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0000195046

1 Adam L. Stafford, Esq. (025317)  
2 AStafford7@cox.net  
3 207 N. Gilbert Road, Suite 001  
4 Gilbert, Arizona 85234  
5 Telephone: (602) 228-7312  
6 Attorney for Complainant Stacey Champion

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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

7 **BOB BURNS, Chairman**  
8 **ANDY TOBIN**  
9 **BOYD DUNN**  
10 **SANDRA D. KENNEDY**  
11 **JUSTIN OLSEN**

Arizona Corporation Commission

DOCKETED

JAN 10 2019

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12 IN THE MATTER OF THE FORMAL  
13 COMPLAINT AGAINST ARIZONA  
14 PUBLIC SERVICE COMPANY FILED  
15 BY STACEY CHAMPION AND OTHER  
16 ARIZONA PUBLIC SERVICE  
17 COMPANY CUSTOMERS.

DOCKET NO. E-01345A-18-0002

COMPLAINANT STACEY  
CHAMPION'S REPLY TO APS'S  
OBJECTION TO CHAMPION'S  
RESPONSE TO APS RESIDENTIAL  
BILL IMPACTS MAY-AUGUST 2018

18 On January 4, 2018, Arizona Public Service Company ("APS") filed its Objection  
19 to Complainant's December 14, 2018 Response to APS's October 26, 2018 analysis of  
20 residential bill impacts from May to August 2018.<sup>1</sup> APS's Objection cites *Woodward v.*  
21 *Ariz. Corp. Comm'n*, 2018 WL 6498615 (Dec 11, 2018), a memorandum decision, in  
22 support of APS's contention that Champion's December 14, 2018 Response "is  
23 inappropriate and cannot be considered as evidence in the record". However, APS's  
24 Objection does not comply with Ariz. R. Sup. Ct. 111(c)(3) because it failed to attach a  
25 copy of the cited memorandum decision or a hyperlink to that decision where it may be  
26 obtained without charge.

<sup>1</sup> It is unclear who performed the October 26, 2018 analysis for APS as the author is not identified.

1 APS's Objection claims that Champion's December 14, 2018 Response "does not  
2 respond to any Commissioner's request", "is not directed at responding to Commissioner  
3 Tobin's limited questions", and "continues to expound on Mr. Padgaonkar's prior  
4 testimony".<sup>2</sup> In addition to the memorandum decision, APS cites A.A.C. R14-3-109(G)  
5 as grounds that Champion's December 14, 2018 Response cannot be considered as  
6 evidence. A.A.C. R14-3-109(G) states: "Once a party has rested his case he shall not be  
7 allowed to introduce further evidence without consent of the presiding officer." APS  
8 conveniently focuses on Commissioner Tobin's questions and ignores the fact that  
9 commissioners are not the only presiding officers. A.A.C. R14-3-102(G) defines the  
10 Presiding Officer as follows: "Presiding officer. Within the context of these rules  
11 "Presiding Officer" shall mean a Commissioner or Hearing Officer conducting a  
12 hearing."

13 At the conclusion of the hearing, the parties discussed the fact that APS would be  
14 filing a bill impact analysis in response to the bench and the hearing officer, Chief  
15 Administrative Law Judge Rodda, directed APS to provide Complainant with the data  
16 APS used in that bill impact analysis so that Complainant could conduct her own  
17 analysis.<sup>3</sup> It was understood by CALJ Rodda and parties that there would be "number  
18 crunching" by Complainant after the hearing.<sup>4</sup> It is disingenuous for APS to assert that  
19 Complainant was permitted by CALJ Rodda to analyze the additional data provided by  
20 APS after the hearing, but that Complainant would not be permitted to submit the results  
21 of that analysis as evidence into the record. It is within the discretion of the hearing  
22 officer to allow the introduction of evidence after the hearing was completed. Here, it is

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23 \_\_\_\_\_  
24 <sup>2</sup> APS's Objection, p. 2. APS also states that Commissioner Tobin's post-hearing request was only to APS  
25 and claims that "it was not intended to start another round of argumentative pleadings." *Id.* How does  
26 APS know what Commissioner Tobin's intent was?

<sup>3</sup> TR, Vol V, p. 951-953.

<sup>4</sup> *Id.* at 953. In granting Complainant's Request for an Extension of Filing Deadline to file her Reply Brief, CALJ Rodda again recognized that Complainant would be analyzing the additional data provided by APS. Procedural Order dated November 8, 2018, p. 4.

1 entirely appropriate for CALJ Rodda to consent to the introduction of Complainant's  
2 December 14, 2018 Response into evidence.

