APS requests that the Arizona Corporation Commission deny the Motion to Intervene filed by Arizona Utility Ratepayer Alliance (AURA). A.A.C. R14-2-105 permits parties to intervene only if they are “directly and substantially affected by the proceedings.” In addition, intervention will be denied if doing so would unduly broaden the issues. AURA’s attempt to intervene in these proceedings fails on both counts.

AURA’s participation would unduly broaden the Grid Access Charge Reset Proceeding. Indeed, AURA’s Motion purports to reserve the right to take a position on any potential issue in this proceeding, even if the issue is not within the Commission-defined scope of the proceeding. This suggests that AURA might intend to broaden the Grid Access Charge Reset Proceeding to include other issues that interest AURA.
Moreover, the Residential Utility Consumer Office is the entity responsible for protecting utility customer interests as established by Arizona Revised Statute § 40-464. AURA’s duplication of RUCO’s efforts is both unnecessary and further likely to lead to an undue broadening of the issues in this proceeding.

A. AURA’s Motion May be Denied Because AURA has No Direct and Substantial Interest at Issue in this Proceeding.

AURA does not allege that it will be impacted by the Commission’s eventual ruling in this matter, much less directly and substantially impacted. It is vitally important for the Commission to hear perspectives held by members of the public. But having an opinion on an issue before the Commission is not the same thing as a direct and substantial interest within the meaning of Rule 105. AURA is certainly entitled to make public comment. But to make AURA a party when it is not a residential customer, market participant, statutorily-created customer advocate, or otherwise hold a direct and substantial interest would render Rule 105 meaningless.

B. Any Interest Held by AURA is Already Represented by RUCO and AURA’s Participation Would Unduly Broaden this Proceeding.

AURA purports to be an entity that advocates for “utility ratepayers.” RUCO, however, was created by the Legislature for the express purpose of representing residential utility customers in matters affecting rates before the Commission. Yet AURA is funded by Energy Foundation, whose mission is to find “the new energy economy” for technology vendors. See “Ex-RUCO Chief Forms Energy Advocacy Group,” Arizona Capital Times, August 11, 2015; attached as Exhibit 1. AURA’s participation in this matter would be divisive at worst for residential customers given AURA’s stated goals and duplicative of that effort at best.

Moreover, other facts suggest that AURA might be intervening with the intent to broaden the scope of the Grid Access Charge Reset Proceeding. In its Motion to Intervene, AURA cites to the language in Decision No. 75251 regarding the Commission providing guidance on the scope of the Grid Access Charge Reset Proceeding, but then states that “AURA reserves the right to take positions on any other
issues in this case.” It is not clear what other issues might interest AURA, but statements by AURA’s President and Managing Partner in a recent newspaper editorial may provide guidance. In a July 14, 2015 editorial, AURA’s President and Managing Partner opined that the issues in this proceeding require the breadth and scope of a full general rate case. In that article, he further opined that allegations about the electoral process, and even APS executive compensation, are seemingly relevant to the issue of whether the Grid Access Charge should be reset from $.70 per kW to $3 per kW. Statements made by AURA in its filing and in public suggest that AURA seeks to expand the Grid Access Charge Reset Proceeding beyond its scope. That RUOC already represents residential utility customers further underscores that AURA’s intervention would not assist the Administrative Law Judge or the Commission in its decision-making process.

C. Conclusion

Because AURA has not and cannot meet the requirements for intervention under A.C.C. R14-3-105, APS respectfully requests that AURA motion to intervene be denied.

RESPECTFULLY SUBMITTED this 4th day of September 2015.

By: Thomas A. Loquvam
Attorney for Arizona Public Service Company

ORIGINAL and thirteen (13) copies of the foregoing filed this 4th day of September 2015, with:

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EXHIBIT 1
EX-RUCO CHIEF FORMS ENERGY ADVOCACY GROUP

Expect former RUCO Director Pat Quinn to become more involved in energy issues in Arizona in the coming months. Quinn has formed a new group, called Arizona Utility Ratepayer Alliance, which he said will strive to offer balanced solutions to energy issues. "It's certainly conceivable that we'll intervene in rate cases and do some of that stuff," he said. Quinn said he has gotten seed money from Energy Foundation, which doles out grants to groups that work toward what it calls "the new energy economy." On its website, Energy Foundation said it focuses on, among other things, advancing policies that open big markets for clean energy technology (LINK). Quinn said his next step is to find out how consumers view a host of major energy issues. "There needs to be a balance [in] all these," he said, noting the feud between rooftop solar and the utilities. "The true goal is: Let's find an energy policy that does the best it can to balance all the desires and needs and wants of all the customers and the utilities and solar companies, and everybody else." At some point, Arizona will have to find a workable solution, Quinn said. He noted, for example, that the EPA's final carbon rules will likely compel the state to accelerate the retirement of some of its coal-fired plants. "From my perspective, some of those plants are going to be retired anyway in the next 20 years. Why do you want to have to hurry some of that up? That's going to cost the customers more money," he said.