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**COMMISSIONERS**  
DOUG LITTLE - Chairman  
BOB STUMP  
BOB BURNS  
TOM FORESE  
ANDY TOBIN



**ARIZONA CORPORATION  
COMMISSION**

**COMMISSIONER**  
Direct Line: (602) 542-3682  
Email: RBurns-web@azcc.gov

**ORIGINAL**

August 25, 2016

Re: Arizona Public Service Company, Docket No. E-01345A-16-0036 / **E-01345A-16-0123**

Dear Mr. Brandt:

For nearly two years now, APS has refused to voluntarily answer my questions about any political expenditures that APS/Pinnacle West may have made. Consequently, it is necessary for me to proceed in a more direct way.

I now seek to continue my investigation to determine whether APS has used ratepayer funds for political, charitable or other expenditures. This includes all expenditures made by APS, Pinnacle West and under APS's brand name for any purpose.

In his May 4, 2016 legal opinion, Attorney General Brnovich specifically stated that an individual Commissioner's § 4 constitutional authority "could relate to an affiliate of a [public service corporation] only if the affiliate is a Public Company." Ariz. Att'y Gen. Op. 116-130 at 12. In other words, the constitutional powers conferred to individual commissioners in §4 extend to a publicly traded company, which Pinnacle West is.

Please see the attached subpoenas outlining the information I seek. I look forward to your full compliance in this matter. Please be aware that I intend to publicly file all documents related to this investigation.

Sincerely,

Robert L. Burns  
Commissioner

Arizona Corporation Commission

**DOCKETED**

AUG 25 2016

DOCKETED BY

**RECEIVED**  
**AZ CORP COMMISSION**  
**DOCKET CONTROL**  
2016 AUG 25 A 11:48

cc: Service list from E-01345A-16-0036

BEFORE THE ARIZONA CORPORATION COMMISSION

**COMMISSIONERS**

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

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

**SUBPOENA  
SUBPOENA DUCES TECUM**

TO: Arizona Public Service Company  
P.O. Box 53999  
Phoenix, AZ 85072

400 North 5<sup>th</sup> Street  
Phoenix, AZ 85004

Donald E. Brandt  
Chairman, President and Executive Officer  
Arizona Public Service Company & Pinnacle West Capital Corporation  
Mail Station 9042  
P.O. Box 53999  
Phoenix, AZ 85072

In addition to Mr. Brandt, please produce the appropriate person(s) to address questions regarding the documents and information requests set forth in Attachment A.

YOU ARE HEREBY COMMANDED, pursuant to Article XV, Section 4 of the Arizona Constitution, A.R.S. §§ 40-241, -243, -244, and Ariz. R. Civ. P. 45, to appear and testify under oath in connection with the matters set forth in Attachment A (see Attachment B).

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BEFORE WHOM APPEARANCE TO BE MADE:

Robert L. Burns, Commissioner  
Arizona Corporation Commission  
1200 W. Washington Phoenix, AZ 85007

**I. YOU ARE COMMANDED to bring with you and produce for inspection and copying the following:**

See Attachment A.  
\_\_\_\_\_  
\_\_\_\_\_

DATE AND TIME OF PRODUCTION OF DOCUMENTS FOR INSPECTION:

September 15, 2016 at 10:00 a.m.

PLACE OF APPEARANCE: Arizona Corporation Commission  
2<sup>nd</sup> Floor Conference Room  
1200 W. Washington  
Phoenix, AZ 85007

**II. YOU ARE COMMANDED to bring with you written responses to the following questions:**

See Attachment A.  
\_\_\_\_\_  
\_\_\_\_\_

DATE AND TIME OF PRODUCTION OF WRITTEN RESPONSES:

September 15, 2016 at 10:00 a.m.

PLACE OF APPEARANCE: Arizona Corporation Commission  
2<sup>nd</sup> Floor Conference Room  
1200 W. Washington  
Phoenix, AZ 85007

**III. YOU ARE COMMANDED to appear and give testimony concerning:**

See Attachment A.  
\_\_\_\_\_  
\_\_\_\_\_

In addition to Mr. Brandt, please produce the appropriate person(s) to address questions regarding the documents and information requests set forth in Attachment A.

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DATE AND TIME OF APPEARANCE: October 6, 2016 at 10:00 a.m.

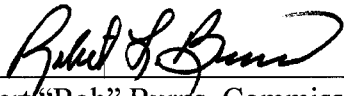
PLACE OF APPEARANCE: Arizona Corporation Commission  
Hearing Room #1  
1200 W. Washington  
Phoenix, AZ 85007

For your convenience, prior to the appearance date for production of documents and written responses requested in I. and II. above, you may turn in the subpoenaed documents and responses to Commissioner Burns' Office located at the above address. If you elect to do this, you need not appear personally at the appointed place and time on September 15, 2016. Personal appearance(s), however, are required on October 6, 2016 at 10:00 a.m. as directed in III.

YOU HAVE BEEN SUBPOENAED BY: Robert L. Burns, Commissioner  
Arizona Corporation Commission  
1200 W. Washington Phoenix, AZ 85007  
Telephone: 602-542-3682  
E-mail: rburns@azcc.gov

DISOBEDIENCE OF THIS SUBPOENA constitutes contempt of the Arizona Corporation Commission and may subject you to further proceedings and penalties under law.

Issued this 25 day of August, 2016.

  
\_\_\_\_\_  
Robert "Bob" Burns, Commissioner  
Arizona Corporation Commission

Persons with a disability may request a reasonable accommodation such as a sign language interpreter, as well as request this document in an alternative format, by contacting Shaylin A. Bernal, Executive Assistant to the Executive Director, voice phone number 602-542-3931, e-mail [sabernal@azcc.gov](mailto:sabernal@azcc.gov). Requests should be made as early as possible to allow time to arrange the accommodation.

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 **COMMISSIONERS**

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

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

DOCKET NO. E-01345A-16-0036

**SUBPOENA  
SUBPOENA DUCES TECUM**

18 TO: Pinnacle West Capital Corporation  
19 400 North 5th Street  
20 Phoenix, AZ 85004

21 Donald E. Brandt  
22 Chairman, President and Executive Officer  
23 Arizona Public Service Company & Pinnacle West Capital Corporation  
24 Mail Station 9042  
25 P.O. Box 53999  
26 Phoenix, AZ 85072

27 In addition to Mr. Brandt, please produce the appropriate person(s) to address questions regarding  
28 the documents and information requests set forth in Attachment A.

29 YOU ARE HEREBY COMMANDED, pursuant to Article XV, Section 4 of the Arizona  
30 Constitution, A.R.S. §§ 40-241, -243, -244, and Ariz. R. Civ. P. 45, to appear and testify under  
31 oath in connection with the matters set forth in Attachment A (see Attachment B).

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BEFORE WHOM APPEARANCE TO BE MADE:

Robert L. Burns, Commissioner  
Arizona Corporation Commission  
1200 W. Washington Phoenix, AZ 85007

**I. YOU ARE COMMANDED to bring with you and produce for inspection and copying the following:**

See Attachment A.  
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\_\_\_\_\_

DATE AND TIME OF PRODUCTION OF DOCUMENTS FOR INSPECTION:

September 15, 2016 at 10:00 a.m.

PLACE OF APPEARANCE: Arizona Corporation Commission  
2<sup>nd</sup> Floor Conference Room  
1200 W. Washington  
Phoenix, AZ 85007

**II. YOU ARE COMMANDED to bring with you written responses to the following questions:**

See Attachment A.  
\_\_\_\_\_  
\_\_\_\_\_

DATE AND TIME OF PRODUCTION OF WRITTEN RESPONSES:

September 15, 2016 at 10:00 a.m.

PLACE OF APPEARANCE: Arizona Corporation Commission  
2<sup>nd</sup> Floor Conference Room  
1200 W. Washington  
Phoenix, AZ 85007

**III. YOU ARE COMMANDED to appear and give testimony concerning:**

See Attachment A.  
\_\_\_\_\_  
\_\_\_\_\_

1 In addition to Mr. Brandt, please produce the appropriate person(s) to address questions  
2 regarding the documents and information requests set forth in Attachment A.

3 DATE AND TIME OF APPEARANCE: October 6, 2016 at 10:00 a.m.

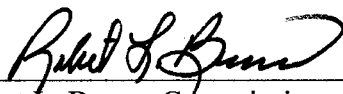
4 PLACE OF APPEARANCE: Arizona Corporation Commission  
5 Hearing Room #1  
6 1200 W. Washington  
7 Phoenix, AZ 85007

8 For your convenience, prior to the appearance date for production of documents and written responses  
9 requested in I. and II. above, you may turn in the subpoenaed documents and responses to  
10 Commissioner Burns' Office located at the above address. If you elect to do this, you need not  
11 appear personally at the appointed place and time on September 15, 2016. Personal appearance(s),  
12 however, are required on October 6, 2016 at 10:00 a.m. as directed in III.

