



# Arizona Administrative REGISTER

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# From the Publisher

## ABOUT THIS PUBLICATION

The authenticated pdf of the *Administrative Register* (A.A.R.) posted on the Arizona Secretary of State's website is the official published version for 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 *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 notices of rules terminated by the agency and rules that have expired.

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Rules can be: made (all new text); amended (rules on file, changing text); repealed (removing text); or renumbered (moving rules to a different Section number).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

New rules in this publication (whether proposed or made) are denoted with underlining; repealed text is stricken.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 authenticated pdf of *Code* chapters posted on the Arizona Secretary of State's website are the official published version of rules in the A.A.C. 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.

# Arizona Administrative REGISTER

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**ADMINISTRATIVE REGISTER**  
This publication is available online for free at [www.azsos.gov](http://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.

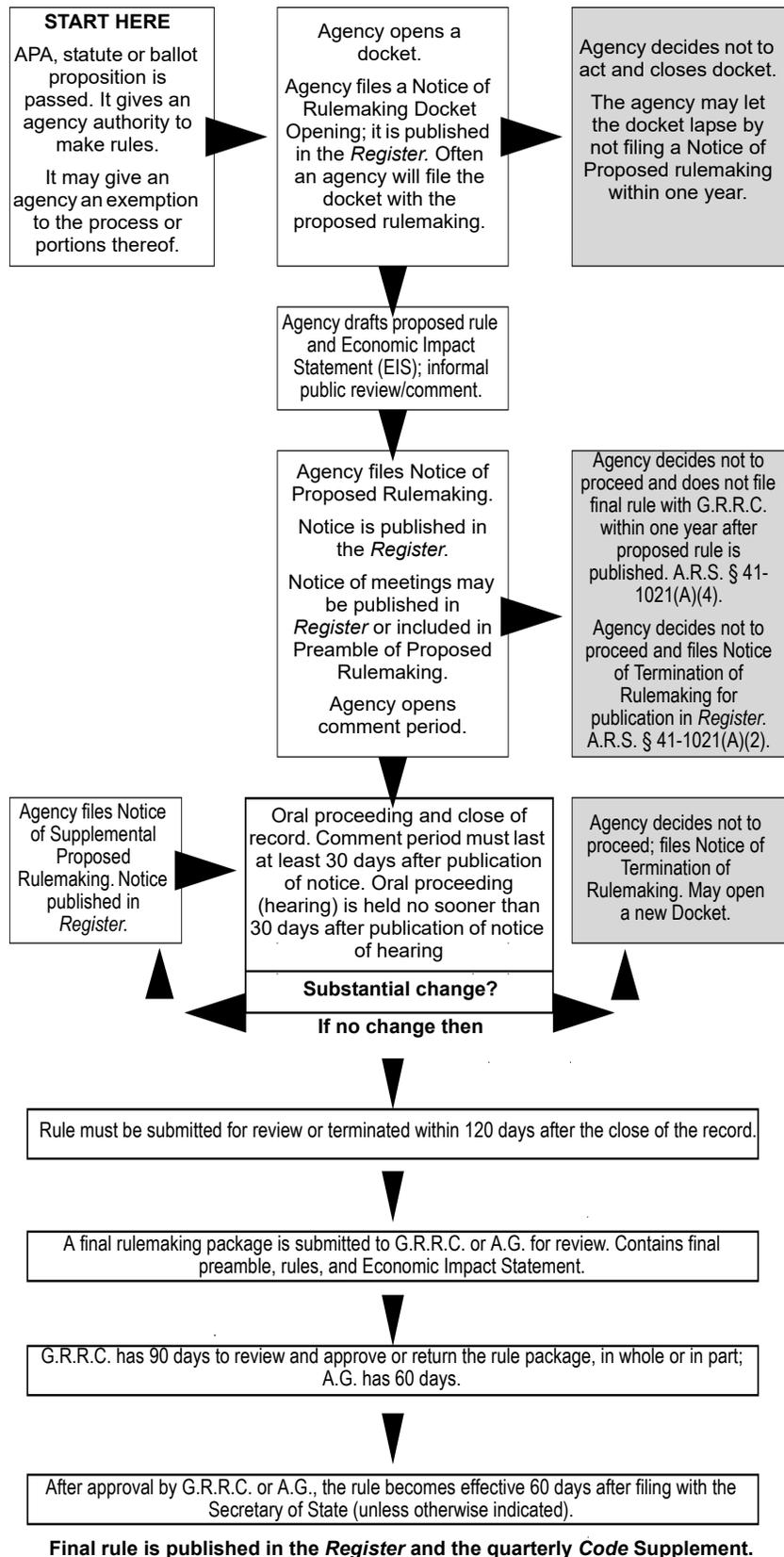
An agency may not have a public meeting scheduled on the Notice of Proposed Rulemaking. If not, you may request that the agency schedule a proceeding. This request must be put in writing within 30 days after the published Notice of Proposed Rulemaking.

## 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](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**

[R20-37]

**PREAMBLE**

- | <b><u>1. Article, Part, or Section Affected (as applicable)</u></b> | <b><u>Rulemaking Action</u></b> |
|---|---------------------------------|
| Article 26  | New Article                     |
| R14-2-2601  | New Section                     |
| R14-2-2602  | New Section                     |
| R14-2-2603  | New Section                     |
| R14-2-2604  | New Section                     |
| R14-2-2605  | New Section                     |
| R14-2-2606  | New Section                     |
| R14-2-2607  | New Section                     |
| R14-2-2608  | New Section                     |
| R14-2-2609  | New Section                     |
| R14-2-2610  | New Section                     |
| R14-2-2611  | New Section                     |
| R14-2-2612  | New Section                     |
| R14-2-2613  | New Section                     |
| R14-2-2614  | New Section                     |
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| R14-2-2622  | New Section                     |
| R14-2-2623  | New Section                     |
| R14-2-2624  | New Section                     |
| R14-2-2625  | New Section                     |
| R14-2-2626  | New Section                     |
| R14-2-2627  | New Section                     |
| R14-2-2628  | New Section                     |
- 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, Art. 15, §§ 3 and 13 and A.R.S. §§ 40-202 through 40-204, 40-321, 40-322, 40-332, 40-336, 40-361, and 40-374  
 Implementing statute: Arizona Constitution, Art. 15, §§ 3 and 13 and A.R.S. §§ 40-202 through 40-204, 40-321, 40-322, 40-332, 40-336, 40-361, and 40-374
- 3. The effective date of the rule:**  
 February 25, 2020
- a. If the agency selected a date earlier than the 60 day effective date as specified in A.R.S. § 41-1032(A), include the earlier date and state the reason or reasons the agency selected the earlier effective date as pro-**



**vided in A.R.S. § 41-1032(A)(1) through (5):**

Not applicable

**b. If the agency selected a date later than the 60 day effective date as specified in A.R.S. § 41-1032(A), include the later date and state the reason or reasons the agency selected the later effective date as provided in A.R.S. § 41-1032(B):**

Not applicable

**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: 25 A.A.R. 376, February 15, 2019
- Notice of Proposed Rulemaking: 25 A.A.R. 355, February 15, 2019
- Notice of Supplemental Proposed Rulemaking: 25 A.A.R. 2033, August 9, 2019

**5. The agency's contact person who can answer questions about the rulemaking:**

Name: Patrick LaMere, Executive Consultant

Address: Arizona Corporation Commission  
Utilities Division  
1200 W. Washington St.  
Phoenix, AZ 85007

Telephone: (602) 542-4382

E-mail: PLaMere@azcc.gov

Or

Name: Maureen Scott, Deputy Chief of Litigation and Appeals

Address: Arizona Corporation Commission  
Legal Division  
1200 W. Washington St.  
Phoenix, AZ 85007

Telephone: (602) 542-3402

Fax: (602) 542-4780

E-mail: MScott@azcc.gov

Web site: www.azcc.gov

**6. An agency's justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:**

With this rulemaking, the Commission adds a new Article 26, entitled "Interconnection of Distributed Generation Facilities" to 14 A.A.C. 2, the Chapter containing the Commission's rules for fixed utilities, with the new Article 26 including 28 new rules. The rules for Interconnection of Distributed Generation Facilities ("DGI Rules") establish mandatory technical standards, processes, and timelines for utilities to use for interconnection and parallel operation of different types of distributed generation ("DG") facilities; customer and utility rights and responsibilities; provisions for disconnection of DG facilities from the distribution system; specific safety requirements; more flexible standards for electric cooperatives; a reporting requirement; and a requirement for each utility to create, submit for initial approval and submit for approval periodically and when revised, and implement and comply with a Commission-approved Interconnection Manual.

On June 28, 2005, Congress passed the Energy Policy Act of 2005, published as Public Law 109-58 ("EPACT 2005"), which, *inter alia*, amended Section 111(d) of the Public Utility Regulatory Policies Act of 1978, published as Public Law 95-617 ("PURPA"), codified at 16 U.S.C. 2621(d), by adding the following:

(15) Interconnection.--Each electric utility shall make available, upon request, interconnection service to any electric consumer that the electric utility serves. For purposes of this paragraph, the term "interconnection service" means service to an electric consumer under which an on-site generating facility on the consumer's premises shall be connected to the local distribution facilities. Interconnection services shall be offered based upon the standards developed by the Institute of Electrical and Electronics Engineers: IEEE Standard 1547 for Interconnecting Distributed Resources with Electric Power Systems, as they may be amended from time to time. In addition, agreements and procedures shall be established whereby the services are [sic] offered shall promote current best practices of interconnection for distributed generation, including but not limited to practices stipulated in model codes adopted by associations of state regulatory agencies. All such agreements and procedures shall be just and reasonable, and not unduly discriminatory or preferential.

EPACT 2005 also added, *inter alia*, the following language to PURPA Section 112(b), codified at 16 U.S.C. 2622(b):

(5)(A) Not later than 1 year after the enactment of this paragraph, each State regulatory authority (with respect to each electric utility for which it has ratemaking authority) and each nonregulated utility shall commence the consideration referred to in section 111, or set a hearing date for consideration, with respect to the standard established by paragraph (15) of section 111(d).

(B) Not later than two years after the date of the enactment of the this [sic] paragraph, each State regulatory authority (with respect to each electric utility for which it has ratemaking authority), and each nonregulated electric utility, shall complete the consideration, and shall make the determination, referred to in section 111 with respect to each standard established by paragraph (15) of section 111(d).

The consideration and determination to be made by each state regulatory authority was contained in Section 111(a) of PURPA, which provided:



(a) CONSIDERATION AND DETERMINATION.—Each State regulatory authority (with respect to each electric utility for which it has ratemaking authority) and each nonregulated electric utility shall consider each standard established by subsection (d) and make a determination concerning whether or not it is appropriate to implement such standard to carry out the purposes of this title. For purposes of such consideration and determination in accordance with subsections (b) and (c), and for purposes of any review of such consideration and determination in any court in accordance with section 123, the purposes of this title supplement otherwise applicable State law. Nothing in this subsection prohibits any State regulatory authority or nonregulated electric utility from making any determination that it is not appropriate to implement any such standard, pursuant to its authority under otherwise applicable State law.

In Decision No. 69674 (June 28, 2007), the Commission adopted a modified version of the PURPA standard on interconnection: *Each electric utility shall make available, upon request, interconnection service to any electric consumer that the electric utility serves. For purposes of this paragraph, the term ‘interconnection service’ means service to an electric consumer under which an on-site generating facility on the consumer’s premises shall be connected to the local distribution facilities. Interconnection services shall be offered based upon the Arizona Corporation Commission’s rules for interconnection when such rules are adopted and become effective. Until such rules are adopted and become effective, the Interconnection Document shall serve as a guide for interconnection unless otherwise ordered by the Commission.*

The Commission also approved an Interconnection Document and ordered Commission Staff to begin a rulemaking process to convert the Interconnection Document into rules.

The DGI Rules are designed to fulfill the requirements of PURPA and EPACT 2005, as the ultimate culmination of the Commission’s consideration and determination regarding the implementation of the 16 U.S.C. 2621(d)(15) standard for interconnection, because the DGI Rules establish standards and procedures concerning how regulated utilities must handle requests for interconnection and parallel operation of DG facilities. The DGI Rules build upon the Interconnection Document adopted in Decision No. 69674, and are designed to promote the three purposes of PURPA: “to encourage— (1) conservation of energy supplied by electric utilities; (2) the optimization of the efficiency of use of facilities and resources by electric utilities; and (3) equitable rates to electric consumers.” (PURPA § 101.). In Decision No. 69674, the Commission found that having interconnection standards might facilitate the installation of DG, thus reducing the amount of energy to be supplied by electric utilities, and further found that the presence of DG might improve the efficiency of utility electric facilities and thus reduce costs for electric consumers.

Commission Staff has determined that DG systems provide benefits in the form of greater grid reliability, greater grid stability because of voltage support along transmission lines, increased system efficiency due to decreased transmission line losses, increased diversity of resources, decreased demand and cost pressures on natural gas and oil, and sustainability. Commission Staff further has determined that adoption of the DGI Rules, which establish explicit and consistent standards and procedures for interconnection and parallel operation of DG facilities, should prevent increases in monetary and transaction costs for Commission-regulated utilities and their customers that can result from uncertainty. Additionally, Commission Staff has determined that the DGI Rules adopt standards that promote current best practices of DGI for utilities, utility distribution systems, utility customers, and customers’ generating facilities and that will help to ensure the continued safe and reliable operation of the distribution systems while also enhancing long-term system planning.

