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BEFORE THE ARIZONA CORPORATION COMMISSION

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AZ CORP COMMISSION  
DOCKET CONTROL

COMMISSIONERS

- SUSAN BITTER SMITH, Chairman
- BOB STUMP
- BOB BURNS
- DOUG LITTLE
- TOM FORESE

IN THE MATTER OF THE APPLICATION OF  
UNS ELECTRIC, INC. 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 UNS ELECTRIC,  
INC. DEVOTED TO ITS OPERATIONS  
THROUGHOUT THE STATE OF ARIZONA,  
AND FOR RELATED APPROVALS.

DOCKET NO. E-04204A-15-0142

**ARIZONA INVESTMENT  
COUNCIL'S MOTIONS (1) FOR  
LEAVE TO INTERVENE AND  
(2) TO SUPPLEMENT THE  
PROCEDURAL ORDER TO  
CLARIFY APPLICATION OF  
THE EX PARTE RULES**

Pursuant to A.A.C. R14-3-105, the Arizona Investment Council ("AIC") applies to the Commission for an Order (1) granting it leave to intervene in this proceeding, and (2) supplementing the procedural order entered in this matter to clarify the application of the *ex parte* rules to membership associations like AIC and The Alliance for Solar Choice. In support of its Motions, AIC states as follows:

1. AIC's missions include the promotion of policies that encourage utility investment and infrastructure development in Arizona, as well as to represent the interests of debt and equity investors in Arizona utilities. AIC's nearly 6,000 members include Arizona utility service providers and individuals who hold stock or debt instruments in these utilities.
2. AIC and its members have a substantial interest in this proceeding. The rates and level of earnings the Commission authorizes for UNS Electric, Inc. impact present, as well as prospective, debt and equity investors. The Commission's decision in this case also sends important signals to capital markets concerning Arizona's regulatory

1 attitude regarding utility investment, required infrastructure development and  
2 improvement, and the evolution of utility rate design.

3 3. No other party can adequately represent the interests of AIC's members in  
4 this docket. Its participation will not unduly broaden the issues presented.

5 4. Service of all correspondence, pleadings, and other documents should be  
6 made to the following:

7 Meghan H. Grabel  
8 Osborn Maledon, P.A.  
9 2929 North Central Avenue  
Phoenix, Arizona 85012  
Email: [mgrabel@hotmail.com](mailto:mgrabel@hotmail.com)

10 with a copy to:

11 Gary Yaquinto, President & CEO  
12 Arizona Investment Council  
2100 North Central Avenue  
Phoenix, Arizona 85004  
13 Email: [gyaquinto@arizonaic.org](mailto:gyaquinto@arizonaic.org)

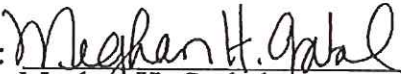
14 In addition, AIC respectfully requests that the Administrative Law Judge  
15 supplement the modified Procedural Order entered in this matter on June 24, 2015 to  
16 address the application of the *ex parte* rules, which are currently in effect for this case.  
17 Certain parties to this proceeding are, like AIC, associations comprised of multiple  
18 member companies. The Alliance for Solar Choice, for example, is a solar advocacy  
19 association whose membership includes various rooftop solar companies, including  
20 Demeter Power, Silevo, SolarCity, Solar Universe, Sunrun, Verengo, and ZEP Solar.  
21 With limited exception, the *ex parte* rules prohibit any person from making or causing to  
22 be made a non-public communication concerning the substantive merits of a contested  
23 proceeding. *See* A.A.C. R14-3-113. By their nature, the rules serve to preserve the  
24 "notions of fairness which underlie the due process of law." *See State ex rel. Corbin v.*  
25 *Ariz. Corp. Com'n*, 143 Ariz 219, 225 (1984). It stands to reason that those same  
26 notions of fairness would prohibit **both** the intervening membership association **and**  
27 each of its member companies from engaging in non-public communications with a  
28 Commissioner or Commission employee concerning the merits of the contested issues in

1 this case. The very purpose of the rules would be undermined were they to apply to the  
2 intervening association alone, leaving any of its members free to engage in off-the-  
3 record conversations with Commissioners or Commission Staff on the hotly disputed  
4 issues raised in this proceeding. AIC therefore requests that the Administrative Law  
5 Judge clarify that the application of the *ex parte* rules in this case extends to each and  
6 every member company of the membership associations that have been or will be  
7 granted intervention in this docket.

8 WHEREFORE, AIC requests that the Administrative Law Judge issue an order  
9 granting its Motion to Intervene and to supplement the modified Procedural Order  
10 entered in this matter on June 24, 2015 to clarify application of the *ex parte* rules.

11 RESPECTFULLY SUBMITTED this 16th day of July, 2015.

12 OSBORN MALEDON, P.A.

13  
14 By:   
15 Meghan H. Grabel  
16 2929 N. Central Avenue, Suite 2100  
17 Phoenix, AZ 85012

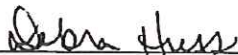
18 Attorneys for Arizona Investment Council

19 **Original and 13 copies** filed this  
16th day of July, 2015, with:

20 Docket Control  
21 Arizona Corporation Commission  
22 1200 West Washington Street  
Phoenix, AZ 85007

23 **Copies of the foregoing** mailed  
this 16th day of July, 2015, to:

24 All Parties of Record

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