3 RESPECTFULLY SUBMITTED this 10th day of January, 2019.

4  
5  
6 By: /s/ Adam L. Stafford  
7 Adam L. Stafford  
8 Attorney for Complainant Stacey Champion

9 ORIGINAL and thirteen (13) copies  
10 of the foregoing filed this 10th day of  
11 January, 2019, with:

12 Docket Control  
13 ARIZONA CORPORATION COMMISSION  
14 1200 W. Washington Street  
15 Phoenix, Arizona 85007

16 COPY of the foregoing mailed/emailed  
17 this 10th day of January, 2019 to:

18 Robin Mitchell  
19 ARIZONA CORPORATION COMMISSION  
20 Interim Director- Legal Division  
21 1200 West Washington  
22 Phoenix, AZ 85007  
23 utildivservicebyemail@azcc.gov  
24 LegalDiv@azcc.gov

25 **Consented to Service by Email**

26 Thomas Loquvam  
PINNACLE WEST CAPITOL CORPORATION  
400 N. 5Th St, MS 8695  
Phoenix, AZ 85004  
Debra.Orr@aps.com  
Kerri.Carnes@aps.com  
Thomas.Loquvam@pinnaclewest.com  
Melissa.Krueger@pinnaclewest.com

**Consented to Service by Email**

1 sc@champion-pr.com  
2 KathyMooreRealtor@cox.net  
joephxaz@hotmail.com  
3 k.sturgis@cox.net  
4 volcanic@cox.net  
rppdiehl@gmail.com  
5 joebrk@gmail.com  
oakchart@cox.net  
6 diakun\_consulting@yahoo.com  
7 hargis\_m@hotmail.com  
mlicosati@me.com  
8 d.ziegler@hotmail.com  
9 rllavallee@hotmail.com  
16024325526@mymetropcs.com  
10 laureyn0550@aol.com  
jacobwozniak@yahoo.com  
11 pkocanjer@yahoo.com  
12 timsmith545@gmail.com  
almamalexander@gmail.com  
13 andreahe@yahoo.com  
14 waegener@cox.net  
betsy120867@yahoo.com  
15 tmespo0712@gmail.com  
leannevc2000@yahoo.com  
16 mikej.schneider85@gmail.com  
17 sylviarainey@cox.net  
markdcoco@hotmail.com  
18 editornado@gmail.com  
19 italianpunker@gmail.com  
turvater@gmail.com  
20 nats55@ymail.com  
charmadillo@gmail.com  
21 azhistoryman@yahoo.com  
22 jpargas@PhoenixUnion.org  
billboatman38@gmail.com  
23 bookdfrag@gmail.com  
24 hsdeogun@gmail.com  
greenwold@q.com  
25 yealife@gmail.com  
james.hanson1@icloud.com  
26 lil\_kim\_011@yahoo.com

1 farlie7706@aol.com  
bjwazii@aol.com  
2 rickschartman@yahoo.com  
claudia.solano07@gmail.com  
3 mandyhenning32@yahoo.com  
4 heckmansheldon@gmail.com  
sbrekke825@gmail.com  
5 rtbellinger5@msn.com  
deyoung0415@gmail.com  
6 Ismata89@gmail.com  
7 MattyHui@hotmail.com  
santhen@cox.net  
8 bret.wall@gmail.com  
9 pnrichards@cox.net  
letshavefunshopping@live.com  
10 bettiegibson@gmail.com  
tonysteech@gmail.com  
11 raquelebriggs@gmail.com  
12 nassar4@msn.com  
ewkitts@gmail.com  
13 rebeccarobertsaz@gmail.com  
cdsmith46@hotmail.com  
14 didevlin13@gmail.com  
15 neidich99@yahoo.com  
dhartson2070@gmail.com  
16 christin.m.schmitt@gmail.com  
17 awagen@cox.net  
mkhutchings9@gmail.com  
18 jcpenny009@gmail.com  
19 patbas7@aol.com  
yyare@q.com  
20 shelly.daniels@nielsen.com  
dwjiles@real-time-consulting.com  
21 akelley38@hotmail.com  
22 tracy.1977@hotmail.com  
32651.pl@gmail.com  
23 RFKinaz@cox.net  
24 cynthiabuser@cox.net  
snirdror@yhao.com  
25 Nstephenson@mbakeintl.com  
briese@gmail.com  
26 leroyandamy@hotmail.com

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22  
23  
24  
25  
26

karina7c@gmail.com  
jamesbldwn@yahoo.com  
randi.wunch@gmail.com  
**Consented to Service by Email**

Richard Gayer  
526 W. Wilshire Dr.  
Phoenix, AZ 85003  
rgayer@cox.net  
**Consented to Service by Email**

Warren Woodward  
200 Sierra Road  
Sedona, AZ 86336  
w6345789@yahoo.com  
**Consented to Service by Email**

By: 