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Memorandum
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2017 MAR 22 P 4:39

Arizona Corporation Commission

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TO: Docket Control

DATE: March 22, 2017

FROM: Commissioner Dunn's Office

SUBJECT: Arizona Corporation Commission Docket AU-00000E-17-0079

COMMISSIONERS
TOM FORESE - Chairman
BOB BURNS
DOUG LITTLE
ANDY TOBIN
BOYD DUNN



Boyd Dunn
Commissioner

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**ARIZONA CORPORATION
COMMISSION**

March 22, 2017

**Re: Investigation and Promulgation of a Code of Ethics for the Arizona Corporation
Commission, Docket No. ACC-00000B-17-0079**

Dear Colleagues:

As Chairman of the Ethics Committee, I am opening a docket to develop and implement a code of ethics to guide us in carrying out our constitutional and statutory duties. In accordance with Resolution 2017-001, the Ethics Committee is the appropriate place to have this discussion.¹

We need to make every effort to draft a code that is lawful, practical, consistent, measured, and above all, ethical in its directives. A code should reflect the values of the Commission and must comport with the limits of the Commission's jurisdiction. We must take the necessary time to investigate, explore, and research the options before this Commission attempts to define the scope and contents of such a code.

This code of ethics cannot be created in isolation and the process must be transparent. Any proposal must be thoroughly vetted prior to adoption. To that end, it is my intention to convene workshops to engage the public in a dialogue about this code. The Commission must have an opportunity to hear from relevant stakeholders and authorities. We are not the first public body to implement a code of ethics and the experiences of other jurisdictions will be valuable to the discussion. With that in mind, I intend to invite public service corporations, experts, the Secretary of State, the Legislature, counties, municipalities, NARUC, other public utility commissions to participate in the workshops.

A code of ethics must be born out of a comprehensive discussion by the Commission and the Ethics Committee. Right now, there are several open dockets focusing on issues that unquestionably fall under the purview the Ethics Committee and this code of ethics. It is crucial that we resist the lure of a piecemeal process. Uniformity dictates that the issues raised in these dockets be folded into a global conversation. This docket will consolidate all relevant issues so

¹ Resolution 2017-001 empowers the Chairman to establish Committees of the Corporation Commission. *See also* Correspondence from Chairman Tom Forese (Mar. 02, 2017), in Dkt. ACC-00000B-17-0062 (appointing Commissioner Dunn as Chairman of the Ethics Committee).

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the Committee, and ultimately the Commission, may fairly examine each topic before implementing a code.

We cannot settle on the scope and structure of this code today. The Committee and Commission must investigate before making those decisions. All we can do today is decide where to begin and I suggest we start with the following:

- Exploring the bounds of the Commission's authority to promulgate a code of ethics.
- Exploring the scope and role of a code of ethics.
- Exploring and potentially defining impartiality, conflicts of interest, bias, and recusals.
- Exploring and potentially defining the standards for the faithful execution of office.
- Exploring how the Commission should handle the disclosure of political and charitable contributions or lobbying and advertising expenses.
- Exploring the applicability and legislative intent behind SB 1516 (2016) amending portions of the Arizona Revised Statutes related to campaign finance.

These topics will merely launch our discussion. They are not intended to be used as a way to divine what will or will not be part of the code of ethics adopted by this Commission. I look forward to working with my fellow Commissioners, staff, and all interested parties as we promulgate a code of ethics for the Arizona Corporation Commission.

Sincerely,

A handwritten signature in black ink, appearing to read "Boyd Dunn".

Boyd Dunn
Commissioner and Chairman of the Ethics Committee