhoft, Deputy County Attorney
PIMA COUNTY ATTORNEY'S OFFICE
32 North Stone Avenue, Suite 2100
Tucson, AZ 85701
Charles.Wesselhoft@pcao.pima.gov
Consented to Service by Email

...

1 Giancarlo G. Estrada
2 KAMPER ESTRADA, LLP
3 3030 N. 3rd Street, Suite 770
4 Phoenix, AZ 85012
5 Attorneys for Solar Energy Industries Association

6 Court S. Rich
7 ROSE LAW GROUP PC
8 7144 E. Stetson Drive, Suite 300
9 Scottsdale, AZ 85251
10 Attorney for Energy Freedom Coalition of America

11 Scott S. Wakefield
12 HIENTON CURRY, PLLC
13 5045 N. 12th Street, Suite 110
14 Phoenix, AZ 85014
15 Attorney for Wal-Mart Stores, Inc.
16 swakefield@hclawgroup.com
17 mlougee@hclawgroup.com
18 Stephen.chriss@wal-mart.com
19 Greg.tillman@walmart.com
20 chris.hendrix@wal-mart.com

21 **Consented to Service by Email**

22 Janice Alward, Chief Counsel
23 Legal Division
24 ARIZONA CORPORATION COMMISSION
25 1200 West Washington Street
26 Phoenix, AZ 85007

27 Thomas Broderick, Director
28 Utilities Division
29 ARIZONA CORPORATION COMMISSION
30 1200 West Washington Street
31 Phoenix, AZ 85007

32 By: RTallman
33 Rebecca Tallman
34 Assistant to Teena Jibilian