13 YOU HAVE BEEN SUBPOENAED BY: Robert L. Burns, Commissioner  
14 Arizona Corporation Commission  
15 1200 W. Washington Phoenix, AZ 85007  
16 Telephone: 602-542-3682  
17 E-mail: rburns@azcc.gov

18 DISOBEDIENCE OF THIS SUBPOENA constitutes contempt of the Arizona Corporation  
19 Commission and may subject you to further proceedings and penalties under law.

20 Issued this 25 day of August, 2016.

21   
22 \_\_\_\_\_  
23 Robert L. Burns, Commissioner  
24 Arizona Corporation Commission

25  
26 Persons with a disability may request a reasonable accommodation such as a sign language interpreter,  
27 as well as request this document in an alternative format, by contacting Shaylin A. Bernal, Executive  
28 Assistant to the Executive Director, voice phone number 602-542-3931, e-mail [sabernal@azcc.gov](mailto:sabernal@azcc.gov).  
Requests should be made as early as possible to allow time to arrange the accommodation.

# **ATTACHMENT A**



## **Documents**

- 1) Please provide the FERC Form 1 filed by APS for each of the following years: 2011, 2012, 2013, 2014, 2015, and 2016.
- 2) Please provide the SEC 10K filed by Pinnacle West for each of the following years: 2011, 2012, 2013, 2014, 2015, and 2016.
- 3) Please provide Pinnacle West's annual report to shareholders for each of the following years: 2011, 2012, 2013, 2014, 2015, and 2016.
- 4) Please provide transcripts of Pinnacle West's quarterly earnings calls for 2011, 2012, 2013, 2014, 2015, and 2016.
- 5) Please provide all agreements, contracts, internal policy memoranda, or other documents of any kind that describe the arrangements governing Pinnacle West's use of APS's name or brand.
- 6) Please provide all agreements, contracts, internal policy memoranda, or other documents of any kind that describe the arrangements governing Pinnacle West's expenditures or donations of funds for any purpose under APS's name or brand.
- 7) Please provide all agreements, contracts, internal policy memoranda, or other documents of any kind that describe the arrangements governing the APS Foundation's expenditures or donations of funds for any purpose under APS's name or brand.
- 8) Please provide an organizational chart illustrating the officers, directors and managers for APS.
- 9) Please provide an organizational chart illustrating the officers, directors and managers for Pinnacle West.

**For 2011, please provide written responses to the following:**

- 1) For calendar year 2011, please list each charitable contribution made by APS. Please indicate to whom the contribution was made, the amount of the contribution, the date, and the purpose.
- 2) For calendar year 2011, please list each political contribution made by APS. Please indicate to whom the contribution was made, the amount of the contribution, the date, and the purpose.
- 3) For calendar year 2011, please list each expenditure made by APS for lobbying purposes. Please indicate to whom the payment was made, the amount of the payment, the date, and the purpose.
- 4) For calendar year 2011, please list each marketing/advertising expenditure made by APS. Please indicate the nature of the expenditure, the amount, the date, and the purpose. For example, Commissioner Burns has been informed that APS/Pinnacle West pays the Phoenix Suns to display the APS logo. Please address this particular example and list all similar circumstances.
- 5) Please provide a list of all expenditures to 501(c)(3) and 501(c)(4) organizations made by APS in 2011. Please indicate to whom the expenditure was made, the amount of the expenditure, and what the expenditure was for.

**For 2012, please provide written responses to the following:**

- 1) For calendar year 2012, please list each charitable contribution made by APS. Please indicate to whom the contribution was made, the amount of the contribution, the date, and the purpose.
- 2) For calendar year 2012, please list each political contribution made by APS. Please indicate to whom the contribution was made, the amount of the contribution, the date, and the purpose.
- 3) For calendar year 2012, please list each expenditure made by APS for lobbying purposes. Please indicate to whom the payment was made, the amount of the payment, the date, and the purpose.
- 4) For calendar year 2012, please list each marketing/advertising expenditure made by APS. Please indicate the nature of the expenditure, the amount, the date, and the purpose. For example, Commissioner Burns has been informed that APS/Pinnacle West pays the Phoenix Suns to display the APS logo. Please address this particular example and list all similar circumstances.

5) Please provide a list of all expenditures to 501(c)(3) and 501(c)(4) organizations made by APS in 2012. Please indicate to whom the expenditure was made, the amount of the expenditure, and what the expenditure was for.

**For 2013, please provide written responses to the following:**

- 1) For calendar year 2013, please list each charitable contribution made by APS. Please indicate to whom the contribution was made, the amount of the contribution, the date, and the purpose.
- 2) For calendar year 2013, please list each political contribution made by APS. Please indicate to whom the contribution was made, the amount of the contribution, the date, and the purpose.
- 3) For calendar year 2013, please list each expenditure made by APS for lobbying purposes. Please indicate to whom the payment was made, the amount of the payment, the date, and the purpose.
- 4) For calendar year 2013, please list each marketing/advertising expenditure made by APS. Please indicate the nature of the expenditure, the amount, the date, and the purpose. For example, Commissioner Burns has been informed that APS/Pinnacle West pays the Phoenix Suns to display the APS logo. Please address this particular example and list all similar circumstances.
- 5) Please provide a list of all expenditures to 501(c)(3) and 501(c)(4) organizations by APS in 2013. Please indicate to whom the expenditure was made, the amount of the expenditure, and what the expenditure was for.

**For 2014, please provide written responses to the following:**

- 1) For calendar year 2014, please list each charitable contribution made by APS. Please indicate to whom the contribution was made, the amount of the contribution, the date, and the purpose.
- 2) For calendar year 2014, please list each political contribution made by APS. Please indicate to whom the contribution was made, the amount of the contribution, the date, and the purpose.
- 3) For calendar year 2014, please list each expenditure made by APS for lobbying purposes. Please indicate to whom the payment was made, the amount of the payment, the date, and the purpose.
- 4) For calendar year 2014, please list each marketing/advertising expenditure made by APS. Please indicate the nature of the expenditure, the amount, the date, and the purpose. For example, Commissioner Burns has been informed that APS/Pinnacle West pays the Phoenix

Suns to display the APS logo. Please address this particular example and list all similar circumstances.

5) Please provide a list of all expenditures to 501(c)(3) and 501(c)(4) organizations by APS in 2014. Please indicate to whom the expenditure was made, the amount of the expenditure, and what the expenditure was for.

**For 2015, please provide written responses to the following:**

1) For calendar year 2015, please list each charitable contribution made by APS. Please indicate to whom the contribution was made, the amount of the contribution, the date, and the purpose.

2) For calendar year 2015, please list each political contribution made by APS. Please indicate to whom the contribution was made, the amount of the contribution, the date, and the purpose.

3) For calendar year 2015, please list each expenditure made by APS for lobbying purposes. Please indicate to whom the payment was made, the amount of the payment, the date, and the purpose.

4) For calendar year 2015, please list each marketing/advertising expenditure made by APS. Please indicate the nature of the expenditure, the amount, the date, and the purpose. For example, Commissioner Burns has been informed that APS/Pinnacle West pays the Phoenix Suns to display the APS logo. Please address this particular example and list all similar circumstances.

5) Please provide a list of all expenditures to 501(c)(3) and 501(c)(4) organizations by APS in 2015. Please indicate to whom the expenditure was made, the amount of the expenditure, and what the expenditure was for.

**For 2016, please provide written responses to the following:**

1) For year to date 2016, please list each charitable contribution made by APS. Please indicate to whom the contribution was made, the amount of the contribution, the date, and the purpose.

2) For year to date 2016, please list each political contribution made by APS. Please indicate to whom the contribution was made, the amount of the contribution, the date, and the purpose.

3) For year to date 2016, please list each expenditure made by APS for lobbying purposes. Please indicate to whom the payment was made, the amount of the payment, the date, and the purpose.

4) For year to date 2016, please list each marketing/advertising expenditure made by APS. Please indicate the nature of the expenditure, the amount, the date, and the purpose. For example, Commissioner Burns has been informed that APS/Pinnacle West pays the Phoenix Suns to display the APS logo. Please address this particular example and list all similar circumstances.

5) Please provide a list of all expenditures to 501(c)(3) and 501(c)(4) organizations by APS in 2016. Please indicate to whom the expenditure was made, the amount of the expenditure, and what the expenditure was for.

