March 19, 2019


Commissioners and Interested Parties,

I am writing to urge Chairman Burns to include the underlying 17-0257 rate case on the agenda to be discussed at the special open meeting on March 28th.

The Recommended Opinion and Order in the interim rate case points out the obvious that no final order has been issued in the 17-0257 rate case. We Commissioners are responsible for this predicament because we failed to issue a final order which we are required to do. Rule 14-2-103(B)(11)(a) states the “Commission shall issue a final order that disposes of all issues involved in all parts or phases of the proceeding.” A decision must be made on the company’s application. The rules do not contemplate for rate applications to simply lapse because Commissioners fail on their initial attempt to find consensus.

Interim rates can be an appropriate remedy when the Commission is not able to process a company’s application within the required time frame. That is not the issue we are trying to solve in this case. The case has been fully litigated and presented to the Commissioners. The solution in this case is for the Commissioners to debate the issues until there is a majority on the outcome of the application.

On February 20th, Chairman Burns indicated that he did not believe further discussion would be fruitful, in part, because there have been no new amendments filed by any Commissioner. Setting aside the fact that it is not optional for the Commissioners to issue a decision, I will move the discussion forward by offering an additional amendment that would maintain the monthly minimum charges in the current rates. On March 8th, EPCOR filed to the docket a recalculation of the rates based on the monthly minimum charge included in the current rates. In addition to this new amendment, I will re-offer for consideration my previously considered amendments.

I request that my fellow Commissioners consider how we can come to a majority decision on this case.

Sincerely,

Commissioner Justin Olson
On this 19th day of March, 2019, the foregoing document was filed with Docket Control as a Correspondence From Commissioner, and copies of the foregoing were mailed on behalf of Justin Olson, Commissioner - A.C.C. to the following who have not consented to email service. On this date or as soon as possible thereafter, the Commission’s eDocket program will automatically email a link to the foregoing to the following who have consented to email service.

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By

Jacqueline Parker
Deputy Policy Advisor