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AZ CORP COMMISSION
DOCKET CONTROL

BEFORE THE ARIZONA CORPORATION COMMISSION


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Arizona Corporation Commission

DOCKETED

JUN 17 2016

DOCKETED BY 

16 IN THE MATTER OF THE
 17 APPLICATION OF ARIZONA PUBLIC
 18 SERVICE COMPANY FOR A HEARING
 19 TO DETERMINE THE FAIR VALUE OF
 20 THE UTILITY PROPERTY OF THE
 21 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

**ARIZONA PUBLIC SERVICE
 COMPANY'S OPPOSITION TO
 ARIZONA UTILITY RATEPAYER
 ALLIANCE'S MOTION TO
 INTERVENE**

23 On June 14, 2016, the Arizona Utility Ratepayer Alliance filed a Motion to
 24 Intervene in the Company's pending rate case. AURA is neither a "Utility Ratepayer" of
 25 APS nor an "Alliance" of anyone other than Mr. Pat Quinn and his wife. It is true that
 26 trade organizations, with an identifiable membership and representing distinct, otherwise
 27 unrepresented interests, have a role in Commission proceedings. But AURA does not
 28

1 fall into that category. Instead, AURA is a solar-funded lobbying organization. It does
2 not have an identifiable membership, much less one that is directly or substantially
3 affected by this proceeding. Further, AURA's participation in this matter is both
4 redundant and almost certain to unduly expand the scope of the docket. APS therefore
5 opposes AURA's intervention in this matter. At a minimum, AURA should be grouped
6 with other intervenors having "substantially like interests and positions" into a class of
7 interested persons under A.A.C. R14-3-105(C).

8
9 **I. AURA IS A LOBBYING FIRM THAT LACKS THE REQUIRED
"DIRECT AND SUBSTANTIAL" INTEREST IN THIS DOCKET.**

10 To become an intervenor in a Commission proceeding, one must be directly and
11 substantially affected by the proceedings. AURA cannot demonstrate (and has not
12 demonstrated) sufficient facts to prove either prong. AURA itself does not claim to be
13 directly impacted by these proceedings, and even AURA's stated interest does not fulfill
14 the "direct and substantial" test.

15 AURA states that it advocates on behalf of "everyday Arizonans." But AURA
16 does not actually represent "everyday Arizonans," or any identifiable membership.
17 Instead, AURA simply claims to represent this generalized group of citizens. The reality
18 is that AURA is funded by the Energy Foundation, a San Francisco-based organization
19 that generally advocates for renewable energy and energy efficiency.¹ And AURA,
20 founded in 2015, is the trade name for Quinn & Associates, LLC.² Quinn & Associates
21 consists only of Mr. Quinn, himself a registered lobbyist, and his wife. Mr. Quinn
22 himself describes the sole function of Quinn & Associates as a "business and political
23 consulting firm."³ Instead of actually representing everyday Arizonans, AURA appears

24
25 ¹ See Transcript, p. 2984:11-15, In the Matter of the Application of UNS Electric, Inc., Docket No. E-
26 04204A-15-0142 (March 17, 2016) ("Q. To the best of your recollection, who funds AURA? A. [By Mr.
27 Pat Quinn] Oh, who funds AURA? I thought you said the Foundation. Who funds – I get all my funding
28 from The Energy Foundation."); see also Energy Foundation website, available at www.ef.org (stating
that its mission is "to promote the transition to a sustainable energy future by advancing energy
efficiency and renewable energy.").

² See Trade Name Registration for Arizona Utility Ratepayer Alliance, attached as Exhibit A.

³ See LinkedIn page of Patrick J. Quinn, available at <https://www.linkedin.com/in/pat-quinn-b6154236>.

1 to simply conflate the interests of everyday Arizonans with the mission of its funding
2 source, and then bases its intervention on this conflation.