The Commission has determined that the Interconnection Document is insufficient to establish the standards and processes that the Commission considers necessary to adequately address DGI and that the adoption of the DGI Rules is necessary to ensure that all utilities use DGI best practices for interconnection and that applicants for interconnection and parallel operation of DG facilities are subjected to the same technical standards, have their applications handled according to the same standardized processes and timelines based on the DG facilities for which interconnection is requested, and are required to pay only the costs authorized by the Commission’s rules for DGI or in Commission-approved utility tariffs. The Commission has determined that failure to adopt rules for DGI could increase the risk of unsafe interconnection and parallel operation of DG facilities, which could result in conditions posing a risk to people and property, particularly in light of the technological changes in and increased adoption of generating facilities.

**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 each study, all data underlying each study, and any analysis of each study and other supporting material:**

Not applicable

**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:**

Not applicable

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

The persons most affected by the DGI Rules (“stakeholders”) include:

- a. Utilities that are under the Commission’s jurisdiction and are providing electric utility service in Arizona (“regulated electric utilities”),
- b. Customers receiving electric service in Arizona from regulated electric utilities and who seek to have generating facilities interconnected (“applicants”),
- c. Customers receiving electric service in Arizona from regulated electric utilities and who do not seek to have generating facilities interconnected (“other customers”),
- d. Entities engaging in commerce directly related to DG technology and services (“industry participants”),
- e. The general public, and



## f. The Commission.

In many ways, the DGI Rules maintain the processes and standards by which regulated electric utilities have been guided pursuant to the Interconnection Document adopted by the Commission in Decision No. 69674 (June 28, 2007). To the extent that the provisions of the DGI Rules are the same or substantially similar to those in the Interconnection Document, the Commission considers the DGI Rules to maintain the status quo and thus not cause stakeholders an economic impact. However, the DGI Rules include the following major differences from the Interconnection Document adopted in Decision No. 69674, which have the potential to impact different stakeholders as noted in parentheses:

- a. They expand the scope of the Interconnection Document by establishing standards that:
  - i. Apply to all generating facilities operated in electrical parallel, regardless of maximum capacity, that are interconnected with the distribution system of a regulated electric utility (benefitting all stakeholders by establishing technical and safety standards for systems previously excluded and benefitting industry participants by increasing business opportunities);
  - ii. Do not prohibit “islandable systems” (benefitting all stakeholders by establishing technical and safety standards for systems previously excluded and benefitting industry participants by increasing business opportunities); and
  - iii. Address energy storage systems (benefitting all stakeholders by establishing technical and safety standards for systems previously excluded and benefitting industry participants by increasing business opportunities);
- b. They allow a customer to designate a representative to act on the customer’s behalf regarding the interconnection and parallel operation process, to sign and submit documents electronically, to request a one-time 90-day extension from the utility with simple notice, and not to have an extension unreasonably withheld for circumstances beyond the customer’s control (primarily benefitting applicants, but also benefitting regulated electric utilities);
- c. They rely upon the utility’s Interconnection Manual to establish the codes, guides, and standards applicable to qualify generating facility equipment as certified equipment (benefitting regulated electric utilities, applicants, other customers, and the Commission);
- d. Except when disconnection is done to make immediate distribution system repairs to prevent a danger, they require a utility to provide notice to a customer at least three days before disconnecting the customer’s generating facility and to include in the notice the timing and estimated duration of the disconnection (benefitting applicants, burdening regulated electric utilities);
- e. They establish a process and timeline for restoring interconnection when a generating facility was disconnected for failure to meet technical requirements (benefitting applicants, burdening regulated electric utilities);
- f. They establish requirements for when there is a change of ownership of an interconnected generating facility (benefitting regulated electric utilities, burdening applicants);
- g. They eliminate the dispute resolution process required by the Interconnection Document (benefitting regulated electric utilities and applicants);
- h. They increase the maximum capacity for inverter-based generating facilities eligible to use the Level 1 Super Fast Track process from 10 kW to 20 kW (benefitting applicants, regulated electric utilities, and industry participants);
- i. They add a Supplemental Review process that must be offered by a utility and can be requested by an applicant when interconnection of a generating facility cannot be approved under the Level 1, 2, or 3 Tracks (benefitting applicants and industry participants, burdening regulated electric utilities);
- j. They increase the flexibility of one Screen for generating facilities, adapting it for higher capacity generating facilities, and include exceptions from three Screens for non-exporting systems and certain inadvertent export systems (benefitting applicants and regulated electric utilities);
- k. They allow an applicant to request a Pre-Application Report from a utility and establish a process and timeline for completion of a Pre-Application Report (benefitting applicants and regulated electric utilities, burdening regulated electric utilities);
- l. They establish timelines using calendar days rather than business days (benefitting all stakeholders), deem an application incomplete rather than denied (and eliminate the requirement for an applicant to start over with a new application) if a generating facility design does not satisfy an applicable Screen for the Level 1 Track or does not meet the utility’s Interconnection requirements (benefitting applicants), and allow an applicant to request an extension of the 30-day period to submit additional information to the utility if an application is deemed incomplete (benefitting applicants);
- m. They require a customer to submit to the utility a copy of final electrical clearance for the generating facility issued by the authority having jurisdiction, if required (benefitting all stakeholders, burdening applicants);
- n. They require a utility to verify compliance with specific requirements during a site inspection, if one is completed, rather than suggesting what the utility should verify (benefitting all stakeholders, burdening regulated electric utilities);
- o. They impose a 30-day deadline after a failed site inspection for an applicant to correct any outstanding issues and provide notice of corrections to the utility (benefitting regulated electric utilities, burdening applicants), allow the utility a few additional days to complete reinspection (benefitting regulated electric utilities), and eliminate the reinspection fee unless a utility has a Commission-approved tariff authorizing such a fee (benefitting applicants);
- p. They eliminate the provision that operating a generator in parallel without utility approval may result in immediate termination of electric service (benefitting applicants);
- q. They allow a customer whose generating facility is processed under the Level 2 Fast Track or the Level 3 Study Track to modify the generating facility’s operating characteristics, as agreed upon by the customer and utility, in order to reduce or



- eliminate improvements to the distribution system that would otherwise be necessary to accommodate interconnection (benefitting applicants);
- r. They standardize the timing requirements for Feasibility Studies, System Impact Studies, and Facilities Studies (benefitting applicants);
  - s. They establish permanent standards and requirements for interconnection to secondary spot network systems, with a larger size limit for inverter-based units, replacing the pilot effort included in the Interconnection Document (benefitting all stakeholders by establishing technical and safety standards for systems previously excluded and benefitting industry participants by increasing business opportunities);
  - t. They establish a new Expedited Interconnection Process for non-exporting or inadvertent export generating facilities that have a maximum capacity of 20 kW or less and meet specified requirements (benefitting applicants and industry participants);
  - u. They allow a utility to require a customer to install and maintain a disconnect switch that meets specified standards and to impose additional requirements for disconnect switches in the utility's Interconnection Manual (benefitting regulated electric utilities, other customers, the general public, and the Commission, and burdening applicants);
  - v. They establish advanced grid support features for generating facilities utilizing inverter-based technology (benefitting regulated electric utilities, other customers, the general public, and the Commission);
  - w. They allow proposed revisions to a utility's Interconnection Manual to go into effect immediately if made to enhance health or safety, although the revisions are subject to subsequent review and approval by the Commission (benefitting regulated electric utilities, applicants, other customers, the general public, and the Commission); allow Staff to contest and seek suspension of a proposed revision to a utility's Interconnection Manual (benefitting the Commission, burdening regulated electric utilities); and require a utility to file an updated Interconnection Manual with Docket Control within 10 days after the effective date of the decision approving the Interconnection Manual (benefitting applicants, the Commission, and industry participants, and burdening regulated electric utilities);
  - x. They add fields of information to be included in a utility's annual Interconnection Report to be filed with the Commission (benefitting the Commission and burdening regulated electric utilities);
  - y. They allow an electric cooperative's Commission-approved Interconnection Manual to impose substitute timelines with which the cooperative must comply in lieu of complying with the timelines in R14-2-2614 and R14-2-2616 through R14-2-2623 and require an electric cooperative to employ best reasonable efforts to comply with the deadlines established in the applicable provisions of the DGI Rules (benefitting regulated electric utilities that are cooperatives);
  - z. They require a regulated electric utility's Interconnection Manual to contain detailed technical, safety, and protection requirements necessary to interconnect a Generating Facility to the Distribution System in compliance with the DGI Rules and Good Utility Practice; and to specify by date, either in its main text or an appendix, the version of each standard with which an applicant's generating facility must comply to be eligible for interconnection and parallel operation (collectively benefitting applicants, industry participants, the general public, and the Commission, and burdening regulated electric utilities); and
  - aa. They require a regulated electric utility to submit its Interconnection Manual to the Commission for review and approval as necessary to ensure compliance with Good Utility Practice (benefitting the Commission, applicants, other customers, and the general public, and burdening regulated electric utilities and the Commission).

The Commission expects the potential costs identified above to be minimal for all stakeholders, although the safety-related benefits may be significant.

A regulated electric utility may be able to obtain Commission approval for a tariff that would allow the utility to pass its additional reasonable and prudent costs through to applicants and possibly other customers.

The Commission expects establishment of a consistent standard that explicitly establishes procedures for interconnection and parallel operation to increase investment certainty for regulated electric utilities, applicants, and industry participants.

The Commission expects the DGI Rules to result in safer and more reliable DG and grid operation and in more consistent and predictable processing of DGI applications, using the most up-to-date technical standards currently available.

The Commission has incurred costs from the rulemaking process, including many hours of personnel time as well as the expense of purchasing the four electric industry standards incorporated by reference in the DGI Rules. The Commission anticipates that the DGI Rules will result in increased costs to the Commission because of the personnel time that will be spent reviewing Interconnection Manuals to ensure compliance with Good Utility Practice.

The Commission does not anticipate that other agencies or political subdivisions will be directly impacted by the DGI Rules unless they become applicants.

The Commission does not currently expect the DGI Rules to have more than a minimal impact on private and public employment in businesses, although that impact will increase as more applications for interconnection are submitted to regulated electric utilities.

The Commission does not currently anticipate that state revenues will be impacted by the DGI Rules.

The Commission expects small businesses to be impacted by the DGI Rules either as applicants, as industry participants, or as cooperative regulated electric utilities.



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

No changes have been made between the supplemental rulemaking 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:**

The following table includes prefatory information necessary to understand the formal comments concerning the Notice of Supplemental Proposed Rulemaking; a summary of the written and oral comments received by the Commission concerning the Notice of Supplemental Proposed Rulemaking; and the Commission’s response to each formal comment received.

<b>Prefatory Information</b>	
<p>On June 18, 2019, Commissioner Boyd Dunn filed a letter in the docket for this rulemaking (“the Dunn letter”) that, <i>inter alia</i>, identified the following three options for the definition of “Maximum Capacity”:</p> <p><u>Option 1:</u>  “Maximum Capacity” means:</p> <ol style="list-style-type: none"> <li>The nameplate AC capacity of a Generating Facility; or</li> <li>If the Operating Characteristics of the Generating Facility limit the power transferred across the Point of Interconnection to the Distribution System, only the power transferred across the Point of Interconnection to the Distribution System, not including Inadvertent Export.</li> </ol> <p><u>Option 2:</u>  “Maximum Capacity” means the nameplate AC capacity of a Generating Facility.</p> <p><u>Option 3:</u>  “Maximum Capacity” means the nameplate AC capacity of a Generating Facility or if a Utility and Customer reach an agreement regarding the operating characteristics of the Generating Facility that limits the power transferred across the Point of Interconnection to the Distribution System, only the power transferred across the Point of Interconnection to the Distribution System.</p>	
<p>On August 14, 2019, Chairman Robert Burns filed a letter in the docket for this rulemaking (“the Burns letter”) stating, <i>inter alia</i>, that he was considering an amendment to the definition of “Maximum Capacity” included in the Notice of Supplemental Proposed Rulemaking (which was Option 1). Chairman Burns stated that the amendment under consideration would modify the definitions of “Maximum Capacity” and “Operating Characteristics” as follows:</p> <p>“Maximum Capacity” means:</p> <ol style="list-style-type: none"> <li>The nameplate AC capacity of a Generating Facility, or</li> <li>The AC capacity of the Generating Facility established by its Operating Characteristics.</li> </ol> <p>“Operating Characteristics” means the mode of operation of a Generating Facility (Exporting System, Non-Exporting System, or Inadvertent Exporting System) that controls the amount of power delivered across the Point of Interconnection to the Distribution System, as established by the Generating Facility manufacturer in accordance with Section 204.3.2(a) of the Underwriters Laboratories Inc. Certification Requirement Decision on Power Control Systems for UL 1741, issued on March 8, 2019, with no future editions or amendments, which is incorporated by reference; on file with the Commission; and published by and available from Underwriters Laboratories Inc., 151 Eastern Avenue, Bensenville, IL, 60106-3072 and through <a href="https://standardscatalog.ul.com">https://standardscatalog.ul.com</a>.</p> <p>Chairman Burns requested that stakeholders provide responses addressing how the definitions shown above (“Burns definitions”) would improve or detract from the DGI Rules included in the Notice of Supplemental Proposed Rulemaking, specifically as to safety.</p>	
<b>Written Comments on Notice of Supplemental Proposed Rulemaking</b>	
<b>Public Comment</b>	<b>Commission Response</b>
<p>Tesla, Inc. (“Tesla”) opposed the Burns definitions. Tesla stated that the Burns definitions would only allow operating characteristics to be considered when calculating maximum capacity for a system if the power control system has its settings locked by the manufacturer so that the settings are unchangeable in the field. Tesla stated that this restriction would impede the adoption of distributed energy storage, making it more expensive and less likely to be installed, because maximum capacity would be calculated based on the false assumption that energy storage systems (“ESS”) will be exporting at full nameplate capacity. Tesla stated that the restriction would force customers to pay for unnecessary system upgrades or not to adopt energy storage. Tesla also stated that there are currently more than 150,000 distributed generation (“DG”) systems in Arizona and millions in the U.S. and that even though each DG system currently is equipped with an inverter that has 6 to 11 adjustable settings, and that could have a negative impact on the grid if set incorrectly or altered, Tesla is not aware of even one instance of an end user intentionally altering inverter settings with negative impacts.</p>	<p>The Commission appreciates the information provided and agrees that it is appropriate to adopt the definition of “Maximum Capacity” included in the Notice of Supplemental Proposed Rulemaking, as it strikes an appropriate balance between the needs of the regulated utilities and the DG industry, and no evidence has been produced to indicate that it compromises safety.  No change is needed as a result of the comment.</p>



