

# Arizona Administrative REGISTER

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# From the Publisher

## ABOUT THIS PUBLICATION

The paper copy of the *Administrative Register* (A.A.R.) is the official publication for rules and rulemaking activity in the state of Arizona.

Rulemaking is defined in Arizona Revised Statutes known as the Arizona Administrative Procedure Act (APA), A.R.S. Title 41, Chapter 6, Articles 1 through 10.

The Office of the Secretary of State does not interpret or enforce rules published in the *Arizona Administrative Register* or *Code*. Questions should be directed to the state agency responsible for the promulgation of the rule as provided in its published filing.

The *Register* is cited by volume and page number. Volumes are published by calendar year with issues published weekly. Page numbering continues in each weekly issue.

In addition, the *Register* contains the full text of the Governor's Executive Orders and Proclamations of general applicability, summaries of Attorney General opinions, notices of rules terminated by the agency, and the Governor's appointments of state officials and members of state boards and commissions.

## ABOUT RULES

Rules can be: made (all new text); amended (rules on file, changing text); repealed (removing text); or renumbered (moving rules to a different Section number). Rules activity published in the *Register* includes: proposed, final, emergency, expedited, and exempt rules as defined in the APA.

Rulemakings initiated under the APA as effective on and after January 1, 1995, include the full text of the rule in the *Register*. New rules in this publication (whether proposed or made) are denoted with underlining; repealed text is stricken.

## WHERE IS A "CLEAN" COPY OF THE FINAL OR EXEMPT RULE PUBLISHED IN THE REGISTER?

The *Arizona Administrative Code* (A.A.C) contains the codified text of rules. The A.A.C. contains rules promulgated and filed by state agencies that have been approved by the Attorney General or the Governor's Regulatory Review Council. The *Code* also contains rules exempt from the rulemaking process.

The printed *Code* is the official publication of a rule in the A.A.C. is prima facie evidence of the making, amendment, or repeal of that rule as provided by A.R.S. § 41-1012. Paper copies of rules are available by full Chapter or by subscription. The *Code* is posted online for free.

## LEGAL CITATIONS AND FILING NUMBERS

On the cover: Each agency is assigned a Chapter in the *Arizona Administrative Code* under a specific Title. Titles represent broad subject areas. The Title number is listed first; with the acronym A.A.C., which stands for the *Arizona Administrative Code*; following the Chapter number and Agency name, then program name. For example, the Secretary of State has rules on rulemaking in Title 1, Chapter 1 of the *Arizona Administrative Code*. The citation for this chapter is 1 A.A.C. 1, Secretary of State, Rules and Rulemaking

Every document filed in the office is assigned a file number. This number, enclosed in brackets, is located at the top right of the published documents in the *Register*. The original filed document is available for 10 cents a copy.

# Arizona Administrative REGISTER

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A price list for the *Arizona Administrative Code* is available online. You may also request a paper price list by mail. To purchase a paper Chapter, contact customer service at  
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**PUBLICATION DEADLINES**  
Publication dates are published in the back of the *Register*. These dates include file submittal dates with a three-week turnaround from filing to published document.

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# Participate in the Process

## Look for the Agency Notice

Review (inspect) notices published in the *Arizona Administrative Register*. Many agencies maintain stakeholder lists and would be glad to inform you when they proposed changes to rules. Check an agency's website and its newsletters for news about notices and meetings.

Feel like a change should be made to a rule and an agency has not proposed changes? You can petition an agency to make, amend, or repeal a rule. The agency must respond to the petition. (See A.R.S. § 41-1033)

## Attend a public hearing/meeting

Attend a public meeting that is being conducted by the agency on a Notice of Proposed Rulemaking. Public meetings may be listed in the Preamble of a Notice of Proposed Rulemaking or they may be published separately in the *Register*. Be prepared to speak, attend the meeting, and make an oral comment.

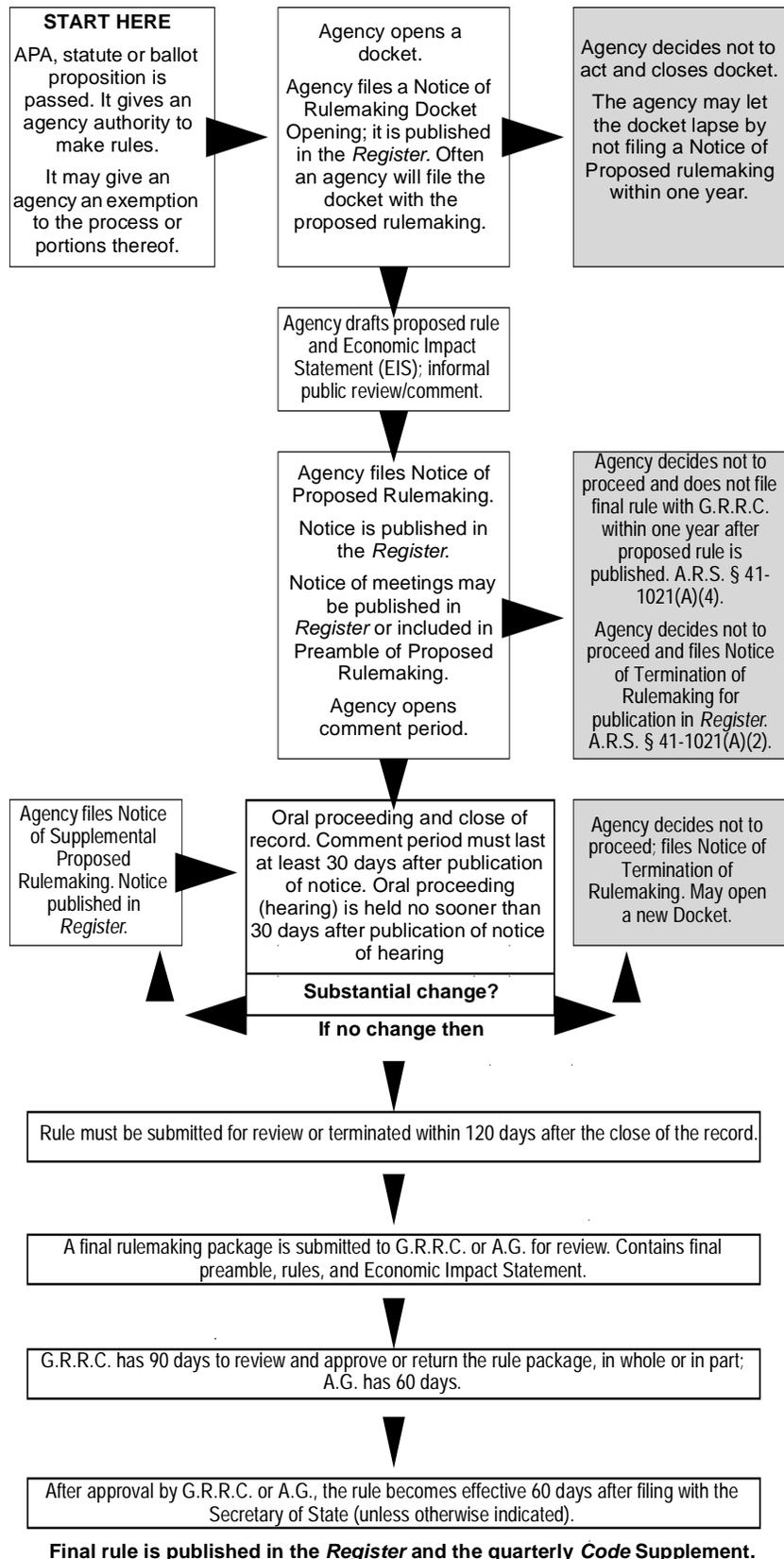
An agency may not have a public meeting scheduled on the Notice of Proposed Rulemaking. If not, you may request that the agency schedule a proceeding. This request must be put in writing within 30 days after the published Notice of Proposed Rulemaking.

## Write the agency

Put your comments in writing to the agency. In order for the agency to consider your comments, the agency must receive them by the close of record. The comment must be received within the 30-day comment timeframe following the *Register* publication of the Notice of Proposed Rulemaking.

You can also submit to the Governor's Regulatory Review Council written comments that are relevant to the Council's power to review a given rule (A.R.S. § 41-1052). The Council reviews the rule at the end of the rulemaking process and before the rules are filed with the Secretary of State.

# Arizona Regular Rulemaking Process





**Definitions**

**Arizona Administrative Code (A.A.C.):** Official rules codified and published by the Secretary of State’s Office. Available online at [www.azsos.gov](http://www.azsos.gov).

**Arizona Administrative Register (A.A.R.):** The official publication that includes filed documents pertaining to Arizona rulemaking. Available online at [www.azsos.gov](http://www.azsos.gov).

**Administrative Procedure Act (APA):** A.R.S. Title 41, Chapter 6, Articles 1 through 10. Available online at [www.azleg.gov](http://www.azleg.gov).