3 Moreover, even if AURA does represent the group it claims to represent, direct
4 and substantial impacts to “everyday Arizonans” are not direct and substantial impacts
5 to AURA. The type of generalized public representation that AURA invokes is
6 unsupported by any rule or statute. Indeed, it takes a statute to authorize RUCO’s
7 representation of residential customers as a general group.⁴ AURA enjoys no such
8 special legislatively granted right of intervention. Permitting a lobbyist to intervene by
9 invoking the interests of the generalized public would render the phrase “direct and
10 substantial interest” meaningless.

11 There is clear precedent for excluding organizations such as AURA. In Docket
12 No. WS-03478A-12-0307, an entity having an actual monetary dispute with the utility
13 was nonetheless denied intervention because the dispute was not related to the rate case
14 and the entity was not a customer.⁵ In Docket No. W-01445A-06-0317, three potential
15 competitors of a utility seeking to expand its CC&N were denied intervention because
16 they had not actually filed competing CC&N applications, and thus their interest in
17 opposing the application was deemed insufficiently direct and substantial.⁶ Similar
18 holdings were made in Docket Nos. W-01445A-06-0199, *et al.*, and WS-02987A-04-
19 0288.⁷ In each of the cited dockets above, the entities seeking intervention would have
20 had better claims to having direct and substantial interests in the proceeding than that
21 claimed by AURA.

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26 ⁴ See A.R.S. §40-464.

27 ⁵ See Procedural Order dated August 27, 2012.

28 ⁶ See Procedural Order dated October 26, 2006.

⁷ See Procedural Order dated July 10, 2006 in Docket No. W-01445A-06-0199 and Procedural Order dated February 2, 2005 in Docket No. WS-02987A-04-0288.

1 **II. STAFF, RUCO, AND OTHERS ALREADY REPRESENT APS**
2 **CUSTOMERS, AND AURA'S PARTICIPATION IS REDUNDANT.**

3 Several individual customers have already intervened in this case, ranging from
4 the very large (IO and Freeport) to individual residential customers. Moreover, RUCO is
5 expected to intervene shortly and Sun City Home Owners' Association was just granted
6 intervention. Other groups, representing specific and identifiable public interests, also
7 regularly intervene in APS proceedings, including the Arizona Community Action
8 Association (representing the interests of low-income customers) and Arizonans for
9 Electric Choice and Competition (representing major industrial customers). And of
10 course, the Commission's own Staff is charged with the even more solemn task of
11 representing the public interest as a whole. In short, and contrary to AURA's contention
12 that it is indispensable in representing the interests of consumers, there is no shortage of
13 individuals and organizations, big and small, that can represent the very same consumer
14 interests that AURA contends are its focus.

15 It is not just that AURA's participation is redundant, but also that AURA has a
16 track record of seeking to unduly expand proceedings. For instance, in its rate case, UNS
17 Electric agreed with Commission Staff on several items through its rebuttal testimony.
18 This is a normal occurrence, and indeed, a positive and productive event that served to
19 streamline the upcoming hearing. Nonetheless, in response to UNS Electric's effort to
20 compromise with Staff in testimony, AURA filed a Motion to Extend Procedural
21 Schedule, claiming that UNS had somehow completely changed its rate design
22 proposal.⁸ Just three days later, however, Administrative Law Judge Rodda denied
23 AURA's motion, stating that "[i]t is not unusual for utility to accept the
24 recommendations of other parties in Rebuttal Testimony."⁹ AURA's Motion to Extend
25 in the UNS rate case was contrary to Commission practice; would have set a bad
26 precedent that discouraged compromise; and suggested a desire to delay proceedings

27 ⁸ See Motion to Extend Procedural Schedule, In the Matter of the Application of UNS Electric, Inc.,
28 Docket No. E-04204A-15-0142 (January 26, 2016).

29 ⁹ Procedural Order, In the Matter of the Application of UNS Electric, Inc., Docket No. E-04204A-15-
30 0142 (January 29, 2016).

1 simply for the sake of delay. Because the same entity, headed by the same lobbyist and
2 funded by the same solar industry group, seeks to intervene in this proceeding, APS has
3 every reason to believe that AURA will similarly seek opportunities to undermine the
4 procedural schedule and unduly expand the proceedings.