<p>Tesla asserted that having field adjustable settings is beneficial to the grid because different utilities and jurisdictions require inverters to support their systems in different ways, and the adjustability ensures that one product can be configured to meet the different requirements. Tesla also stated that this flexibility keeps costs lower for the end user, with little risk to the grid, and that the March 8, 2019, Underwriters Laboratories Inc. Certification Requirement Decision on Power Control Systems for UL 1741 (“UL CRD”) adds a level of protection to ensure that once an ESS is installed, the settings are difficult to reconfigure, because UL CRD § 204.3.2 allows for a certified system’s power control system settings to be selected in only four ways: (1) UL CRD § 204.3.2.a, supported in the Burns letter, provides for the settings to be set and locked at the time of manufacturing and to be unchangeable in the field; (2) UL CRD § 204.3.2.b provides for the use of configuration files, which require a sophisticated interface designed to be used by trained installers, as the sole means of making changes in the field; (3) UL CRD § 204.3.2.c provides for power control system setting changes to be made in the field only through password-restricted access available to the manufacturer or the manufacturer’s authorized representatives, not to end users; and (4) UL CRD § 204.3.2.d provides for power control system settings to be established at the time of installation as part of the interconnection process, through a single-use password, preventing post-installation alterations without manufacturer involvement.</p> <p>Tesla asserted that the Commission should move forward with the DGI Rules as included in the Notice of Supplemental Proposed Rulemaking.</p>	
<p>Arizona Public Service Company (“APS”) asserted that the safest and most accurate definition of “Maximum Capacity” is the nameplate AC capacity of a Generating Facility (Option 2). APS stated that Option 2 provides the greatest assurance of customer safety and system reliability because it allows utilities to accurately determine the potential impact of a Generating Facility on the distribution system. APS stated that it is important for utilities to have a comprehensive understanding of the potential generation that can be exported to feeders to ensure that the distribution system can be operated and maintained safely. APS also asserted that Option 2 will allow utilities to approve future changes to the operational settings of a customer’s system as more facilities are interconnected to the grid, directly benefitting customers. APS stated that defining “Maximum Capacity” as the operational settings of a Generating Facility does not allow insight into the potential exports of the Generating Facility, either unintentional exports or exports caused by a change in operational settings. APS stated that the UL CRD minimizes the risk that an installer or customer can unintentionally change operational settings, but does not address the potential impacts on the distribution system if a change to operational settings is made without utility approval or evaluation. APS also stated that adopting Option 2 would not cause customers to incur unnecessary costs to upgrade the distribution system because R14-2-2617 and R14-2-2618 both allow for modification of a Generating Facility’s operating characteristics, upon agreement between the customer and utility, to eliminate or minimize the need for improvements to the distribution system. APS stated that these provisions provide customers the flexibility to select beneficial operating settings while preserving the safety, reliability, and flexibility of the distribution system.</p>	<p>The Commission appreciates the information provided, but has determined that the definition of “Maximum Capacity” included in the Notice of Supplemental Proposed Rulemaking is the appropriate definition to adopt at this time. The Commission believes that the recent adoption of the UL CRD, with which manufacturers will comply to ensure UL certification, reduces the risk of unauthorized field changes to operational settings. The Commission also notes that no evidence has been provided to show that unauthorized field changes to Generating Facility settings have created safety issues or other problems for customers, utilities, or the grid. Should the Commission receive evidence in the future that unauthorized field changes to Generating Facility settings are creating safety issues or other problems for customers, utilities, or the grid, the Commission will evaluate the situation and determine whether additional rulemaking is necessary at that time. No change is needed as a result of the comment.</p>



Tucson Electric Power Company and UNS Electric, Inc. (“TEP/UNSE”) stated that they continue to support Option 2 and to oppose Option 1, as stated in their previous comments filed in the docket (responding to the recommended language for the Notice of Supplemental Proposed Rulemaking and to the Dunn letter). TEP/UNSE attached their previous comments. TEP/UNSE asserted that Option 2 allows a utility to evaluate and approve a Generating Facility based on its nameplate capacity and thus ensures that system reliability and safe operation of the distribution system can be maintained, whereas Option 1 requires a utility to evaluate and approve a Generating Facility based on its operating capacity, which is likely less than its nameplate capacity. TEP/UNSE stated that the operating capacity could be altered after installation, up to the nameplate capacity, because a third party can adjust factory settings without utility knowledge or approval, and that this would result in increased risk to safety and system reliability. TEP/UNSE stated that Tesla’s comments about the changeability of inverter settings confirmed TEP/UNSE’s concerns. TEP/UNSE stated that the Burns definitions may provide some additional safety and control regarding the power control system, but does not address the concerns regarding the potential changes to inverter settings and the resulting safety and reliability risk. TEP/UNSE requested that the Commission adopt Option 2, but stated that if Option 2 is not adopted, the Burns definitions would be an improvement to Option 1, although they do not fully address concerns for altering capacity, and it is unknown how the UL CRD will be applied or realized at this time. In its attached prior comments, TEP/UNSE stated that adoption of Option 2 is critical because the Notice of Supplemental Proposed Rulemaking eliminated the provision included in the Notice of Proposed Rulemaking that would have made an installer liable for the loss of or damage to property arising from interconnection of a Generating Facility that was inadvertently or intentionally operated at a higher capacity than the operating characteristics reviewed and approved by the utility. TEP/UNSE stated that this deleted provision was an incentive for proper operation to reduce risk.

Additional comments in attached letters:

TEP/UNSE opposed use of the UL CRD in the rules and stated that it would not alleviate concerns regarding the use of operating characteristics as maximum capacity. TEP/UNSE stated that the UL CRD language related to operating modes provides for a hazardous variance in how equipment can be operated, allowing variability in how an ESS can charge from and discharge to the grid as well as in how operating modes can be selected. TEP/UNSE also stated that the UL CRD is a manufacturing certification standard that does not represent how an installer and consumer will use a product and, further, that it would be improper for the Commission’s rules to incorporate the UL CRD because it has not yet been adopted as a UL standard. TEP/UNSE also stated that Tesla had mischaracterized the comments of a TEP representative regarding TEP’s use of operating characteristics to evaluate interconnection. Finally, TEP/UNSE stated that it could support Option 3, which would provide a utility the opportunity to reach an agreement with customers regarding operating characteristics and enable the utility to verify the maximum power transfer.

The Commission appreciates the information provided, but has determined that the definition of “Maximum Capacity” included in the Notice of Supplemental Proposed Rulemaking is the appropriate definition to adopt at this time. The Commission believes that the recent adoption of the UL CRD, with which manufacturers will comply to ensure UL certification, reduces the risk of unauthorized field changes to operational settings. The Commission also notes that no evidence has been provided to show that unauthorized field changes to Generating Facility settings have created safety issues or other problems for customers, utilities, or the grid. Should the Commission receive evidence in the future that unauthorized field changes to Generating Facility settings are creating safety issues or other problems for customers, utilities, or the grid, the Commission will evaluate the situation and determine whether additional rulemaking is necessary at that time. The Commission notes that the rules do not incorporate the UL CRD and, further, that the Commission eliminated the liability provision due to a lack of legal authority. No change is needed as a result of the comment.



<p>The Grand Canyon State Electric Cooperative Association, Inc. (“GCSECA”) filed comments on behalf of Duncan Valley Electric Cooperative, Inc; Graham County Electric Cooperative, Inc.; Mohave Electric Cooperative, Inc.; Navapache Electric Cooperative, Inc.; Sulphur Springs Valley Electric Cooperative, Inc.; and Trico Electric Cooperative, Inc. GCSECA stated that GCSECA’s earlier concerns regarding the timelines for processing interconnection applications and a potential conflict between a liability insurance restriction and a requirement for Rural Utilities Service funding had been resolved through changes made in the Notice of Supplemental Proposed Rulemaking. GCSECA stated that it supports those changes. GCSECA stated that it still has concerns about the definition of “Maximum Capacity,” which requires the utility to evaluate the generating facility based solely on the facility’s operating characteristics (rather than nameplate capacity) if the operating characteristics are set to limit the power transferred across the point of interconnection to the distribution system. GCSECA stated that because the definition does not include inadvertent export, the interconnection design criteria must exclude any portion of capacity that is not planned to be transferred to the distribution system. GCSECA stated that this does not account for the possibility that the operating characteristic settings could malfunction or be changed after interconnection, allowing more power than originally planned to flow to the distribution system. GCSECA stated that it supports Option 3 as a reasonable compromise that ensures the utility has an opportunity to review and consent to the overall design, including proposed safeguards when a system is designed to operate at less than nameplate capacity. GCSECA stated that it joined in the concerns expressed by TEP and APS. GCSECA also stated that allowing installers unilaterally to design DG facilities based solely on operating characteristics creates a potential safety hazard for the customer for whom the DG facility is installed due to the possibility that the connected electrical hardware will be undersized. GCSECA stated that if the power control system fails, is incorrectly programmed, or is modified, generator output could exceed the initial operating characteristic limit. GCSECA stated that to ensure safety when a home has both a photovoltaic solar system and ESS, the wiring and breakers from the solar panels and the ESS should be separate and sized to handle the full independent output of each system. GCSECA stated that if an installer programs the power control system so that both systems will not discharge at the same time, Option 1 limits the evaluation of the output capacity to the nameplate rating of either the solar inverter or the battery inverter, not both, potentially creating a mismatch and allowing for a residential service panel insufficient to carry the electrical current of both systems. GCSECA stated that if the power control system fails or functions other than as intended, both solar and ESS output could be fed into the service panel simultaneously, creating an overload and fire risk. GCSECA conceded that the utility is not responsible for ensuring that a customer’s premises are designed to avoid such risks, it believes that evaluating each facility based on nameplate capacity provides an extra level of protection for the customer. GCSECA opposes Option 1 in the rules because it allows installers complete discretion to establish the operating characteristics of a DG facility and requires interconnection based solely upon those characteristics, thereby creating an unnecessary and unreasonable potential risk to the utility, the customer, and the public. GCSECA supports either Option 2 or, as a compromise, Option 3. GCSECA stated that Burns definitions may eliminate the risk of initial or subsequent programming error, but do not alleviate the potential for a device failure and resulting safety risk. GCSECA also stated that there are potential practical limitations with a manufacturer-set operating characteristics power control system, which may not be configured to the requirements of a particular installation.</p>	<p>The Commission appreciates the information provided, but has determined that the definition of “Maximum Capacity” included in the Notice of Supplemental Proposed Rulemaking is the appropriate definition to adopt at this time. The Commission believes that the recent adoption of the UL CRD, with which manufacturers will comply to ensure UL certification, reduces the risk of unauthorized field changes to operational settings. Additionally, the Commission believes that even in the absence of a Commission rule attributing liability to an installer, an installer has a strong incentive to meet industry best practices when designing DG facilities for installation at a customer’s home, as the installer could be subject to civil liability for damages resulting from the installer’s failure to meet industry standards. The Commission also notes that no evidence has been provided to show that unauthorized field changes to Generating Facility settings, failures of power control systems, or incorrect programming of power control systems have created safety issues or other problems for customers, utilities, or the grid. Should the Commission receive evidence in the future that any of these potential issues are creating safety issues or other problems for customers, utilities, or the grid, the Commission will evaluate the situation and determine whether additional rulemaking is necessary at that time. No change is needed as a result of the comment.</p>
<p><b>Oral Comments on Notice of Supplemental Proposed Rulemaking, Oral Proceeding 9/13/19</b></p>	
<p><b>Public Comment</b></p>	<p><b>Commission Response</b></p>