**Arizona Revised Statutes (A.R.S.):** The statutes are made by the Arizona State Legislature during a legislative session. They are compiled by Legislative Council, with the official publication codified by Thomson West. Citations to statutes include Titles which represent broad subject areas. The Title number is followed by the Section number. For example, A.R.S. § 41-1001 is the definitions Section of Title 41 of the Arizona Administrative Procedures Act. The “§” symbol simply means “section.” Available online at [www.azleg.gov](http://www.azleg.gov).

**Chapter:** A division in the codification of the *Code* designating a state agency or, for a large agency, a major program.

**Close of Record:** The close of the public record for a proposed rulemaking is the date an agency chooses as the last date it will accept public comments, either written or oral.

**Code of Federal Regulations (CFR):** The *Code of Federal Regulations* is a codification of the general and permanent rules published in the *Federal Register* by the executive departments and agencies of the federal government.

**Docket:** A public file for each rulemaking containing materials related to the proceedings of that rulemaking. The docket file is established and maintained by an agency from the time it begins to consider making a rule until the rulemaking is finished. The agency provides public notice of the docket by filing a Notice of Rulemaking Docket Opening with the Office for publication in the *Register*.

**Economic, Small Business, and Consumer Impact Statement (EIS):** The EIS identifies the impact of the rule on private and public employment, on small businesses, and on consumers. It includes an analysis of the probable costs and benefits of the rule. An agency includes a brief summary of the EIS in its preamble. The EIS is not published in the *Register* but is available from the agency promulgating the rule. The EIS is also filed with the rulemaking package.

**Governor’s Regulatory Review (G.R.R.C.):** Reviews and approves rules to ensure that they are necessary and to avoid unnecessary duplication and adverse impact on the public. G.R.R.C. also assesses whether the rules are clear, concise, understandable, legal, consistent with legislative intent, and whether the benefits of a rule outweigh the cost.

**Incorporated by Reference:** An agency may incorporate by reference standards or other publications. These standards are available from the state agency with references on where to order the standard or review it online.

**Federal Register (FR):** The *Federal Register* is a legal newspaper published every business day by the National Archives and Records Administration (NARA). It contains federal agency regulations; proposed rules and notices; and executive orders, proclamations, and other presidential documents.

**Session Laws or “Laws”:** When an agency references a law that has not yet been codified into the Arizona Revised Statutes, use the word “Laws” is followed by the year the law was passed by the Legislature, followed by the Chapter number using the abbreviation “Ch.,” and the specific Section number using the Section symbol (§). For example, Laws 1995, Ch. 6, § 2. Session laws are available at [www.azleg.gov](http://www.azleg.gov).

**United States Code (U.S.C.):** The Code is a consolidation and codification by subject matter of the general and permanent laws of the United States. The Code does not include regulations issued by executive branch agencies, decisions of the federal courts, treaties, or laws enacted by state or local governments.

**Acronyms**

A.A.C. – *Arizona Administrative Code*

A.A.R. – *Arizona Administrative Register*

APA – *Administrative Procedure Act*

A.R.S. – *Arizona Revised Statutes*

CFR – *Code of Federal Regulations*

EIS – *Economic, Small Business, and Consumer Impact Statement*

FR – *Federal Register*

G.R.R.C. – *Governor’s Regulatory Review Council*

U.S.C. – *United States Code*

**About Preambles**

The Preamble is the part of a rulemaking package that contains information about the rulemaking and provides agency justification and regulatory intent.

It includes reference to the specific statutes authorizing the agency to make the rule, an explanation of the rule, reasons for proposing the rule, and the preliminary Economic Impact Statement.

The information in the Preamble differs between rulemaking notices used and the stage of the rulemaking.



NOTICES OF FINAL RULEMAKING

This section of the Arizona Administrative Register contains Notices of Final Rulemaking. Final rules have been through the regular rulemaking process as defined in the Administrative Procedures Act. These rules were either approved by the Governor's Regulatory Review Council or the Attorney General's Office. Certificates of Approval are on file with the Office.

The final published notice includes a preamble and

text of the rules as filed by the agency. Economic Impact Statements are not published.

The Office of the Secretary of State is the filing office and publisher of these rules. Questions about the interpretation of the final rules should be addressed to the agency that promulgated them. Refer to Item #5 to contact the person charged with the rulemaking. The codified version of these rules will be published in the Arizona Administrative Code.

NOTICE OF FINAL RULEMAKING

TITLE 14. PUBLIC SERVICE CORPORATIONS; CORPORATIONS AND ASSOCIATIONS; SECURITIES REGULATION

CHAPTER 2. CORPORATION COMMISSION - FIXED UTILITIES

[R15-07]

PREAMBLE

- 1. Article, Part, or Section Affected (as applicable) Rulemaking Action
R14-2-1805 Amend
R14-2-1812 Amend
2. Citations to the agency's statutory rulemaking authority to include both the authorizing statute (general) and the implementing statute (specific):
Authorizing statute: Arizona Constitution article XV § 3; A.R.S. §§ 40-202; 40-203; 40-321, 40-322
Implementing statute: Arizona Constitution article XV § 3; A.R.S. §§ 40-202; 40-203; 40-321, 40-322
The agency docket number, if applicable:
RE-00000C-14-0112
3. The effective date of the rules:
April 21, 2015
4. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the final rulemaking package:
Notice of Rulemaking Docket Opening: 20 A.A.R. 2763, October 10, 2014
Notice of Proposed Rulemaking: 20 A.A.R. 2749, October 10, 2014
5. The agency's contact person who can answer questions about the rulemaking:
Name: Maureen Scott
Attorney, Legal Division, Arizona Corporation Commission
Address: 1200 W. Washington St.
Phoenix, AZ 85007
Telephone: (602) 542-3402
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Fax: (602) 542-2129  
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**6. An agency's justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:**

The proposed rule changes will clarify and update how the Commission deals with renewable energy compliance and related renewable energy credits ("RECs"). The Commission's Renewable Energy Standard and Tariff ("REST") rules have not been updated since they were approved by the Commission in Decision No. 69127 (November 14, 2006). Since this decision, the renewable energy marketplace has changed dramatically. The existing REST rules require the utility to serve a growing percentage of its retail sales each year via renewable energy, with a carve-out for distributed energy ("DE"). The rules were predicated on utilities acquiring RECs to achieve compliance. In the DE market, RECs were acquired by the utility when the utility gave the entity installing the renewable energy system an incentive. In recent years some utilities have seen their incentives eliminated as market conditions have changed. This led to utilities seeking guidance from the Commission as to how they should demonstrate compliance with the DE portion of the REST rules when the transaction REC acquisition was predicated upon is no longer occurring. This issue was explored in great detail in the context of the utilities 2013 annual renewable energy implementation plans as well as in the proceeding that culminated in Commission Decision No 74365 on February 26, 2014 (Docket Nos. E-01345-10-0394, etc.). Decision No. 74365 required the Commission Staff to propose new rules to the Commission. Staff made its filing, offering a number of options for the Commission to consider. At its September 9, 2014 Open Meeting, the Commission in Decision No. 74753 in Docket No. RE-00000C-14-0112, ordered Staff to file a Notice of Proposed Rulemaking which seeks comment on the attached changes to the REST rules intended to address the issue of utility compliance in the DE market in a post-incentive era. Absent action by the Commission on this issue, it is unclear how utilities who are no longer offering DE incentives would demonstrate compliance with the REST rules' DE requirements. This is not a critical issue for some utilities in their residential DE and/or commercial DE segments, as they are far ahead of current compliance goals. However, not all residential DE and commercial DE segments for affected utilities are ahead in compliance and thus it is necessary for the Commission to provide a new framework for considering compliance with the rules.

**7. A reference to any study relevant to the rule that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review the study, all data underlying each study, and any analysis of the study and other supporting material:**

None

**8. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:**

N/A

**9. A summary of the economic, small business, and consumer impact:**

NOTE – The Arizona Corporation Commission is exempt from the requirements of A.R.S. § 41-1055 relating to economic, small business, and consumer impact statements. See A.R.S. § 41-1057(2). However, under A.R.S. § 41-1057(2), the Arizona Corporation Commission is required to prepare a "substantially similar" statement.

1. NEED:

Under the present rules, utilities demonstrate compliance with the DE requirement through RECs. The proposed rule changes are necessary to address the problem created when DE incentives are no longer offered by the utility and the utility therefore no longer obtains RECs from the customer. The proposed rule changes do this by noting that the Commission may consider all available information. All available information may include measures such as market installations, historical and projected production and capacity levels in each segment of the DE market and other indicators of market sufficiency activity.

The proposed rule changes also provide a new requirement for the reporting of renewable production from facilities installed in a utility's service territory without an incentive which means the REC is not transferred to the utility. The proposed rules provide that these non-utility owned RECs will be acknowledged for informational purposes by the Commission. This language is intended protect the value of RECs and avoid the issue of double counting.