**Affiliated Interests—Please provide written responses to the following:**

1) Please provide a list of all charitable donations made by Pinnacle West in 2011, 2012, 2013, 2014, 2015, and 2016. Please indicate to whom the donation was made, the amount of the donation, and what the donation was for. Please indicate which, if any, were made under APS's name or brand.

2) Please provide a list of all donations for political purposes made by Pinnacle West in 2011, 2012, 2013, 2014, 2015, and 2016. Please indicate to whom the donation was made, the amount of the donation, and what the donation was for. Please indicate which, if any, were made under APS's name or brand.

3) Please provide a list of all expenditures to 501(c)(3) organizations made by Pinnacle West in 2011, 2012, 2013, 2014, 2015 and 2016. Please indicate to whom the expenditure was made, the amount of the expenditure, and what the expenditure was for. Please indicate which, if any, were made under APS's name or brand.

4) Please provide a list of all expenditures to 501(c)(4) organizations made by Pinnacle West in 2011, 2012, 2013, 2014, 2015 and 2016. Please indicate to whom the expenditure was made, the amount of the expenditure, and what the expenditure was for. Please indicate which, if any, were made under APS's name or brand.

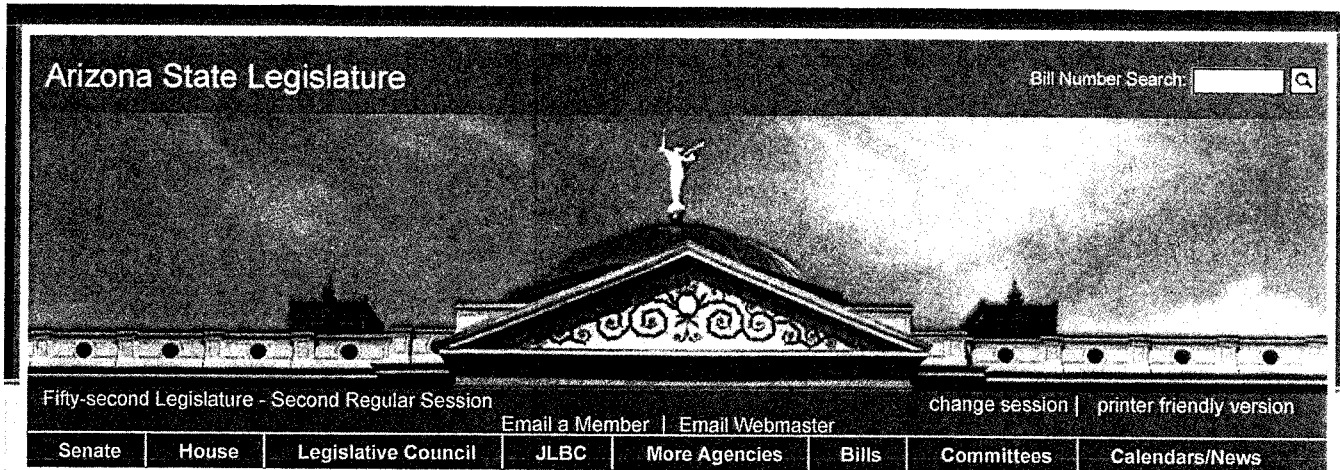
5) Please list each marketing/advertising expenditure made by Pinnacle West in 2011, 2012, 2013, 2014, 2015, and 2016. Please indicate the nature of the expenditure, the amount, the date, and the purpose. For example, Commissioner Burns has been informed that APS/Pinnacle West pays the Phoenix Suns to display the APS logo. Please address this particular example and list all similar circumstances.

6) Please describe any foundations or other entities (formed for charitable or other philanthropic purposes) that are related to APS and/or Pinnacle West. Please describe how these entities are funded. Please describe the arrangements governing the Foundation's use of APS's name or brand.

7) Please see the attached press releases from Pinnacle West, APS, and the APS Foundation (Attachment C). Please describe the relationships between these organizations. For example,

Alan Bunnell is listed as a media contact for all three organizations. Please indicate which entity he works for and which entity pays his salary.

# **ATTACHMENT B**




The image shows the header of the Arizona State Legislature website. At the top left, it says "Arizona State Legislature". To the right is a search box labeled "Bill Number Search:" with a magnifying glass icon. Below this is a large photograph of the Arizona State Capitol building, featuring the Sun Dancer statue on the roof. Underneath the photo, there is a navigation bar with the text "Fifty-second Legislature - Second Regular Session" on the left, and "change session | printer friendly version" on the right. In the center of the navigation bar are links for "Email a Member" and "Email Webmaster". Below the navigation bar is a horizontal menu with the following items: "Senate", "House", "Legislative Council", "JLBC", "More Agencies", "Bills", "Committees", and "Calendars/News".

**4. Power to inspect and investigate**

Section 4. The corporation commission, and the several members thereof, shall have power to inspect and investigate the property, books, papers, business, methods, and affairs of any corporation whose stock shall be offered for sale to the public and of any public service corporation doing business within the state, and for the purpose of the commission, and of the several members thereof, shall have the power of a court of general jurisdiction to enforce the attendance of witnesses and the production of evidence by subpoena, attachment, and punishment, which said power shall extend throughout the state. Said commission shall have power to take testimony under commission or deposition either within or without the state.



Arizona State Legislature Bill Number Search



Fifty-second Legislature - Second Regular Session change session | printer friendly version

[Email a Member](#) | [Email Webmaster](#)


<a href="#">Senate</a>	<a href="#">House</a>	<a href="#">Legislative Council</a>	<a href="#">JLBC</a>	<a href="#">More Agencies</a>	<a href="#">Bills</a>	<a href="#">Committees</a>	<a href="#">Calendars/News</a>
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[ARS TITLE PAGE](#) [NEXT DOCUMENT](#) [PREVIOUS DOCUMENT](#)

**40-241. Power to examine records and personnel of public service corporations; filing record of examination**

- A. The commission, each commissioner and person employed by the commission may, at any time, inspect the accounts, books, papers and documents of any public service corporation, and any of such persons who are authorized to administer oaths may examine under oath any officer, agent or employee of such corporation in relation to the business and affairs of the corporation.
- B. Any person other than a commissioner or an officer of the commission demanding such inspection shall produce under the hand and seal of the commission his authority to make the inspection.
- C. A written record of such testimony or statement given under oath shall be made and filed with the commission.

Arizona State Legislature Bill Number Search



Fifty-second Legislature - Second Regular Session change session | printer friendly version

Email a Member | Email Webmaster

Senate	House	Legislative Council	JLBC	More Agencies	Bills	Committees	Calendars/News
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[AKS TITLE PAGE](#) [NEXT DOCUMENT](#) [PREVIOUS DOCUMENT](#)

40-243. Conduct of hearings and investigations; representation by corporate officer or employee; arbitration

A. All hearings and investigations before the commission or a commissioner shall be governed by this article, and by rules of practice and procedure adopted by the commission. Neither the commission nor a commissioner shall be bound by technical rules of evidence, and no informality in any proceeding or in the manner of taking testimony before the commission or a commissioner shall invalidate any order, decision, rule or regulation made, approved or confirmed by the commission.


B. In a hearing or rehearing conducted pursuant to this article, a public service corporation may be represented by a corporate officer or employee who is not a member of the state bar if:

1. The corporation has specifically authorized the officer or employee to represent it.
2. The representation is not the officer's or employee's primary duty for the corporation but is secondary or incidental to such officer's or employee's duties relating to the management or operation of the corporation.

C. The commission may adopt or administer arbitration procedures to resolve complaints or disputes brought by a party against a telecommunications company, except that the commission shall not subject a wireless provider to arbitration unless the wireless provider and customer consent in writing. This section does not prohibit the commission from arbitrating disputes or complaints against a wireline service provider, involving telecommunications services contained in the bundle of services, to the extent the commission has jurisdiction as authorized pursuant to this chapter.

(1/10/01) Arizona State Legislature

Arizona State Legislature Bill Number Search:



Fifty-second Legislature - Second Regular Session change session | printer friendly version

[Email a Member](#) | [Email Webmaster](#)

Senate	House	Legislative Council	JLBC	More Agencies	Bills	Committees	Calendars/News
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[ARA TITLE PAGE](#) [NEXT DOCUMENT](#) [PREVIOUS DOCUMENT](#)

40-244. Administration of oaths and certification to official acts by commissioners; taking of depositions; witness fees and mileage

A. Each commissioner may administer oaths and certify to all official acts. The commission, or a commissioner, or any party, may take depositions as in a court of record.