<p>Brandon Cheshire of AriSEIA stated that the type of batteries being used for grid support have seamless control systems that are programmed and that, once programmed, safely and reliably control how the system will function. Mr. Cheshire stated that adopting the Burns definitions would only make battery installation more expensive by requiring upgrades to the system that are not needed or, more likely, would disincentivize the installation of batteries. Mr. Cheshire stated that some utilities seem less inclined to make it easy for their customers to use battery storage, and AriSEIA believes that is why some utilities have pushed back on the definition of “Maximum Capacity.” Mr. Cheshire stated that UL has issued certification procedures to allow manufacturers to certify these power control systems. Mr. Cheshire stated that a utility can verify operating characteristics at the standard inspection and commissioning. Mr. Cheshire also stated that no one will reprogram a battery and characterized utilities’ assertions that people might reprogram batteries as a “scare tactic.” Mr. Cheshire stated that there are tens of thousands of inverters in Arizona that could have their settings altered to the detriment of the grid, but he is unaware of even one such occurrence. Mr. Cheshire also stated that operating at maximum capacity is not a normal operating characteristic of this technology. Mr. Cheshire stated that the technology is safe, that other states are allowing this, and that the Commission should encourage the efficient adoption of solar paired with storage. AriSEIA encouraged the Commission to continue supporting the definition included in the Notice of Supplemental Proposed Rulemaking (Option 1).</p>	<p>The Commission appreciates the information provided and agrees that it is appropriate to adopt the definition of “Maximum Capacity” included in the Notice of Supplemental Proposed Rulemaking, as it strikes an appropriate balance between the needs of the regulated utilities and the DG industry, and no evidence has been produced to indicate that it compromises safety. No change is needed as a result of the comment.</p>
<p>Sarah Walinga of Tesla stated that the Burns definitions would allow use of only one of the four UL CRD options for battery storage settings, the option that is least likely to be used by manufacturers when creating their systems. Ms. Walinga stated that the Burns definitions could limit the availability of products for use in Arizona and prohibit the use of non-export storage. Ms. Walinga stated that to comply with the Burns definitions, manufacturers would need to create dedicated product lines for non-export products, which would restrict how the products could be used. Ms. Walinga stated that only one or two settings make the difference between an exporting and a non-exporting system because the systems are not physically different. Ms. Walinga stated that inverters and control systems are configurable, and that the UL CRD has other methods that allow for not having dedicated product lines, allowing for systems to be configured at install or for manufacturers to set up systems. Ms. Walinga stated that each of the four methods available in the UL CRD would ensure that it is very difficult for a customer or installer to change an inverter from non-exporting to exporting after it is installed. Ms. Walinga also stated that by creating the need for a new dedicated product line, adoption of the Burns definitions would increase manufacturer overhead and make it unlikely that manufacturers will produce systems to be used in Arizona.</p>	<p>The Commission appreciates the information provided. No change is needed as a result of the comment.</p>
<p>Steven Rymsha of Sunrun stated that he supports the existing Option 1 definition and that the Burns definitions are problematic. Mr. Rymsha stated that requiring the setting to be made by the manufacturer is inconsistent with what is happening, and he has not heard of any manufacturer doing that. Mr. Rymsha stated that the systems are manufactured to have operational flexibility and certified to be used in North America. Mr. Rymsha stated that the Burns definitions would cause many supply chain issues if systems were being programmed at the factory for a specific mode—non-exporting or exporting. Mr. Rymsha stated that there are also export-limiting operating characteristics that can be used to reduce the output of the system. Mr. Rymsha indicated that there are additional operating characteristics available for customers to use for their systems and noted that utilities will be able to inspect the systems before operation. Mr. Rymsha stated that the Burns definitions have a lack of clarity and flexibility and that Sunrun supports the existing Option 1 definition.</p>	<p>The Commission appreciates the information provided and agrees that it is appropriate to adopt the definition of “Maximum Capacity” included in the Notice of Supplemental Proposed Rulemaking, as it strikes an appropriate balance between the needs of the regulated utilities and the DG industry, and no evidence has been produced to indicate that it compromises safety. No change is needed as a result of the comment.</p>



<p>Mark Holohan of AriSEIA stated that the rules should be passed as currently written (with Option 1) and urged the Commission to adopt them without further delay. Mr. Holohan stated that the rules are consistent with the Commission’s interest in increasing use of renewables, Mr. Holohan stated that customers now are building smaller solar systems than they should be or are abandoning projects because of the lack of Commission rules to change utility practices and policies, such as policies that impose higher costs if a system exceeds a certain size, even if the size is within the Fast Track process under the proposed rules. Mr. Holohan stated that solar sales people help their customers decide the right system for them based on how much electricity they need, how much space they have, and utility rule limitations. Mr. Holohan urged the Commission to adopt the rules and review utilities’ Interconnection Manuals so that the Commission can decide if that is how they want the utilities to operate. Mr. Holohan also stated that the rating of systems matters for safety because we do not want main circuits in the distribution system to be running backwards all the way to the switchyard when there are minimal demands from customers. Mr. Holohan also stated that customers will not want to change the programming on their systems to do anything other than provide electricity for their own use on site, especially because exported power has been devalued. Mr. Holohan questioned how a customer’s solar system and ESS would ever lead to that much power being exported to the distribution system because the customer will never have zero load. Mr. Holohan also stated that due to the types of inverters that are required to be used, a customer cannot run a solar system without having a grid connection. Mr. Holohan asserted that the Burns definitions would artificially and unnecessarily limit the amount of solar and batteries customers could put on the grid due to an unrealistic scenario.</p>	<p>The Commission appreciates the information provided and agrees that it is appropriate to adopt the definition of “Maximum Capacity” included in the Notice of Supplemental Proposed Rulemaking, as it strikes an appropriate balance between the needs of the regulated utilities and the DG industry, and no evidence has been produced to indicate that it compromises safety. No change is needed as a result of the comment.</p>
<p>Court Rich, on behalf of Tesla, stated that Tesla is in favor of the rules as published in the Notice of Supplemental Proposed Rulemaking (Option 1). Mr. Rich stated that there is no reason to make the changes in the Burns definitions. Mr. Rich stated that many states look at operating characteristics, as shown in filings previously made in the docket. Mr. Rich also stated that California, the largest market in the U.S. for distributed rooftop solar and energy storage, has passed rules that recognize the UL CRD and that, because of this, manufacturers will be manufacturing to the California standards. Mr. Rich stated that there are approximately 150,000 systems in Arizona with inverters that have settings that can be manipulated. Mr. Rich stated that it is unrealistic and unfounded to believe that customers will “hack” their systems or that harm would result if they did, as this has not occurred. Mr. Rich stated that Option 3 is also unrealistic because of the administrative overhead and burden of utilities from having to negotiate with every customer, which is likely to result in utilities simply using nameplate capacity. Because of this, Mr. Rich stated, upgrades would be needed, even though the system will never be sending power at nameplate capacity to the grid. Mr. Rich also stated that from a policy perspective, solar with ESS is better. Mr. Rich asserted that adoption of the Burns definitions would be a disincentive to the installation of ESS, would make ESS more expensive, and would likely result in many people not installing ESS at all. Mr. Rich also stated that because different settings work in different parts of the country, different utilities have different needs, and different states have different requirements, it is most efficient to allow for ESS settings to be made on site. Mr. Rich also asserted that creation of an Arizona-specific line of batteries is unrealistic and that the UL CRD setting included in the Burns definitions is the least likely to be used by manufacturers. Regarding liability, Mr. Rich stated, courts can hold individual customers responsible for damages caused. Additionally, Mr. Rich asserted, interconnection agreements between customers and utilities will undoubtedly require customers not to change system settings, so utilities will have recourse if any customers do.</p>	<p>The Commission appreciates the information provided and agrees that it is appropriate to adopt the definition of “Maximum Capacity” included in the Notice of Supplemental Proposed Rulemaking, as it strikes an appropriate balance between the needs of the regulated utilities and the DG industry, and no evidence has been produced to indicate that it compromises safety. No change is needed as a result of the comment.</p>



Jennifer Cranston, on behalf of GCSECA, stated that written comments would be filed the same day and that GCSECA supports the changes made to R14-2-2607 and R14-2-2627 in the Notice of Supplemental Proposed Rulemaking to address the concerns of the cooperatives. Ms. Cranston stated that GCSECA is still concerned about the definition of “Maximum Capacity” because it excludes consideration of inadvertent export, and does not contemplate that operating characteristic settings could be changed after interconnection or that systems could malfunction. Ms. Cranston stated that GCSECA believes now is the time to add safeguards against imperfect systems. Ms. Cranston stated that the Burns definitions would eliminate the risk of programming error, but do not protect against damage from malfunction or device failure, which creates a safety concern on the customer side as well as the utility side. Ms. Cranston further stated that there are practical limitations that could arise from the Burns definitions. Ms. Cranston asserted that GCSECA would like to see the Commission adopt Option 2 or Option 3 to add extra protections by allowing utilities to use the most conservative position of nameplate capacity.

The Commission appreciates the information provided, but has determined that the definition of “Maximum Capacity” included in the Notice of Supplemental Proposed Rulemaking is the appropriate definition to adopt at this time. The Commission believes that the recent adoption of the UL CRD, with which manufacturers will comply to ensure UL certification, reduces the risk of unauthorized field changes to operational settings. Additionally, the Commission believes that even in the absence of a Commission rule attributing liability to an installer, an installer has a strong incentive to meet industry best practices when designing DG facilities for installation at a customer’s home, as the installer could be subject to civil liability for damages resulting from the installer’s failure to meet industry standards.

The Commission also notes that no evidence has been provided to show that unauthorized field changes to Generating Facility settings, failures of power control systems, or incorrect programming of power control systems have created safety issues or other problems for customers, utilities, or the grid. Should the Commission receive evidence in the future that any of these potential issues are creating safety issues or other problems for customers, utilities, or the grid, the Commission will evaluate the situation and determine whether additional rulemaking is necessary at that time.

No change is needed as a result of the comment.

Don McAdams of TEP stated that TEP appreciated the Burns letter because it is safety oriented. However, Mr. McAdams stated, TEP is now and will always be in favor of only Option 2 because the definition applies to all DG and is not flexible. Mr. McAdams stated that the Super Fast Track rule allows for rapid review and approval, and TEP intends to comply. Mr. McAdams stated that TEP is concerned about the wide swath of projects that fit under the Fast Track review. Mr. McAdams stated that TEP does not have a lot of experience with ESS and that TEP plans based on worst case scenarios. Mr. McAdams stated that Option 2 would allow TEP to continue performing its review and analysis in that way. Mr. McAdams also stated that TEP can cautiously support the Burns definitions because the UL CRD is essentially an official document, although TEP is concerned that the UL CRD is not readily available and that it may not be adopted in the UL 1741 standard when it is revised. Mr. McAdams stated that the only official standard currently is the UL 1741 standard, not the UL CRD. In response to installers’ statements concerning the 150,000 inverters in Arizona, none of which have caused negative impacts due to field changes to their settings, Mr. McAdams stated that 99.9 percent of those inverters are in solar photovoltaic systems that are intended to export because of net metering and, further, that TEP has always been able to evaluate those inverters based on nameplate capacity. Mr. McAdams stated that TEP prefers the Burns definitions to Option 1.

The Commission appreciates the information provided, but has determined that the definition of “Maximum Capacity” included in the Notice of Supplemental Proposed Rulemaking is the appropriate definition to adopt at this time. The Commission believes that the recent adoption of the UL CRD, with which manufacturers will comply to ensure UL certification, reduces the risk of unauthorized field changes to operational settings. The Commission also notes that no evidence has been provided to show that unauthorized field changes to Generating Facility settings have created safety issues or other problems for customers, utilities, or the grid. Should the Commission receive evidence in the future that unauthorized field changes to Generating Facility settings are creating safety issues or other problems for customers, utilities, or the grid, the Commission will evaluate the situation and determine whether additional rulemaking is necessary at that time.

No change is needed as a result of the comment.



<p>Daniel Haughton of APS stated that the Burns definitions are a good step toward safety and reliability but are not flexible enough. Mr. Haughton stated that APS does not support Option 1 or the Burns definitions. Mr. Haughton stated that APS only supports Option 2. Mr. Haughton stated that APS believes that “Maximum Capacity” and “Operating Characteristics” should be defined independently because operating characteristics go to application rather than capacity. Mr. Haughton asserted that because R14-2-2617 and R14-2-2618 allow for modifications to generating facility operating characteristics to reduce the need for improvements to the distribution system, the rules already provide the flexibility desired. Mr. Haughton stated that APS has serious concerns for safety, such as for electrical workers and the general public, that are not a scare tactic. Mr. Haughton also stated that if APS were forced to choose between Option 1 and the Burns definitions, APS would choose the Burns definitions. Mr. Haughton added that the Burns definitions are too rigid, however, because by allowing only one of the UL CRD ESS operating mode setting options, they do not allow for field changes to operating characteristics, which Mr. Haughton said need to be available.</p>	<p>The Commission appreciates the information provided, but has determined that the definition of “Maximum Capacity” included in the Notice of Supplemental Proposed Rulemaking is the appropriate definition to adopt at this time. The Commission believes that the recent adoption of the UL CRD, with which manufacturers will comply to ensure UL certification, reduces the risk of unauthorized field changes to operational settings. The Commission also notes that no evidence has been provided to show that unauthorized field changes to Generating Facility settings have created safety issues or other problems for customers, utilities, or the grid. Should the Commission receive evidence in the future that unauthorized field changes to Generating Facility settings are creating safety issues or other problems for customers, utilities, or the grid, the Commission will evaluate the situation and determine whether additional rulemaking is necessary at that time. No change is needed as a result of the comment.</p>
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**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:**

Not applicable

**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

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

R14-2-2601(46): UL 1741: Underwriters Laboratories Inc. Standard for Inverters, Converters, Controllers and Interconnection System Equipment for Use with Distributed Energy Resources (February 15, 2018)

R14-2-2614(E)(1): IEEE 1547-2018 – IEEE Standard for Interconnection and Interoperability of Distributed Energy Resources with Associated Electric Power Systems Interfaces (April 6, 2018)

R14-2-2620(E)(2)(b): IEEE 1453, IEEE Recommended Practice for the Analysis of Fluctuating Installations on Power Systems (October 30, 2015)

R14-2-2620(E)(2)(c): IEEE 519 limits, IEEE Recommended Practice and Requirements for Harmonic Control in Electric Power Systems (June 11, 2014)

**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:**

The rule was not previously made as an emergency rule.

