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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS
TOM FORESE, CHAIRMAN
BOB BURNS
BOYD DUNN
JUSTIN OLSON
ANDY TOBIN

Arizona Corporation Commission

DOCKETED

SEP 20 2018

DOCKETED BY

IN THE MATTER OF THE FORMAL
COMPLAINT AGAINST ARIZONA PUBLIC
SERVICE COMPANY FILED BY STACEY
CHAMPION AND OTHER ARIZONA
PUBLIC SERVICE COMPANY
CUSTOMERS.

DOCKET # E-01345A-18-0002

**ANSWER TO COMMISSIONER
TOBIN'S QUESTION**

Warren Woodward (“Woodward”), Intervenor in this proceeding, hereby submits his Answer to Commissioner Tobin's Question posed at the September 17, 2018 Pre-Hearing Conference in this matter.

Commissioner Tobin asked, if signatories to the Settlement Agreement of Arizona Corporation Commission (“ACC”) Decision 76295 (“76295”) had agreed to “support and defend” the Settlement then, “Where is everybody?”

Counsel for Arizona Public Service Company (“APS”), Melissa Krueger, answered that other signatories were not present because this matter was a different docket than the rate case. That answer, however, is not correct.

Section 40.6 of 76295's Settlement Agreement states:

The Signing Parties shall make reasonable and good faith efforts necessary to obtain a Commission order approving this Agreement. The Signing Parties shall support and defend this Agreement before the Commission. Subject to subsection 40.5, if the Commission adopts an order approving all material terms of the Agreement, the Signing Parties will support and defend the Commission's order before any court or regulatory agency in which it may be at issue.

Note that there is nothing in § 40.6 about the signatories being absolved of their commitment to “support and defend” the Settlement for any reason. Indeed, § 40.6 calls for the signatories to “support and defend the Commission's order before any court or regulatory agency in which it may be at issue.”

The correct answer to “Where is everybody?” is “Everybody is not here because no one is getting paid to be here like they were in the rate case, and no one who signed the Settlement Agreement (except APS) has a financial stake in what happens to residential customers (which of course is why those customers are being ripped off by 76295 in the first place).” ACC Staff, the Residential Utility Consumer Office, and the four commissioners who voted in favor of 76295 (including commissioner Tobin) did not represent residential customers during the proceedings that led to 76295. Woodward proved that repeatedly in his rate case related filings which the commissioners probably never read.

Woodward also wrote at length how the Settlement process itself was fatally flawed and so could only yield a flawed result – which it did. The Settlement process,

while useful in a dispute between two parties, is completely unsuited for rate cases, being basically an entirely mercenary event held in secret for those who can afford it and who have a bottom line to protect or enhance. Parties to Settlement are anything but an august body of inclusive and thorough deliberators. So of course “Everybody” is not here (except for Richard Gayer and Warren Woodward, who did not sign the Settlement and are probably the only two intervenors in the rate case *not* paid to be there but who acted out of civic duty). Settlement signatories are not involved in this case because there's no money it for them.

RESPECTFULLY SUBMITTED this 18th day of September, 2018.

By,

A handwritten signature in black ink, appearing to read "Warren Woodward", written in a cursive style.

Warren Woodward
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Original and 13 copies of the foregoing mailed on this 18th day of September, 2018 to:
ACC, Docket Control, 1200 W. Washington St., Phoenix, Arizona 85007

Copies of the foregoing emailed this 18th day of September, 2018 to: **Service List**