



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Rules can be: made (all new text); amended (rules on file, changing text); repealed (removing text); or renumbered (moving rules to a different Section number).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 New rules in this publication (whether proposed or made) are denoted with underlining; repealed text is stricken.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., and 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 page.

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This publication is available online for
free at www.azsos.gov.

ADMINISTRATIVE CODE
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 us at
(602) 364-3223.

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.

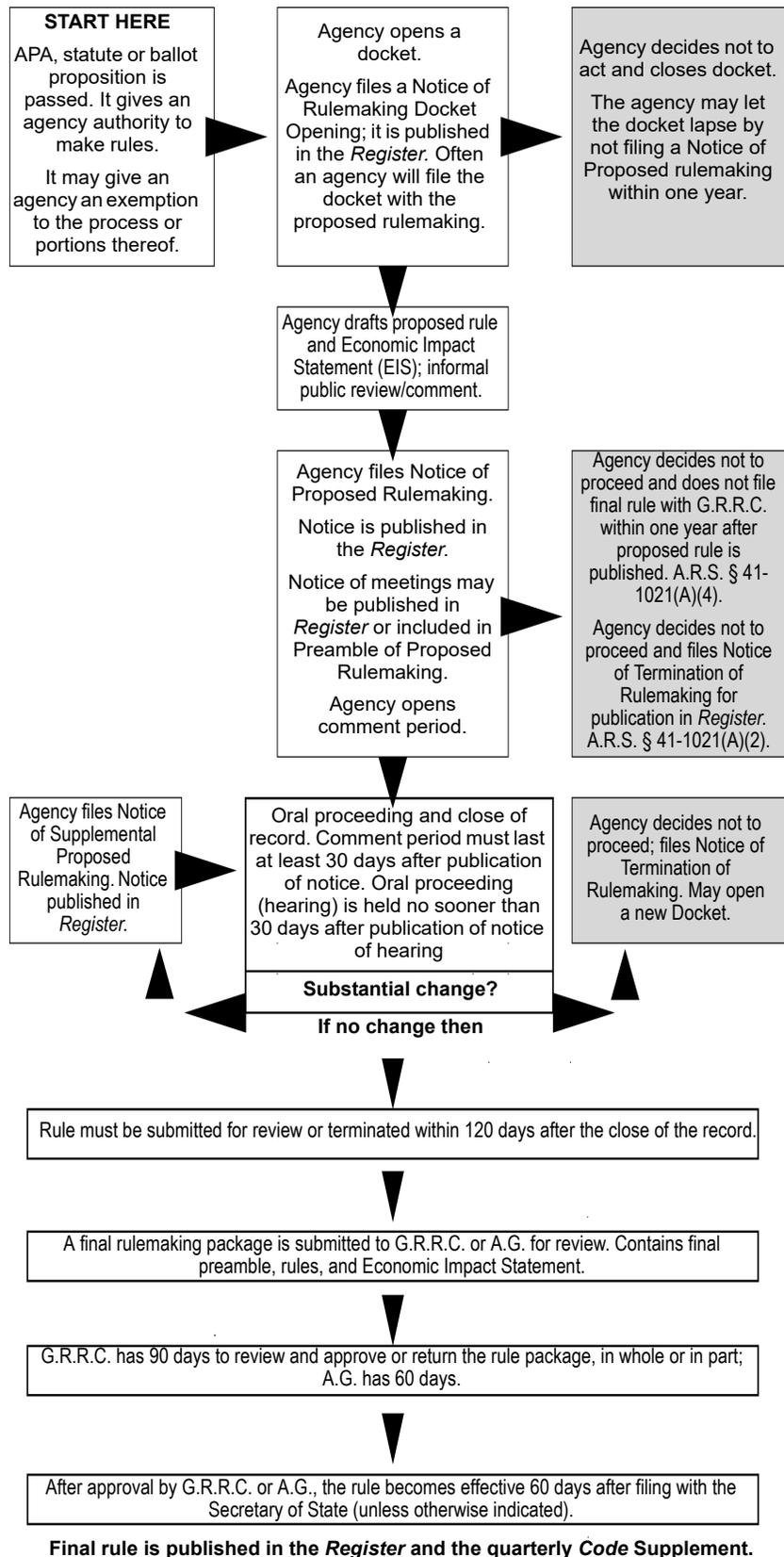
An agency may not have a public meeting scheduled on the Notice of Proposed Rulemaking. If not, you may request that the agency schedule a proceeding. This request must be put in writing within 30 days after the published Notice of Proposed Rulemaking.

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.

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

Administrative Procedure Act (APA): A.R.S. Title 41, Chapter 6, Articles 1 through 10. Available online at 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.

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.

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 PROPOSED RULEMAKING

This section of the *Arizona Administrative Register* contains Notices of Proposed Rulemaking.

A proposed rulemaking is filed by an agency upon completion and submittal of a Notice of Rulemaking Docket Opening. Often these two documents are filed at the same time and published in the same *Register* issue.

When an agency files a Notice of Proposed Rulemaking under the *Administrative Procedure Act* (APA), the notice is published in the *Register* within three weeks of filing. See the publication schedule in the back of each issue of the *Register* for more information.

Under the APA, an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any oral proceedings for making, amending, or repealing any rule (A.R.S. §§ 41-1013 and 41-1022).

The Office of the Secretary of State is the filing office and publisher of these rules. Questions about the interpretation of the proposed rules should be addressed to the agency that promulgated the rules. Refer to item #4 below to contact the person charged with the rulemaking and item #10 for the close of record and information related to public hearings and oral comments.