5 To the extent that the public interest would be served by hearing from AURA,
6 there are numerous ways that AURA or its principal, Mr. Quinn, could participate in
7 these proceedings short of permitting AURA to intervene. Mr. Quinn is an APS
8 customer (a fact made public by an AURA witness in the UNS Electric rate hearing) and
9 could intervene as an individual. In addition, AURA (and Mr. Quinn) could provide
10 public comment in writing or orally, as permitted by the presiding Administrative Law
11 Judge.

12
13 **III. IF PERMITTED TO INTERVENE, AURA SHOULD BE GROUPED
WITH OTHER SIMILARLY-INTERESTED INTERVENORS.**

14 To date, AURA has ardently advocated for solar vendor interests in Commission
15 proceedings (including the UNS Electric rate case). This is consistent with the solar
16 industry's funding of AURA through the Energy Foundation. However, AURA is just
17 one of several solar interests that have been intervening in Commission proceedings,
18 including the "Energy Freedom Coalition of America," "Vote Solar," and the "Arizona
19 Solar Electric Industry Association." The positions taken by these groups have
20 substantially (if not identically) overlapped, and the result has been overly redundant
21 pleadings, testimony, and examination of witnesses. Proceedings have taken longer and
22 required more resources from the Commission and its Staff.

23 To avoid this inefficient result and facilitate an orderly proceeding, AURA should
24 be grouped into a class with other intervenors taking substantially similar positions. Rule
25 105(C) permits the grouping of intervenors with substantially like interests or positions
26 into a class for purposes of the hearing. Consistent with all of its interventions and
27 public statements to date, APS anticipates that if permitted to intervene, AURA's
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1 position will be substantially like, if not identical to, the position taken by all other so-
2 called "solar interests," which will include blindly opposing APS's proposal to
3 modernize residential rate design. In the interest of efficiency, APS requests that if
4 AURA is permitted to intervene, it be placed into a class of intervenors taking
5 substantially like positions.

6 **IV. CONCLUSION**

7 AURA does not meet the requirements of Rule 105 and its Motion to Intervene
8 should be denied. AURA is not directly and substantially affected by APS's rate
9 application. AURA's only claim in support of intervention is that it represents "everyday
10 Arizonans." But nothing indicates that AURA represents the public, as opposed to the
11 interests of its solar industry backers. And even if AURA did represent what amounts to
12 the general public, doing so is an impermissible basis for intervention. Finally, as seen in
13 other Commission proceedings, AURA will redundantly advocate for positions taken by
14 the rooftop solar industry if permitted to intervene. In the alternative to denying
15 AURA's Motion to Intervene, AURA should be grouped with this class of intervenors in
16 the interest of promoting an efficient and orderly proceeding.

17
18 RESPECTFULLY SUBMITTED this 17th day of June 2016.

19
20 By: 

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23 Melissa M. Krueger

24 Attorneys for Arizona Public Service Company

1 ORIGINAL and thirteen (13) copies
2 of the foregoing filed this 17th day of
3 June 2016, with:

4 Docket Control
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8 COPY of the foregoing emailed / mailed
9 this 17th day of June 2016, to:

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EXHIBIT A



Registered Name

Information Search

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Instructions

General Information

File ID	627644
Description	Trade Name
Status	Active
Name	ARIZONA UTILITY RATEPAYER ALLIANCE
Address 1	5521 E CHOLLA ST
City	SCOTTSDALE
State	AZ
ZIP	85254-
Phone	602-579-1934
Business Type	ADVOCATE FOR UTILITY CUSTOMERS
Domestic Begin Date	8/7/2015
Registered Date	8/7/2015

Agent/Owner Information

Agent ID	Type	Fullname	Address	City	State	ZIP	Phone
1376000	Owner	QUNN AND ASSOCIATES, LLC	5521 E CHOLLA ST	SCOTTSDALE	AZ	85254-	602-579-1934

Registration Information

Received	Amended	Assigned	Expiration	Cancelled	Revoked
8/7/2015			8/7/2020		

Correspondence History

Description	Date	Printed	Filmed	Loc. No.	Page No.	Pages
Application	8/7/2015	8/7/2015 1:54:47 PM				1

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