B. Each witness who appears by order of the commission or a commissioner shall receive for his attendance the same fees allowed by law to a witness in civil actions, which shall be paid by the party at whose request the witness is subpoenaed. The fees of a witness subpoenaed by the commission shall be paid from the fund appropriated for the use of the commission as other expenses of the commission are paid. Any witness subpoenaed, except one subpoenaed by the commission, may, at the time of service, demand his mileage and one days attendance, and if not paid need not attend. A witness furnished free transportation shall not receive mileage.

**WestlawNext** Arizona Court Rules[Home Table of Contents](#)

**Rule 45. Subpoena**  
Arizona Revised Statutes Annotated  
Rules of Civil Procedure for the Superior Courts of Arizona

Arizona Revised Statutes Annotated  
Rules of Civil Procedure for the Superior Courts of Arizona (Refs & Annos)  
VI. Trials (Refs & Annos)

16 A.R.S. Rules of Civil Procedure, Rule 45

**Rule 45. Subpoena**

Currentness

**(a) Form; Issuance.**

(1) *General Requirements.* Every subpoena shall:

- (A) state the name of the Arizona court from which it is issued;
- (B) state the title of the action, the name of the court in which it is pending, and its civil action number;
- (C) command each person to whom it is directed to do the following at a specified time and place:
  - (i) attend and give testimony at a hearing, trial, or deposition; or
  - (ii) produce and permit inspection, copying, testing, or sampling of designated documents, electronically stored information, or tangible things in that person's possession, custody or control; or
  - (iii) permit the inspection of premises; and
- (D) be substantially in the form set forth in Rule 84, Form 9.

(2) *Issuance by Clerk.* The clerk shall issue a signed but otherwise blank subpoena to a party requesting it, and that party shall complete the subpoena before service. The State Bar of Arizona may also issue signed subpoenas on behalf of the clerk through an online subpoena issuance service approved by the Supreme Court of Arizona.

**(b) For Attendance of Witnesses at Hearing, Trial or Deposition; Objections.**

(1) *Issuing Court.* A subpoena commanding a person to attend and give testimony at a hearing or trial shall issue from the superior court for the county in which the hearing or trial is to be held. Except as otherwise provided in Rule 45.1, a subpoena commanding a person to attend and give testimony at a deposition shall issue from the superior court for the county in which the case is pending.

(2) *Combining or Separating a Command to Produce or to Permit Inspection.* A command to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, may be joined with a command to attend and give testimony at a hearing, trial, or deposition, or may be set out in a separate subpoena.

(3) *Place of Appearance.*

(A) *Trial Subpoena.* Subject to Rule 45(e)(2)(B)(iii), a subpoena commanding a person to attend and give testimony at a trial may require the subpoenaed person to travel from anywhere within the state.

(B) *Hearing or Deposition Subpoena.* A subpoena commanding a person who is neither a party nor a party's officer to attend and give testimony at a hearing or deposition may not require the subpoenaed person to travel to a place other than:

- (i) the county in which the person resides or transacts business in person;
- (ii) the county in which the person is served with a subpoena, or within forty miles from the place of service; or
- (iii) such other convenient place fixed by a court order.

(4) *Command to Attend a Deposition--Notice of Recording Method.* A subpoena commanding a person to attend and give testimony at a deposition shall state the method for recording the testimony.

(5) *Objections; Appearance Required.* Objections to a subpoena commanding a person to attend and give testimony at a hearing, trial, or deposition shall be made by timely motion in accordance with Rule 45(e)(2). Unless excused from doing so by the party or

attorney serving a subpoena, by a court order, or by any other provision of this Rule, a person who is properly served with a subpoena is required to attend and give testimony at the date, time and place specified in the subpoena.

**(c) For Production of Documentary Evidence or for Inspection of Premises; Duties in Responding to Subpoena; Objections; Production to Other Parties.**

(1) *Issuing Court.* If separate from a subpoena commanding a person to attend and give testimony at a hearing, trial or deposition, a subpoena commanding a person to produce designated documents, electronically stored information or tangible things, or to permit the inspection of premises, shall issue from the superior court for the county in which the production or inspection is to be made.

(2) *Specifying the Form for Electronically Stored Information.* A subpoena may specify the form or forms in which electronically stored information is to be produced.

(3) *Appearance Not Required.* A person commanded to produce documents, electronically stored information or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless the subpoena commands the person to attend and give testimony at a hearing, trial or deposition.

(4) *Production of Documents.* A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

**(5) Objections.**

**(A) Form and Time for Objection.**

(i) A person commanded to produce documents, electronically stored information or tangible items, or to permit the inspection of premises, may serve upon the party or attorney serving the subpoena an objection to producing, inspecting, copying, testing or sampling any or all of the designated materials; to inspecting the premises; or to producing electronically stored information in the form or forms requested. The objection shall set forth the basis for the objection, and shall include the name, address, and telephone number of the person, or the person's attorney, serving the objection.

(ii) The objection shall be served upon the party or attorney serving the subpoena before the time specified for compliance or within 14 days after the subpoena is served, whichever is earlier.

(iii) An objection also may be made to that portion of a subpoena that commands the person to produce and permit inspection, copying, testing, or sampling if it is joined with a command to attend and give testimony at a hearing, trial or deposition, but making such an objection does not suspend or modify a person's obligation to attend and give testimony at the date, time and place specified in the subpoena.

**(B) Procedure After an Objection Is Made.**

(i) If an objection is made, the party or attorney serving the subpoena shall not be entitled to compliance with those portions of the subpoena that are subject to the objection, except pursuant to an order of the issuing court.

(ii) The party serving the subpoena may move for an order under Rule 37(a) to compel compliance with the subpoena. The motion shall comply with Rule 37(a)(2)(C), and shall be served on the subpoenaed person and all other parties in accordance with Rule 5(c).

(iii) Any order to compel entered by the court shall protect any person who is neither a party nor a party's officer from undue burden or expense resulting from the production, inspection, copying, testing, or sampling commanded.

**(C) Claiming Privilege or Protection.**

(i) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial-preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

(ii) If a person contends that information that is subject to a claim of privilege or of protection as trial-preparation material has been inadvertently produced in response to a subpoena, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has and may not use or disclose the information until the claim is resolved. A receiving party may promptly present the information to the court under seal for a determination of the claim. If the receiving party disclosed the information before being notified, it must take reasonable steps to retrieve it. The person who produced the information must preserve the information until the claim is resolved.

(6) *Production to Other Parties.* Unless otherwise stipulated by the parties or ordered by the court, documents, electronically stored information and tangible things that are obtained in response to a subpoena shall be made available to all other parties in accordance with Rule 26.1(a) and (b).

**(d) Service.**

(1) *General Requirements; Tendering Fees.* A subpoena may be served by any person who is not a party and is not less than eighteen years of age. Serving a subpoena requires delivering a copy to the named person and, if the subpoena requires that person's attendance, tendering to that person the fees for one day's attendance and the mileage allowed by law.

(2) *Exceptions to Tendering Fees.* When the subpoena commands the appearance of a party at a trial or hearing, or is issued on behalf of the state or any of its officers or agencies, fees and mileage need not be tendered.

(3) *Service on Other Parties.* A copy of every subpoena shall be served on every other party in accordance with Rule 5(c).

(4) *Service within the State.* A subpoena may be served anywhere within the state.

(5) *Proof of Service.* Proving service, when necessary, requires filing with the clerk of the court of the county in which the case is pending a statement showing the date and manner of service and of the names of the persons served. The statement must be certified by the person who served the subpoena.

**(e) Protection of Persons Subject to Subpoenas; Motion to Quash or Modify**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or an attorney responsible for the service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The issuing court shall enforce this duty and impose upon the party or attorney who breaches this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorneys' fee.

(2) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On the timely filing of a motion to quash or modify a subpoena, the superior court of the county in which the case is pending or from which a subpoena was issued shall quash or modify the subpoena if:

- (i) it fails to allow a reasonable time for compliance;
- (ii) it commands a person who is neither a party nor a party's officer to travel to a location other than the places specified in Rule 45(b)(3)(B);
- (iii) it requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) it subjects a person to undue burden.

(B) *When Permitted.* On the timely filing of a motion to quash or modify a subpoena, and to protect a person subject to or affected by a subpoena, the superior court of the county in which the case is pending or from which a subpoena was issued may quash or modify the subpoena if:

- (i) it requires disclosing a trade secret or other confidential research, development, or commercial information;
- (ii) it requires disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party;
- (iii) it requires a person who is neither a party nor a party's officer to incur substantial travel expense; or
- (iv) justice so requires.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(e)(2)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions, including any conditions and limitations set forth in Rule 26(c), as the court deems appropriate:

- (i) if the party or attorney serving the subpoena shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) if the person's travel expenses or the expenses resulting from the production are at issue, the party or attorney serving the subpoena assures that the subpoenaed person will be reasonably compensated.