NOTICE OF PROPOSED RULEMAKING

**TITLE 14. PUBLIC SERVICE CORPORATIONS; CORPORATIONS AND ASSOCIATIONS; SECURITIES REGULATION
CHAPTER 2. CORPORATION COMMISSION - FIXED UTILITIES**

[R18-96]

PREAMBLE

- | | |
|--|--|
| <p>1. <u>Article, Part, or Section Affected (as applicable)</u>
 R14-2-107
 R14-2-108</p> | <p><u>Rulemaking Action</u>
 Amend
 New Section</p> |
|--|--|
- 2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**
 Authorizing statute: Arizona Constitution Article XV, § 3; A.R.S. §§ 40-202, 40-203, and 40-321
 Implementing statute: Arizona Constitution Article XV, § 3; A.R.S. §§ 40-202, 40-203, and 40-321
- 3. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed rule:**
 Notice of Rulemaking Docket Opening: 24 A.A.R. 1653 June 8, 2018 (*in this issue*)
- 4. The agency's contact person who can answer questions about the rulemaking:**
 Name: Robin Mitchell, Assistant Director Legal Division
 Address: Arizona Corporation Commission
 1200 W. Washington St.
 Phoenix, AZ 85007
 Telephone: (602) 542-3402
 Fax: (602) 542-4780
 E-mail: RMitchell@azcc.gov
 Web site: www.azcc.gov
- 5. An agency's justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:**
 The purpose of the proposed rules would amend R14-2-107 and add R14-2-108 to further streamline the rate application process for cooperative utilities by removing unnecessary regulatory hurdles. It is expected that the modifications to R14-2-107 will reduce costs for cooperative utilities and their customers.
 The addition of the new rule, R14-2-108, would provide a streamlined financing process for cooperatives providing electric, natural gas, or water service in Arizona meeting certain conditional requirements.
- 6. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**
 None
- 7. 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:**
 Not applicable
- 8. The preliminary summary of the economic, small business, and consumer impact:**
 All classes of cooperative utilities meeting eligibility requirements should benefit from reduced legal and consulting costs from simplified rate and financing filings and shorter processing timeframes. However, cooperative utilities may file rate cases more frequently.



Consumers of cooperative utilities should benefit as cooperative utilities pass on the cost savings of the simplified rate and financing process to their ratepayers. However, consumers may experience more frequent rate cases being filed. Some small businesses are also consumers of cooperative utilities.

9. The agency's contact person who can answer questions about the economic, small business and consumer impact statement:

Name: Ranelle Paladino
Address: Arizona Corporation Commission
1200 W. Washington St.
Phoenix, AZ 85007
Telephone: (602) 364-0347
Fax: (602) 542-2129
E-mail: RPaladino@azcc.gov
Web site: www.azcc.gov

10. The time, place, and nature of the proceedings to make, amend, repeal, or renumber the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

The Commission has scheduled the following oral proceedings for public comments:

Date: July 9, 2018
Time: 10:00 a.m.
Location: Arizona Corporation Commission
Hearing Room No. 222
400 W. Congress St.
Tucson, AZ 85701
Nature: Public Comment Hearing
Date: July 12, 2018
Time: 10:00 a.m.
Location: Arizona Corporation Commission
Hearing Room No. 1
1200 W. Washington St.
Phoenix, AZ 85007
Nature: Public Comment Hearing

Written comments can be submitted on or before July 9, 2018, to the Commission's Docket Control at the address listed above.

Please reference Docket No. RU-00000A-17-0314 on all documents.

Oral comments may be provided at the proceedings on July 9 and 12, 2018 at 10:00 a.m.

11. 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

a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:

Not applicable

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:

Not applicable

c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:

Not applicable

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

None

13. The full text of the rules follows:

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

CHAPTER 2. CORPORATION COMMISSION - FIXED UTILITIES

ARTICLE 1. GENERAL PROVISIONS

Section

R14-2-107. Electric, ~~or~~ Natural Gas, ~~or~~ Affiliated Water Cooperative ~~Alternative~~ Streamlined Rate Application Filing Requirements and Process



R14-2-108. Electric, Natural Gas, or Affiliated Water Cooperative Streamlined Financing Application Filing Requirements and Process

ARTICLE 1. GENERAL PROVISIONS

R14-2-107. Electric, or Natural Gas, or Affiliated Water Cooperative Alternative Streamlined Rate Application Filing Requirements and Process

A. Definitions. In this Section, unless otherwise specified:

1. "Affiliated entity" means an "entity" as defined in A.A.C. R14-2-801 that, in relation to a cooperative, meets the definition of an "affiliate" in A.A.C. R14-2-801.
- ~~1-2.~~ "Base revenue" means the revenue generated by permanent rates and charges, excluding:
 - a. Revenue generated through adjustor mechanisms, and
 - b. Revenue generated through miscellaneous service charges.
- ~~2-3.~~ "CFC" means the National Rural Utilities Cooperative Finance Corporation.
- ~~3-4.~~ "Commission" means the Arizona Corporation Commission.
- ~~4-5.~~ "Cooperative" means a legal entity that is:
 - a. A domestic corporation or a foreign corporation authorized to transact business in this state;
 - b. Operated as a not-for-profit or non-profit;
 - c. Owned and controlled by its members; and
 - d. Operating as a public service corporation in this state by providing either electric utility services or natural gas utility services or water utility services from an affiliated entity.
6. "Customer" means a member of a cooperative who receives utility service from the cooperative.
- ~~5-7.~~ "Docket Control" means the organizational unit within the Commission's Hearing Division that accepts, records, and maintains filings.
- ~~6-8.~~ "FERC" means the Federal Energy Regulatory Commission.
- ~~7-9.~~ "File" means to submit to Docket Control, with the required number of copies and in an acceptable format, for recording under an appropriate docket number.
- ~~8-10.~~ "Full permanent rate case decision" means a Commission decision:
 - a. Issued on an application filed under R14-2-103 and not under this Section,
 - b. In which the Commission ascertained the fair value of a public service corporation's property within Arizona and established a schedule of rates and charges for the public service corporation's provision of utility services within Arizona, and
 - c. Not issued under A.R.S. § 40-252.
- ~~9-11.~~ "Non-price tariff change" means modification of one or more tariff provisions, either through altering existing tariff language or adding new tariff language, in a manner that substantively alters a requirement other than a rate or charge.
- ~~10-12.~~ "Rate schedule" means a schedule of rates and conditions for a specific classification of customer or for other specific services.
- ~~11-13.~~ "Rate structure change" means any of the following:
 - a. Introduction of a new rate schedule;
 - b. Elimination of an existing rate schedule;
 - c. A change in base revenue generated by ~~any one~~ the residential rate class greater than 150% of the overall base revenue increase;
 - d. A change greater than ~~25%~~ 35% in the customer charge within a rate schedule for residential customers; or
 - e. A change in the rate blocks or the percentage relationship of the prices among rate blocks.
- ~~12-14.~~ "RUS" means United States Department of Agriculture, Rural Utilities Service.
- ~~13-15.~~ "Staff" has the same meaning as in R14-2-103.
- ~~14-16.~~ "Test year" means the one-year historical period used in determining rate base, operating income, and rate of return, which shall have an ending date within ~~nine~~ 12 months before the filing date for a rate application under this Section and shall include at least six months during which a cooperative's current rates and charges were in effect.
- ~~15-17.~~ "Timely" means in the manner and before the ~~deadline~~ deadlines prescribed in this Section.