**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 26. INTERCONNECTION OF DISTRIBUTED GENERATION FACILITIES**

Section

R14-2-2601. Definitions

R14-2-2602. Applicability

R14-2-2603. Types of Generating Facilities

R14-2-2604. Customer Rights and Responsibilities

R14-2-2605. Utility Rights and Responsibilities



- R14-2-2606. Easements and Rights-of-Way
- R14-2-2607. Insurance
- R14-2-2608. Non-Circumvention
- R14-2-2609. Designation of Contact Persons
- R14-2-2610. Minor Modifications
- R14-2-2611. Certification
- R14-2-2612. No Additional Requirements
- R14-2-2613. Disconnection from or Reconnection with the Distribution System
- R14-2-2614. Application and Generating Facility General Requirements
- R14-2-2615. Screens
- R14-2-2616. Pre-Application Report
- R14-2-2617. Level 1 Super Fast Track
- R14-2-2618. Level 2 Fast Track
- R14-2-2619. Level 3 Study Track
- R14-2-2620. Supplemental Review
- R14-2-2621. Utility Site Inspection; Approval for Parallel Operation
- R14-2-2622. Interconnection to a Secondary Spot Network System
- R14-2-2623. Expedited Interconnection Process
- R14-2-2624. Disconnect Switch Requirements
- R14-2-2625. Advanced Inverter Requirements
- R14-2-2626. Utility Reporting Requirements
- R14-2-2627. Electric Cooperatives
- R14-2-2628. Interconnection Manuals

**ARTICLE 26. INTERCONNECTION OF DISTRIBUTED GENERATION FACILITIES**

**R14-2-2601. Definitions**

In this Article, unless otherwise specified:

1. “AC” means alternating current.
2. “Applicant” means a Customer or Representative who submits an Interconnection Application pursuant to this Article.
3. “Application” means the standard form or format for an Applicant to apply to a Utility for Interconnection of a Generating Facility with the Distribution System.
4. “Backfeed” means to energize a section of a Utility electric system with a Generating Facility.
5. “Calendar Day” means any day including Saturday, Sunday, or a Federal or State Holiday.
6. “Certified Equipment” means a specific generating and protective equipment system or systems certified as meeting the requirements in R14-2-2611 relating to testing, operation, safety, and reliability by an NRTL.
7. “Clearance” means documentation from a Utility stating that a line or equipment is disconnected from all known sources of power and tagged; that for safety purposes all proper precautionary measures have been taken; and that workers may proceed to inspect, test, and install ground on the circuit.
8. “CFR” means Code of Federal Regulations.
9. “Commission” means the Arizona Corporation Commission.
10. “Customer” means an electric consumer applying to connect a Generating Facility on the consumer's side of the Utility meter, whether an Exporting System, a Non-Exporting System, or an Inadvertent Export System.
11. “DC” means direct current.
12. “Disconnect Switch” means a device that:
  - a. Is installed and maintained for a Generating Facility by the Customer;
  - b. Is a visible-open, manual, gang-operated, load break disconnect device;
  - c. Is capable of being locked in a visible-open position by a standard Utility padlock that will completely isolate the Generating Facility from the Distribution System; and
  - d. If the voltage of the Generating Facility is over 500 volts, is capable of being grounded on the Utility side.
13. “Distributed Generation” means any type of Customer electrical generator, solid-state or static inverter, or Generating Facility interconnected with the Distribution System that either can be operated in electrical parallel with the Distribution System or can feed a Customer load that can also be fed by the Distribution System.
14. “Distribution System” means the infrastructure constructed, maintained, and operated by a Utility to deliver electric service at the distribution level (69 kV or less) to retail consumers.
15. “Electric Cooperative” means a Utility that is:
  - a. Not operated for profit;
  - b. Owned and controlled by its members; and
  - c. Operating as a public service company in this state.
16. “Exporting System” means any type of Generating Facility that is designed to regularly Backfeed the Distribution System.
17. “Facilities Study” means a comprehensive analysis of the actual construction needed to take place based on the outcome of a System Impact Study.
18. “Fault Current” means the level of current that can flow if a short circuit is applied to a voltage source.
19. “Feasibility Study” means a preliminary review of the potential impacts on the Distribution System that will result from a proposed Interconnection.



20. “Generating Facility” means all or part of a Customer’s electrical generator(s), energy storage system(s), or any combination of electrical generator(s) and storage system(s), together with all inverter(s) and protective, safety, and associated equipment necessary to produce electric power at the Customer’s facility; this includes solid-state or static inverters, induction machines, and synchronous machines.
21. “Good Utility Practice” means any of the practices, methods, and acts engaged in or approved by a significant portion of the electric industry during the relevant time period, or any of the practices, methods, and acts that, in the exercise of reasonable judgment in light of the facts known at the time the decision was made, could have been expected to accomplish the desired result at a reasonable cost consistent with reliability, safety, and expedition. Good Utility Practice is not intended to be limited to the optimal practice, method, or act to the exclusion of all others, but rather to include practices, methods, or acts generally accepted in the region at the relevant time.
22. “IEEE” means the Institute of Electrical and Electronics Engineers, Inc.
23. “Inadvertent Export” means the unplanned, uncompensated transfer of electrical energy from a Generating Facility to the Distribution System across the Point of Interconnection.
24. “Interconnection” means the physical connection of a Generating Facility to the Distribution System.
25. “Interconnection Agreement” means an agreement, signed between the Utility and the Customer, covering the terms and conditions governing the Interconnection and operation of the Generating Facility with the Utility, and includes any appendices to the agreement.
26. “Interconnection Facilities” means the electrical wires, switches, and related equipment that are required, in addition to the facilities required to provide electric distribution service to a Customer, to allow Interconnection. Interconnection Facilities may be located on either side of the Point of Interconnection as appropriate to their purpose and design.
27. “Interconnection Manual” means a separate document developed and maintained by a Utility as required under R14-2-2628.
28. “Interconnection Study” means a study that may be undertaken by a Utility (or a Utility-designated third party) in response to the Utility’s receipt of a completed Application. An Interconnection Study may include:
  - a. A Feasibility Study;
  - b. A System Impact Study;
  - c. A Facilities Study; and
  - d. Any additional analysis required by the Utility.
29. “Islanding” means a condition in which a portion of the Distribution System is energized solely by one or more local electric power systems throughout the associated Point of Interconnection while that portion of the Distribution System is electrically separated from the rest of the Distribution System. Islanding can be either intentional (planned) or unintentional (unplanned).
30. “Jurisdictional Electric Inspection Agency” means the governmental authority having jurisdiction to inspect and approve the installation of a Generating Facility.
31. “kW” means kilowatt.
32. “Maximum Capacity” means:
  - a. The nameplate AC capacity of a Generating Facility; or
  - b. If the Operating Characteristics of the Generating Facility limit the power transferred across the Point of Interconnection to the Distribution System, only the power transferred across the Point of Interconnection to the Distribution System, not including Inadvertent Export.
33. “MW” means megawatt.
34. “Non-Exporting System” means a system in which there is no designed, regular export of power from the Generating Facility to the Distribution System.
35. “NRTL” means a Nationally Recognized Testing Laboratory recognized by the U.S. Occupational Safety and Health Administration.
36. “Operating Characteristics” means the mode of operation of a Generating Facility (Exporting System, Non-Exporting System, or Inadvertent Exporting System) that controls the amount of power delivered across the Point of Interconnection to the Distribution System.
37. “Parallel Operation” means the operation of a Generating Facility that is electrically interconnected to a bus common with the Distribution System, either on a momentary or continuous basis.
38. “Protective Functions” means the equipment, hardware, or software in a Generating Facility that protects against Unsafe Operating Conditions.
39. “Point of Interconnection” means the physical location where the Utility’s service conductors are connected to the Customer’s service conductors to allow Parallel Operation of the Generating Facility with the Distribution System.
40. “Relay” means an electric device that is designed to interpret input conditions in a prescribed manner and, after specified conditions are met, to respond and cause contact operation or similar abrupt change in associated electric control circuits.
41. “Representative” means an agent of the Customer who is designated by the Customer and is acting on the Customer’s behalf.
42. “RUS” means the U.S. Department of Agriculture Rural Utilities Service.
43. “Scoping Meeting” means an initial review meeting between a Utility and a Customer or Representative during which a general overview of the proposed Generating Facility design is discussed, and the Utility provides general information on system conditions at the proposed Point of Interconnection.
44. “Secondary Spot Network System” means an AC power Distribution System meeting the criteria in R14-2-2622.
45. “System Impact Study” means a full engineering review of the impact on the Distribution System from a Generating Facility, including power flow, Utility system protective device coordination, generator protection schemes (if not Certified Equipment), stability, voltage fluctuations, frequency impacts, and short circuit study. A System Impact Study may consider total nameplate capacity of the Generating Facility.
46. “UL 1741” means the Underwriters Laboratories Inc. Standard for Inverters, Converters, Controllers and Interconnection System Equipment for Use with Distributed Energy Resources (February 15, 2018), with no future editions or amendments, which



- is incorporated by reference; on file with the Commission; and published by and available from Underwriters Laboratories Inc., 151 Eastern Avenue Bensenville, IL 60106-3072 and through <https://standardscatalog.ul.com>.
47. “UL 1741SA” means the approved supplemental amendment of UL 1741 that defines the manufacturing (including software) and product testing requirements for advanced inverters.
  48. “Unsafe Operating Conditions” means conditions that, if left uncorrected, could result in any of the following:
    - a. Harm to personnel;
    - b. Damage to equipment;
    - c. An adverse effect to the safe operation of the Distribution System; or
    - d. Operation of the Generating Facility outside pre-established parameters required by the Interconnection Agreement.
  49. “Utility” means an electric distribution company that constructs, operates, and maintains its Distribution System for the receipt and delivery of electricity and that is a public service corporation under Arizona Constitution, Article 15, § 2.

**R14-2-2602. Applicability**

These rules apply to a Generating Facility operating (or to be operated) in parallel with a Distribution System of a Utility, subject to Commission jurisdiction after the effective date of this Article.

**R14-2-2603. Types of Generating Facilities**

- A.** A Customer may operate a Generating Facility as an Exporting System, a Non-Exporting System, or an Inadvertent Export System.
- B.** An Applicant shall declare the Maximum Capacity of a Generating Facility in its Application.
- C.** If an Applicant claims a Generating Facility is a Non-Exporting System:
  1. The Utility may require an independent third-party certification ensuring that the system meets the following standards:
    - a. Is able to supply part or all of the Customer’s load continuously or during a Utility power outage;
    - b. Is sized such that the export of power is not possible or includes control functions to prevent the export of power; and
    - c. Has control functions that are listed by an NRTL for the purpose as used and are also inspected and approved by the Customer’s Jurisdictional Electric Inspection Agency; and
  2. The Applicant shall ensure that the Generating Facility utilizes any combination of equipment, hardware, or software, as specified by the Utility in its Interconnection Manual, to prevent the transfer of electrical energy to the Distribution System.
- D.** If an Applicant claims a Generating Facility is an Inadvertent Export system that does not utilize only UL 1741-certified or UL 1741SA-listed grid support non-islanding inverters:
  1. The Utility may require additional protective functions and equipment to detect Distribution System faults;
  2. The amount of Inadvertent Export to the Distribution System shall be limited to the lesser of the following values:
    - a. 50% of the Generating Facility’s Maximum Capacity;
    - b. 10% of the continuous conductor rating in watts at 0.9 power factor for the lowest rated feeder conductor upstream of the Generating Facility; or
    - c. 500 kW; and
  3. The expected frequency of Inadvertent Export events shall be less than two occurrences per 24-hour period.
- E.** If an Applicant claims a Generating Facility is an Inadvertent Export system that utilizes only UL 1741-certified or UL 1741SA-listed grid support non-islanding inverters, the Generating Facility shall:
  1. Utilize control functions that limit the export of electrical power to the Distribution System;
  2. Have a Maximum Capacity of 500 kVA or less;
  3. Have a magnitude of Inadvertent Export no more than 100 kVA;
  4. Have a duration of Inadvertent Export of power of less than 30 seconds for any single event;
  5. Monitor that its total energy export per month is maintained to be no more than its Maximum Capacity multiplied by 0.1 hours per day over a rolling 30-day period (e.g., a 100 kVA gross nameplate capacity Generating Facility would have a maximum energy export per 30-day month of 300 kWh);
  6. Disconnect the Generating Facility from the Distribution System in the event of an Inadvertent Export, ceasing to energize the Distribution System or halting energy production, within two seconds after the period of uninterrupted export exceeds 30 seconds or the magnitude of export exceeds 100 kVA; and
  7. Enter a safe operation mode, where Inadvertent Export events cannot occur, upon failure of the control or inverter system for more than 30 seconds, whether from loss of control signal, loss of control power, or a single component failure or related control sensing of the control circuitry.

