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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

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

Arizona Corporation Commission

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IN THE MATTER OF THE APPLICATION OF ARIZONA PUBLIC SERVICE COMPANY FOR A HEARING TO DETERMINE THE FAIR VALUE OF 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

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

DOCKET NO. E-01345A-16-0123

PROCEDURAL ORDER

BY THE COMMISSION:

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

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

1 Coalition of America (“EFCA”), and Wal-Mart Stores, Inc. and Sam’s West, Inc. (collectively,
2 “Walmart”).

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

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

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

8 On July 1, 2016, the Commission’s Utilities Division (“Staff”) issued a Letter of Sufficiency
9 pursuant to Arizona Administrative Code (“A.A.C.”) R14-2-103, classifying APS as a Class A utility.

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

13 On August 1, 2016, a Procedural Order was issued granting Staff’s request to consolidate the
14 above-captioned dockets, correcting typographical errors in the July 22, 2016 Rate Case Procedural
15 Order, granting interventions, and granting requests to receive service by email.

16 On July 29, 2016, Local Unions 387 and 769 of the International Brotherhood of Electrical
17 Workers, AFL-CIO (collectively, “the IBEW Locals”) filed an Application for Leave to Intervene.

18 On August 1, 2016, Mr. Woodward filed comments.

19 On August 1, 2016, Noble Americas Energy Solutions LLC (“Noble Solutions”) filed an
20 Application for Leave to Intervene.

21 On August 3, 2016, the Arizona Competitive Power Alliance (“the Alliance”) filed an
22 Application for Leave to Intervene.

23 On August 5, 2016, APS filed a Motion for Clarification and Extension of Time. APS points
24 out that the public notice set forth in the July 22, 2016 Rate Case Procedural Order incorrectly states,
25 at page 11, line 16, that the Rate Case Application’s requested net increase in base rates includes a
26 “revenue-neutral transfer into base rates of \$276.6 million.” The actual amount of the transfer set forth
27 in the Rate Case Application is \$267.6 million. APS requests that the Rate Case Procedural Order be
28 modified to reflect the correct figure. In addition, APS states that despite its best efforts, it is not

1 possible for APS to complete notification to its customers by August 31, 2016, as directed by the Rate
2 Case Procedural Order. APS requests an extension of the deadline for mailing and publication to
3 September 12, 2016.

4 Numerous public comments have been filed.

5 Modification of Rate Case Procedural Order Form of Notice; Extension of Time for Public Notice

6 The form of public notice ordered by the July 22, 2016 Rate Case Procedural Order should be
7 modified to replace the incorrect figure of “\$276.6 million” with the correct figure of “\$267.6 million.”
8 APS’s request for an extension of time, to September 12, 2016, to complete mailing and publication of
9 the required public notice, is reasonable and should be granted.

10 Interventions

11 No party has objected to the intervention requests filed by the IBEW Locals, Noble Solutions,
12 or the Alliance.

13 Accordingly, the IBEW Locals, Noble Solutions, and the Alliance should be granted
14 intervention.

15 Consents to Email Service

16 The Consent to Email Service filed by TEP is now complete. Its request to be served by email
17 should therefore be granted, and its designated email address and courtesy email addresses have now
18 been added to the service list for these consolidated dockets.

19 **ACAA and Kroger have each requested to receive service by email, but as of this date,**
20 **have not sent a verifying email from their respective designated email addresses** containing the
21 party’s name and the docket number for this matter to HearingDivisionServicebyEmail@azcc.gov.
22 **Once the party accomplishes this necessary step, the Hearing Division can verify the designated**
23 **email address for accomplishing service**, and the party’s request will be approved by a subsequent
24 Procedural Order. In addition to the designated email address for accomplishing service, parties may
25 provide additional courtesy email addresses. The designated email address and the additional courtesy
26 email addresses provided by the party will be added to the service when the Consents to Email Service
27 are complete.

28 ...

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

2 **The Commission has implemented a procedure whereby all filings made by a**
3 **Commissioner, the Commission's Executive Director, or a Commission Division will**
4 **automatically be served via email on parties who have consented to email service. The email will**
5 **contain a link to access the filing online.**

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

10 IT IS THEREFORE ORDERED that the IBEW Locals, Noble Solutions, and the Alliance are
11 hereby granted intervention.

12 IT IS FURTHER ORDERED that the request by TEP to receive service of all filings in this
13 docket via its designated email address rather than via U.S. Mail, is hereby approved.

14 IT IS FURTHER ORDERED that the form of notice set forth in the July 22, 2016 Rate Case
15 Procedural Order is hereby modified, at page 11, line 16, to reflect the correct figure of "\$267.6 million"
16 instead of the incorrect figure of "\$276.6 million."

17 IT IS FURTHER ORDERED that **APS** shall **mail** to each of its customers a copy of the form
18 of notice as modified above, as a bill insert, and shall cause a copy of the notice to be **published at**
19 **least twice in a newspaper of general circulation** in its service territory, with mailing and publication
20 to be completed no later than **September 12, 2016**.

21 IT IS FURTHER ORDERED that all other deadlines set forth in the July 22, 2016 Rate Case
22 Procedural Order, as corrected by the August 1, 2016 Procedural Order, remain in effect.

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

2 IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court Rules
3 31, 38, 39, and 42 and A.R.S. § 40-243 with respect to the practice of law and admission *pro hac vice*.

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

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

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

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- 6. Understand and agree that the party may provide additional email addresses on the Consent to Email Service for individuals to whom the party desires to have service emails sent as a courtesy, but that these courtesy email addresses are not the designated email address and will not be verified; and
- 7. Understand and agree that the party will no longer receive service of filings in this matter through First Class U.S. Mail or any other form of hard-copy delivery, unless and until the party withdraws this consent through a filing made in this docket.

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

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

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

DATED this 9th day of August, 2016.



TEENA JIRLIAN
ASSISTANT CHIEF ADMINISTRATIVE LAW JUDGE

1 On this 9th day of August, 2016, the foregoing document was filed with Docket Control as a
2 Procedural Order – Modifies a [Previously Issued] Procedural Order, and copies of the foregoing were
3 mailed on behalf of the Hearing Division to the following who have not consented to email service.
4 On this date or as soon as possible thereafter, the Commission’s eDocket program will automatically
5 email a link to the foregoing to the following who have consented to email service.

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