B. Eligibility Requirements. ~~A~~ Except as provided in subsection (C), a cooperative may file and pursue a rate application under this Section rather than R14-2-103 only if all of the following eligibility requirements are met:

- ~~1.~~ The cooperative is classified as a Class A, B, or C utility under R14-2-103(A)(3)(c);
- ~~2-1.~~ A full permanent rate case decision for the cooperative has been issued within the ~~180-month~~ 20-year period immediately preceding the filing of the cooperative's rate application;
- ~~3-2.~~ The cooperative has not filed a rate application under this Section within the 12 months immediately preceding the filing of the cooperative's rate application;
4. The cooperative's rate application is the first, second, third, fourth, or fifth rate application filed by the cooperative under this Section since its last full permanent rate case decision was issued;
- ~~5-3.~~ The cooperative is required by law or contract to make a certified annual financial and statistical report to a federal agency, such as RUS or FERC, or an established national non-profit lender that specializes in the utility industry, such as CFC or CoBank;
- ~~6-4.~~ The test year used in the cooperative's rate application complies, ~~without waiver, to~~ with the definition of a test year in subsection (A);
- ~~7-5.~~ The cooperative's rate application includes the most recent audited financials for a period ending ~~no more than nine months before the beginning of the test year~~ the cooperative;
- ~~8-6.~~ The cooperative's rate application does not propose an increase in total base revenue amounting to more than 6% of the actual test year total base revenue;
- ~~9-7.~~ The cooperative's rate application uses its original cost rate base as its fair value rate base;



- ~~10-8.~~ The cooperative's rate application proposes only a change changes in rates and charges and non-price tariff language consistent with subsection (D) and does not propose ~~any of the following:~~
 - ~~a. A change in an existing adjustor or surcharge mechanism;~~
 - ~~b. Adoption of a new adjustor or surcharge mechanism, unless incorporating a charge or charges otherwise previously approved by the Commission; or~~
 - ~~e. Adoption adoption~~ of a new hook-up fee or another new type of fee;
- ~~11-9.~~ The cooperative's rate application does not propose a rate structure change or a non-price tariff change except for the elimination of a rate schedule if the rate schedule has had no customer participation within the one year prior to the test year;
- ~~12-10.~~ The cooperative's rate application does not request financing approval ~~or other approvals~~ and does not request consolidation with another docket;
- ~~13-11.~~ The customer notice provided by the cooperative conformed to the requirements of subsection ~~(D)~~ (F) and was approved by Staff;
- ~~14-12.~~ For a distribution cooperative, the objections timely submitted by the cooperative's customers represent no more than 5% of all customer accounts or no more than 1,000 customer accounts, whichever is fewer; and
- ~~15-13.~~ For a generation or transmission cooperative, no member distribution cooperative has filed a timely objection to the application, and the objections timely submitted by retail customers served by member distribution cooperatives represent no more than 3,000 customer accounts.

C. A multi-jurisdictional cooperative with less than 30% of its customers within Arizona that seeks only to implement rates for Arizona customers that are already effective in the jurisdiction where the majority of the cooperative's customers are located may pursue a rate application under this Section without meeting the eligibility requirements of subsections (B)(1) through (10).

- D.** A cooperative may propose any of the following in its rate application filed under this Section:
- 1. Changes to an existing adjustor rate;
 - 2. Changes to an existing surcharge rate;
 - 3. Changes to an existing hook-up fee or other fee;
 - 4. Adoption of a new adjustor mechanism or surcharge mechanism, if incorporating a charge previously approved by the Commission;
 - 5. Adjustment to the base cost of power;
 - 6. Changes to non-price tariff language, including language that freezes participation in a tariff to existing customers;
 - 7. Changes to depreciation rates, if supported by a depreciation study approved by Staff engineers; and
 - 8. Waiver of one or more of the eligibility requirements in subsections (B)(1) through (B)(10), except (B)(3).

~~C-E.~~ Pre-Filing Requirements. Before filing a rate application under this Section, a cooperative shall:

- 1. Analyze the cooperative's eligibility under subsection (B);
- 2. Submit to Staff, in both hard copy and electronic (with formulae intact) formats, a Request for Pre-Filing Eligibility Review, which shall include a draft application including the items and information described in subsections ~~(E)(1)~~ (G)(1) through (6), and a copy of the Proposed Form of Notice to be sent to the cooperative's customers, and a Proposed Form of Recommended Order;
- 3. No sooner than 30 days after the date Staff receives the Request for Pre-Filing Eligibility Review, meet with Staff to discuss the cooperative's eligibility under subsection (B) and any Staff modifications to the Proposed Form of Notice; and
- 4. After meeting with Staff, if the cooperative decides to pursue a rate application under this Section, file a Request for Docket Number and Proposed Form of Notice for Staff approval; and
- 5. At least 20 days before filing a rate application under this Section, provide Notice of the application, conforming to the requirements of subsection (D) and as approved by Staff, as follows:
 - ~~a. If a distribution cooperative, by sending the Notice, by First Class Mail, to each of the cooperative's customers; and~~
 - ~~b. If a generation or transmission cooperative, by publishing the Notice in at least one newspaper of general circulation in the service territory of each member distribution cooperative served and by sending the Notice, by First Class Mail, to each member distribution cooperative served.~~

~~D-F.~~ Notice Requirements.

