



BEFORE THE ARIZONA CORPORATION COMMISSION

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**COMMISSIONERS**

TOM FORESE, CHAIR  
BOYD DUNN  
JUSTIN OLSON  
BOB BURNS  
ANDY TOBIN

Arizona Corporation Commission

DOCKETED

OCT - 9 2018

DOCKETED BY

RECEIVED

2018 OCT - 9 P 1:54

ARIZONA CORPORATION COMMISSION  
DOCKET CONTROL

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

(Jane Rodda, Hearing Officer)

DOCKET NO. E-01345A-18-0002

RICHARD GAYER'S

Notice Re:

FIRST AMENDED COMPLAINT

Richard Gayer, a party plaintiff in this case, hereby gives Notice that he will pursue relief under the First Amended Complaint if the relief obtained under the Champion Complaint is not satisfactory.

In a Procedural Order filed on March 5, 2018 at 5:15-17, Judge Rodda stayed proceedings under the First Amended Complaint until after the conclusion of proceedings under the Complaint filed by Stacey Champion, Richard Gayer, Warren Woodward and hundreds more APS customers. The Judge observed in Note 1 (at page 4) that the First Amended Complaint includes claims of violation of the Arizona Consumer Fraud Act and impermissible discrimination (against new customers, by subjecting them to a Time-of-Use rate for 90 days).

Paragraph 9 of that Complaint alleges that "Complainants were told by APS and via some of the media that bill increases would be small. APS falsely represented that a typical bill would increase by about 4.5 percent or about Six (6) Dollars per month." Instead, by APS's own

1 admission, APS imposed a Transition Rate increase of over 15 percent. The New Rates are  
2 similarly higher.

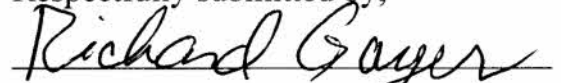
3 In Gayer's view, any acceptable relief will include an abrogation and rescission of at least  
4 the residential rates imposed by Decision 76295, so that all residential rates (except those for  
5 Solar) will return to those established by Decision 73183 in rate case APS Docket 11-0224, with  
6 effective dates of July 1, 2012. Those (old) rates must apply until and unless they are revised by  
7 an application of APS and Commission Decision to set new rates.<sup>1</sup>

8 APS Customers have been suffering under the shocking Transition rates and then the  
9 even worse New rates since August 2017, over one year so far. That is sufficient punishment,  
10 especially for low income and disabled customers, who have been deprived of a substantial part  
11 of their discounts.

12 Gayer is also prepared to seek relief in the Court of Appeals, if necessary.

13  
14 Dated: 8 October 2018

Respectfully submitted by,



RICHARD GAYER, Party  
526 West Wilshire Drive  
Phoenix, AZ 85003  
602-229-8954 (rgayer@cox.net)

15  
16  
17  
18  
19 **CERTIFICATE OF SERVICE BY ELECTRONIC MAIL**

20 On 8 October 2018, I served copies of this document via electronic mail on every  
21 person and entity and/or their attorneys on the Service List.



22  
23  
24  
25  
26  
27  
28 <sup>1</sup> In view of revenue requirements and items like FVROR and ROE, APS may desire to seek a revision  
of all rates.