(D) *Time for Motion.* A motion to quash or modify a subpoena must be filed before the time specified for compliance or within 14 days after the subpoena is served, whichever is earlier.

(E) *Service of Motion.* Any motion to quash or modify a subpoena shall be served on the party or the attorney serving the subpoena in accordance with Rule 5(c). The party or attorney who served the subpoena shall serve a copy of any such motion on all other parties in accordance with Rule 5(c).

(f) **Contempt.** The issuing court may hold in contempt a person, who having been served, fails without adequate excuse to obey a subpoena. A failure to obey must be excused if the subpoena purports to require a person who is neither a party nor a party's officer to attend or produce at a location other than the places specified in Rule 45(b)(3)(B).

(g) **Failure to Produce Evidence.** If a person fails to produce a document, electronically stored information, or a tangible thing requested in a subpoena, secondary evidence of the item's content may be offered in evidence at trial.

**Credits**

Amended July 17, 1970, effective Nov. 1, 1970; July 6, 1983, effective Sept. 7, 1983; Sept. 15, 1987, effective Nov. 15, 1987; Oct. 9, 1996, effective Dec. 1, 1996; June 9, 2005, effective Dec. 1, 2005; Sept. 5, 2007, effective Jan. 1, 2008; Sept. 2, 2010, effective Jan. 1, 2011; Aug. 30, 2012, effective Jan. 1, 2013.

16 A. R. S. Rules Civ. Proc., Rule 45, AZ ST RCP Rule 45  
Current with amendments received through 07/01/16

END OF DOCUMENT

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# **ATTACHMENT C**



## FOR IMMEDIATE RELEASE

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Website: [aps.com/newsroom](http://aps.com/newsroom)

January 25, 2015  
Page 1 of 2

**APS INVESTED MORE THAN \$10 MILLION IN ARIZONA NONPROFITS IN 2015**

PHOENIX – For more than 125 years, APS has understood that – as one of the only large corporations headquartered in the state – the company has a responsibility to not only provide reliable energy service to its 1.2 million customers, but to strengthen and empower the communities it serves. This belief is embedded in the culture of the company, and starts at the top.

APS announced today that its 2015 community investment in Arizona totaled more than \$10 million. This amount includes grants, sponsorships, and in-kind donations from APS and the [APS Foundation](#) to nonprofit organizations and educators throughout the state. In addition, APS employees donated more than 123,000 hours in volunteer time to Arizona nonprofits, an economic impact of \$2.8 million.

“Our long history in the state has shown us that the success of APS is closely tied to the prosperity and health of the communities we serve,” said [Don Brandt](#), Chairman, President and CEO of APS. “We are committed to empowering nonprofits to do what they do best, and supporting education programs that will benefit our state’s future leaders for years to come. This commitment is ingrained in our culture, and radiates through all of our 6,400 employees.”

Among the nonprofits who received grants and contributions from APS and the APS Foundation in 2015:

- The Arizona Science Center received a grant for \$415,500 to support education programs throughout the state. The Science Center’s Rural Communities Education Program targets educators from rural school districts, bringing professional development opportunities to STEM teachers across the state. Additional support also was designated for new exhibits.
- The Arizona Hispanic Chamber of Commerce Foundation received a grant for \$250,000 for the Ed and Verma Pastor Legacy Scholarship Program. This scholarship will benefit Latino students majoring in a STEM or a public policy field at any public university or college in Arizona.
- MIND Research Institute received a \$200,000 grant to expand its ST Math program and to partner with ASU to implement a professional development exploratory study with English-language learner students. These programs will expand innovative teaching to low-income students throughout Arizona and will train teachers to use a visual approach that deepens students’ problem-solving and reasoning skills, helping them advance their mathematical knowledge.
- UMOM New Day Centers received a grant for \$150,000 to meet the needs of homeless women and families in Maricopa County. The funds will enable UMOM to provide comprehensive services, including housing, healthcare, vocational training and job placement, substance abuse counseling and housing service for residents while they focus on their case plan to end their homelessness.

- The Phoenix Symphony Association received \$225,000 from APS to deliver relevant and entertaining content to a broad range of constituencies and provide civic value through programs that benefit the needs of the community and foster a culture of creativity and innovation.
- The Navajo United Way received a grant for \$100,000 for its Operation Yellow Water Challenge Match. The Navajo United Way is working to ensure that farmers and communities impacted by the closure of the San Juan River, due to toxic waste contamination in August 2015, receive the support they need to irrigate fields and continue their livelihood.
- The Phoenix Art Museum received an \$85,000 grant to support exhibitions, education and The James K. Ballinger American Art and Education Fund.

In addition, in 2015 the APS Foundation supported programs that enhance academic achievement in the areas of Science, Technology, Engineering and Math (STEM):

- Arizona Science Teachers Association received a grant for \$86,000 for its Teacher Leadership Program.
- ASU Foundation for a New American University received a grant for \$80,000 for its STEMSS (Science, Technology, Engineering, Math and Social Studies) Summer Institute for K-12 teachers.
- Lowell Observatory received a \$56,500 grant for its Navajo-Hopi Astronomy Outreach Program.
- The Society of St. Vincent de Paul received a \$50,000 grant for its Dream Center Digital Library, which will introduce young students to the practical uses of technology through instruction in STEM subjects.
- The Southern Arizona Research Science and Engineering Foundation (SARSEF) received a \$50,000 grant to bring STEM education for students and teachers to 50 schools in low-income, rural areas.
- Teach for America Inc. received a grant of \$50,000 for its Math/Science initiative, which recruits highly qualified individuals to teach math and science in low-income schools and provides preparation and support to enhance teacher effectiveness.

#### **About APS Foundation**

Privately endowed by Pinnacle West Capital Corp. in 1981 as an independent 501(c)(3) organization, the APS Foundation distributes an average of \$1.5 to \$2.5 million per year through a bi-annual grant process. Since its inception, the Foundation has invested nearly \$35 million in Arizona nonprofits. For more information, please visit [aps.com/corporategiving](http://aps.com/corporategiving) and click on the Foundation link.

#### **About APS**

APS, Arizona's largest and longest-serving electricity utility, serves nearly 1.2 million customers in 11 of the state's 15 counties. With headquarters in Phoenix, APS is the principal subsidiary of Pinnacle West Capital Corp. (NYSE: PNW).

**FOR IMMEDIATE RELEASE**

June 28, 2016

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**APS ANNOUNCES EXECUTIVE CHANGES AT PALO VERDE***Edington transitioning to advisory role; Bement, Cadogan promoted*

PHOENIX – Arizona Public Service announced today changes in its senior leadership team at the Palo Verde Nuclear Generating Station. Bob Bement has been appointed Executive Vice President, Nuclear and will continue to report to Randy Edington, Executive Vice President and Chief Nuclear Officer. Jack Cadogan, currently Vice President, Nuclear Engineering, has been named to replace Bement as Senior Vice President, Site Operations. Maria Lacal will continue to serve as Senior Vice President, Regulatory and Oversight. Cadogan and Lacal will report to Bement.

On October 31, Bement will take over as Executive Vice President and Chief Nuclear Officer while Edington shifts to Executive Vice President and Advisor to the CEO.

"I want to thank Randy Edington for his great service to our customers, our company and our state over the past nine years," said Don Brandt, APS Chairman, President and Chief Executive Officer. "When Randy arrived, Palo Verde faced difficult regulatory and operational challenges. He put together a great team, which included Bob Bement, and more quickly than anyone thought possible, restored confidence and operational excellence at the plant. I am proud to say that under Randy's leadership, Palo Verde has become a model for other plants nationally and around the world as one of the best in the industry."

In 2015, Palo Verde generated a record 32.5 million megawatt-hours of carbon-free electricity, marking the 24<sup>th</sup> consecutive year the plant was the nation's largest power producer. Palo Verde remains the only U.S. generating facility to ever produce more than 30 million megawatt-hours in a year – an operational accomplishment the plant has achieved each of the past seven years and a total of 11 times. In addition, Palo Verde produces 80 percent of Arizona's clean electricity, displacing more than 13.2 million metric tons of greenhouse-gas emissions that would otherwise have been produced to power homes and businesses from Texas to California.

Bement has led the day-to-day nuclear operations at Palo Verde for the past nine years. Prior to joining APS shortly after Edington's arrival in 2007, he held senior nuclear leadership positions at Exelon and with Arkansas Nuclear One and began his nuclear career in the United States Navy as a nuclear-trained electrician.