- 1. A cooperative shall ensure that the Proposed Form of Notice submitted to Staff for approval sent as required under subsection (C)(5) is in a form approved by Staff and that it includes, at a minimum, all of the following:
 - ~~1-a.~~ The cooperative's name and contact information;
 - ~~2-b.~~ The docket number assigned to the cooperative's rate application proceeding;
 - ~~3-c.~~ A summary of the rate relief requested by the cooperative in its rate application;
 - ~~4-d.~~ For a distribution cooperative, the monthly bill impact to a residential customer with average usage and to a residential customer with median usage if the requested rate relief were granted by the Commission;
 - ~~5.~~ For a distribution cooperative, the monthly bill impact to a residential customer with average usage and to a residential customer with median usage if the cooperative were granted rate relief equal to a 6% increase of the actual test year total base revenue;
 - ~~6-e.~~ For a generation or transmission cooperative, the estimated rate and revenue impact to each member distribution cooperative served if the requested rate relief were granted by the Commission;
 - ~~7-f.~~ Instructions for viewing or obtaining filed documents;
 - ~~8-g.~~ Information regarding the Commission's process under this Section;
 - ~~9-h.~~ The deadline to file intervention requests and objections, which shall be a date no earlier than 30 days after the date Notice is mailed to customers;
 - ~~10-i.~~ Instructions for requesting intervention and submitting objections; and
 - ~~11-j.~~ Information regarding disability accommodations;.
- 2. After receiving Staff approval for a form of Notice, a cooperative shall provide notice of its application as follows:
 - a. If a distribution cooperative, by sending the Notice, by First Class Mail, to each of the cooperative's customers; and



- b. If a generation or transmission cooperative, by publishing the Notice in at least one newspaper of general circulation in the service territory of each member distribution cooperative served and by sending the Notice, by First Class Mail, to each member distribution cooperative served.
- ~~E-G~~** Filing Requirements. ~~No later than 50~~ Within 20 days after completing the provision of Notice as required by subsection ~~(C)(5)~~ (F)(2), a cooperative ~~may shall~~ file in the assigned docket a rate application under this Section, which shall include the following:
1. The legal name of the cooperative and identification of the test year;
 2. A waiver of the use of reconstruction cost new rate base to determine the cooperative's fair value rate base;
 3. A copy of the most recent certified annual financial and statistical report submitted by the cooperative to a federal agency, such as RUS or FERC, or an established national non-profit lender that specializes in the utility industry, such as CFC or CoBank;
 4. A copy of the most recent audited financials for the cooperative, ~~for a period ending no earlier than nine months before the beginning of the test year;~~
 5. The information listed in the table in R14-2-103(B)(1) for ~~Schedules Schedule A-1, A-4, and A-5;~~ Schedule A-1, A-4, and A-5; which shall be submitted in the format provided in Appendix ~~Schedules Schedule A-1, A-4, and A-5;~~
 6. The information listed in the table in R14-2-103(B)(1) for Schedules B-2, ~~B-5,~~ C-1, C-2 (if applicable), ~~C-3 (if a taxable entity), D-2, E-1, E-2 (with the same year ending date as the test year and the same level of detail as shown for the test year in Schedule C-1), E-5, through E-7, E-8 (if a taxable entity), E-9, F-1, F-2, F-3, F-4, and H-1 through H-5, which:~~
 - a. Shall be included on schedules labeled consistently with and containing the substantive information corresponding to the Appendix Schedules,
 - b. Shall conform to the instructions and notes contained on the corresponding Appendix Schedules,
 - c. May be submitted in the format provided in the Appendix Schedules or formatted in an alternate manner, and
 - d. May omit information that is not applicable to the cooperative's operations;
 7. The information listed in the table in R14-2-103(B)(1) for Schedules B-3 and B-4, if requesting a change in depreciation rates in accordance with subsection (D)(7);
 - ~~7-8.~~ A copy of the Notice sent and, if applicable, published, as required under subsection ~~(C)(5)~~ (F)(2); and
 - ~~8-9.~~ Proof that the Notice was sent and, if applicable, published, as required under subsection ~~(C)(5)~~, at least 20 days, and no more than 50 days, before the date the rate application is filed (F)(2).
- ~~F-H~~** Pre-Eligibility-Review Objections and Requests. Any person desiring to object to the cooperative's rate application or to request intervention in the cooperative's rate case shall file an objection or request no later than the date specified in the Notice provided pursuant to subsection ~~(C)(5)~~ (F)(2).
- ~~G-I~~** Late Objections. In determining the cooperative's eligibility to proceed with its rate application under this Section, Staff shall not consider any objection that is filed after the deadline in the Notice provided pursuant to subsection ~~(C)(5)~~ (F)(2).
- ~~H-J~~** Eligibility and Sufficiency Review. Within ~~14~~ seven days after the deadline for objections and intervention requests specified in the Notice provided pursuant to subsection ~~(C)(5)~~ (F)(2), Staff shall:
1. Review the cooperative's rate application, along with any objections timely filed under subsection ~~(F)~~ (H), to determine whether the cooperative is eligible, under subsection (B), to pursue its rate application under this Section;
 2. File either a Notice of Eligibility or a Notice of Ineligibility;
 3. If the cooperative is eligible, complete the following:
 - a. Conduct a sufficiency review of the cooperative's rate application;
 - b. Determine whether the rate application complies with the requirements of subsection ~~(E)~~ (G); and
 - c. File either a Notice of Sufficiency that classifies the cooperative as provided in R14-2-103(A)(3)(q) or a Notice of Deficiency that lists and explains each defect in the rate application that must be corrected to make the rate application sufficient.
- ~~I-K~~** Eligibility and Sufficiency Determinations. Staff's determinations of eligibility, ineligibility, sufficiency, and deficiency ~~are final and~~ are not Commission decisions or Commission orders under A.R.S. §§ 40-252 ~~and or~~ 40-253. A cooperative or intervenor that disagrees with Staff's determination of eligibility, ineligibility, sufficiency, or deficiency may petition the Commission to review Staff's determination by filing a petition in the docket. A Commissioner may include a petition for review as an agenda item to be considered by the Commission at an Open Meeting. If a petition for review is not included in an Open Meeting agenda within 30 days after the date it is filed in the docket, the petition for review shall be deemed denied.
- ~~J-L~~** Request for Processing under R14-2-103. Within ~~30~~ 75 days after a Notice of Ineligibility is filed, a cooperative may file a Request for Processing under R14-2-103. If a cooperative files a Request for Processing under R14-2-103, all further activity under this Section shall cease, and the cooperative's rate application shall be deemed a new rate application, filed under R14-2-103, on the date the Request for Processing under R14-2-103 is filed.
- ~~K-M~~** Docket Closure. If a Request for Processing under R14-2-103 is not filed within ~~30~~ 75 days after a Notice of Ineligibility is filed, the Hearing Division shall issue a procedural order administratively closing the docket.
- ~~L-N~~** Action on Notice of Deficiency. After Staff files a Notice of Deficiency:
1. The cooperative shall promptly address each defect listed in the Notice of Deficiency and file all necessary corrections and information to bring the rate application to sufficiency; and
 2. Within ~~14~~ 10 days after receiving the cooperative's corrections and information, Staff shall again take the actions described in ~~subsections (H)(3) through (5)~~ subsection (J)(3).
- ~~M-O~~** Substantive Review and Staff Report. After Staff files a Notice of Sufficiency, Staff shall:
1. Conduct a substantive review of the rate application;
 2. Prepare a Staff Report that shall include Staff's recommendations and may include a Request for Hearing that complies with subsection ~~(O)~~ (Q); and
 3. ~~If including a Request for Hearing, file the Staff Report within the following number of days after the Notice of Sufficiency is filed:~~
 - a. ~~If the cooperative is a Class A utility, 100 days;~~