**R14-2-2604. Customer Rights and Responsibilities**

- A.** A Customer has the following rights:
  1. To designate a Representative to act on the Customer’s behalf;
  2. To submit an Application to interconnect a Generating Facility with a Distribution System;
  3. To expect prompt and professional responses from a Utility during the Interconnection process;
  4. To expect detailed and itemized good faith estimates of cost from the Utility;
  5. To expect outlines, supporting data, and justification for proposed work before the Utility undertakes any studies or system upgrades to accommodate the Generating Facility;
  6. To sign documents using an electronic (e-signature) method if the Customer has the technical capability to sign electronically and is submitting the documents electronically; and
  7. To request a one-time 90-day extension from the Utility using a simple notification process and not to have an extension unreasonably withheld for circumstances beyond the Customer’s control.
- B.** A Customer shall ensure that:
  1. The Generating Facility meets or exceeds all minimum Interconnection, safety, and protection requirements outlined in this Article and the Utility’s Interconnection Manual;



2. The Generating Facility meets all applicable construction codes, safety codes, electric codes, laws, and requirements of government agencies having jurisdiction;
  3. The Generating Facility's Certified Equipment is installed and operated in a manner that protects the Generating Facility, Utility personnel, the public, and the Distribution System from harm;
  4. The Generating Facility design, installation, maintenance, and operation minimize the likelihood of causing a malfunction in, damaging, or otherwise impairing the Distribution System;
  5. The Generating Facility does not adversely affect the quality of service to other Utility consumers;
  6. The Generating Facility does not hamper efforts to restore a feeder to service when a Clearance is required;
  7. The Generating Facility is maintained in accordance with applicable manufacturers' maintenance schedules; and
  8. The Utility is notified of any emergency or hazardous condition or occurrence involving the Generating Facility that could affect safe operation of the Distribution System.
- C. A Customer shall pay for, lease or own, and be responsible for designing, installing, and operating all Interconnection Facilities located on the Customer's side of the Point of Interconnection.
- D. A Customer shall ensure that Interconnection Facilities:
1. Are located on the Customer's premises; and
  2. To enable delivery of power from the Generating Facility to the Distribution System at the Point of Interconnection, include:
    - a. Necessary equipment for:
      - i. Connection,
      - ii. Transformation,
      - iii. Switching,
      - iv. Protective relaying,
      - v. Metering,
      - vi. Communication, and
      - vii. Safety requirements;
    - b. A Disconnect Switch; and
    - c. Any other requirements outlined in this Article or specified by the Utility in its Interconnection Manual.
- E. A Customer interconnecting a Generating Facility with the Distribution System shall:
1. Sign an Interconnection Agreement and all other applicable purchase, supply, and standby agreements; and
  2. Comply with all applicable tariffs, rate schedules, and Utility service requirements.
- F. A Customer shall not interconnect or cause Interconnection of a Generating Facility to the Distribution System without first executing an Interconnection Agreement with the Utility that operates the Distribution System.

**R14-2-2605. Utility Rights and Responsibilities**

- A. A Utility shall interconnect a Generating Facility to the Distribution System, subject to the requirements of this Article and of the Utility's Interconnection Manual.
- B. A Utility has the right to expect prompt, reasonable, and professional responses from a Customer during the Interconnection process.
- C. A Utility shall require that an interconnected Generating Facility:
1. Not present any hazards to Utility personnel, other Utility consumers, or the public;
  2. Minimize the possibility of damage to the Utility and to other Utility consumers' equipment;
  3. Not adversely affect the quality of service to other Utility consumers; and
  4. Not hamper efforts to restore a feeder to service when a Clearance is required.
- D. A Utility shall notify a Customer if there is reason to believe that operation of the Customer's Generating Facility has caused disruption or deterioration of service to other Utility consumers served from the Distribution System or that such operation has caused damage to the Distribution System.
- E. A Utility shall make its Interconnection Manual, standard Application, and Interconnection Agreements readily available to an Applicant in print and online formats.
- F. Following the receipt of an Application, a Utility shall review the Generating Facility to ensure it complies with the applicable screens in R14-2-2615. If the Generating Facility design does not comply with the applicable screens in R-14-2-2615, an Interconnection Study may be required. Before the Utility undertakes any Interconnection Study or system upgrades that will be charged to the Applicant, the Utility shall provide the Applicant a detailed estimate of the cost, an outline of the proposed work, supporting data, and justification for the proposed work. If the results of an Interconnection Study necessitate additional Interconnection Facilities or upgrades, the Utility shall provide written notice to the Applicant of the Utility's intent to install the Interconnection Facilities or upgrades. The Applicant shall pay the Utility for Interconnection Facilities or upgrades identified in the Interconnection Study except for those unrelated to the Generating Facility installation. The Utility shall provide the results of the Interconnection Study to the Applicant.
- G. A Utility may not disapprove Interconnection of a Generating Facility that satisfies the requirements of this Article and the Utility's Interconnection Manual.
- H. If additional Interconnection Facilities or upgrades are needed to accommodate a Generating Facility, and the Interconnection Facilities or upgrades will benefit the grid, the Utility shall reduce the charge of the Interconnection Facilities or upgrades to the Customer by the amount of benefits to the grid that are readily quantifiable by the Utility. A Utility shall not reject an Application on the basis of existing Distribution System conditions that are deficient, or charge a Customer for Interconnection Facilities or upgrades that are overdue or that will soon be required to ensure compliance with Good Utility Practice.
- I. A Utility shall process each Application on a nondiscriminatory basis.

**R14-2-2606. Easements and Rights-of-Way**

- A. Where an easement or right-of-way does not exist, but is required by a Utility to accommodate Interconnection, a Customer shall provide a suitable easement or right-of-way, in the Utility's name, on the premises owned, leased, or otherwise controlled by the Cus-



tom. If the required easement or right of way is on another’s property, the Customer shall obtain and provide to the Utility a suitable easement or right-of-way, in the Utility’s name, at the Customer’s expense and in sufficient time to comply with Interconnection Agreement requirements.

- B. A Utility shall use reasonable efforts to utilize existing easements to accommodate Interconnection.
- C. A Utility shall use reasonable efforts to assist a Customer in securing necessary easements at the Customer’s expense.

**R14-2-2607. Insurance**

- A. Except as provided in subsection (D), a Utility shall not require a Customer to maintain general liability insurance coverage as a condition for Interconnection.
- B. A Utility shall not require a Customer to negotiate any policy or renewal of any policy covering any liability through a particular insurance provider, agent, solicitor, or broker.
- C. The provision in subsection (A) does not waive or otherwise foreclose any rights a Utility may have to pursue remedies at law against a Customer to recover damages.
- D. A Utility that obtains financing from RUS may require a Customer to maintain liability insurance, to the extent necessary to meet the Utility’s obligations to RUS.

**R14-2-2608. Non-Circumvention**

- A. A Utility shall not directly or through an affiliate use knowledge of proposed Distributed Generation projects submitted to the Utility for Interconnection or study to initiate competing proposals to the Customer that offer discounted rates in return for not installing the Distributed Generation, or to offer the Customer competing Distributed Generation projects.
- B. A Customer may share with a Utility or its affiliates information in the Customer’s possession regarding a potential Distributed Generation project and may use such information to negotiate a discounted rate or other mutually beneficial arrangement with a Utility or its affiliate.
- C. A Utility may inform a Customer of any existing or pending (awaiting approval by the Commission) rate schedule that may economically benefit, economically disadvantage, or otherwise affect the Customer's Distributed Generation project.

**R14-2-2609. Designation of Contact Persons**

- A. Each Utility shall:
  - 1. Designate a person or persons who will serve as the Utility's contact for all matters related to Distributed Generation Interconnection;
  - 2. Identify to the Commission in its Interconnection Manual each designated Distributed Generation Interconnection contact person or persons; and
  - 3. Provide convenient access through its website to the name, telephone number, mailing address, and email address for each Distributed Generation Interconnection contact person.
- B. Each Applicant applying for Interconnection shall designate a contact person or persons and provide to the Utility the name, telephone number, mailing address, and email address for each contact person.

**R14-2-2610. Minor Modifications**

A Utility shall not reject or declare incomplete and require resubmission of a submitted Application if minor modifications must be made to the design of the Generating Facility or to other information on the Application (including ownership of Generating Facility) while the Application is being reviewed by the Utility or prior to completing the Interconnection of the Generating Facility.

**R14-2-2611. Certification**

- A. To qualify as Certified Equipment, Generating Facility equipment proposed for use separately or packaged with other equipment in an Interconnection system shall:
  - 1. Comply with all applicable codes and standards required by this Article and referenced in the Utility Interconnection Manual;
  - 2. Comply with all applicable codes and standards used by an NRTL to test and certify Interconnection equipment; and
  - 3. Be labeled and publicly listed as certified by the NRTL at the time of Application submission.
- B. If Certified Equipment includes only interface components (switchgear, inverters, or other interface devices), a Customer shall show, upon request from the Utility, that the Generating Facility is compatible with the interface components and consistent with the testing and listing specified for the Interconnection equipment.
- C. A Customer is not required to ensure that equipment provided by the Utility is Certified Equipment.

**R14-2-2612. No Additional Requirements**

If a Generating Facility complies with all applicable requirements of R14-2-2611, complies with the screens listed in R14-2-2615, and complies with the Utility’s Interconnection Manual, a Utility shall not require the Customer to install additional controls, or to perform or pay for additional tests, in order to obtain approval to interconnect, unless the Customer agrees to do so or the Commission so requires. A Utility may install additional equipment or perform additional testing at its own expense.

**R14-2-2613. Disconnection from or Reconnection with the Distribution System**

- A. A Utility may disconnect a Generating Facility from the Distribution System under the following conditions:
  - 1. Upon expiration or termination of the Interconnection Agreement with a Customer, in accordance with the terms of the Interconnection Agreement;
  - 2. Upon determining that the Generating Facility is not in compliance with the technical requirements found within the Utility’s Interconnection Manual;
  - 3. Upon determining that continued Interconnection of the Generating Facility will endanger system operations, persons, or property, for the time needed to make immediate repairs on the Distribution System;
  - 4. To perform routine maintenance, repairs, and system modifications; and
  - 5. Upon determining that an Interconnection Agreement is not in effect for the Generating Facility.



- B. A Utility and a Customer shall cooperate to restore the Generating Facility and the Distribution System to their normal operating states as soon as practicable.
- C. A Customer may temporarily disconnect the Generating Facility from the Distribution System at any time. Such temporary disconnection shall not constitute a termination of the Interconnection Agreement unless the Customer has so specified in writing.
- D. Except in the case of a disconnection under subsection (A)(3), a Utility shall provide notice to a Customer before disconnecting the Generating Facility. The Utility shall provide the Customer notice at least three calendar days prior to the impending disconnection and shall include in the notice the date, time, and estimated duration of the disconnection.
- E. When a Generating Facility is disconnected under subsection (A)(2):
  - 1. The Customer shall notify the Utility when the Generating Facility is restored to compliance with technical requirements;
  - 2. The Utility shall, within five calendar days after receiving the Customer's notice, have an inspector verify the compliance; and
  - 3. Upon verifying the compliance, the Utility shall, in coordination with the Customer, reconnect the Generating Facility.
- F. A Utility shall reconnect a Generating Facility as quickly as practicable after determining that the reason for disconnection is remedied.
- G. An Interconnection Agreement shall continue in effect after disconnection or termination of electric service to the extent and for the period necessary to allow or require the Utility or Customer to fulfill rights or obligations that arose under the agreement, notwithstanding subsection (H)(4). An Interconnection Agreement cannot be for a term less than the expected life of the Generating Facility, unless mutually agreed upon by the Customer and the Utility.
- H. An Interconnection Agreement shall become effective on the effective date specified in the Interconnection Agreement and shall remain in effect thereafter unless and until:
  - 1. It is terminated by mutual agreement of the Utility and Customer;
  - 2. It is replaced by another Interconnection Agreement, with mutual consent of the Utility and Customer;
  - 3. It is terminated by the Utility or the Customer due to a breach or default of the Interconnection Agreement; or
  - 4. The Customer terminates Utility electric service, vacates or abandons the property on which the Generating Facility is located, or terminates or abandons the Generating Facility, without the Utility's agreement.
- I. An Interconnection Agreement shall not be terminated in the event of the sale or lease of the property owned by the Customer. If the ownership of a Generating Facility changes, the Interconnection Agreement will remain in effect so long as the operation of the Generating Facility, as specified in the Interconnection Agreement, remains unchanged. The Customer shall provide notice to the Utility within seven calendar days in the event of a change in the ownership of the Generating Facility.
- J. Upon termination of an Interconnection Agreement:
  - 1. The Customer shall ensure that the electrical conductors connecting the Generating Facility to the Distribution System are immediately lifted and permanently removed, to preclude any possibility of interconnected operation in the future; and
  - 2. The Utility may inspect the Generating Facility to verify that it is permanently disconnected.

#### **R14-2-2614. Application and Generating Facility General Requirements**

- A. A Customer desiring to interconnect to the Distribution System a Generating Facility that is not a Non-Exporting inverter-based energy storage Generating Facility or an Inadvertent Export Generating Facility with a Maximum Capacity of 20 kW or less shall apply to the Utility for Interconnection as provided in this Section.
- B. An Applicant shall submit an Application on a form provided by the Utility, or according to a format provided by the Utility, along with the following:
  - 1. All supplemental information and documents required by the Utility, which shall be noted on the Utility's Application or Application instructions;
  - 2. An executed Interconnection Agreement, if required by the Utility; and
  - 3. An initial Application or processing fee, if a tariff containing such a fee is approved for the Utility by the Commission.
- C. Upon request, a Utility shall provide an Applicant with sample diagrams that indicate the preferred level of detail and type of information required for a typical inverter-based system.
- D. Within seven calendar days after receiving an Application, a Utility shall review the Application and provide the Applicant notice:
  - 1. That the Application satisfies all requirements under subsection (B); or
  - 2. That the Application does not satisfy one or more requirements under subsection (B), in which case:
    - a. The Utility shall specify the additional information or documents required;
    - b. The Applicant shall submit the specified information or documents; and
    - c. The Application may be deemed withdrawn if the Applicant does not submit the required information or documents within 30 calendar days.
- E. A Generating Facility shall comply with the following general requirements:
  - 1. If inverter based, each inverter shall meet the shutdown protective functions (under/over voltage, under/over frequency, and anti-islanding) specified in IEEE 1547-2018 – IEEE Standard for Interconnection and Interoperability of Distributed Energy Resources with Associated Electric Power Systems Interfaces (April 6, 2018), with no future editions or amendments, which is incorporated by reference; on file with the Commission; and published by and available from IEEE, 3 Park Avenue, 17th Floor, New York, New York 10016, and through <http://ieeexplore.ieee.org>;
  - 2. The Generating Facility shall meet all applicable codes and standards required by this Article and referenced in the Utility Interconnection Manual; and
  - 3. The Generating Facility shall comply with the Utility's Interconnection Manual and Interconnection Agreement requirements.