"Bob Bement has served side-by-side with Randy at Palo Verde almost from Randy's first day at APS. Bob understands the plant culture and was essential in Palo Verde's return to excellence," said Brandt. "Randy and I have always agreed that the true measure of a leader is the organization's ability to excel after that leader is gone. In Bob, we have the ideal successor to continue Randy's outstanding work and to ensure Palo Verde's enduring industry leadership."

Cadogan, who has served as Palo Verde's vice president of nuclear engineering since 2012, will assume Bement's former responsibilities overseeing site operations. Cadogan joined APS in 2009 as director of engineering support before being promoted to director of plant engineering in 2011. In his most recent role, he has been responsible for plant design and project engineering, as well as the nuclear fuels function. Prior to joining APS, Cadogan spent 30 years in the energy industry, holding numerous positions in power plant operations support, design and construction.

Palo Verde is operated by APS and jointly owned by APS, Salt River Project, El Paso Electric Co., Southern California Edison Co., Public Service Co. of New Mexico, Southern California Public Power Authority and the Los Angeles Department of Water & Power.

APS, Arizona's largest and longest-serving electric utility, serves nearly 1.2 million customers in 11 of the state's 15 counties. With headquarters in Phoenix, APS is the principal subsidiary of Pinnacle West Capital Corp. (NYSE: PNW).

# PINNACLE WEST | NEWS

CAPITAL CORPORATION

## FOR IMMEDIATE RELEASE

April 29, 2016

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## PINNACLE WEST REPORTS 2016 FIRST-QUARTER EARNINGS

- *Results in line with the company's expectations; full-year 2016 earnings guidance affirmed*
- *Major planned fossil power plant outages increase operations and maintenance expenses versus a year ago*
- *Retail sales continue to improve as Arizona's economy continues post-recession growth*

PHOENIX – Pinnacle West Capital Corp. (NYSE: PNW) today reported consolidated net income attributable to common shareholders of \$4.5 million, or \$0.04 per diluted share of common stock, for the quarter ended March 31, 2016. This result compares with \$16.1 million, or \$0.14 per diluted share, for the same period in 2015.

"Financial results were in line with our expectations, especially given the major fossil power plant overhauls and maintenance work that we had built into our budget," said Pinnacle West Chairman, President and Chief Executive Officer Don Brandt. "We remain optimistic that we will achieve our annual targets as customer and electricity sales growth continue to rebound, along with Arizona's improving economy."

Brandt cited a recent study by the U.S. Census Bureau that indicates the Phoenix-metropolitan area is the third-fastest growing of the top 15 metro areas in the U.S. A second report by Arizona's Office of Employment and Population Statistics shows the state has formally matched its pre-recession employment levels, amid expectations of continued solid growth in both population and jobs.

Looking to the immediate future, Brandt added that the company is focused on achieving constructive regulatory outcomes on a number of key energy policy issues, including Arizona's value and cost of distributed generation proceeding, as well as the company's upcoming rate case. "We will continue working with various stakeholders to achieve fair policies that benefit all our customers – and that help ensure a sustainable energy future for all of Arizona," he said.

The 2016 first-quarter results comparison was adversely impacted by increased operations and maintenance expenses, which decreased results by \$0.17 per share compared with the prior-year period. The expense increase was largely comprised of higher fossil plant maintenance costs as a result of more planned work being completed in the 2016 first quarter compared to the 2015 first quarter.

The above costs were partially offset by the following items:

- *The effects of weather variations* improved results by \$0.02 per share compared to the year-ago period despite temperatures that remained less favorable than normal. While residential heating degree-days (a measure of the effects of weather) were 57 percent higher than last year's first quarter, heating degree-days were still 18 percent below normal 10-year averages. A contributing factor was that February 2016 was the third-mildest February in the last 20 years and the fifth-mildest over the last 40 years.
- *Increased retail transmission revenue* positively impacted earnings by \$0.02 per share.
- *Higher retail electricity sales* – excluding the effects of weather variations, but including the effects of customer conservation, energy efficiency programs and distributed renewable generation – improved earnings \$0.01 per share. Compared to the same quarter a year ago, weather-normalized sales increased 1.3 percent (partly the result of an additional day of sales due to the leap year), while total customer growth improved 1.3 percent quarter-over-quarter.
- *The net effect of miscellaneous items* increased earnings \$0.02 per share.

#### **Financial Outlook**

For 2016, the Company continues to expect its on-going consolidated earnings will be within a range of \$3.90 to \$4.10 per diluted share, on a weather-normalized basis, and to achieve a consolidated earned return on average common equity of more than 9.5 percent.

Key factors and assumptions underlying the 2016 outlook can be found in the first-quarter 2016 earnings presentation slides on the Company's website at [pinnaclewest.com/investors](http://pinnaclewest.com/investors).

#### **Conference Call and Webcast**

Pinnacle West invites interested parties to listen to the live webcast of management's conference call to discuss the Company's 2016 first-quarter results, as well as recent developments, at 12 noon ET (9 a.m. AZ time) today, April 29. A replay of the webcast can be accessed at [pinnaclewest.com/presentations](http://pinnaclewest.com/presentations). To access the live conference call by telephone, dial (877) 407-8035 or (201) 689-8035 for international callers. A replay of the call also will be available until 11:59 p.m. (ET), Friday, May 6, 2016, by calling (877) 660-6853 in the U.S. and Canada or (201) 612-7415 internationally and entering conference ID number 13634257.

#### **General Information**

Pinnacle West Capital Corp., an energy holding company based in Phoenix, has consolidated assets of approximately \$15 billion, about 6,200 megawatts of generating capacity and 6,400 employees in Arizona and New Mexico. Through its principal subsidiary, Arizona Public Service, the Company provides retail electricity service to nearly 1.2 million Arizona homes and businesses. For more information about Pinnacle West, visit the Company's website at [pinnaclewest.com](http://pinnaclewest.com).

Dollar amounts in this news release are after income taxes. Earnings per share amounts are based on average diluted common shares outstanding. For more information on Pinnacle West's operating statistics and earnings, please visit [pinnaclewest.com/investors](http://pinnaclewest.com/investors).

### NON-GAAP FINANCIAL INFORMATION

In this press release, we refer to "on-going earnings." On-going earnings is a "non-GAAP financial measure," as defined in accordance with SEC rules. We believe on-going earnings provide investors with useful indicators of our results that are comparable among periods because they exclude the effects of unusual items that may occur on an irregular basis. Investors should note that these non-GAAP financial measures involve judgments by management, including whether an item is classified as an unusual item. We use on-going earnings, or similar concepts, to measure our performance internally in reports for management.

### FORWARD-LOOKING STATEMENTS

This press release contains forward-looking statements based on our current expectations, including statements regarding our earnings guidance and financial outlook and goals. These forward-looking statements are often identified by words such as "estimate," "predict," "may," "believe," "plan," "expect," "require," "intend," "assume" and similar words. Because actual results may differ materially from expectations, we caution readers not to place undue reliance on these statements. A number of factors could cause future results to differ materially from historical results, or from outcomes currently expected or sought by Pinnacle West or APS. These factors include, but are not limited to:

- our ability to manage capital expenditures and operations and maintenance costs while maintaining high reliability and customer service levels;
- variations in demand for electricity, including those due to weather, seasonality, the general economy, customer and sales growth (or decline), and the effects of energy conservation measures and distributed generation;
- power plant and transmission system performance and outages;
- competition in retail and wholesale power markets;
- regulatory and judicial decisions, developments and proceedings;
- new legislation, ballot initiatives and regulation, including those relating to environmental requirements, regulatory policy, nuclear plant operations and potential deregulation of retail electric markets;
- fuel and water supply availability;
- our ability to achieve timely and adequate rate recovery of our costs, including returns on and of debt and equity capital investment;
- our ability to meet renewable energy and energy efficiency mandates and recover related costs;
- risks inherent in the operation of nuclear facilities, including spent fuel disposal uncertainty;
- current and future economic conditions in Arizona, including in real estate markets;
- the development of new technologies which may affect electric sales or delivery;
- the cost of debt and equity capital and the ability to access capital markets when required;
- environmental and other concerns surrounding coal-fired generation, including regulation of greenhouse gas emissions;
- volatile fuel and purchased power costs;

- the investment performance of the assets of our nuclear decommissioning trust, pension, and other postretirement benefit plans and the resulting impact on future funding requirements;
- the liquidity of wholesale power markets and the use of derivative contracts in our business;
- potential shortfalls in insurance coverage;
- new accounting requirements or new interpretations of existing requirements;
- generation, transmission and distribution facility and system conditions and operating costs;
- the ability to meet the anticipated future need for additional generation and associated transmission facilities in our region;
- the willingness or ability of our counterparties, power plant participants and power plant land owners to meet contractual or other obligations or extend the rights for continued power plant operations; and
- restrictions on dividends or other provisions in our credit agreements and Arizona Corporation Commission orders.