- b. If the cooperative is a Class B utility, 100 days; and
- e. If the cooperative is a Class C utility, 75 days; and
- 4. If not including a Request for Hearing, file the Staff Report and a Recommended Order within the following number of days after the Notice of Sufficiency is filed:
 - a. If the cooperative is a Class A utility, 120 days;
 - b. If the cooperative is a Class B utility, 120 days; and
 - e. If the cooperative is a Class C utility, 95 days.
- 3. File the Staff Report (and a Recommended Order if no Request for Hearing) within:
 - a. 150 days after the Notice of Sufficiency is filed, for a rate application requesting adjustment to the base cost of power;
 - b. 120 days after the Notice of Sufficiency is filed, for a rate application requesting a new adjustor mechanism; and
 - c. 60 days after the Notice of Sufficiency is filed, for any other rate application.

~~N-P.~~ Responses to Staff Report. Within 10 days after Staff files a Staff Report:

- 1. The cooperative shall file a Response to the Staff Report, which may include a Request for Hearing that complies with subsection ~~(P)~~ (Q) or a Request for Withdrawal; and
- 2. Each intervenor shall file a Response to the Staff Report, which may include a Request for Hearing that complies with subsection ~~(P)~~ (Q).

~~O-Q.~~ Request for Hearing. A Request for Hearing shall include, at a minimum, an explanation of the requesting party’s reasons for believing that an evidentiary hearing should be held; a summary of each issue on which the party believes evidence should be provided; and a recitation of the witnesses and documentary evidence that the requesting party believes could be produced to provide evidence on each issue.

~~P-R.~~ Responses to and Action on Request for Hearing.

- 1. A party shall file any response to a Request for Hearing within five business days after the Request for Hearing is filed.
- 2. The Hearing Division shall rule on each Request for Hearing within 10 business days after it is filed and may require party responses, including oral argument, or other proceedings at its discretion in considering a Request for Hearing.
- 3. The Hearing Division may extend the party response deadline or Hearing Division’s ruling deadline for good cause.
- 4. If a hearing is granted, the Hearing Division shall preside over all further proceedings in the case.

~~Q-S.~~ Action on Request for Withdrawal. The Hearing Division shall rule on each Request for Withdrawal and may require party responses, including oral argument, or other proceedings at its discretion in considering a Request for Withdrawal. If withdrawal is granted, the Hearing Division shall issue a procedural order administratively closing the docket.

~~R-T.~~ Requirement for Service. A party that files a document under this Section shall also serve a copy of the document on each other party to the case, by a method conforming to the requirements of A.A.C. R14-3-107(B) and (C) in accordance with the Commission’s rules or as otherwise authorized by the Commission.

~~S-U.~~ Revenue Increase Cap. No Commission decision issued under this Section shall increase a cooperative’s base revenue by more than 6% of the cooperative’s actual test year total base revenue, unless the cooperative meets the requirements of subsection (C). In calculating the 6% base revenue increase cap, the Commission shall not include the revenue derived from a change to the base cost of power, an existing adjustor rate, an existing surcharge rate, an existing hook-up fee, or another existing fee or the addition of a new adjustor mechanism or surcharge mechanism.

~~T-V.~~ The Commission may, at any stage in the processing of a cooperative’s rate application under this ~~section~~ Section, determine that the rate application shall instead proceed under R14-2-103.

~~W.~~ Recommended Opinion and Order. The Hearing Division shall issue a Recommended Opinion and Order within 90 days after the last day of a hearing held under this Section.

~~X.~~ The Commission may, for good cause, waive an eligibility requirement of subsection (B).

R14-2-108. Electric, Natural Gas, or Affiliated Water Cooperative Streamlined Financing Application Filing Requirements and Process

A. Definitions. The definitions contained in R14-2-107 shall apply to this Section unless the context otherwise requires.

B. New Financing or Refinancing Requests.

- 1. Thirty days before filing an application to request new financing, a cooperative shall meet with Staff to discuss the financing application.
- 2. A cooperative shall ensure that its filed financing application includes, at a minimum:
 - a. The information provided to lenders by the cooperative,
 - b. The most recent audited financials for the cooperative, and
 - c. A capital budget or work plan showing how the cooperative proposes to use the funds obtained through the requested financing.
- 3. A cooperative shall post a notice regarding its financing application, in a form approved by Staff, or a link to such a notice, on the main page of the cooperative’s website.
- 4. Staff shall issue a Staff report and proposed order regarding a cooperative’s financing application within 75 days after the filing of the financing application.

C. Refinancing Requests.

- 1. Fourteen days before filing an application for refinancing, a cooperative shall meet with Staff to discuss the refinancing application.
- 2. A cooperative shall ensure that its filed refinancing application includes, at a minimum, the information required under subsection (B)(2).
- 3. A cooperative shall post a notice regarding its refinancing application, in a form approved by Staff, or a link to such a notice, on the main page of the cooperative’s website.
- 4. Staff shall issue a Staff report and proposed order regarding a cooperative’s refinancing application within 45 days after the filing of the refinancing application.



D. Joint Requests

1. A cooperative may file an application requesting approval of both new financing and refinancing.
2. An application requesting approval of both new financing and refinancing shall be processed under subsection (B).



