

**ACC Chairman Shows Bias in APS Rate Case
Information & Perspective by Warren Woodward
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The corruption at the Arizona Corporation Commission (ACC) just never ends. The latest example is ACC chairman Doug Little's promotion of anti-rooftop solar propaganda to all the intervenors in the APS rate case.

In a rate case, the function of the ACC commissioners is to act as impartial judges. By willfully distributing anti-rooftop solar propaganda Little has demonstrated that he is biased and not impartial.

Yesterday, in a formal pleading before the ACC, I made the case that Little should recuse himself from the rate case proceeding.

Here's what I wrote:

Warren Woodward, Intervenor in the above proceeding, hereby responds to Chairman Doug Little's October 4, 2016 Memorandum, and in so doing, demands Chairman Little ("Little") recuse himself from the proceeding for the reason that Little, by promoting the interests of the Consumer Energy Alliance, is biased in favor of large-scale utility solar and opposed to distributed rooftop solar. As a result, Little should recuse himself from the APS rate case in order to avoid a later legal challenge to the Corporation Commission's decision in that case.

On October 4, 2016, Chairman Little ("Little") submitted to the docket a document he received that pertains to the above docket numbers. That was an action Little had performed 19 times previously in this APS rate case. What makes Little's October 4th submission different – and an obvious sign of bias – is, in the October 4th instance, Little chose to promote the document by also sending the document to all parties on the APS rate case Service List.

I did not intervene in this APS rate case to address the solar net metering issue but it is obvious that Little's October 4th document is misleading propaganda *for* industrial scale (i.e., APS owned) solar installations, and *against* distributed rooftop solar.

The function of Arizona Corporation Commission commissioners in a rate case is to act as impartial judges. Yet here we have the ACC Chairman himself promoting the interests of the so-called and misnamed "Consumer Energy Alliance," the author of the document. The Consumer Energy Alliance is misnamed because according to both SourceWatch and the Energy and Policy Institute (see Exhibits A & B), the Consumer Energy Alliance ("CEA") is an "astroturf" front for the fossil fuel industry.

The Energy and Policy Institute has exposed the CEA document that Little promoted:

Consumer Energy Alliance has also attacked policies supportive of solar energy, while deliberately misleading the public with claims that it is “pro-solar.” In September of 2016, CEA released a report criticizing solar tax credits and solar net metering, which compensates solar customers for the excess solar energy they sell back to their utilities. The report admittedly ignores the [robust studies that quantify the values of solar power, which are substantial](#). The CEA report also confuses rebates offered by utilities with government policies and criticizes third-party solar ownership models.

While CEA provides grist for attacks on solar policies, it cynically claims to be “pro-solar,” including a petition on its web site with misleading language for the public to sign, including: [“As American energy consumers, we call on policy makers to create policies that are pro-solar, pro-grid and pro-consumer.”](#)

Aside from that vague petition, all of CEA’s actual policy positions are in favor of fossil fuel investment. A microsite that CEA maintains, www.solarenergyfuture.org, offers no pro-solar advocacy, and [thinly-veiled utility attacks on rooftop solar](#) companies.

The strategy of appearing to promote solar while attacking it is straight from the utility industry’s playbook, both in terms of its revamped [“pro-clean energy” messaging](#) designed to confuse, and its political tactics; [Florida Power & Light, a CEA member, has been the leading funder of Amendment 1](#), a Florida ballot initiative with confusing “pro-solar” language, but which could cripple the already stunted solar market there. CEA has, unsurprisingly, [supported Amendment 1](#).

In addition to Florida Power & Light, other utility backers of CEA include Ameren Missouri, Dominion Resources, Entergy, Public Service of New Mexico, and SCANA. Utility trade groups like the Edison Electric Institute, National Rural Electric Cooperative Association and Nuclear Energy Institute also are members. (Exhibit B. For active hyperlinks see www.energyandpolicy.org/consumer-energy-alliance/)

As I mentioned, there were 19 other times Little submitted documents that he had received to the APS rate case docket, but he did not choose to promote those documents by sending them to the Service List as well. One can only assume that is because those documents consisted of 342 letters and 44 emails from individuals who, with one exception, are all against what APS wants in their rate case. Some of the letters and emails contained some very well reasoned and detailed arguments, yet Little did not promote those like he promoted the bogus CEA report.

My personal favorite email was posted to the docket by Little on June 3, 2016. Mr. James Bullock was prescient, and I hereby echo his sentiment and call for Little to recuse himself from the APS rate case.

Mr. Little,

If you do not recuse yourself from voting on the APS rate hike because of your obvious conflict of interest you will be proving to the world that you are just a stooge of APS.
James Bullock

RESPECTFULLY SUBMITTED this 12th day of October, 2016.

By

Warren Woodward

(Exhibits A & B are www.sourcewatch.org/index.php/Consumer_Energy_Alliance and www.energyandpolicy.org/consumer-energy-alliance/)