#### **R14-2-2615. Screens**

- A. For Interconnection of a proposed Generating Facility to a distribution circuit, the aggregated generation on the circuit, including the proposed Generating Facility, shall not exceed 15% of the total circuit annual peak load as most recently measured at the substation or on the line section (if available), or the circuit hosting capacity limit; whichever is greater. Non-Exporting Systems, regardless of system size, and Inadvertent Export systems with a Maximum Capacity of 20 kW and under shall not be subject to this subsection.



- B.** A proposed Generating Facility shall not contribute more than 10% to a distribution circuit’s maximum fault current at any point on the Distribution System, including during normal contingency conditions that may occur due to reconfiguration of the feeder or the distribution substation.
- C.** The proposed Maximum Capacity of a Generating Facility, in aggregate with the Maximum Capacity of other generation on a distribution circuit, shall not cause any distribution protective devices and equipment (including but not limited to substation breakers, fuse cutouts, and line reclosers), or consumer equipment on the system, to exceed 90% of the short circuit interrupting capability. Interconnection shall not be proposed for a circuit that already exceeds 90% of the short circuit interrupting capability.
- D.** A proposed Generating Facility shall be interconnected to the Distribution System as shown in the table below:

<b><u>Primary Distribution Line Configuration</u></b>	<b><u>Interconnection to Primary Distribution Line</u></b>
<u>Three-phase, three wire</u>	<u>If a three-phase or single-phase Generating Facility, Interconnection shall be phase-to-phase</u>
<u>Three-phase, four wire</u>	<u>If a three-phase (effectively grounded) or single-phase Generating Facility, Interconnection shall be line-to-neutral</u>

- E.** If a proposed Generating Facility is to be interconnected on single-phase shared secondary, the aggregate generation capacity on the shared secondary, including the proposed Maximum Capacity of the Generating Facility, shall not exceed 75% of the service transformer rating. Non-Exporting Systems and Inadvertent Export systems shall not be subject to this subsection.
- F.** If a proposed Generating Facility is single-phase and is to be interconnected on a transformer center tap neutral of a 240-volt service, its addition shall not create an imbalance between the two sides of the 240-volt service of more than 20% of the nameplate rating of the service transformer.
- G.** A proposed Generating Facility, in aggregate with other generation interconnected to the distribution low-voltage side of a substation transformer feeding the distribution circuit where the Generating Facility would interconnect, shall not exceed 10 MW in an area where there are known or posted transient stability limitations to generating units located in the general electrical vicinity (e.g., three or four transmission voltage level busses from the Point of Interconnection). Non-Exporting Systems, regardless of system size, and Inadvertent Export systems with a Maximum Capacity of 20 kW and under shall not be subject to this subsection.
- H.** A proposed Generating Facility’s Point of Interconnection shall not be on a transmission line.
- I.** A proposed Generating Facility shall not exceed the capacity of the Customer’s existing electrical service unless there is a simultaneous request for an upgrade to the Customer’s electrical service or the Generating Facility is configured never to inject onto the feeder power that exceeds the capacity of the electrical service.
- J.** If a proposed Generating Facility is non-inverter based, the Generating Facility must comply with the Protective Function requirements and any additional Utility Interconnection requirements, which shall be specified by the Utility in its Interconnection Manual.

**R14-2-2616. Pre-Application Report**

- A.** An Applicant requesting a Pre-Application Report shall submit to a Utility:
  1. The Applicant’s contact information (name, address, phone, and email);
  2. A proposed Point of Interconnection, sufficiently identified by latitude and longitude, site map, street address, meter number, account number, or some combination of those sufficient to identify the location of the Point of Interconnection;
  3. A description of the proposed generation technology and fuel source; and
  4. A non-refundable processing fee, if a tariff containing such a fee is approved for the Utility by the Commission.
- B.** An Applicant requesting a Pre-Application Report shall understand that:
  1. The existence of “available capacity” does not mean that the Interconnection of a Generating Facility with a nameplate capacity that is equivalent to the available capacity may be completed without impacts, because the Pre-Application Report does not address all of the variables studied as part of the Interconnection review process;
  2. The Distribution System is dynamic and subject to change; and
  3. Data provided in the Pre-Application Report may become outdated and may not be useful at the time an Application is submitted.
- C.** Within 21 calendar days of receipt of a completed Pre-Application Report request, a Utility shall provide a Pre-Application Report, which shall include the following information, as available:
  1. The total capacity (MW) of the substation/area bus or bank and circuit likely to serve the proposed site;
  2. The allocated capacity (MW) of the substation/area bus or bank and circuit likely to serve the proposed site;
  3. The queued capacity (MW) of the substation/area bus or bank and circuit likely to serve the proposed site;
  4. The available capacity (MW) of the substation/area bus or bank and circuit most likely to serve the proposed site;
  5. Whether the proposed Generating Facility is located on an area, spot, or radial network;
  6. The substation nominal distribution voltage or nominal transmission voltage, if applicable;
  7. The nominal distribution circuit voltage at the proposed site;
  8. The approximate circuit distance between the proposed site and the substation;
  9. The peak load estimate and minimum load data of each relevant line section, when available;
  10. The number of protective devices and voltage regulating devices between the proposed site and the substation/area;
  11. Whether three-phase power is available at the site and, if not, the distance of the site from three-phase service;
  12. The limiting conductor rating from the proposed Point of Interconnection to the distribution substation; and



13. Based on the proposed Point of Interconnection, any existing or known constraints, such as, but not limited to, electrical dependencies at that location, short circuit interrupting capacity issues, power quality or stability issues on the circuit, capacity constraints, or secondary networks.
- D.** A Utility shall not be required to generate data for a Pre-Application Report and may include only pre-existing data. An Applicant request for a Pre-Application Report does not obligate the Utility to conduct a study or other analysis of the proposed project in the event that pre-existing data is not available. If a Utility cannot complete all or some of a Pre-Application Report due to lack of available data, the Utility shall provide the Applicant a Pre-Application Report that includes the information that is available and identifies the information that is unavailable. Notwithstanding any provisions of this Section, a Utility shall, in good faith, provide Pre-Application Report data that represents the best available information at the time of reporting.
- E.** A Utility may charge a fee for a Pre-Application Report if a tariff containing such a fee is approved for the Utility by the Commission.

**R14-2-2617. Level 1 Super Fast Track**

- A.** A Customer interconnecting an inverter-based Generating Facility with a Maximum Capacity of 20 kW or less, which only uses Certified Equipment, shall apply for Interconnection under the Level 1 Super Fast Track Application process.
- B.** To qualify for Level 1 Super Fast Track, the Generating Facility shall comply with R14-2-2615(A), (E), and (F).
- C.** The Level 1 Super Fast Track shall proceed as follows:
1. Within 14 calendar days following provision of notice under R14-2-2614(D)(1), the Utility shall review the Application and notify the Applicant of one of the following determinations:
    - a. The Generating Facility design satisfies R14-2-2615(A), (E), and (F) and meets all Interconnection requirements and the Application is therefore deemed complete and approved for Interconnection; or
    - b. The Generating Facility design does not satisfy one or more of the requirements listed in R14-2-2615(A), (E), or (F) or does not meet one or more of the Utility's Interconnection requirements, which shall be specified, and the Application is therefore deemed incomplete and not approved for Interconnection.
  2. If the Utility's determination falls under subsection (C)(1)(b), the Applicant shall notify the Utility within 30 calendar days whether it wishes to proceed with the Interconnection.
    - a. Except as provided in subsection (D), if the Applicant does not provide notice within 30 calendar days that it wishes to proceed with the Interconnection, the Application may be considered withdrawn.
    - b. If the Applicant wishes to proceed with the Interconnection, the Applicant shall submit to the Utility, within 30 calendar days, any Utility-specified additional information or modifications to the Generating Facility, along with one of the following:
      - i. A request that the Utility continue to process the Application under this section; or
      - ii. A request that the Utility process the Application in accordance with R14-2-2620.
  3. Once an Application is approved, the Generating Facility shall be subject to R14-2-2621.
- D.** An Applicant may, within 30 calendar days after receiving notice under subsection (C)(1)(b), submit a request for an extension of the 30-day period allowed for submissions under subsection (C)(2)(b).
- E.** After receiving a submission under subsection (C)(2)(b), a Utility shall again follow the process of subsection (C).
- F.** A Utility may not charge a fee for an additional review under subsection (C), unless a tariff containing such a fee is approved for the Utility by the Commission.
- G.** A Customer shall be responsible for any costs of Utility facilities and equipment modifications necessary to accommodate the Customer's Interconnection.
- H.** If the Generating Facility's operating characteristics can be modified such that improvements to the Distribution System are reduced or not required, and both the Utility and Customer agree on the operating characteristics, the Customer shall have the opportunity to modify the Generating Facility's operating characteristics to reduce facility costs.

**R14-2-2618. Level 2 Fast Track**

- A.** A Customer interconnecting a Generating Facility with a Maximum Capacity of less than 2 MW, excluding a Generating Facility processed in accordance with R14-2-2617, shall apply for Interconnection under the Level 2 Fast Track Application process.
- B.** To qualify for the Level 2 Fast Track, the Generating Facility shall comply with R14-2-2615(A) through (J).
- C.** The Level 2 Fast Track shall proceed as follows:
1. Within 21 calendar days following provision of notice under R14-2-2614(D)(1), the Utility shall review the Application and notify the Applicant of one of the following determinations:
    - a. The Generating Facility design satisfies R14-2-2615(A) through (J) and meets all Interconnection requirements and the Application is therefore deemed complete and approved for Interconnection; or
    - b. The Generating Facility design does not satisfy one or more of the requirements listed in subsections R14-2-2615(A) through (J) or does not meet one or more of the Utility's Interconnection requirements, which shall be specified, and the Application is therefore deemed incomplete and not approved for Interconnection.
  2. If the Utility's determination falls under subsection (C)(1)(b), the Applicant shall notify the Utility within 30 calendar days whether it wishes to proceed with the Interconnection.
    - a. Except as provided in subsection (D), if the Applicant does not provide notice within 30 calendar days that it wishes to proceed with the Interconnection, the Application may be considered withdrawn.
    - b. If the Applicant wishes to proceed with the Interconnection, the Applicant shall submit to the Utility, within 30 calendar days, any Utility-specified additional information or modifications to the Generating Facility, along with one of the following:
      - i. A request that the Utility continue to process the Application under this section;
      - ii. A request that the Utility process the Application in accordance with R14-2-2619; or
      - iii. A request that the Utility process the Application in accordance with R14-2-2620.
  3. Once an Application is approved, the Generating Facility shall be subject to R14-2-2621.



- D.** An Applicant may, within 30 calendar days after receiving notice under subsection (C)(1)(b), submit a request for an extension of the 30-day period allowed for submissions under subsection (C)(2)(b).
- E.** After receiving a submission under subsection (C)(2)(b), a Utility shall again follow the process under subsection (C).
- F.** A Utility may not charge a fee for an additional review under subsection (C), unless a tariff containing such a fee is approved for the Utility by the Commission.
- G.** A Customer shall be responsible for any costs of Utility facilities and equipment modifications necessary to accommodate the Interconnection.
- H.** If the Generating Facility's operating characteristics can be modified such that improvements to the Distribution System are reduced or not required, and both the Utility and Customer agree on the operating characteristics, the Customer shall have the opportunity to modify the Generating Facility's operating characteristics to reduce facility costs.