These and other factors are discussed in Risk Factors described in Part 1, Item 1A of the Pinnacle West/APS Annual Report on Form 10-K for the fiscal year ended December 31, 2015, and in Part II, Item 1A of the Pinnacle West/APS Quarterly Report on Form 10-Q for the quarter ended March 31, 2016, which readers should review carefully before placing any reliance on our financial statements or disclosures. Neither Pinnacle West nor APS assumes any obligation to update these statements, even if our internal estimates change, except as required by law.

# # #



# PINNACLE WEST | NEWS

CAPITAL CORPORATION

## FOR IMMEDIATE RELEASE

August 2, 2016

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Page 1 of 4

## PINNACLE WEST REPORTS 2016 SECOND-QUARTER RESULTS

- *Hotter-than-normal weather positively impacted quarterly results*
- *Residential sales and customer growth improved as Arizona's economy keeps expanding*
- *Investments in planned fossil power plant maintenance and higher benefit costs contributed to increased O&M expenses versus a year ago*
- *Full-year 2016 earnings guidance maintained*

PHOENIX – Pinnacle West Capital Corp. (NYSE: PNW) today reported consolidated net income attributable to common shareholders of \$121.3 million, or \$1.08 per diluted share of common stock, for the quarter ended June 30, 2016. This result compares with earnings of \$122.9 million, or \$1.10 per share, in the same 2015 period.

“Hotter-than-normal weather – led by the warmest June on record – positively impacted our earnings compared to the year-ago period,” said Pinnacle West Chairman, President and Chief Executive Officer Don Brandt. “The favorable weather helped partially offset an increase in operations and maintenance expenses at a time when we are investing significant resources in planned fossil power plant overhauls and maintenance, as well as new customer information and outage management systems that will improve operational efficiencies, enhance reliability, and create a modernized energy system for all our customers.”

In total, O&M expenses during the 2016 second quarter decreased results by \$0.19 per share compared with the prior-year-period. Quarter-over-quarter impacts primarily included the previously mentioned increase in planned fossil plant maintenance and higher employee benefit costs.

The favorable weather contributed \$0.09 per share to the company's bottom line compared to the year-ago period. Highlighted by record June heat, which helped offset a relatively mild April and May, the average high temperature in the 2016 second quarter was 94.5 degrees, while the average high temperature in the same period a year ago was 94.2 degrees. As a result, residential cooling degree-days (a measure of the effects of weather) were 4 percent higher than last year's second quarter, which was impacted by mild weather and one of the coolest Mays on record. Cooling degree-days also were more than 2 percent better than normal 10-year historical averages.

In addition to the effects of weather, the 2016 second-quarter results comparison was positively influenced by the following major factors:

- *Higher retail electricity sales* – excluding the effects of weather variations, but including the effects of customer conservation, energy efficiency programs and distributed renewable generation – improved results \$0.04 per share. Underlining an improving Arizona economy, total customer growth was 1.4 percent quarter-over-quarter, and mirrors recent census population data that indicates Phoenix is one of the five fastest-growing cities in the U.S.
- *Adjustment mechanisms* improved earnings by \$0.04 per share compared to the 2015 second quarter. These adjustors included an increase in transmission revenues; revenue from the Company's AZ Sun Program; and higher lost fixed cost recovery (LFCR) revenue.

#### **Financial Outlook**

For 2016, the Company continues to expect its on-going consolidated earnings will be within a range of \$3.90 to \$4.10 per diluted share, on a weather-normalized basis, and to achieve a consolidated earned return on average common equity of more than 9.5 percent.

Key factors and assumptions underlying the 2016 outlook can be found in the second-quarter 2016 earnings presentation slides on the Company's website at [pinnaclewest.com/investors](http://pinnaclewest.com/investors).

#### **Conference Call and Webcast**

Pinnacle West invites interested parties to listen to the live webcast of management's conference call to discuss the Company's 2016 second-quarter results, as well as recent developments, at 12 noon ET (9 a.m. AZ time) today, August 2. The webcast can be accessed at [pinnaclewest.com/presentations](http://pinnaclewest.com/presentations) and will be available for replay on the website for 30 days. To access the live conference call by telephone, dial (877) 407-8035 or (201) 689-8035 for international callers. A replay of the call also will be available until 11:59 p.m. (ET), Tuesday, August 9, 2016, by calling (877) 660-6853 in the U.S. and Canada or (201) 612-7415 internationally and entering conference ID number 13639544.

Pinnacle West Capital Corp., an energy holding company based in Phoenix, has consolidated assets of more than \$15 billion, about 6,200 megawatts of generating capacity and 6,400 employees in Arizona and New Mexico. Through its principal subsidiary, Arizona Public Service, the Company provides retail electricity service to nearly 1.2 million Arizona homes and businesses. For more information about Pinnacle West, visit the Company's website at [pinnaclewest.com](http://pinnaclewest.com).

Dollar amounts in this news release are after income taxes. Earnings per share amounts are based on average diluted common shares outstanding. For more information on Pinnacle West's operating statistics and earnings, please visit [pinnaclewest.com/investors](http://pinnaclewest.com/investors).

### NON-GAAP FINANCIAL INFORMATION

In this press release, we refer to "on-going earnings." On-going earnings is a "non-GAAP financial measure," as defined in accordance with SEC rules. We believe on-going earnings provide investors with useful indicators of our results that are comparable among periods because they exclude the effects of unusual items that may occur on an irregular basis. Investors should note that these non-GAAP financial measures involve judgments by management, including whether an item is classified as an unusual item. We use on-going earnings, or similar concepts, to measure our performance internally in reports for management.

### FORWARD-LOOKING STATEMENTS

This press release contains forward-looking statements based on our current expectations, including statements regarding our earnings guidance and financial outlook and goals. These forward-looking statements are often identified by words such as "estimate," "predict," "may," "believe," "plan," "expect," "require," "intend," "assume" and similar words. Because actual results may differ materially from expectations, we caution readers not to place undue reliance on these statements. A number of factors could cause future results to differ materially from historical results, or from outcomes currently expected or sought by Pinnacle West or APS. These factors include, but are not limited to:

- our ability to manage capital expenditures and operations and maintenance costs while maintaining high reliability and customer service levels;
- variations in demand for electricity, including those due to weather, seasonality, the general economy, customer and sales growth (or decline), and the effects of energy conservation measures and distributed generation;
- power plant and transmission system performance and outages;
- competition in retail and wholesale power markets;
- regulatory and judicial decisions, developments and proceedings;
- new legislation, ballot initiatives and regulation, including those relating to environmental requirements, regulatory policy, nuclear plant operations and potential deregulation of retail electric markets;
- fuel and water supply availability;
- our ability to achieve timely and adequate rate recovery of our costs, including returns on and of debt and equity capital investment;
- our ability to meet renewable energy and energy efficiency mandates and recover related costs;
- risks inherent in the operation of nuclear facilities, including spent fuel disposal uncertainty;
- current and future economic conditions in Arizona, including in real estate markets;
- the development of new technologies which may affect electric sales or delivery;
- the cost of debt and equity capital and the ability to access capital markets when required;
- environmental and other concerns surrounding coal-fired generation, including regulation of greenhouse gas emissions;
- volatile fuel and purchased power costs;

- the investment performance of the assets of our nuclear decommissioning trust, pension, and other postretirement benefit plans and the resulting impact on future funding requirements;
- the liquidity of wholesale power markets and the use of derivative contracts in our business;
- potential shortfalls in insurance coverage;
- new accounting requirements or new interpretations of existing requirements;
- generation, transmission and distribution facility and system conditions and operating costs;
- the ability to meet the anticipated future need for additional generation and associated transmission facilities in our region;
- the willingness or ability of our counterparties, power plant participants and power plant land owners to meet contractual or other obligations or extend the rights for continued power plant operations; and
- restrictions on dividends or other provisions in our credit agreements and Arizona Corporation Commission orders.

These and other factors are discussed in Risk Factors described in Part 1, Item 1A of the Pinnacle West/APS Annual Report on Form 10-K for the fiscal year ended December 31, 2015, which readers should review carefully before placing any reliance on our financial statements or disclosures. Neither Pinnacle West nor APS assumes any obligation to update these statements, even if our internal estimates change, except as required by law.

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FOR IMMEDIATE RELEASE

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February 3, 2016

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## APS FOUNDATION AWARDS OVER \$2.9 MILLION IN 2015 TO NONPROFITS WITH A FOCUS ON STEM EDUCATION IN ARIZONA

PHOENIX – The APS Foundation is proud to be one of the leading supporters of science, technology, engineering and math (STEM) education in Arizona. Since 2012, the APS Foundation has focused its giving on STEM programs to benefit the state’s students and teachers. In 2015, the Foundation distributed more than \$2.9 million to nonprofits across Arizona.

