BY THE COMMISSION:

On July 12, 2013, Arizona Public Service Company ("APS") filed with the Arizona Corporation Commission an application for approval of Net Metering Cost Shift Solution.

Numerous public comments have been filed.


On August 20, 2013, SEIA filed a Protest and Motion to Dismiss, asserting that the relief requested in the application implicates improper ratemaking that violates the approved settlement of APS's last rate case (Decision No. 73183 (May 24, 2012)); represents unconstitutional single-issue ratemaking, citing to Scates v. Arizona Corp. Comm'n, 118 Ariz. 531, 578 P.2d 612 (Ariz. App. 1978); and lacks legal and regulatory authority. SEIA requests that the Commission reject the application and order APS to comply with Decision No. 73183 and the settlement agreement approved therein, and require APS to address the issues discussed in the application, if at all, only in the filing of APS's next general rate case, after May 31, 2015.

On August 21, 2013, Commissioner Bitter Smith filed a letter in the docket requesting that the parties file all data requests and responses in this docket. Subsequently the parties have made several such filings.
On August 29, 2013, IREC filed a Protest. IREC states that it supports SEIA’s Protest, recommends that the Commission reject APS’s application, and recommends that the Commission defer discussion of the proposals in APS’s application to a future general rate case. IREC suggests that at that time, the Commission rely on a neutral third party to model the benefits and costs of net metering in Arizona, based on a common set of assumptions and inputs developed by the Commission and stakeholders.

On August 30, 2013, TASC joined in SEIA’s Motion to Dismiss.

On September 9, 2013, APS filed a Response to SEIA’s Motion to Dismiss, stating that the motion should be treated as a Protest that asserts policy disagreements, and not as a motion to dismiss.

On September 16, 2013, SEIA filed a Reply to APS’s Response, reasserting that APS’s application should be dismissed, and that the issues raised in the application should be addressed only in the filing of APS’s next general rate case, after May 31, 2015.

On September 23, 2013, TASC docketed a Notice of Filing Documents of Interest, to which was attached a petition to maintain net metering. The filing states the petition is signed by 19,559 Arizona residents.

On September 26 and 27, 2013, Arizona Solar Energy Industries Association (“AriSEIA”), a nonprofit trade association, filed an Application to Intervene (“Motion”). AriSEIA filed, as an attachment to the Motion, a copy of a September 10, 2013, resolution of its Board of Directors authorizing the Chairman of the organization, Mark Holohan, to act on its behalf. The Motion requests that all pleadings, correspondence, discovery, and other documents be served on Mr. Holohan at the address of AriSEIA.

Pursuant to Arizona Supreme Court Rule 31(d)(28), a non-profit organization may be represented before the Commission by a corporate officer, employee, or a member who is not an active member of the state bar, if (1) the non-profit organization has specifically authorized the officer, employee, or member to represent it in the particular matter; (2) such representation is not the person’s primary duty to the non-profit organization, but is secondary or incidental to such person’s duties relating to the management or operation of the non-profit organization; and (3) the person is
not receiving separate or additional compensation (other than reimbursement for costs) for such representation. Arizona Supreme Court Rule 31(d)(28) further states that the Commission or presiding officer may require counsel in lieu of lay representation whenever it is determined that lay representation is interfering with the orderly progress of the proceeding, imposing undue burdens on the other parties, or causing harm to the parties represented.

No objections have been filed to AriSEIA’s Motion and accordingly, AriSEIA should be granted intervention. Further, Mr. Holohan should be authorized to represent AriSEIA in this proceeding.

IT IS THEREFORE ORDERED that Arizona Solar Energy Industries Association is hereby granted intervention.

IT IS FURTHER ORDERED that Mark Holohan is hereby authorized to represent Arizona Solar Energy Industries Association in this proceeding, pursuant to Arizona Supreme Court Rule 31(d)(28).

IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Arizona Supreme Court Rule 42). Representation before the Commission includes the obligation to appear at all hearings and procedural conferences, as well as all Open Meetings for which the matter is scheduled for discussion, unless the representative has previously been granted permission to withdraw by the Administrative Law Judge.

IT IS FURTHER ORDERED that pursuant to Arizona Supreme Court Rule 31(d)(28), the Commission or presiding officer may require counsel in lieu of lay representation if it is determined that lay representation is interfering with the orderly progress of the proceeding, imposing undue burdens on the other parties, or causing harm to the parties represented.

...
IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

DATED this ___/___ day of October, 2013.

ADMINISTRATIVE LAW JUDGE

Copies of the foregoing mailed/delivered this ___/___ day of October, 2013 to:

Thomas Loquvam
Pinnacle West Capital Corporation
400 N. 5th Street, MS 8695
Phoenix, AZ 85004
Attorneys for Arizona Public Service Company

Lewis M. Levenson
1308 East Cedar Lane
Payson, AZ 85541

John Wallace
Grand Canyon State Electric Cooperative Association, Inc.
2210 S. Priest Drive
Tempe, AZ 85282

Garry D. Hays
Law Offices of Garry D. Hays, PC
1702 E. Highland Avenue, Suite 204
Phoenix, AZ 85016
Attorney for Arizona Solar Deployment Alliance

Greg Patterson
Münger Chadwick
916 West Adams, Suite 3
Phoenix, AZ 85007
Attorneys for Arizona Competitive Power Alliance

Patty Ihle
304 E. Cedar Mill Road
Star Valley, AZ 85541

Michael Patten
Jason Gellman
Roshka DeWulf & Patten, PLC
400 East Van Buren, Suite 800
Phoenix, AZ 85004
Attorneys for Tucson Electric Power Company and UNS Electric, Inc.

Bradley S. Carroll
Kimberly Ruht
Tucson Electric Power Company
88 East Broadway Blvd. MS HQE910
P.O. Box 711
Tucson, AZ 85702

Daniel W. Pozefsky
Chief Counsel
Residential Utility Consumer Office
1110 W. Washington, Suite 220
Phoenix, AZ 85007

Court S. Rich
Rose Law Group, PC
6613 North Scottsdale Road, Suite 200
Scottsdale, AZ 85250
Attorneys for Solar Energy Industries Association

Todd G. Glass
Wilson Sonsini Goodrich & Rosati, PC
701 Fifth Avenue, Suite 5100
Seattle, WA 98104
Attorneys for Solar Energy Industries Association
DOCKET NO. E-01345A-13-0248

Hugh L. Hallman
HALLMAN & AFFILIATES, PC
2011 N. Campo Alegre Rd., Ste. 100
Tempe, AZ 85281
Attorneys for The Alliance for Solar Choice

Giancarlo G. Estrada
ESTRADA-LEGAL, PC
One East Camelback Road, Suite 550
Phoenix, AZ 85012
Attorney for the Interstate Renewable Energy Council

Erica M. Schroeder
KEYES, FOX & WIEDMAN, LLP
436 14th Street, Suite 1305
Oakland, CA 94612

By Tammy Velarde
Assistant to Teena Jibilian

Timothy M. Hogan
ARIZONA CENTER FOR LAW IN THE PUBLIC INTEREST
202 E. McDowell Road, Suite 153
Phoenix, AZ 85004
Attorneys for Western Resource Advocates

Mark Holohan, Chairman
ARIZONA SOLAR ENERGY INDUSTRIES ASSOCIATION
2221 W. Lone Cactus Drive, Suite 2
Phoenix, AZ 85027

Janice Alward, Chief Counsel
Legal Division
ARIZONA CORPORATION COMMISSION
1200 W. Washington Street
Phoenix, AZ 85007

Steven M. Olea, Director
Utilities Division
ARIZONA CORPORATION COMMISSION
1200 W. Washington Street
Phoenix, AZ 85007