

ORIGINAL

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Alexander J. Chorak



From: sbartlett5@cox.net
Sent: Friday, August 18, 2017 7:13 PM
To: Forese-Web
Subject: Rate Hike

Hello Tom,
My nephew is pretty upset at the recent rate increase as I am sure many APS customers are. He spent time putting together this letter and I would appreciate a response from you and will forward him your answer.

Thank you,

Sandi Bartlett
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Arizona Corporation Commission

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AZ CORP COMMISSION
DOCKET CONTROL
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Dear Commissioners,

Over the years the decisions your body has made in regards to allowing constant rate increases and other abuses to the public has gone to far. Electricity rates continue to increase, competitors are being snuffed by unfair rate charges to consumers who are trying to save money and find a better economic solution so they can have a richer and more prosperous life. You are an elected body, elected by the people to keep utility rates AFFORDABLE and yet every year rates are increased and surcharges are added. Services are allowed to be modified to further the ambitions of the companies, ie: SRP and APS. I, as a tax paying citizen of the state of Arizona am fed up.

I would like to bring to your attention a little known act, passed by the United States Congress in 1890. It is call the Sherman Anti Trust act. You all should read this act because the behavior of this commission to alienate competition for public utilities that are provided by FOR PROFIT corporations is ILLEGAL.

<https://www.ftc.gov/tips-advice/competition-guidance/guide-antitrust-laws/antitrust-laws>

Here is the language from the site in case you do not care to click the link.

The Antitrust Laws

Congress passed the first antitrust law, the Sherman Act, in 1890 as a "comprehensive charter of economic liberty aimed at preserving free and unfettered competition as the rule of trade." In 1914, Congress passed two additional antitrust laws: the Federal Trade Commission Act, which created the FTC, and the Clayton Act. With some revisions, these are the three core federal antitrust laws still in effect today.

The antitrust laws proscribe unlawful mergers and business practices in general terms, leaving courts to decide which ones are illegal based on the facts of each case. Courts have applied the antitrust laws to changing markets, from a time of horse and buggies to the present digital age. Yet for over 100 years, the antitrust laws have had the same basic objective: to protect the process of competition for the benefit of consumers, making sure there are strong incentives for businesses to operate efficiently, keep prices down, and keep quality up.

Here is an overview of the three core federal antitrust laws.

The Sherman Act outlaws "every contract, combination, or conspiracy in restraint of trade," and any "monopolization, attempted monopolization, or conspiracy or combination to monopolize." Long ago, the Supreme Court decided that the Sherman Act does not prohibit every restraint of trade, only those that are unreasonable. For instance, in some sense, an agreement between two individuals to form a partnership restrains trade, but may not do so unreasonably, and thus may be lawful under the antitrust laws. On the other hand, certain acts are considered so harmful to competition that they are almost always illegal. These include plain arrangements among competing individuals or businesses to fix prices, divide markets, or rig bids. These acts are "per se" violations of the Sherman Act; in other words, no defense or justification is allowed.

The penalties for violating the Sherman Act can be severe. Although most enforcement actions are civil, the Sherman Act is also a criminal law, and individuals and businesses that violate it may be prosecuted by the Department of Justice. Criminal prosecutions are typically limited to intentional and clear violations such as when competitors fix prices or rig bids. The Sherman Act imposes criminal penalties of up to \$100 million for a corporation and \$1 million for an individual, along with up to 10 years in prison. Under federal law, the maximum fine may be increased to twice the amount the conspirators gained from the illegal acts or twice the money lost by the victims of the crime, if either of those amounts is over \$100 million.

The Federal Trade Commission Act bans "unfair methods of competition" and "unfair or deceptive acts or practices." The Supreme Court has said that all violations of the Sherman Act also violate the FTC Act. Thus, although the FTC does not technically enforce the Sherman Act, it can bring cases under the FTC Act against the same kinds of activities that violate the Sherman Act. The FTC Act also reaches other practices that harm competition, but that may not fit neatly into categories of conduct formally prohibited by the Sherman Act. Only the FTC brings cases under the FTC Act.

The Clayton Act addresses specific practices that the Sherman Act does not clearly prohibit, such as mergers and interlocking directorates (that is, the same person making business decisions for competing companies). Section 7 of the Clayton Act prohibits mergers and acquisitions where the effect "may be substantially to lessen competition, or to tend to create a monopoly." As amended by the Robinson-Patman Act of 1936, the Clayton Act also bans certain discriminatory prices, services, and allowances in dealings between merchants. The Clayton Act was amended again in 1976 by the Hart-Scott-Rodino Antitrust Improvements Act to require companies planning large mergers or acquisitions to notify the government of their plans in advance. The Clayton Act also authorizes private parties to sue for triple damages when they have been harmed by conduct that violates either the Sherman or Clayton Act and to obtain a court order prohibiting the anticompetitive practice in the future.

In addition to these federal statutes, most states have antitrust laws that are enforced by state attorneys general or private plaintiffs. Many of these statutes are based on the federal antitrust laws.

Please read this over and consider your following actions carefully. This e mail will also be sent to the governor, my representative as well as the media and any other interested party, especially Facebook.

We the people are done with the abuses of office by those we elect. We depend on your body to help Arizonians be able to obtain electricity at affordable rates, not rates that drive costs to well over \$205 - \$300 June through August. It is a rip off and unacceptable. If the recent decision is not over turned, do not be surprised when your commission is sued.

Thank you for reading and considering my petition whose argument is based on federal law.

Yours Truly,

Travis Bartlett