BEFORE THE ARIZONA
CORPORATION COMMISSION

IN THE MATTER OF THE
APPLICATION OF ARIZONA PUBLIC
SERVICE FOR APPROVAL OF NET
METERING COST SHIFT SOLUTION.

Docket No. E-01345A-13-0248

APPLICATION TO INTERVENE
ON BEHALF OF INTERVENOR-
APPLICANTS IBEW LOCALS 387
AND 769

Pursuant to A.A.C. R14-3-105(A) and (B), Local Unions 387 and 769 of the
International Brotherhood of Electrical Workers, AFL-CIO (“IBEW Local 387” and
“IBEW Local 769”) (collectively, “the IBEW Locals”), by and through undersigned
counsel, hereby jointly move the Arizona Corporation Commission for leave to intervene
as parties in the above-captioned matter.¹

IBEW Local 387 is directly and substantially affected by the proceedings inasmuch
as it is the duly elected and recognized exclusive bargaining agent for approximately one-
thousand five-hundred (1,500) employees of the Arizona Public Service Company
(“APS”). IBEW Local 387, in its capacity as the exclusive representative of these
employees, and APS have entered into a long series of collective bargaining agreements

¹ As recently noted by the Chief Administrative Law Judge, “no deadline for
intervention has yet been established in this docket.” See August 17, 2015, Procedural
Order Granting Intervention, at 2. The IBEW Locals seek to participate in the further
proceedings prescribed by the Commission in Decision No. 75251.
("CBA") dating back to 1945 concerning rates of pay, wages, hours of employment, and other terms and conditions of employment. See generally International Brotherhood of Electrical Workers, Local 387 v. NLRB, 788 F.2d 1412, 1413 (9th Cir. 1986).

Furthermore, IBEW Local 387 intervened in Docket No. E-01933A-11-0224 (among many other proceedings before the ACC involving APS and other regulated utilities), and was a party to the APS rate case settlement agreement dated January 6, 2012, which was approved in Decision No. 73183.

IBEW Local 769 is directly and substantially affected by the proceedings inasmuch as IBEW Local 769 represents employees of subcontractors working for APS. More specifically, IBEW Local 769 represents a large number of employees of signatory electrical contractors who perform outside line construction and maintenance work, including tele-data, street light, and trenching, for APS and throughout the State of Arizona. At any given time, IBEW Local 769 will have anywhere from five (5) to two-hundred (200) of its bargaining unit employees working for subcontractors of APS.

Moreover, IBEW Local 769 likewise intervened in Docket No. E-01933A-11-0224 (among several other proceedings before the ACC involving APS and other regulated utilities), and was a party to the APS rate case settlement agreement dated January 6, 2012, which was approved in Decision No. 73183.

Together, the IBEW Locals represent many of the workers who contribute daily, directly, and significantly to APS's efforts to generate, transmit, and distribute power to customers throughout its service territory. As such, the employees represented by the IBEW Locals understand both the uses and demands which residential rooftop solar places on the grid and overall electric system as well as potential operational benefits of rooftop solar. Such employees also understand that certain costs, especially costs associated with operating and maintaining power plants and electrical lines, may not necessarily be avoided as a result of the installation of rooftop solar. The IBEW Locals wish to be a part of the conversation aimed at achieving a proper cost-sharing
arrangement between solar and non-solar customers in a manner that is fair, sustainable, and gradual.

The Arizona Constitution expressly recognizes the status of employees of public service corporations as central stakeholders and their interests as important considerations for any Commission action. Article XV § 3 of the Arizona Constitution provides in this regard that “[t]he Corporation Commission shall . . . make and enforce reasonable rules, regulations, and orders for the convenience, comfort, and safety, and the preservation of the health, of the employees and patrons of [public service corporations].”

As the foregoing demonstrates, the IBEW Locals not only have a direct interest in the outcome of this rate proceeding, but what is more, there is a substantial risk that this case may impair their interests absent being permitted to intervene into the above-captioned matter. The IBEW Locals are confident that their participation in these proceedings will not unduly broaden the issues presented herein. Similarly, given their unique status as the exclusive representative of many employees who work directly or indirectly for APS and on its electrical system, no existing (or potential) party could adequately protect the interests of the IBEW Locals or offer the perspective the IBEW Locals are uniquely positioned to present. The IBEW Locals submit that their participation will lead to a more well-reasoned decision on the part of the Arizona Corporation Commission.

WHEREFORE, the IBEW Locals respectfully request that the Commission issue an order permitting them to intervene in this matter and according them full rights as parties of record.

RESPECTFULLY SUBMITTED this 4th day of September, 2015.

LUBIN & ENOCH, P.C.

Jarrett J. Haskovec
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Original and thirteen (13) copies of IBEW Locals’ Application to Intervene filed this 4th day of September, 2015, with:

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Copies of the foregoing transmitted electronically or mailed* this same date to those identified on the attached service list for this docket.
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