NOTICES OF PROPOSED EXPEDITED RULEMAKING

This section of the Arizona Administrative Register contains Notices of Proposed Expedited Rulemaking. The Office of the Secretary of State is the filing office and publisher of these rules.

Questions about the interpretation of the proposed expedited rule should be addressed to the agency proposing the rule. Refer to Item #5 to contact the person charged with the rulemaking.

NOTICE OF PROPOSED EXPEDITED RULEMAKING

TITLE 9. HEALTH SERVICES

CHAPTER 6. DEPARTMENT OF HEALTH SERVICES
COMMUNICABLE DISEASES AND INFESTATIONS

[R18-97]

PREAMBLE

- 1. Article, Part, or Section Affected (as applicable) Rulemaking Action
2. Citations to the agency's statutory authority for the rulemaking to include the authorizing statute (general) and the implementing statute (specific):
3. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed expedited rulemaking:
4. The agency's contact person who can answer questions about the rulemaking:
5. An agency's justification and reason why a rule should be made, amended, repealed or renumbered, under A.R.S. § 41-1027, to include an explanation about the rulemaking:



- 6. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**
The Department did not review or rely on any study for this rulemaking.
- 7. 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.**
Not applicable
- 8. The preliminary summary of the economic, small business, and consumer impact:**
Under A.R.S. § 41-1055(D)(2), the Department is not required to provide an economic, small business, and consumer impact statement.
- 9. The agency's contact person who can answer questions about the economic, small business, and consumer impact statement:**
Not applicable
- 10. Where, when, and how persons may provide written comment to the agency on the proposed expedited rule under A.R.S. § 41-1027(C):**
Close of record: Monday, June 18, 2018, 4:00 p.m.
A person may submit written comments on the proposed expedited rules no later than the close of record to either of the individuals listed in item 4.
- 11. 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:**
 - a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:**
The rule does not require the issuance of a regulatory permit. Therefore, a general permit is not applicable.
 - b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:**
Federal laws do not apply to the rule.
 - c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:**
No such analysis was submitted.
- 12. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:**
None
- 13. The full text of the rule follows:**

TITLE 9. HEALTH SERVICES

CHAPTER 6. DEPARTMENT OF HEALTH SERVICES
COMMUNICABLE DISEASES AND INFESTATIONS

ARTICLE 8. ASSAULTS ON PUBLIC SAFETY EMPLOYEES AND VOLUNTEERS OR STATE HOSPITAL EMPLOYEES

Section

- R9-6-801. Definitions
- R9-6-802. Notice of Test Results

ARTICLE 8. ASSAULTS ON PUBLIC SAFETY EMPLOYEES AND VOLUNTEERS OR STATE HOSPITAL EMPLOYEES

R9-6-801. Definitions

~~In~~ addition to the definitions in A.R.S. § 13-1210 and R9-6-101, the following definitions apply in this Article, unless otherwise specified:

- 1. "Employer" means an individual in the senior leadership position with an agency or entity for which a named ~~public safety~~ employee or volunteer works or that individual's designee.
- 2. "Named ~~public safety~~ employee or volunteer" means the ~~public safety employee or volunteer~~ one of the following who is listed as the assaulted individual in a petition, filed under A.R.S. § 13-1210 and granted by a court:
 - a. Public safety employee or volunteer, or
 - b. Arizona State Hospital employee.
- 3. "Occupational health provider" means a physician, physician assistant, registered nurse practitioner, or registered nurse, as defined in A.R.S. § 32-1601, who provides medical services for work-related health conditions for an agency or entity for which a named ~~public safety~~ employee or volunteer works.
- 4. ~~"Public safety employee or volunteer" means the same as in A.R.S. § 13-1210.~~

R9-6-802. Notice of Test Results

- A. Within 10 working days after the date of receipt of a laboratory report for a test ordered by a health care provider as a result of a court order issued under A.R.S. § 13-1210, the ordering health care provider shall:



1. If the test is conducted on the blood of a court-ordered subject who is incarcerated or detained:
 - a. Provide a written copy of the laboratory report to the chief medical officer of the correctional facility in which the court-ordered subject is incarcerated or detained; and
 - b. Notify the occupational health provider in writing of the results of the test; and
2. If the test is conducted on the blood of a court-ordered subject who is not incarcerated or detained:
 - a. Unless the court-ordered subject is deceased, notify the court-ordered subject as specified in subsection (D);
 - b. If requested by the court-ordered subject, provide a written copy of the laboratory report to the court-ordered subject; and
 - c. Notify the occupational health provider in writing of the results of the test.
- B.** Within five working days after the date of receipt of a laboratory report for a court-ordered subject who is incarcerated or detained, the chief medical officer of the correctional facility in which the court-ordered subject is incarcerated or detained shall:
 1. Notify the court-ordered subject as specified in subsection (D);
 2. If requested by the court-ordered subject, provide a written copy of the laboratory report to the court-ordered subject; and
 3. Notify the officer in charge of the correctional facility as specified in subsection (E).
- C.** Within five working days after an occupational health provider receives written notice of test results as required in subsection (A), the occupational health provider shall notify:
 1. The named ~~public safety~~ employee or volunteer as specified in subsection (D); and
 2. The employer as specified in subsection (E).
- D.** An individual who provides notice to a court-ordered subject or named ~~public safety~~ employee or volunteer as required under subsection (A), (B), or (C) shall describe the test results and provide or arrange for the court-ordered subject or named ~~public safety~~ employee or volunteer to receive the following information about each agent for which the court-ordered subject was tested:
 1. A description of the disease or syndrome caused by the agent, including its symptoms;
 2. A description of how the agent is transmitted to others;
 3. The average window period for the agent;
 4. An explanation that a negative test result does not rule out infection and that retesting for the agent after the average window period has passed is necessary to rule out infection;
 5. Measures to reduce the likelihood of transmitting the agent to others and that it is necessary to continue the measures until a negative test result is obtained after the average window period has passed or until an infection, if detected, is eliminated;
 6. That it is necessary to notify others that they may be or may have been exposed to the agent by the individual receiving notice;
 7. The availability of assistance from local health agencies or other resources; and
 8. The confidential nature of the court-ordered subject's test results.
- E.** An individual who provides notice to the officer in charge of a correctional facility, as required under subsection (B), or to an employer, as required under subsection (C), shall describe the test results and provide or arrange for the officer in charge of the facility or the employer to receive the following information about each agent for which a court-ordered subject's test results indicate the presence of infection:
 1. A description of the disease or syndrome caused by the agent, including its symptoms;
 2. A description of how the agent is transmitted to others;
 3. Measures to reduce the likelihood of transmitting the agent to others;
 4. The availability of assistance from local health agencies or other resources; and
 5. The confidential nature of the court-ordered subject's test results.
- F.** An individual who provides notice under this Section shall not provide a copy of the laboratory report to anyone other than the court-ordered subject and, if the court-ordered subject is incarcerated or detained, the chief medical officer of the correctional facility in which the court-ordered subject is incarcerated or detained.
- G.** An individual who provides notice under this Section shall protect the confidentiality of the court-ordered subject's personal identifying information and test results.
- H.** A health care provider who orders a test on the blood of a court-ordered subject who is not incarcerated or detained may, at the time the court-ordered subject is seen by the ordering health care provider, present the court-ordered subject with a telephone number and instruct the court-ordered subject to contact the ordering health care provider after a stated period of time for notification of the test results.
- I.** A health care provider who orders a test has not satisfied the obligation of the health care provider to notify under subsection (A) if:
 1. The health care provider provides a telephone number and instructions, as allowed by subsection (H), for a court-ordered subject to contact the ordering health care provider and receive the information specified in subsection (D); and
 2. The court-ordered subject does not contact the ordering health care provider.
- J.** A health care provider who orders a test on a court-ordered subject's blood shall comply with all applicable reporting requirements contained in this Chapter.