In addition, new language was added to the rules that explicitly states that RECs remain with the entity that created them absent the approval of the entity that they be transferred to the utility or another entity. This language is also meant to protect the value of RECs and prevent against the issue of double counting.

2. NAME AND ADDRESS OF AGENCY EMPLOYEE WHO MAY BE CONTACTED TO SUBMIT ADDITIONAL DATA ON THE INFORMATION INCLUDED IN THIS STATEMENT:

Bob Gray, Executive Consultant, Utilities Division



Arizona Corporation Commission  
1200 W. Washington St.  
Phoenix, AZ 85007  
Telephone: (602) 542-0827; Fax: (602) 542-2129

3. AFFECTED CLASSES OF PERSONS:

- A. Commission-regulated electric utilities
- B. Customers of Commission-regulated electric utilities
- C. The solar industry
- D. Other renewable energy industries
- E. Arizona Corporation Commission

4. RULE IMPACT ON AFFECTED CLASSES OF PERSONS:

- A. Utilities subject to the REST rules will have a means to achieve compliance with the DE portion of the REST rules in a post-incentive environment.
- B. Utilities will have to report additional information in their reports in the form of production by non-incentivized DE production within its service territory. Utilities are already required to meter all DE production within their service territory, so the utility already has this information available, and this additional reporting requirement should not be burdensome. This reporting is intended to be for informational purposes only.
- C. The utility may also report information related to market activity. Thus information should be readily available to the utility and should not be burdensome. Regulatory certainty with respect to the Commission's rules will benefit all segments of the industry involved in the provision of solar, including the utilities, solar providers and customers.
- D. Some solar industry representatives may believe that the proposed rules do not provide sufficient protection for the value of RECs and such belief could also lead to a concern that there is a property rights issue if the value of RECs is impaired. These concerns are not warranted given the safeguards built into the proposed rules to only acknowledge kWh production associated with RECs not owned by the utility as well as language specifying that RECs are retained by the entity creating them absent the creating entity transferring the RECs to the utility or another entity. If the value of RECs were somehow impaired, it could have a negative impact on the costs associated with installing solar since RECs may be used to offset or lower the cost of the solar installation. Although there were some parties in the underlying Commission proceeding who believed the value or cost of RECs would be relatively low.
- E. Some solar industry representatives may believe that no change is necessary to the rules or that an alternative proposal should be adopted.

5. COSTS AND BENEFITS TO THE AGENCY:

The Commission will benefit from having a method for considering utility compliance with the REST rules that recognizes that the DE market may be self-sufficient and that incentives may no longer be necessary to incent solar installations in this market. The Commission will have a more complete picture of Arizona's renewable energy market by having information on all DE production in utility reports. The Commission will also benefit from receiving available information on market sufficiency and activity. There are minimal costs associated with this proposal because the Commission typically performs an analysis of the DE market in conjunction with the utilities' annual implementation plans.

6. COSTS AND BENEFITS TO POLITICAL SUBDIVISIONS:

There will be no impact to political subdivisions because the Commission does not have jurisdiction over political subdivisions and the Rules do not apply to them.

7. COSTS AND BENEFITS TO PRIVATE PERSONS:

Many utility customers may benefit from not having to pay more for utilities to achieve compliance with the REST rules, as would have resulted from some alternative proposals. Customers will benefit from the certainty these changes provide regarding the treatment of RECs by the Commission in a post-incentive environment. Customers will also be able to retain the value of any RECs they own. Some customers who own RECs may believe that the proposed rules do not provide sufficient protection for the value of RECs. If customers believe that the value of their RECs was brought into question, they may argue that they have property interests in the RECs which were being impaired. The Commission has built adequate protections into the rules so it is clear that the intent is for non-utility REC owners to retain the value of their RECs.

8. COST AND BENEFITS TO CONSUMERS OR USERS OF ANY PRODUCT OR SERVICE IN THE IMPLEMENTATION OF THE NEW RULES.

Customers of solar providers should benefit since there will be certainty with respect to REC ownership. Customers of the utilities should benefit since they will no longer be paying for incentives or additional costs for utilities to procure RECs in this market.

9. LESS COSTLY OR INTRUSIVE METHODS:

The amendments to the rules are one of the least cost methods for providing utilities with a path to DE



compliance under the REST rules and, with respect to any incorporated by reference materials, provide for the Commission’s rules to be consistent with A.R.S. § 41-1028 and the rules of the Secretary of State.

**10. ALTERNATIVE METHODS CONSIDERED:**

The Commission considered alternative methods offered in the utility annual implementation plans as well as the underlying Commission proceeding. A wide variety of proposals were put forward by Commission Staff, the Residential Utility Consumer Office, and a variety of other interested parties including utilities, solar providers, solar installers and various industry and environmental associations. These alternatives included the utility paying to acquire RECs, the utility claiming the RECs through interconnection or net metering activities, granting a waiver of portions of the REST rules, taking no action, reducing the REST requirement to reflect non-utility owned RECs, re-introduction of up-front incentives, creation of a maximum conventional energy requirement, utilities counting all RECs toward compliance, and recovery of DE costs through the standard rate case process. A number of these proposals had multiple variations. Each option had its pros and cons and in some cases parties disagreed on the effect of some proposals on preservation of the value of RECs and other issues. Generally the other options were considered to have one or more of the following flaws: it increased costs paid by ratepayers through the REST surcharge, it did not preserve the 15 percent overall REST requirement, it either did not or it was questionable whether it maintained the value of the RECs, and/or it was overly complicated and cumbersome.

**10. A description of any changes between the proposed rulemaking, to include supplemental notices, and final rulemaking:**

**11. An agency’s summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments:**

INDIVIDUAL/COMPANY	COMMENT	ACC RESPONSE
Tucson Electric Power Company (“TEP”) and UNS Electric, Inc. (“UNS”)	TEP and UNS have reviewed the proposed NOPR revisions to the REST Rules and Staff’s Comments. The Companies have no further comments on the proposed revisions at this time.	No change is needed in response to this comment.
The Alliance for Solar Choice (“TASC”)	TASC supports comments of Solar Energy Industry Association (“SEIA”). SEIA did not file any responsive comments, so the comments that TASC supports are SEIA’s initial comments filed November 10, 2014.	See response to SEIA comments. No change is needed in response to this comment.



<p>Arizona Public Service Company (“APS”)</p>	<p>[initial comments filed November 10, 2014]</p> <p>Supports the proposed NOPR modifications to the REST Rules as they provide an effective solution to a lingering issue-compliance within an evolving renewable environment. APS is analyzing Staff’s comments and will respond, if necessary, in responsive comments on November 14.</p> <p>APS has asked the Commission for guidance on how to demonstrate compliance when it no longer purchases RECs with direct cash incentives.</p> <p>The NOPR’s proposed revisions provide a reasonable framework for considering compliance when direct cash incentives are no longer available.</p> <p>APS supports the NOPR proposed rule changes because they provide a reasonable post-incentive path to compliance, preserve the existing REST compliance and DE carve-out requirement, and resolve perceived “double-counting” of RECs without imposing additional costs.</p> <p>Any attempt to factor in the impacts of EPA’s Clean Power Plan (“CPP”) is premature.</p> <p>[responsive comments filed November 14, 2014]  APS believed that the purpose of the October 10, 2014 NOPR was to establish a means for the Commission to determine compliance with the REST rules in a manner that did not require the utilities to acquire, then retire, DE RECs. Although APS reaffirmed its support for the NOPR, APS is struggling to understand the impact of Staff’s November 3, 2014 comments, and to understand how APS would establish compliance under the new changes. It appears that Staff’s modifications remove alternative means to demonstrate compliance by eliminating the nexus between compliance with the REST rules and the Commission’s consideration of all available information.</p>	<p>The Commission acknowledges this supportive comment. No change is needed in response to this comment.</p> <p>See discussion of this issue in regard to APS’ responsive comments.</p> <p>The Commission acknowledges this supportive comment. No change is needed in response to this comment.</p> <p>The Commission acknowledges this supportive comment. No change is needed in response to this comment.</p> <p>The Commission agrees that it is premature to make changes to the REST rules based on EPA’s proposed CPP. No change is needed in response to this comment.</p> <p>Under the existing REST rules and the NOPR modifications the only way to demonstrate compliance under the REST rules is via RECs. There is no change in how an affected utility demonstrates compliance. However, under the NOPR modifications, an affected utility is provided with additional clarity in how it can demonstrate that it is not out of compliance. Namely the Commission would formally recognize that it may consider all available information in considering a waiver request from an affected utility, while simultaneously ensuring that the integrity of RECs is maintained. Thus an affected utility is not limited to the option of expending additional ratepayer funds to acquire RECs, as it has the alternative of seeking a waiver of the REST rules. No change is needed in response to this comment.</p>
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	<p>APS perceived in the NOPR preamble a flexibility to determine compliance, but, per Staff's November 3 comments, it appears that all is left for the Commission to determine compliance is whether the utility has sufficient utility-owned RECs to meet the annual REST's quantitative requirements. If so, utilities will have to purchase RECs from third parties, resulting in a negative impact on customers. In the alternative, utilities may choose to request waivers instead-an outcome that challenges the very purpose of the rules. Staff's November 3 comments introduce uncertainty, making it difficult to determine compliance and leaving the fundamental question unanswered. APS is open to understanding more about how utilities can establish compliance under Staff's revisions, but, for now, it appears the only two compliance options are acquiring RECs or obtaining a waiver. If so, the Commission should reject the Nov. 3 revisions, and adopt the modifications in the NOPR.</p>	
<p>U.S. Department of Defense and Federal Executive Agencies</p>	<p>Is concerned that utilities will be allowed to count non-utility owned RECs toward compliance under the NOPR modifications as DOD/FEA believes acknowledgment is equivalent to counting RECs towards compliance, possibly resulting in double counting. DOD/FEA therefore opposes the NOPR modifications.</p> <p>Staff's November 3<sup>rd</sup> wording changes may address concerns with the NOPR modifications but confirmation should be sought from the Center for Resource Solutions.</p>	<p>The Commission believes that the NOPR modifications make it clear that acknowledgment of RECs is not for compliance purposes. RECs not owned by the utilities may not be used by the utilities to demonstrate compliance and thus no double counting would occur. No change is needed in response to this comment.</p> <p>The Commission believes that the NOPR modifications make it clear that acknowledgment of RECs is not for compliance purposes. RECs not owned by the utilities may not be used by the utilities to demonstrate compliance and thus no double counting would occur. No change is needed in response to this comment.</p>