“APS is committed to supporting the outstanding organizations doing great work throughout Arizona, particularly in the area of STEM education,” said Tina Marie Tentori, Executive Director of the APS Foundation. “Arizona jobs will increasingly depend on science, technology, engineering and math skills. These are the areas of study that drive today’s global economy.”

The first round of education grants was provided in June 2015 and totaled \$1.4 million to 17 organizations.

Nonprofits receiving grants from the APS Foundation for STEM-related programs in the Foundation’s second round of grants for 2015 included:

- **Arizona Science Teachers Association** received a grant for \$86,000 for its Teacher Leadership Program, which provides access to professional development focused on research-based practices aimed at increasing student achievement, building and maintaining the leadership of Arizona science educators and providing resources and information for effective science education for students.
- **Valley of the Sun United Way** received an \$84,000 grant (the first of a three-year, \$250,000 commitment) for its Thriving Together program, a cross-sector collaboration working together to improve academic achievement in Arizona.
- **ASU Foundation for a New American University** received two grants totaling \$104,000. ASU Foundation received \$24,000 for its ExSciTEM (Exploring Science, Technology, Engineering and Math) program at ASU West and an \$80,000 grant for its STEMSS (Science, Technology, Engineering, Math and Social Studies) Summer Institute for K-12 teachers. This 10-day institute trains teachers how to integrate STEMSS across the curriculum through content lectures, hands-on activities, participation in science field studies and visits to local corporations showing STEM in practice.
- **Lowell Observatory** received a \$56,500 grant for its Navajo-Hopi Astronomy Outreach Program, now in its 10<sup>th</sup> year. The program pairs a professional astronomer from Lowell with fifth through eighth grade reservation teachers for one school year. Astronomers visit the partner classroom to lead science discussions and hands-on activities in collaboration with the local teacher. Students also take a field trip to Lowell.

- **The Society of St. Vincent de Paul** received a \$50,000 grant for its Dream Center Digital Library, which will introduce young students to the practical uses of technology in STEM subjects.
- **The Southern Arizona Research Science and Engineering Foundation** received a \$50,000 grant to bring STEM education to 50 schools in low-income rural areas.
- **Southwest Autism Research and Resource Center (SARRC)** received a \$50,000 grant to expand the number of teachers and clinicians educating Arizona's autism population and supporting the educators and districts working with them.
- **West-MEC Alliance** received a \$50,000 grant for the APS Discover What's Within Program, which will enrich West-MEC's Southwest Campus with STEM programming.
- **Science Foundation Arizona** received \$25,000 for its Navajo Code Writers STEM Initiative, a program that will introduce computer code writing curriculum to prepare Navajo students for the global economy.
- **Experience Matters Consortium Inc.** received a \$15,500 grant for its Volunteers in Preparing Students for Success program that provides education and STEM career guidance to low-income high school students.
- **Yavapai College Foundation** received \$8,200 for College for Kids, a summer educational program providing STEM classes for children aged 5-17.
- **Boys & Girls Club of Greater Scottsdale** received a grant for \$6,500 for its Da Vinci Disciples and Johnny 5 Alive STEM-based programs.
- **Treasures 4 Teachers** received a \$5,000 grant to STEM educational kits for hands-on classroom projects.

Videos showcasing STEM success stories resulting from APS Foundation STEM investment can be viewed at [aps.com/next](http://aps.com/next).

#### **About APS Foundation**

The APS Foundation is committed to making a deep impact in Arizona communities and does so through supporting statewide nonprofits that advance knowledge in the field of STEM (science, technology, engineering and math) education. The Foundation supports a wide range of educational initiatives that target both students and teachers in order to keep the next generation of Arizona's workforce strong and competitive.

Privately endowed by Pinnacle West Capital Corp. in 1981 as an independent 501(c)(3) organization, the APS Foundation distributes an average of \$1.5 million to \$2.5 million per year through a bi-annual grant process. Since its inception, it has invested nearly \$38 million in Arizona nonprofits. For more information, please visit [www.aps.com/corporategiving](http://www.aps.com/corporategiving) and click on the Foundation link.

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FOR IMMEDIATE RELEASE

July 18, 2016

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Website: [aps.com/newsroom](http://aps.com/newsroom)

### APS FOUNDATION CONTINUES FOCUS ON STEM EDUCATION

*More Than \$1.2 Million Awarded in First Round of 2016 Funding*

PHOENIX – Fourteen nonprofit organizations located throughout Arizona and the Four Corners area will receive more than \$1.2 million in STEM-supported grants, the APS Foundation announced today. Supporting science, technology, engineering and math (also known as STEM) and other education programs has been the Foundation's principal focus since 2012.

"Arizona is blessed to have a number of local organizations doing impactful work in STEM educational areas," said Tina Marie Tentori, executive director of the APS Foundation. "These grants will help move their efforts forward, including encouraging and preparing Arizona students to pursue future jobs in technology, clean energy and other STEM-related careers."

The following nonprofits received grants from the APS Foundation:

- **American Indian College Fund** received a \$100,000 grant for a scholarship fund that provides financial support to 15 Navajo college students pursuing majors in STEM or related fields at Navajo Nation-serving tribal colleges and mainstream universities in Arizona and New Mexico, with a particular emphasis around the Four Corners region.
- **Arizona Center for Afterschool Excellence** received \$5,000 for its annual conference dedicated to training 700 childcare providers throughout Arizona on integrating STEM activities into daily programming.
- **Arizona Science Center** received a \$385,000 grant to support the continuation of its Professional Learning and Development Rural Communities Expansion Project, which helps integrate STEM curriculum into rural school districts, including grades 3-8 in Cottonwood, Oak Creek, Humboldt, Winslow, Prescott, Sedona, Tonopah, Florence and Yuma.
- **Flagstaff Chamber of Commerce Foundation** received a \$20,000 grant for its Ready.Set.Code. Digital Initiative which introduces area youth and teachers to the various roles and potential careers that make up the digital workplace eco-system.
- **HandsOn Greater Phoenix** received a \$10,000 grant for its Your Experience Counts academic mentoring program that trains volunteers to work alongside elementary teachers in the classroom, helping with academic improvement in reading, writing, math and science.
- **Audubon Arizona** received a \$25,000 grant for its River Pathways program, which introduces urban youth to environmental science-related careers and gives students access to natural resource professionals.
- **NTC Research Foundation** received a \$108,000 grant for its BrainSTEM program, which brings 45-minute live performances by professional actor/educators to rural schools to introduce STEM principles to low income 5<sup>th</sup> through 8<sup>th</sup> graders. The program will reach 20,000 students, 700 teachers and 50 schools.

- **Teach for America** received a \$50,000 grant for a targeted STEM initiative that will sponsor 10 math and science teachers in Title I schools in the Phoenix metropolitan area.
- **Valley of the Sun YMCA** received a \$45,000 grant for its STEM Thursdays program, which provides fun, engaging, hands-on group STEM learning projects and encourages low income elementary school students in the Valley, Yuma, Somerton and Flagstaff to pursue STEM careers.
- **Arizona Chamber Foundation** received a \$100,000 grant for A for Arizona, an initiative to improve and serve K-12 low-income schools throughout Arizona.

Additional organizations receiving grants during this funding cycle include: **Arizona State Parks Foundation, Expect More Arizona, Grand Canyon Association and Great Hearts Academies.**

The next cycle of APS Foundation grant applications opens on July 15 with a deadline of Sept. 1, 2016. Applications and more information on grant eligibility can be found at [www.aps.com/corporategiving](http://www.aps.com/corporategiving) and clicking on the Foundation link.

#### **About APS Foundation**

The APS Foundation is committed to making a deep impact in Arizona communities and does so by supporting statewide nonprofits that advance knowledge in the field of STEM (science, technology, engineering and math) education. The Foundation supports a wide range of educational initiatives that target both students and teachers in order to keep the next generation of Arizona's workforce strong and competitive.

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## CERTIFICATION OF SERVICE

On this 25 day of August, 2016, the foregoing document was filed with Docket Control as Correspondence from Commissioner Bob Burns and copies of the foregoing were mailed on behalf of the Commissioner to the following who have not consented to email service. On this date or as soon as possible thereafter, the Commission's eDocket program will automatically email a link of the foregoing document to the following who have consented to email service.

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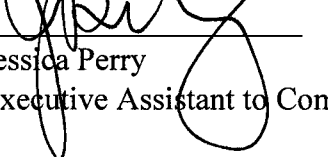
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