NOTICES OF RULEMAKING DOCKET OPENING

This section of the *Arizona Administrative Register* contains Notices of Rulemaking Docket Opening.

A docket opening is the first part of the administrative rulemaking process. It is an "announcement" that the agency intends to work on its rules.

When an agency opens a rulemaking docket to consider rulemaking, the Administrative Procedure Act (APA) requires the publication of the Notice of Rulemaking Docket Opening.

Under the APA effective January 1, 1995, agencies must submit a Notice of Rulemaking Docket Opening before beginning the formal rulemaking process. Many times an agency may file the Notice of Rulemaking Docket Opening with the Notice of Proposed Rulemaking.

The Office of the Secretary of State is the filing office and publisher of these notices. Questions about the interpretation of this information should be directed to the agency contact person listed in item #4 of this notice.

**NOTICE OF RULEMAKING DOCKET OPENING
ARIZONA CORPORATION COMMISSION
FIXED UTILITIES**

[R18-99]

1. **Title and its heading:** 14, Public Service Corporations; Corporations and Associations; Securities Regulation
Chapter and its heading: 2, Corporation Commission – Fixed Utilities
Article and its heading: 1, General Provisions
Section numbers: R14-2-107 and R14-2-108

2. **The subject matter of the proposed rule:**
 The agency docket number, if applicable: RU-00000A-17-0314

3. **A citation to all published notices relating to the proceeding:**
 Notice of Proposed Rulemaking: 24 A.A.R. 1643, June 8, 2018 (*in this issue*)

4. **The name and address of agency personnel with whom persons may communicate regarding the rule:**
 Name: Robin Mitchell, Assistant Legal Division Director
 Address: Arizona Corporation Commission
 1200 W. Washington St.
 Phoenix, AZ 85007
 Telephone: (602) 542-3402
 Fax: (602) 542-4870
 E-mail: RMitchell@azcc.gov

5. **The time during which the agency will accept written comments and the time and place where oral comments may be made:**
 The Commission has scheduled the following oral proceedings for public comments:
 Date: July 9, 2018
 Time: 10:00 a.m.
 Location: Arizona Corporation Commission
 Hearing Room No. 222
 400 W. Congress St.
 Tucson, AZ 85701
 Nature: Public Comment Hearing
 Date: July 12, 2018
 Time: 10:00 a.m.
 Location: Arizona Corporation Commission
 Hearing Room No. 1
 1200 W. Washington St.
 Phoenix, AZ 85007
 Nature: Public Comment Hearing
 Written comments can be submitted on or before July 9, 2018, to the Commission’s Docket Control at the address listed above. Please reference Docket No. RU-00000A-17-0314 on all documents.
 Oral comments may be provided at the proceedings on July 9 and July 12, 2018, at 10:00 a.m.

6. **A timetable for agency decisions or other action on the proceeding, if known:**
 Refer to the Notice of Proposed Rulemaking on page 1643 of this issue.



NOTICES OF SUBSTANTIVE POLICY STATEMENT

The Administrative Procedure Act (APA) requires the publication of Notices of Substantive Policy Statement issued by agencies (A.R.S. § 41-1013(B)(9)).

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 an agency's

internal procedures 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
INDUSTRIAL COMMISSION OF ARIZONA

[M18-47]

1. Title of the substantive policy statement and the substantive policy statement number by which the substantive policy statement is referenced:

Title: Accepting Medical Only Claims

The document is not referenced by a substantive policy statement number.

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

The statement was issued and published on the Industrial Commission of Arizona (ICA) website on May 18, 2018, and will be effective August 20, 2018.

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

Compensable "medical only" claims are workers' compensation claims in which no temporary compensation is paid because loss of earning capacity (disability) attributable to the workplace injury does not extend beyond seven consecutive calendar days. The substantive policy statement explains the procedure that an insurance carrier, self-insured employer, or the Special Fund should follow to accept a "medical only" claim.

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

A.R.S. § 23-1061(F); Aldrich v. Indus. Comm'n, 176 Ariz. 301, 860 Ariz. 1354 (App. 1993).

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

Accepting Medical Only Claims (Rev. May 18, 2018) is a new substantive policy statement.

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

Name: Jason Porter
Address: Industrial Commission of Arizona
800 W. Washington St., Suite 303
Phoenix, AZ 85007
Telephone: (602) 542-5905
Fax: (602) 542-6783
E-mail: Jason.Porter@azica.gov
Website: http://www.azica.gov

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

The substantive policy statement is available at no cost at https://www.azica.gov/substantive-policies-directory-other-adosh. A copy may be obtained from the Industrial Commission of Arizona, 800 West Washington Street, Phoenix, Arizona 85007, either by mail or telephone: (602) 542-4412. The Commission charges \$.25 per page for copying. Payment may be paid with check or money order, made payable to the Industrial Commission of Arizona.