<p>Vote Solar</p>	<p>Vote Solar believes key provisions are vague. The proposed rules appear to provide that non-utility owned RECs will be acknowledged by the Commission for informational purposes. Vote Solar proposes that the Commission be very clear as to whether the rules' language means that non-utility owned RECs can be used by the utility for REST compliance. If so, Vote Solar opposes that approach, because RECs have value and may not be conveyed for free to the utility. Vote Solar shares the Commission's intent to avoid double-counting, but the proposed language will compromise REC value because "acknowledging" non-utility owned RECs for REST compliance creates a double-counting scenario. When customer owned RECs are used to track REST compliance, the utility must pay the customer for the value of the REC. RECs cannot retain market value if they are claimed by a utility for RPS compliance. If the Commission adopts the proposed rule changes, customers owning RECs in Arizona will be unable to receive Green-e Energy and other certifications for their RECs.</p> <p>The clarifying modification proposed by Staff "... will be acknowledged for reporting purposes, but will not be eligible for compliance with R14-2-1804 and 1805" clarifies the vague language in the proposed rule changes. If Staff's proposed modifications in its comments are adopted, the value of RECs will not be devalued. Vote Solar's concerns with the proposed changes are largely addressed by the Staff's November 3 modifications, and we therefore support the proposed rule changes if Staff's modifications are adopted.</p> <p>We recommend that the Commission begin using WREGIS (or other tracking system) to track REST compliance, to ensure that any RECs used for TT compliance is appropriately issued, tracked and retired.</p>	<p>The Commission believes the NOPR modifications are clear and that they provide protection for the owners of non-utility owned RECs. No change is needed in response to this comment.</p> <p>The Commission does not believe that the wording in the NOPR is vague and in need of clarification. No change is needed in response to this comment.</p> <p>This proposal is outside the scope of this proposed rulemaking. No change is needed in response to this comment.</p>
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<p>Residential Utility Consumer Office (“RUCO”)</p>	<p>[initial comments filed on November 10, 2014]</p> <p>The Commission should consider alternative policies to resolve the REC issues.</p> <p>There is no version of the renewable energy policy that stops the outflow of RECs to other states.</p> <p>We support Staff’s clarification, as it will avoid debate each year on the meaning behind the term “acknowledge”.</p> <p>The Rule revision, with Staff’s clarification, appears to meet the end goal of Commissioner Brenda Burns to ensure that there will not be a claim on the RECs of solar adopters.</p> <p>[responsive comments filed on November 14, 2014] RUCO suggests adding the following language to the REST rules: “Affected utilities, upon approval by the Commission, may be authorized to use non-DG RECs (bundled or unbundled) to satisfy compliance of the DG carve-out. However, the amount of non-DG RECs applied to the carve-out cannot exceed the number of RECs and/or kWhs produced by customers who have not exchanged their RECs to the utility in their respective service territory.” RUCO argues that this language will enable future policies that allow DG adopters a choice to keep their RECs or provide them to the utility, and, if the customer decides to keep their RECs, the utility will incur a small charge that will cover the cost of procuring inexpensive, unbundled RECs.</p>	<p>The Commission has considered a wide variety of options in over two years of proceedings leading to the currently proposed NOPR modifications. No change is needed in response to this comment.</p> <p>This issue is outside the scope of rule changes contemplated in this proceeding but may be something the Commission could consider in the future. No change is needed in response to this comment.</p> <p>The Commission believes that the NOPR modifications make it clear that acknowledgement of RECs is not for compliance purposes. RECs not owned by the utilities may not be used by the utilities to demonstrate compliance and thus no double counting would occur. No change is needed in response to this comment.</p> <p>The Commission believes that the NOPR makes it clear that RECS of solar adopters will not be claimed. No change is needed in response to this comment.</p> <p>The Commission does not believe it is necessary to add the language proposed by RUCO to the REST rules. No change is needed in response to this comment.</p>
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<p>Solar Energy Industries Association</p>	<p>[initial comments filed November 10, 2014]</p> <p>We support Staff’s November 3, 2014 recommendations as set forth in its comments. The Commission’s proposal with Staff’s recommended modifications is aligned with the Commission’s intent of tracking the DE market while protecting ratepayer interests in RECs.</p> <p>We agree with Staff that these clarifying modifications do not amount to a “substantial change.” Therefore, we recommend that the Commission adopt its proposal as modified by Staff.</p>	<p>The Commission believes that the language contained in the NOPR provides for tracking the DE market while protecting ratepayer interests in RECs. No change is needed in response to this comment.</p> <p>The Commission, in adopting the NOPR language without Staff’s modifications, moots the issue of whether Staff’s modifications amount to a “substantial change.” No change is needed in response to this comment.</p>
<p>Arizona Solar Deployment Alliance</p>	<p>[comment filed on November 14;] ASDA supports the REST rule modifications proposed in this docket. ASDA’s main interest is to maintain the DG carve out currently contained in the REST rules and appreciates the Commission’s commitment to maintaining the carve out.</p>	<p>The Commission acknowledges this supportive comment and agrees that the NOPR modifications preserve the DG carve out. No change is needed in response to this comment.</p>
<p>Terry Finefrock</p>	<p>[comment filed on November 14; Mr. Finefrock also provided comment at the Tucson public comment session]</p> <p>Mr. Finefrock said it appears that the NOPR modifications may allow double-counting of RECs.</p>	<p>The Commission believes that the NOPR modifications make it clear that RECs not owned by the utilities may not be used by the utilities to demonstrate compliance and thus no double counting would occur. No change is needed in response to this comment.</p>
<p><b>TUCSON PUBLIC COMMENT SESSION</b></p>		
<p>Robert Bulechek (an energy efficiency consultant and chair of the Tucson-Pima Metropolitan Energy Commission)</p>	<p>Mr. Bulechek fears the REST standard will be weakened if a utility can count RECs it doesn’t own. RECs are a way to acknowledge that clean energy has health and climate effects.</p> <p>If a utility uses RECs for compliance purposes, it should have to pay for them.</p>	<p>The Commission does not believe the REST standard will be weakened by the NOPR modifications. The Commission notes that utilities will not be allowed to count RECs they do not own towards compliance. No change is needed in response to this comment.</p> <p>The Commission believes that there is nothing in the NOPR modifications that would allow a utility to use RECs they don’t own for compliance purposes.</p>



