

House Engrossed

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
House of Representatives
Forty-eighth Legislature
First Regular Session
2007

CHAPTER 3

HOUSE BILL 2085

AN ACT

AMENDING SECTION 40-321, ARIZONA REVISED STATUTES; RELATING TO PUBLIC SERVICE CORPORATIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 40-321, Arizona Revised Statutes, is amended to
3 read:

4 40-321. Power of commission to determine adequacy of service
5 rendered by public service corporation; enforcement
6 by order or regulation; duty of compliance by
7 corporation; surety; utility surety fund

8 A. When the commission finds that the equipment, appliances,
9 facilities or service of any public service corporation, or the methods of
10 manufacture, distribution, transmission, storage or supply employed by it,
11 are unjust, unreasonable, unsafe, improper, inadequate or insufficient, the
12 commission shall determine what is just, reasonable, safe, proper, adequate
13 or sufficient, and shall enforce its determination by order or regulation.

14 B. The commission shall prescribe regulations for the performance of
15 any service or the furnishing of any commodity, and upon proper demand and
16 tender of rates, the public service corporation shall furnish the commodity
17 or render the service within the time and upon the conditions prescribed.

18 C. IF, AFTER NOTICE AND AN OPPORTUNITY TO BE HEARD, THE COMMISSION
19 FINDS THAT A PUBLIC SERVICE CORPORATION IS IN DEFAULT OF THE TERMS AND
20 CONDITIONS OF AN ORDER OF THE COMMISSION THAT REQUIRES A PERFORMANCE BOND,
21 IRREVOCABLE LETTER OF CREDIT OR OTHER SURETY, AND THE COMMISSION EXERCISES
22 ITS RIGHTS UNDER THE BOND, LETTER OR OTHER SURETY, THE COMMISSION SHALL
23 DEPOSIT ALL MONIES RECEIVED AS A RESULT OF EXERCISING THE RIGHTS IN THE
24 UTILITY SURETY FUND ESTABLISHED BY SUBSECTION D OF THIS SECTION.

25 D. THE UTILITY SURETY FUND IS ESTABLISHED CONSISTING OF MONIES
26 RECEIVED BY THE COMMISSION PURSUANT TO SUBSECTION C OF THIS SECTION. MONIES
27 IN THE UTILITY SURETY FUND SHALL BE ADMINISTERED BY THE COMMISSION FOR THE
28 BENEFIT OF THE CUSTOMERS OF THE PUBLIC SERVICE CORPORATION WHO HAVE INCURRED
29 A LOSS OF SERVICES OR COMMODITIES OR FOR DEPOSIT SUPPORT PURSUANT TO THIS
30 SECTION. MONIES IN THE FUND ARE CONTINUOUSLY APPROPRIATED TO THE COMMISSION
31 AND DO NOT REVERT TO THE STATE GENERAL FUND PURSUANT TO SECTION 35-190.

APPROVED BY THE GOVERNOR APRIL 6, 2007.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 6, 2007.

Passed the House February 1, 20 07

Passed the Senate April 2, 20 07

by the following vote: 55 Ayes,

by the following vote: 26 Ayes,

0 Nays, 5 Not Voting

1 Nays, 3 Not Voting

Speaker of the House
Pro Tempore

President of the Senate

Forman L. Foye
Chief Clerk of the House

Timothy S. Bee
President of the Senate
Charmion Bellington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

3rd day of April, 20 07

at 9:30 o'clock a. M.

Wennifer Ybarra
Secretary to the Governor

Approved this 6 day of

April

at 9:00 o'clock A. M.

J. R. ...
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 6 day of April, 20 07

at 10:28 o'clock A. M.

Janice K. Brewer
Secretary of State