COUNTY NOTICES ACCORDING TO A.R.S. § 49-112

This section of the *Arizona Administrative Register* contains County Notices (according to A.R.S. § 49-112).

Each county writes rules and regulations in its own unique style. Although these notices are published in the *Register*, they do not conform to the standards specified in

the *Arizona Rulemaking Manual*. With the exception of minor formatting changes, County Notices (including subsection labeling, spelling, grammar, and punctuation) are reproduced as submitted.

NOTICE OF SUBSTANTIVE POLICY STATEMENT MARICOPA COUNTY AIR QUALITY DEPARTMENT

[M18-48]

1. Title of the substantive policy statement and the substantive policy statement number by which the substantive policy statement is referenced:

Document Title: Trackout From Normal Farm Cultural Practices
Identification Number: SPS-2018-001

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

The MCAQD issued the substantive policy statement on May 18, 2018.

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

This substantive policy statement informs the general public of Maricopa County Air Quality Department’s approach to ensuring that facilities where normal farm cultural practices occur are in compliance with the trackout cleaning requirements of Rule 310-Fugitive Dust From Dust Generating Operations. The substantive policy statement clarifies requirements for cleaning up trackout from a facility where normal farm cultural practices occur; suggests steps that can be taken to create and implement a trackout control plan and measures that can be taken to respond if trackout occurs; describes how the MCAQD will attempt to communicate with the owner and/or operator of a facility where normal farm cultural practices occur to ensure that emissions are minimized as expeditiously as possible; and explains how the MCAQD will identify the responsible party for issuance of a violation if compliance is not achieved. This substantive policy statement does not impose any new requirements on the owner or operator of a facility where normal farm cultural practices occur or limit the statutory authority of the MCAQD.

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

A.R.S. § 49-473(B) and A.R.S. § 49-471.11.

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 name and address of the person to whom questions and comments about the substantive policy statement may be directed:

Name: Kristi Beck or Hether Krause
Address: Maricopa County Air Quality Department
1001 N. Central Ave., Suite 125
Phoenix, AZ 85004
Telephone: (602) 506-6010
Fax: (602) 506-6179
E-mail: AQPlanning@mail.maricopa.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 of this substantive policy statement may be obtained from the MCAQD website at www.maricopa.gov/2851 or by contacting the MCAQD’s Custodian of records at 1001 N. Central Ave., Suite 125, Phoenix, AZ 85004 or (602) 506-6201. The cost for obtaining printed copies of this substantive policy statement is \$0.25/page.

REGISTER INDEXES

The *Register* is published by volume in a calendar year (See “General Information” in the front of each issue for more information).

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 RULEMAKING

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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RULES 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.

Table with 12 columns: January, February, March, April, May, June. Each month has sub-columns for Date Filed and Effective Date. Rows list dates from 1/1 to 1/31 and corresponding effective dates.



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.

Table with 3 columns: Deadline Date (paper only) Friday, 5:00 p.m., Register Publication Date, Oral Proceeding may be scheduled on or after. Rows list dates from March 23, 2018 to October 12, 2018.



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 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 <http://grrc.az.gov>.

GOVERNOR’S REGULATORY REVIEW COUNCIL DEADLINES FOR 2018

[M18-01]

DEADLINE FOR PLACEMENT ON AGENDA*	FINAL MATERIALS SUBMITTED TO COUNCIL	DATE OF COUNCIL STUDY SESSION	DATE OF COUNCIL MEETING
<i>Tuesday</i> November 21, 2017	<i>Tuesday</i> December 19, 2017	<i>Wednesday</i> January 3, 2018	<i>Tuesday</i> January 9, 2018
<i>Tuesday</i> December 19, 2017	<i>Tuesday</i> January 23, 2018	<i>Tuesday</i> January 30, 2018	<i>Tuesday</i> February 6, 2018
<i>Tuesday</i> January 23, 2018	<i>Tuesday</i> February 20, 2018	<i>Tuesday</i> February 27, 2018	<i>Tuesday</i> March 6, 2018
<i>Tuesday</i> February 20, 2018	<i>Tuesday</i> March 20, 2018	<i>Tuesday</i> March 27, 2018	<i>Tuesday</i> April 3, 2018
<i>Tuesday</i> March 20, 2018	<i>Tuesday</i> April 17, 2018	<i>Tuesday</i> April 24, 2018	<i>Tuesday</i> May 1, 2018
<i>Tuesday</i> April 17, 2018	<i>Tuesday</i> May 22, 2018	<i>Wednesday</i> May 30, 2018	<i>Tuesday</i> June 5, 2018
<i>Tuesday</i> May 22, 2018	<i>Tuesday</i> June 19, 2018	<i>Tuesday</i> June 26, 2018	<i>Tuesday</i> July 10, 2018
<i>Tuesday</i> June 19, 2018	<i>Tuesday</i> July 24, 2018	<i>Tuesday</i> July 31, 2018	<i>Tuesday</i> August 7, 2018
<i>Tuesday</i> July 24, 2018	<i>Tuesday</i> August 21, 2018	<i>Tuesday</i> August 28, 2018	<i>Wednesday</i> September 5, 2018
<i>Tuesday</i> August 21, 2018	<i>Tuesday</i> September 18, 2018	<i>Tuesday</i> September 25, 2018	<i>Tuesday</i> October 2, 2018
<i>Tuesday</i> September 18, 2018	<i>Tuesday</i> October 23, 2018	<i>Tuesday</i> October 30, 2018	<i>Tuesday</i> November 6, 2018
<i>Tuesday</i> October 23, 2018	<i>Tuesday</i> November 20, 2018	<i>Tuesday</i> November 27, 2018	<i>Tuesday</i> December 4, 2018
<i>Tuesday</i> November 20, 2018	<i>Tuesday</i> December 18, 2018	<i>Thursday</i> January 3, 2019	<i>Tuesday</i> January 8, 2019
<i>Tuesday</i> December 18, 2018	<i>Tuesday</i> January 22, 2019	<i>Tuesday</i> January 29, 2019	<i>Tuesday</i> February 5, 2019

* Materials must be submitted by **5 PM** on dates listed as a deadline for placement on a particular agenda. Placement on a particular agenda is not guaranteed.