<p>Ryan Anderson (the planning, sustainability, and transportation policy advisor to City of Tucson Mayor Jonathan Rothschild).</p>	<p>Mr. Anderson read prepared written comments of Mayor Rothschild into the record. Mayor Rothschild urges Commission to preserve RECs' integrity; help to keep the solar market thriving; believes track and recording of DE, if used to satisfy utility REC requirements would erode REC market and compromise REST and pursue policies that don't result in double-counting or a regulatory taking.</p> <p>The Mayor opposed the initial draft of the revisions, but Mr. Anderson believes, based on the discussion at the Public Comment meeting, that Staff's November 3<sup>rd</sup> filing may satisfy the Mayor's concerns.</p>	<p>The Commission believes that the NOPR modifications achieve the goals discussed by Mayor Rothschild. No change is needed in response to this comment.</p> <p>The Commission believes that the NOPR modifications address the Mayor's concerns. No change is needed in response to this comment.</p>
<p>Bruce Plenk</p>	<p>Mr. Plenk thinks Staff November 3<sup>rd</sup> comments regarding use of word "acknowledge" in proposed rules is an important clarification.</p> <p>Mr. Plenk believes it may be useful to seek comments from Center for Resource Solutions.</p> <p>Mr. Plenk believes the Commission should preserve the original intent of REST rules, and expand the solar market.</p>	<p>The Commission believes that the NOPR modifications are clear in regard to the word "acknowledge." No change is needed in response to this comment.</p> <p>The Commission believes that the NOPR modifications make it clear that acknowledgement of RECs is not for compliance purposes. RECs not owned by the utilities may not be used by the utilities to demonstrate compliance and thus no double counting would occur. No change is needed in response to this comment.</p> <p>The Commission believes that the original intent of the REST rules is preserved by the NOPR modifications. No change is needed in response to this comment.</p>
<p>Terry Finefrock</p>	<p>Mr. Finefrock would like to see CRS comment on the proposed revisions.</p> <p>Mr. Finefrock believes there may be contract law implications related to ownership of RECs resulting from the NOPR modifications and Staff's November 3<sup>rd</sup> wording changes.</p>	<p>The Commission believes that the NOPR modifications make it clear that acknowledgement of RECs is not for compliance purposes. RECs not owned by the utilities may not be used by the utilities to demonstrate compliance and thus no double counting would occur. No change is needed in response to this comment.</p> <p>The Commission does not believe there are any contract law implications resulting from the NOPR modifications. No change is needed in response to this comment.</p>



PHOENIX PUBLIC COMMENT SESSION		
Arizona Solar Deployment Alliance	ASDA supports the REST rule modifications proposed in this docket. ASDA's main interest is to maintain the DG carve out currently contained in the REST rules and appreciates the Commission's commitment to maintaining the carve out.	The Commission acknowledges this supportive comment and agrees that the NOPR modifications preserve the DG carve out. No change is needed in response to this comment.
APS	In addition to reiterating its written comments, APS noted that CRS believes that Staff's modifications would not lead to double counting, but say in their email that they can't determine for sure until the final rule language is available, and, even then, future Commission action could make the RECs ineligible for Green-energy.	See discussion of APS initial comments filed November 10, 2014 and APS responsive comments dated November 14, 2014. No change is needed in response to this comment.
RUCO	RUCO believes that its proposed additional language, submitted in its November 14 comments, will set up a "no regrets" policy mechanism that, in the future, will allow utilities to use non-DG RECs for REST compliance, and this language may help to comply with EPA rules in the future, if that proves necessary.	See discussion of RUCO initial comments filed November 10, 2014 and responsive comments filed on November 14, 2014. No change is needed in response to this comment.

**12. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:**

None

**13. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:**

Not Applicable

**14. Whether the rule was previously made, amended or repealed as an emergency rule. If so, cite the notice published in the Register as specified in R1-1-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:**

No

**15. The full text of the rules follows:**

**TITLE 14. PUBLIC SERVICE CORPORATIONS; CORPORATIONS AND ASSOCIATIONS;  
SECURITIES REGULATION**

**CHAPTER 2. CORPORATION COMMISSION - FIXED UTILITIES**

**ARTICLE 18. RENEWABLE ENERGY STANDARD AND TARIFF**

Section

R14-2-1805. Distributed Renewable Energy Requirement

R14-2-1812. Compliance Reports

**ARTICLE 18. RENEWABLE ENERGY STANDARD AND TARIFF**

**R14-2-1805. Distributed Renewable Energy Requirement**

A. No change

B. No change



- C. No change
- D. No change
- E. No change
- F. Any Renewable Energy Credit created by production of renewable energy which the Affected Utility does not own shall be retained by the entity creating the Renewable Energy Credit. Such Renewable Energy Credit may not be considered used or extinguished by any Affected Utility without approval and proper documentation from the entity creating the Renewable Energy Credit, regardless of whether or not the Commission acknowledged the kWhs associated with non-utility owned Renewable Energy Credits.
- G. The reporting of kWhs associated with Renewable Energy Credits not owned by the utility will be acknowledged.

**R14-2-1812. Compliance Reports**

- A. Beginning April 1, 2007, and every April 1st thereafter, each Affected Utility shall file with Docket Control a report that describes its compliance with the requirements of these rules for the previous calendar year and provides other relevant information. The Affected Utility shall also transmit to the Director of the Utilities Division an electronic copy of this report that is suitable for posting on the Commission's web site.
- B. The compliance report shall include the following information:
  - 1. The actual kWh of energy produced within its service territory and the actual kWh of energy or equivalent obtained from Eligible Renewable Energy Resources, differentiating between kWhs for which the Affected Utility owns the Renewable Energy Credits and kWhs produced in the Affected Utility's service territory for which the Affected Utility does not own the Renewable Energy Credits;
  - 2. No change
  - 3. No change
  - 4. No change
  - 5. No change
  - 6. No change
- C. The Commission may consider all available information and may hold a hearing to determine whether an Affected Utility's compliance report satisfied the requirements of these rules.



**NOTICES OF SUBSTANTIVE POLICY STATEMENTS**

The Administrative Procedure Act (APA) requires the publication of Notices of Substantive Policy Statements issued by agencies (A.R.S. § 41-1013(B)(14)).

Substantive policy statements are written expressions which inform the general public of an agency's current approach to rule or regulation practice.

Substantive policy statements are advisory only. A substantive policy statement does not include internal procedural documents that only affect the internal

procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the APA.

If you believe that a substantive policy statement does impose additional requirements or penalties on regulated parties you may petition the agency under A.R.S. § 41-1033 for a review of the statement.

**NOTICE OF SUBSTANTIVE POLICY STATEMENT**

**GREATER ARIZONA DEVELOPMENT AUTHORITY**

[M15-37]

- 1. Title of Substantive Policy Statement and the substantive policy statement number by which the substantive policy statement is referenced:**  
Document Title: Cost of Issuance  
Identification Number: II.1
- 2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:**  
June 25, 2008
- 3. Summary of the contents of the substantive policy statement:**  
The Authority issued a policy to describe how cost of issuance subsidies will be awarded to borrowers.
- 4. Federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:**  
Not applicable
- 5. A statement as to whether the substantive policy statement is a new statement or a revision:**  
This is a new substantive policy statement.
- 6. The agency contact person who can answer questions about the substantive policy statement:**  
Name: Sandy Sutton, Executive Director  
Address: 1110 W. Washington St., Suite 290  
Phoenix, AZ 85007  
Telephone: (602) 364-1310  
Fax: (602) 364-1327  
Email: ssutton@azwifa.gov  
Website: www.azgada.gov
- 7. Information about where a person may obtain a copy of the substantive policy statement and the costs for obtaining the policy statement:**  
Copies are available at the Water Infrastructure Finance Authority, 1110 W. Washington St., Suite 290, Phoenix, AZ 85007 or from the person listed above.

**NOTICE OF SUBSTANTIVE POLICY STATEMENT**

**GREATER ARIZONA DEVELOPMENT AUTHORITY**

[M15-38]

- 1. Title of Substantive Policy Statement and the substantive policy statement number by which the substantive policy statement is referenced:**  
Document Title: Smart Growth  
Identification Number: II.2
- 2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:**  
Original Issue Date: June 25, 2008



Effective Date: January 1, 2009

- 3. Summary of the contents of the substantive policy statement:**  
The Authority issued a policy to describe the Smart Growth incentive available to borrowers.
- 4. Federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:**  
Not applicable
- 5. A statement as to whether the substantive policy statement is a new statement or a revision:**  
This is a new substantive policy statement.
- 6. The agency contact person who can answer questions about the substantive policy statement:**  
Name: Sandy Sutton, Executive Director  
Address: 1110 W. Washington St., Suite 290  
Phoenix, AZ 85007  
Telephone: (602) 364-1310  
Fax: (602) 364-1327  
Email: ssutton@azwifa.gov  
Website: www.azgada.gov
- 7. Information about where a person may obtain a copy of the substantive policy statement and the costs for obtaining the policy statement:**  
Copies are available at the Water Infrastructure Finance Authority, 1110 W. Washington St., Suite 290, Phoenix, AZ 85007 or from the person listed above.

## NOTICE OF SUBSTANTIVE POLICY STATEMENT

### GREATER ARIZONA DEVELOPMENT AUTHORITY

[M15-39]

- 1. Title of Substantive Policy Statement and the substantive policy statement number by which the substantive policy statement is referenced:**  
Document Title: Arbitrage  
Identification Number: IL3
- 2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:**  
Original Issue Date: July 22, 2009  
Effective Date: July 22, 2009
- 3. Summary of the contents of the substantive policy statement:**  
The Authority issued a policy to describe the liabilities and responsibilities related to arbitrage.
- 4. Federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:**  
Not applicable
- 5. A statement as to whether the substantive policy statement is a new statement or a revision:**  
This is a new substantive policy statement.
- 6. The agency contact person who can answer questions about the substantive policy statement:**  
Name: Sandy Sutton, Executive Director  
Address: 1110 W. Washington St., Suite 290  
Phoenix, AZ 85007  
Telephone: (602) 364-1310  
Fax: (602) 364-1327  
Email: ssutton@azwifa.gov  
Website: www.azgada.gov
- 7. Information about where a person may obtain a copy of the substantive policy statement and the costs for obtaining the policy statement:**  
Copies are available at the Water Infrastructure Finance Authority, 1110 W. Washington St., Suite 290, Phoenix, AZ 85007 or from the person listed above.



