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IN THE MATTER OF THE APPLICATION OF
TUCSON ELECTRIC POWER COMPANY FOR
APPROVAL OF ITS 2016 RENEWABLE
ENERGY STANDARD IMPLEMENTATION
PLAN.

DOCKET NO. E-01933A-15-0239

IN THE MATTER OF THE APPLICATION OF
TUCSON ELECTRIC POWER COMPANY FOR
THE ESTABLISHMENT OF JUST AND
REASONABLE RATES AND CHARGES
DESIGNED TO REALIZE A REASONABLE
RATE OF RETURN ON THE FAIR VALUE OF
THE PROPERTIES OF TUCSON ELECTRIC
POWER COMPANY DEVOTED TO ITS
OPERATIONS THROUGHOUT THE STATE OF
ARIZONA AND FOR RELATED APPROVALS.

DOCKET NO. E-01933A-15-0322

**TEP'S RESPONSE IN
OPPOSITION TO EFCA MOTION
TO STRIKE TESTIMONY
OF LON HUBER**

Tucson Electric Power Company ("TEP"), hereby files its response in opposition to EFCA's Motion to Strike Testimony of Lon Huber ("EFCA Motion"). Mr. Huber's testimony reflects a parallel approach with the result in the UNS Electric rate case proceeding (as reflected in Decision No. 75697 (August 18, 2016) ("UNSE Rate Order")). Allowing testimony on the RPS proposal and the additional metering charge will place the UNS Electric and TEP rate cases in identical procedural postures for Phase 2. TEP requests that the EFCA Motion be denied.

TEP filed its Motion for Procedural Order to Modify the Scope of Evidentiary Hearing in response to the UNSE Rate Order. TEP argued that, in light of the UNSE Rate Order's deferral of certain proposals to a Phase 2 proceeding, similar portions of the TEP evidentiary proceeding should be also deferred to a similar Phase 2 proceeding. The UNSE Rate Order did not defer the RPS proposal or the additional metering charge, even though there was some discussion at open meeting about doing so.

1 The August 22, 2016 Procedural Order granted TEP's motion. It further noted that
2 coordinating the second phases of the two proceedings may be possible to maximize judicial
3 economy. Should the Phase 2 proceedings for UNS Electric and TEP be coordinated or consolidated
4 for hearing purposes, TEP submits that it would be preferable to have the same procedural status for
5 both dockets.

6 RUCO's testimony comports with the approach taken by the Commission in the UNS
7 Electric proceeding and provides the Commissioners with an opportunity to resolve similar issues in
8 Phase 1. Indeed, both issues were resolved by Commissioner amendments to the Recommended
9 Opinion and Order, not by deferral to Phase 2. EFCA could have taken the approach of Vote Solar
10 in addressing the RPS and meter charge issues, but also requesting that those issues be deferred. It
11 is possible that the Commissioners may ultimately conclude that the RPS and meter charge issues
12 should be deferred, but they should not be deprived the opportunity to decide the issues on the merits
13 in Phase 1. Ultimately, however, TEP acknowledges that the Hearing Division is in the best position
14 to interpret the intent of its procedural order.

15 WHEREFORE, TEP requests that EFCA's Motion to Strike be denied.

16 RESPECTFULLY SUBMITTED this 31st day of August, 2016.

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