NOTICE OF SUBSTANTIVE POLICY STATEMENT

WATER INFRASTRUCTURE FINANCE AUTHORITY

[M15-40]

- 1. **Title of Substantive Policy Statement and the substantive policy statement number by which the substantive policy statement is referenced:**  
 Document Title: Determining Area Median Household Income  
 Identification Number: II.11
- 2. **Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:**  
 December 18, 2013
- 3. **Summary of the contents of the substantive policy statement:**  
 The Authority issued a policy to provide guidance to WIFA staff and applicants in determining the median household income.
- 4. **Federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:**  
 Not applicable
- 5. **A statement as to whether the substantive policy statement is a new statement or a revision:**  
 This is a revised substantive policy statement.
- 6. **The agency contact person who can answer questions about the substantive policy statement:**  
 Name: Sandy Sutton, Executive Director  
 Address: 1110 W. Washington St., Suite 290  
 Phoenix, AZ 85007  
 Telephone: (602) 364-1310  
 Fax: (602) 364-1327  
 Email: ssutton@azwifa.gov  
 Website: www.azgada.gov
- 7. **Information about where a person may obtain a copy of the substantive policy statement and the costs for obtaining the policy statement:**  
 Copies are available at the Water Infrastructure Finance Authority, 1110 W. Washington St., Suite 290, Phoenix, AZ 85007 or from the person listed above.

NOTICE OF SUBSTANTIVE POLICY STATEMENT

WATER INFRASTRUCTURE FINANCE AUTHORITY

[M15-41]

- 1. **Title of Substantive Policy Statement and the substantive policy statement number by which the substantive policy statement is referenced:**  
 Document Title: Financial Assistance Closing Costs, Closing Fees, Interest Rate Setting Methodology and Annual Fees  
 Identification Number: III.3
- 2. **Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:**  
 April 30, 2014
- 3. **Summary of the contents of the substantive policy statement:**  
 The Authority issued a policy to detail the closing costs and fees assessed to reimburse WIFA's transaction costs; summarize WIFA's methodology to set interest rates by financial assistance recipient; and detail the annual fees assessed by WIFA to offset WIFA's management and administrative costs associated with providing and servicing financial assistance.
- 4. **Federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:**  
 Not applicable
- 5. **A statement as to whether the substantive policy statement is a new statement or a revision:**  
 This is a revised substantive policy statement.

**6. The agency contact person who can answer questions about the substantive policy statement:**

Name: Sandy Sutton, Executive Director  
Address: 1110 W. Washington St., Suite 290  
Phoenix, AZ 85007  
Telephone: (602) 364-1310  
Fax: (602) 364-1327  
Email: ssutton@azwifa.gov  
Website: www.azgada.gov

**7. Information about where a person may obtain a copy of the substantive policy statement and the costs for obtaining the policy statement:**

Copies are available at the Water Infrastructure Finance Authority, 1110 W. Washington St., Suite 290, Phoenix, AZ 85007 or from the person listed above.

**NOTICE OF SUBSTANTIVE POLICY STATEMENT****WATER INFRASTRUCTURE FINANCE AUTHORITY**

[M15-42]

**1. Title of Substantive Policy Statement and the substantive policy statement number by which the substantive policy statement is referenced:**

Document Title: Disadvantaged Community Designation  
Identification Number: III.6

**2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:**

Issued April 30, 2014; effective July 1, 2014

**3. Summary of the contents of the substantive policy statement:**

The Authority issued a policy to outline the criteria to designate a drinking water system or wastewater system as a Disadvantaged Community and define the additional benefits available to Disadvantaged Communities.

**4. Federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:**

Not applicable

**5. A statement as to whether the substantive policy statement is a new statement or a revision:**

This is a revised substantive policy statement.

**6. The agency contact person who can answer questions about the substantive policy statement:**

Name: Sandy Sutton, Executive Director  
Address: 1110 W. Washington St., Suite 290  
Phoenix, AZ 85007  
Telephone: (602) 364-1310  
Fax: (602) 364-1327  
Email: ssutton@azwifa.gov  
Website: www.azgada.gov

**7. Information about where a person may obtain a copy of the substantive policy statement and the costs for obtaining the policy statement:**

Copies are available at the Water Infrastructure Finance Authority, 1110 W. Washington St., Suite 290, Phoenix, AZ 85007 or from the person listed above.



**NOTICE OF SUBSTANTIVE POLICY STATEMENT**

**WATER INFRASTRUCTURE FINANCE AUTHORITY**

[M15-43]

- 1. Title of Substantive Policy Statement and the substantive policy statement number by which the substantive policy statement is referenced:**  
Document Title: Additional Subsidy Program  
Identification Number: III.20
- 2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:**  
April 30, 2014
- 3. Summary of the contents of the substantive policy statement:**  
The Authority issued a policy to outline the criteria to provide additional subsidy in accordance with the federal capitalization grant conditions.
- 4. Federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:**  
Not applicable
- 5. A statement as to whether the substantive policy statement is a new statement or a revision:**  
This is a new substantive policy statement.
- 6. The agency contact person who can answer questions about the substantive policy statement:**  
Name: Sandy Sutton, Executive Director  
Address: 1110 W. Washington St., Suite 290  
Phoenix, AZ 85007  
Telephone: (602) 364-1310  
Fax: (602) 364-1327  
Email: [ssutton@azwifa.gov](mailto:ssutton@azwifa.gov)  
Website: [www.azgada.gov](http://www.azgada.gov)
- 7. Information about where a person may obtain a copy of the substantive policy statement and the costs for obtaining the policy statement:**  
Copies are available at the Water Infrastructure Finance Authority, 1110 W. Washington St., Suite 290, Phoenix, AZ 85007 or from the person listed above.



GOVERNOR EXECUTIVE ORDERS

The Administrative Procedure Act (APA) requires the full-text publication of Governor Executive Orders.

With the exception of egregious errors, content (including spelling, grammar, and punctuation) of these orders has been reproduced as submitted.

In addition, the Register shall include each statement filed by the Governor in granting a commutation, pardon or reprieve, or stay or suspension of execution where a sentence of death is imposed.

EXECUTIVE ORDER 2015-01

Internal Review of Administrative Rules; Moratorium to Promote Job Creation and Customer-Service-Oriented Agencies

Editor's Note: This Executive Order is being reproduced in each issue of the Administrative Register until its expiration on December 31, 2015, as a notice to the public regarding state agencies' rulemaking activities.

[M15-02]

WHEREAS, Arizona has lost more jobs per capita than any other state and has yet to recover all of those jobs;

WHEREAS, burdensome regulations inhibit job growth and economic development;

WHEREAS, each agency of the State of Arizona should promote customer-service-oriented principles for the people that it serves;

WHEREAS, each State agency should undertake a critical and comprehensive review of its administrative rules and take action to reduce the regulatory burden, administrative delay, and legal uncertainty associated with government regulation;

WHEREAS, overly burdensome, antiquated, contradictory, redundant, and nonessential regulations should be repealed;

WHEREAS, Article 5, Section 4 of the Arizona Constitution and Title 41, Chapter 1, Article 1 of the Arizona Revised Statutes vests the executive power of the State of Arizona in the Governor;

NOW, THEREFORE, I, Douglas A. Ducey, by virtue of the authority vested in me by the Constitution and laws of the State of Arizona hereby declare the following:

- 1. A State agency, subject to this Order, shall not conduct any rulemaking except as permitted by this Order.
2. A State agency, subject to this Order, shall not conduct any rulemaking, whether informal or formal, without the prior written approval of the Office of the Governor. In seeking approval, a State agency shall address one or more of the following as justification for the rulemaking:
a. To fulfill an objective related to job creation, economic development, or economic expansion in this State.
b. To reduce or ameliorate a regulatory burden while achieving the same regulatory objective.
c. To prevent a significant threat to the public health, peace or safety.
d. To avoid violating a court order or federal law that would result in sanctions by a court or the federal government against an agency for failure to conduct the rulemaking action.
e. To comply with a federal statutory or regulatory requirement if such compliance is related to a condition for the receipt of federal funds or participation in any federal program.
f. To fulfill an obligation related to fees or any other action necessary to implement the State budget that is certified by the Governor's Office of Strategic Planning and Budgeting.
g. To promulgate a rule or other item that is exempt from Title 41, Chapter 6, Arizona Revised Statutes, pursuant to section 41-1005, Arizona Revised Statutes.
h. To address matters pertaining to the control, mitigation or eradication of waste, fraud, or abuse within an agency or wasteful, fraudulent, or abusive activities perpetrated against an agency.
3. Paragraphs 1 and 2 apply to all State agencies, except for: (a) any State agency that is headed by a single elected State official, (b) the Corporation Commission, or (c) any State agency whose agency head is not appointed by the Governor. Those State agencies to which Paragraphs 1 and 2 do not apply are strongly encouraged to voluntarily comply with this Order in the context of their own rulemaking processes.
4. Pursuant to Article 5, Section 4 of the Arizona Constitution and Arizona Revised Statutes Section 41-101(A)(1), the State agencies identified in Paragraph 3 must provide the Office of the Governor with a written report for each proposed rule 30 days prior to engaging in any rulemaking proceeding and must also provide the Office of the Governor with a written report within 15 days of any rulemaking. The reports required by this Paragraph shall explain, in detail, how the rulemaking advances the priorities and principles set forth in this Order.



5. No later than September 1, 2015, each State agency shall provide to the Office of the Governor an evaluation of their rules, with recommendations for which rules could be amended or repealed consistent with the priorities and principles set forth in this Order. The evaluation shall also include a summary of licensing time frames and describe how those time frames compare to real processing time, and whether or not they can be reduced. Additionally, each agency shall identify any existing licenses or permits in which a general permit could be used in lieu of an individual permit, pursuant to Arizona Revised Statutes Section 41-1037.
6. No later than July 1, 2015, each State agency shall provide to the Office of the Governor an update on divisions where electronic reporting and payment are not implemented and a suggested plan for how to implement this customer-service-oriented service.
7. This Order does not confer any legal rights upon any persons and shall not be used as a basis for legal challenges to rules, approvals, permits, licenses or other actions or to any inaction of a State agency. For the purposes of this Order, “person,” “rule” and “rulemaking” have the same meanings prescribed in Arizona Revised Statutes Section 41-1001.
8. This Executive Order expires on December 31, 2015.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.

**Douglas A. Ducey**  
**G O V E R N O R**

**DONE** at the Capitol in Phoenix on this fifth day of January in the year Two Thousand and Fifteen and of the Independence of the United States of America the Two Hundred and Thirty-ninth.

**ATTEST:**  
**Michele Reagan**  
**Secretary of State**



## REGISTER INDEXES

The Register is published by volume in a calendar year (See "Information" in the front of each issue for a more detailed explanation).

Abbreviations for rulemaking activity in this Index include:

### PROPOSED RULEMAKING

- PN = Proposed new Section
- PM = Proposed amended Section
- PR = Proposed repealed Section
- P# = Proposed renumbered Section

### SUPPLEMENTAL PROPOSED RULEMAKING

- SPN = Supplemental proposed new Section
- SPM = Supplemental proposed amended Section
- SPR = Supplemental proposed repealed Section
- SP# = Supplemental proposed renumbered Section

### FINAL RULEMAKING

- FN = Final new Section
- FM = Final amended Section
- FR = Final repealed Section
- F# = Final renumbered Section

### SUMMARY RULEMAKING

#### PROPOSED SUMMARY

- PSMN = Proposed Summary new Section
- PSMM = Proposed Summary amended Section
- PSMR = Proposed Summary repealed Section
- PSM# = Proposed Summary renumbered Section

#### FINAL SUMMARY

- FSMN = Final Summary new Section
- FSMM = Final Summary amended Section
- FSMR = Final Summary repealed Section
- FSM# = Final Summary renumbered Section

### EXPEDITED RULEMAKING

#### PROPOSED EXPEDITED

- PEN = Proposed Expedited new Section
- PEM = Proposed Expedited amended Section
- PER = Proposed Expedited repealed Section
- PE# = Proposed Expedited renumbered Section

#### SUPPLEMENTAL EXPEDITED

- SPEN = Supplemental Proposed Expedited new Section
- SPEM = Supplemental Proposed Expedited amended Section
- SPER = Supplemental Proposed Expedited repealed Section
- SPE# = Supplemental Proposed Expedited renumbered Section

#### FINAL EXPEDITED

- FEN = Final Expedited new Section
- FEM = Final Expedited amended Section
- FER = Final Expedited repealed Section
- FE# = Final Expedited renumbered Section

### EXEMPT RULEMAKING

#### EXEMPT PROPOSED

- PXN = Proposed Exempt new Section
- PXM = Proposed Exempt amended Section
- PXR = Proposed Exempt repealed Section
- PX# = Proposed Exempt renumbered Section

#### EXEMPT SUPPLEMENTAL PROPOSED

- SPXN = Supplemental Proposed Exempt new Section
- SPXR = Supplemental Proposed Exempt repealed Section
- SPXM = Supplemental Proposed Exempt amended Section
- SPX# = Supplemental Proposed Exempt renumbered Section

#### FINAL EXEMPT RULMAKING

- FXN = Final Exempt new Section
- FXM = Final Exempt amended Section
- FXR = Final Exempt repealed Section
- FX# = Final Exempt renumbered Section

### EMERGENCY RULEMAKING

- EN = Emergency new Section
- EM = Emergency amended Section
- ER = Emergency repealed Section
- E# = Emergency renumbered Section
- EEXP = Emergency expired

### RECODIFICATION OF RULES

- RC = Recodified

### REJECTION OF RULES

- RJ = Rejected by the Attorney General

### TERMINATION OF RULES

- TN = Terminated proposed new Sections
- TM = Terminated proposed amended Section
- TR = Terminated proposed repealed Section
- T# = Terminated proposed renumbered Section

### RULE EXPIRATIONS

- EXP = Rules have expired
- See also "emergency expired" under emergency rulemaking*

### CORRECTIONS

- C = Corrections to Published Rules



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Other notices related to rulemakings are listed in the Index by notice type, agency/county and by volume page number. Agency policy statements and proposed delegation agreements are included in this section of the Index by volume page number.

Public records, such as Governor Office executive orders, proclamations, declarations and terminations of emergencies, summaries of Attorney General Opinions, and county notices are also listed in this section of the Index as published by volume page number.

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## RULE EFFECTIVE DATES CALENDAR

*A.R.S. § 41-1032(A), as amended by Laws 2002, Ch. 334, § 8 (effective August 22, 2002), states that a rule generally becomes effective 60 days after the day it is filed with the Secretary of State's Office. The following table lists filing dates and effective dates for rules that follow this provision. Please also check the rulemaking Preamble for effective dates.*

January		February		March		April		May		June	
Date Filed	Effective Date										
1/1	3/2	2/1	4/2	3/1	4/30	4/1	5/31	5/1	6/30	6/1	7/31
1/2	3/3	2/2	4/3	3/2	5/1	4/2	6/1	5/2	7/1	6/2	8/1
1/3	3/4	2/3	4/4	3/3	5/2	4/3	6/2	5/3	7/2	6/3	8/2
1/4	3/5	2/4	4/5	3/4	5/3	4/4	6/3	5/4	7/3	6/4	8/3
1/5	3/6	2/5	4/6	3/5	5/4	4/5	6/4	5/5	7/4	6/5	8/4
1/6	3/7	2/6	4/7	3/6	5/5	4/6	6/5	5/6	7/5	6/6	8/5
1/7	3/8	2/7	4/8	3/7	5/6	4/7	6/6	5/7	7/6	6/7	8/6
1/8	3/9	2/8	4/9	3/8	5/7	4/8	6/7	5/8	7/7	6/8	8/7
1/9	3/10	2/9	4/10	3/9	5/8	4/9	6/8	5/9	7/8	6/9	8/8
1/10	3/11	2/10	4/11	3/10	5/9	4/10	6/9	5/10	7/9	6/10	8/9
1/11	3/12	2/11	4/12	3/11	5/10	4/11	6/10	5/11	7/10	6/11	8/10
1/12	3/13	2/12	4/13	3/12	5/11	4/12	6/11	5/12	7/11	6/12	8/11
1/13	3/14	2/13	4/14	3/13	5/12	4/13	6/12	5/13	7/12	6/13	8/12
1/14	3/15	2/14	4/15	3/14	5/13	4/14	6/13	5/14	7/13	6/14	8/13
1/15	3/16	2/15	4/16	3/15	5/14	4/15	6/14	5/15	7/14	6/15	8/14
1/16	3/17	2/16	4/17	3/16	5/15	4/16	6/15	5/16	7/15	6/16	8/15
1/17	3/18	2/17	4/18	3/17	5/16	4/17	6/16	5/17	7/16	6/17	8/16
1/18	3/19	2/18	4/19	3/18	5/17	4/18	6/17	5/18	7/17	6/18	8/17
1/19	3/20	2/19	4/20	3/19	5/18	4/19	6/18	5/19	7/18	6/19	8/18
1/20	3/21	2/20	4/21	3/20	5/19	4/20	6/19	5/20	7/19	6/20	8/19
1/21	3/22	2/21	4/22	3/21	5/20	4/21	6/20	5/21	7/20	6/21	8/20
1/22	3/23	2/22	4/23	3/22	5/21	4/22	6/21	5/22	7/21	6/22	8/21
1/23	3/24	2/23	4/24	3/23	5/22	4/23	6/22	5/23	7/22	6/23	8/22
1/24	3/25	2/24	4/25	3/24	5/23	4/24	6/23	5/24	7/23	6/24	8/23
1/25	3/26	2/25	4/26	3/25	5/24	4/25	6/24	5/25	7/24	6/25	8/24
1/26	3/27	2/26	4/27	3/26	5/25	4/26	6/25	5/26	7/25	6/26	8/25
1/27	3/28	2/27	4/28	3/27	5/26	4/27	6/26	5/27	7/26	6/27	8/26
1/28	3/29	2/28	4/29	3/28	5/27	4/28	6/27	5/28	7/27	6/28	8/27
1/29	3/30			3/29	5/28	4/29	6/28	5/29	7/28	6/29	8/28
1/30	3/31			3/30	5/29	4/30	6/29	5/30	7/29	6/30	8/29
1/31	4/1			3/31	5/30			5/31	7/30		



July		August		September		October		November		December	
Date Filed	Effective Date										
7/1	8/30	8/1	9/30	9/1	10/31	10/1	11/30	11/1	12/31	12/1	1/30
7/2	8/31	8/2	10/1	9/2	11/1	10/2	12/1	11/2	1/1	12/2	1/31
7/3	9/1	8/3	10/2	9/3	11/2	10/3	12/2	11/3	1/2	12/3	2/1
7/4	9/2	8/4	10/3	9/4	11/3	10/4	12/3	11/4	1/3	12/4	2/2
7/5	9/3	8/5	10/4	9/5	11/4	10/5	12/4	11/5	1/4	12/5	2/3
7/6	9/4	8/6	10/5	9/6	11/5	10/6	12/5	11/6	1/5	12/6	2/4
7/7	9/5	8/7	10/6	9/7	11/6	10/7	12/6	11/7	1/6	12/7	2/5
7/8	9/6	8/8	10/7	9/8	11/7	10/8	12/7	11/8	1/7	12/8	2/6
7/9	9/7	8/9	10/8	9/9	11/8	10/9	12/8	11/9	1/8	12/9	2/7
7/10	9/8	8/10	10/9	9/10	11/9	10/10	12/9	11/10	1/9	12/10	2/8
7/11	9/9	8/11	10/10	9/11	11/10	10/11	12/10	11/11	1/10	12/11	2/9
7/12	9/10	8/12	10/11	9/12	11/11	10/12	12/11	11/12	1/11	12/12	2/10
7/13	9/11	8/13	10/12	9/13	11/12	10/13	12/12	11/13	1/12	12/13	2/11
7/14	9/12	8/14	10/13	9/14	11/13	10/14	12/13	11/14	1/13	12/14	2/12
7/15	9/13	8/15	10/14	9/15	11/14	10/15	12/14	11/15	1/14	12/15	2/13
7/16	9/14	8/16	10/15	9/16	11/15	10/16	12/15	11/16	1/15	12/16	2/14
7/17	9/15	8/17	10/16	9/17	11/16	10/17	12/16	11/17	1/16	12/17	2/15
7/18	9/16	8/18	10/17	9/18	11/17	10/18	12/17	11/18	1/17	12/18	2/16
7/19	9/17	8/19	10/18	9/19	11/18	10/19	12/18	11/19	1/18	12/19	2/17
7/20	9/18	8/20	10/19	9/20	11/19	10/20	12/19	11/20	1/19	12/20	2/18
7/21	9/19	8/21	10/20	9/21	11/20	10/21	12/20	11/21	1/20	12/21	2/19
7/22	9/20	8/22	10/21	9/22	11/21	10/22	12/21	11/22	1/21	12/22	2/20
7/23	9/21	8/23	10/22	9/23	11/22	10/23	12/22	11/23	1/22	12/23	2/21
7/24	9/22	8/24	10/23	9/24	11/23	10/24	12/23	11/24	1/23	12/24	2/22
7/25	9/23	8/25	10/24	9/25	11/24	10/25	12/24	11/25	1/24	12/25	2/23
7/26	9/24	8/26	10/25	9/26	11/25	10/26	12/25	11/26	1/25	12/26	2/24
7/27	9/25	8/27	10/26	9/27	11/26	10/27	12/26	11/27	1/26	12/27	2/25
7/28	9/26	8/28	10/27	9/28	11/27	10/28	12/27	11/28	1/27	12/28	2/26
7/29	9/27	8/29	10/28	9/29	11/28	10/29	12/28	11/29	1/28	12/29	2/27
7/30	9/28	8/30	10/29	9/30	11/29	10/30	12/29	11/30	1/29	12/30	2/28
7/31	9/29	8/31	10/30			10/31	12/30			12/31	3/1



## REGISTER PUBLISHING DEADLINES

*The Secretary of State's Office publishes the Register weekly. There is a three-week turnaround period between a deadline date and the publication date of the Register. The weekly deadline dates and issue dates are shown below. Council meetings and Register deadlines do not correlate. Also listed are the earliest dates on which an oral proceeding can be held on proposed rulemakings or proposed delegation agreements following publication of the notice in the Register.*

<b>Deadline Date (paper only) Friday, 5:00 p.m.</b>	<b>Register Publication Date</b>	<b>Oral Proceeding may be scheduled on or after</b>
December 12, 2014	January 2, 2015	February 2, 2015
December 19, 2014	January 9, 2015	February 9, 2015
December 26, 2014	January 16, 2015	February 16, 2015
January 2, 2015	January 23, 2015	February 23, 2015
January 9, 2015	January 30, 2015	March 2, 2015
January 16, 2015	February 6, 2015	March 9, 2015
January 23, 2015	February 13, 2015	March 16, 2015
January 30, 2015	February 20, 2015	March 23, 2015
February 6, 2015	February 27, 2015	March 30, 2015
February 13, 2015	March 6, 2015	April 6, 2015
February 20, 2015	March 13, 2015	April 13, 2015
February 27, 2015	March 20, 2015	April 20, 2015
March 6, 2015	March 27, 2015	April 27, 2015
March 13, 2015	April 3, 2015	May 4, 2015
March 20, 2015	April 10, 2015	May 11, 2015
March 27, 2015	April 17, 2015	May 18, 2015
April 3, 2015	April 24, 2015	May 26, 2015 (Tuesday)
April 10, 2015	May 1, 2015	June 1, 2015
April 17, 2015	May 8, 2015	June 8, 2015
April 24, 2015	May 15, 2015	June 15, 2015
May 1, 2015	May 22, 2015	June 22, 2015
May 8, 2015	May 29, 2015	June 29, 2015
May 15, 2015	June 5, 2015	July 6, 2015
May 22, 2015	June 12, 2015	July 13, 2015
May 29, 2015	June 19, 2015	July 20, 2015
June 5, 2015	June 26, 2015	July 27, 2015
June 12, 2015	July 3, 2015	August 3, 2015
June 19, 2015	July 10, 2015	August 10, 2015

## GOVERNOR'S REGULATORY REVIEW COUNCIL DEADLINES

The following deadlines apply to all Five-Year-Review Reports and any adopted rule submitted to the Governor's Regulatory Review Council. Council meetings and *Register* deadlines do not correlate. We publish these deadlines as a courtesy.

All rules and Five-Year Review Reports are due in the Council office by 5:00 p.m. of the deadline date. The Council's office is located at 100 N. 15th Ave., Suite 402, Phoenix, AZ 85007. For more information, call (602) 542-2058 or visit [www.grrc.state.az.us](http://www.grrc.state.az.us).

DEADLINE TO BE PLACED ON COUNCIL AGENDA	FINAL MATERIALS DUE FROM AGENCIES	DATE OF COUNCIL STUDY SESSION	DATE OF COUNCIL MEETING
November 17, 2014	December 17, 2014	December 30, 2014	January 6, 2015
December 15, 2014	January 14, 2015	January 27, 2015	February 3, 2015
January 20, 2015	February 11, 2015	February 24, 2015	March 3, 2015
February 17, 2015	March 18, 2015	March 31, 2015	April 7, 2015
March 16, 2015	April 15, 2015	April 28, 2015	May 5, 2015
April 20, 2015	May 13, 2015	May 28, 2015	June 2, 2015
May 18, 2015	June 17, 2015	June 30, 2015	July 7, 2015
June 15, 2015	July 15, 2015	July 28, 2015	August 4, 2015
July 20, 2015	August 12, 2015	August 25, 2015	September 1, 2015
August 17, 2015	September 16, 2015	September 29, 2015	October 6, 2015
September 21, 2015	October 14, 2015	October 27, 2015	November 3, 2015
October 19, 2015	November 12, 2015	November 24, 2015	December 1, 2015
November 16, 2015	December 16, 2015	December 29, 2015	January 5, 2016