**R14-2-2619. Level 3 Study Track**

- A.** A Customer interconnecting a Generating Facility with a Maximum Capacity of 2 MW or greater, or a Generating Facility that does not meet the screening requirements for Level 1 Super Fast Track, Level 2 Fast Track, or Supplemental Review, shall apply for Interconnection under the Level 3 Study Track Application process.
- B.** An Applicant may request a pre-application meeting with the Utility to discuss the proposed design, installation, and operation of the Generating Facility prior to submission of an Application.
- C.** The Level 3 Study Track shall proceed as follows:
  - 1.** Within 14 calendar days after transfer from Level 1 Super Fast Track, transfer from Level 2 Fast Track, or transfer from Supplemental Review, a Utility shall review the Application and provide the Applicant notice:
    - a.** That the Application satisfies all requirements under R14-2-2614(B); or
    - b.** That the Application does not satisfy one or more requirements under R14-2-2614(B), in which case:
      - i.** The Utility shall specify the additional information or documents required;
      - ii.** The Applicant shall submit the specified information or documents; and
      - iii.** The Application may be deemed withdrawn if the Applicant does not submit the required information or documents within 30 calendar days.
  - 2.** Within 30 calendar days following provision of notice under (C)(1)(a) or R14-2-2614(D)(1), the Utility shall review the Application and notify the Applicant of one of the following determinations:
    - a.** The Generating Facility design appears to meet all of the applicable Interconnection requirements; no further studies, special protective requirements, or system modifications are required; and the Application is deemed complete and approved for Interconnection; or
    - b.** The Generating Facility does not meet one or more of the Utility's Interconnection requirements, which shall be specified, and cannot be interconnected without further information, data, engineering studies, or modifications to the Distribution System or Generating Facility; the Interconnection shall proceed according to a meeting and study process deemed necessary by the Utility; itemized costs and timelines for the studies will be disclosed and agreed upon by the Utility and Applicant prior to the start of each one; and all studies will be made available to the Applicant.
  - 3.** Within 21 calendar days after notice is provided under subsection (C)(2)(b), a Scoping Meeting may be conducted to discuss which studies are needed, and the Utility shall provide to the Customer at the Scoping Meeting an acknowledgement letter describing the project scope and including a good faith estimate of the cost.
  - 4.** If requested by the Customer, the Utility shall undertake a Feasibility Study. The Utility shall provide the Customer, within 14 calendar days after the Scoping Meeting, a Feasibility Study agreement including an outline of the scope of the study and a non-binding, good faith estimate of the cost of the materials and labor needed to perform the study. The Utility shall conduct the Feasibility Study after the Customer executes the Feasibility Study agreement, provides all requested information necessary to complete the Feasibility Study, and pays the estimated costs.
    - a.** The Feasibility Study shall be completed within 45 calendar days.
    - b.** The Feasibility Study:
      - i.** Shall include review of short circuit currents, including contribution from the proposed generator, as well as coordination of and potential overloading of distribution circuit protection devices;
      - ii.** Shall provide initial details and ideas on the complexity and likely costs to interconnect prior to commitment of costly engineering review; and
      - iii.** May be used to focus or eliminate some or all of the more intensive System Impact Study.
  - 5.** If deemed necessary by the Customer or the Utility, the Utility shall undertake a System Impact Study. The Utility shall provide the Customer, within 14 calendar days after completing the previous study or meeting, a System Impact Study agreement including an outline of the scope of the study and a non-binding, good faith estimate of the cost of the materials and labor needed to perform the study. The Utility shall conduct the System Impact Study after the Customer executes the System Impact Study agreement, provides all requested Customer information necessary to complete the System Impact Study, and pays any required deposit of the estimated costs.
    - a.** The System Impact Study shall be completed within 45 calendar days.
    - b.** The System Impact Study shall reveal all areas where the Distribution System would need to be upgraded to allow the Generating Facility to be built and interconnected as designed and may include discussions with the Customer about potential alterations to generator design, including downsizing to limit grid impacts, as well as operational limits that would limit grid impacts if implemented.
    - c.** If the Utility determines, in accordance with Good Utility Practice, that the Distribution System modifications required to accommodate the proposed Interconnection are not substantial, the System Impact Study shall identify the scope and detailed cost of the modifications.
    - d.** If the Utility determines, in accordance with Good Utility Practice, that the system modifications to the Distribution System are substantial, a Facilities Study shall be performed.



- e. Each Utility shall include in its Interconnection Manual a description of the various elements of a System Impact Study it would typically undertake pursuant to this Section, including:
  - i. Load flow study;
  - ii. Short-circuit study;
  - iii. Circuit protection and coordination study;
  - iv. Impact on system operation;
  - v. Stability study, and the conditions justifying inclusion; and
  - vi. Voltage collapse study, and the conditions justifying inclusion.
- 6. The Utility shall undertake a Facilities Study if needed based on the outcome of the System Impact Study. The Utility shall provide the Customer, within 14 calendar days after completing the previous study or meeting, a Facilities Study agreement including an outline of the scope of the study and a non-binding, good faith estimate of the cost of the materials and labor needed to perform the study. The Utility shall conduct the Facilities Study after the Customer executes the Facilities Study agreement, provides all requested Customer information necessary to complete the study, and pays the estimated costs.
  - a. The Facilities Study shall be completed within 45 calendar days.
  - b. The Facilities Study shall delineate the detailed costs of construction and milestones. Construction may include new circuit breakers, relocation of reclosers, new Utility grid extensions, reconductoring lines, new transformers, protection requirements, and interaction.
- 7. If the Generating Facility meets all of the applicable Interconnection requirements, all items identified in any meeting or study have been resolved and agreed to, and the Utility has received the final design drawings, then:
  - a. The Utility shall send to the Customer, within seven calendar days, an executable Interconnection Agreement, which shall include as an exhibit the cost for any required Distribution System modifications;
  - b. The Customer shall review, sign, and return the Interconnection Agreement and any balance due for Interconnection studies or required deposit for facilities; and
  - c. The Customer shall then complete installation of the Generating Facility, and the Utility shall complete any Distribution System modifications, according to the requirements set forth in the Interconnection Agreement. The Utility shall employ best reasonable efforts to complete such system upgrades in the shortest time practical.
- 8. Once an Application is approved, the Generating Facility shall be subject to R14-2-2621.
- D.** A Utility may not charge a fee for an additional review under subsection (C), unless a tariff containing such a fee is approved for the Utility by the Commission.
- E.** A Customer shall have the responsibility for any costs of Utility facilities and equipment modifications necessary to accommodate the Customer's Interconnection.
- F.** If the Generating Facility's operating characteristics can be modified such that improvements to the Distribution System are reduced or not required, and both the Utility and Customer agree on the operating characteristics, the Customer shall have the opportunity to modify the Generating Facility's operating characteristics to reduce facility costs.

**R14-2-2620. Supplemental Review**

- A.** If a Utility determines that an Application for Interconnection cannot be approved without conducting a Supplemental Review, or if requested by the Applicant:
  - 1. The Utility shall, within seven calendar days of making the determination or receiving the request, provide the Applicant a good faith estimate of the cost of the Supplemental Review and a written agreement setting forth the terms of the Supplemental Review; and
  - 2. If the Customer desires to proceed with the Application, the Customer shall, within 14 calendar days of receipt of the good faith estimate and written agreement, sign the written agreement and submit to the Utility a deposit for the full estimated cost of the Supplemental Review.
- B.** The Applicant may specify the order in which the Utility will complete the screens in subsection (E).
- C.** The Applicant shall be responsible for the Utility's actual costs for conducting a Supplemental Review and must pay any review costs exceeding the deposit amount within 30 calendar days of receipt of an invoice for the balance, or resolution of any dispute as to those costs. If the deposit amount exceeds the actual costs of the Supplemental Review, the Utility shall return such excess to the Customer, without interest, within 30 calendar days of completing the Supplemental Review.
- D.** Within 21 calendar days following receipt of the deposit for a Supplemental Review, the Utility shall:
  - 1. Perform a Supplemental Review by determining compliance with the screens in subsections (E)(1), (2), and (3);
  - 2. Unless the Applicant has previously provided instructions for how to respond to the Generating Facility's failure to meet any of the Supplemental Review screens:
    - a. Notify the Applicant following the failure of any of the screens; and
    - b. If the Utility is unable to determine compliance with the screen in subsection (E)(1), notify the Applicant within two calendar days of making such determination and request the Applicant's permission to:
      - i. Continue evaluating the Interconnection under subsection (E);
      - ii. Terminate the Supplemental Review and continue evaluating the Generating Facility under R14-2-2619; or
      - iii. Terminate the Supplemental Review upon withdrawal of the Interconnection request by the Applicant; and
  - 3. Notify the Applicant of the results of the Supplemental Review along with copies of the analysis and data underlying the Utility's determinations of compliance with the screens.
- E.** A Utility shall apply the following screens in its Supplemental Review:
  - 1. A minimum load screen:
    - a. If 12 months of line section minimum load data (including onsite load but not station service load served by the Generating Facility) are available, can be calculated, can be estimated from existing data, or can be determined from a power flow model, the aggregate Generating Facility Maximum Capacity on the line section shall be less than 100% of the minimum load for all line sections bounded by automatic sectionalizing devices upstream of the Generating Facility.



- b. If 12 months of line section minimum load data are not available, or cannot be calculated, estimated, or determined, the Utility shall include in its Supplemental Review results notification under subsection (D) each reason that it is unable to calculate, estimate, or determine minimum load.
- c. In making its determination of compliance with subsections (E)(1)(a) and (b), the Utility shall:
  - i. Consider the type of generation used by the Generating Facility when calculating, estimating, or determining the circuit or line section minimum load, using daytime minimum load for solar photovoltaic generation systems with no battery storage (i.e., 10 a.m. to 4 p.m. for fixed panel systems and 8 a.m. to 6 p.m. for solar photovoltaic generation systems utilizing tracking systems), and using absolute minimum load for all other generation;
  - ii. For a Generating Facility that serves some station service load, consider only the net injection into the Utility's electric system as part of the aggregate generation; and
  - iii. Not consider as part of the aggregate generation Generating Facility capacity known to be reflected already in the minimum load data.
- 2. A voltage and power quality screen: In aggregate with existing Maximum Capacity on the line section:
  - a. Voltage regulation on the line section shall be maintained in compliance with relevant requirements under all system conditions;
  - b. Voltage fluctuation shall be within acceptable limits as defined by IEEE 1453, IEEE Recommended Practice for the Analysis of Fluctuating Installations on Power Systems (October 30, 2015), with no future editions or amendments, which is incorporated by reference; on file with the Commission; and published by and available from IEEE, 3 Park Avenue, 17th Floor, New York, New York 10016, and through <http://ieeexplore.ieee.org>; and
  - c. Harmonic levels shall meet IEEE 519 limits, IEEE Recommended Practice and Requirements for Harmonic Control in Electric Power Systems (June 11, 2014), with no future editions or amendments, which is incorporated by reference; on file with the Commission; and published by and available from IEEE, 3 Park Avenue, 17th Floor, New York, New York 10016, and through <http://ieeexplore.ieee.org>.
- 3. A safety and reliability screen: The location of the Generating Facility and the aggregate Maximum Capacity on the line section shall not create impacts to safety or reliability that cannot be adequately addressed without application of the Interconnection Study process. In making this determination regarding potential impacts to safety and reliability, the Utility shall give due consideration to the following, and any other relevant factors:
  - a. Whether the line section has significant minimum loading levels dominated by a small number of customers (e.g., several large commercial customers);
  - b. Whether the loading along the line section is uniform or even;
  - c. Whether the Generating Facility is located in close proximity to the substation (i.e., within less than 2.5 electrical circuit miles);
  - d. Whether the line section from the substation to the Point of Interconnection is a main feeder line section rated for normal and emergency ampacity;
  - e. Whether the Generating Facility incorporates a time delay function to prevent reconnection of the generator to the system until system voltage and frequency are within normal limits for a prescribed time;
  - f. Whether operational flexibility is reduced by the Generating Facility, such that transfer of the line section(s) of the Generating Facility to a neighboring distribution circuit/substation may trigger overloads or voltage issues; and
  - g. Whether the Generating Facility employs equipment or systems certified by a recognized standards organization to address technical issues such as, but not limited to, Islanding, reverse power flow, or voltage quality.
- F. If the Interconnection satisfies subsection (E), the Application shall be approved for Interconnection, and the Utility shall provide the Applicant notice of the Supplemental Review results.
- G. If Interconnection Facilities or minor modifications to the Utility's system are required for the Interconnection to meet the screens in subsection (E), the Utility shall notify the Applicant and request for the Applicant to pay for the modifications. If the Applicant agrees to pay for the modifications to the Utility's electric system, the Utility shall provide an Interconnection Agreement, along with a non-binding good faith estimate of the cost for the Interconnection Facilities and minor modifications, to the Applicant within seven calendar days after the Applicant agrees to pay for the modifications.
- H. If more than Interconnection Facilities or minor modifications to the Utility's system would be required for the Interconnection to meet the screens in subsection (E), the Utility shall notify the Applicant, at the same time it notifies the Applicant of the Supplemental Review results, that the Interconnection request shall be evaluated under R14-2-2619, unless the Applicant withdraws its Application.
- I. If the Interconnection fails any of the screens in subsection (E), and the Applicant does not withdraw its Application, the Utility shall continue to evaluate the Application under R14-2-2619.

**R14-2-2621. Utility Site Inspection: Approval for Parallel Operation**

- A. Once an Application is approved for Interconnection:
  - 1. If the Utility has not received an executed Interconnection Agreement, the Utility shall send to the Customer, within seven calendar days after the notice of Application approval, the appropriate Interconnection Agreement for review and signature;
  - 2. If required, the Customer shall submit to the Utility a copy of the final electrical clearance for the Generating Facility issued by the authority having jurisdiction;
  - 3. The Customer shall submit all necessary supplemental documents as specified by the Utility; and
  - 4. A site inspection shall be performed if deemed necessary by the Utility or requested by the Customer.
- B. Within seven calendar days after a site inspection is deemed necessary by the Utility, or requested by the Customer, the Utility shall perform a site inspection for which it may charge a fee, if a tariff containing such a fee is approved for the Utility by the Commission. During a site inspection, the Utility shall verify at least the following:
  - 1. The Generating Facility is in compliance with all applicable Interconnection and code requirements;
  - 2. All Generating Facility equipment is properly labeled;
  - 3. The Generating Facility system layout is in accordance with the plant location and site plans submitted to the Utility;



4. The inverter nameplate ratings are consistent with the information submitted to the Utility;
  5. The Utility has unrestricted 24-hour access to the Utility-owned production meter and Disconnect Switch, and the Disconnect Switch meets all applicable requirements;
  6. The inverter shuts down as required upon simulated loss of Utility voltage; and
  7. To the extent visible, the Generating Facility appears to be wired in accordance with the electrical diagrams submitted to the Utility.
- C.** The Utility shall install appropriate metering equipment, if required. The Utility may require the Customer to pay for the metering equipment, if a tariff containing such a fee is approved for the Utility by the Commission.
- D.** Within three calendar days of the completion of the site inspection and the receipt of all final applicable signed Interconnection documents, the Utility shall determine whether the Generating Facility meets all applicable requirements and shall notify the Customer that:
1. The Generating Facility is approved for Parallel Operation with the Distribution System per the agreed terms and conditions; or
  2. The Generating Facility has failed the site inspection because it does not meet one or more of the applicable requirements, which shall be specified; the Generating Facility is not approved for Parallel Operation; and specified actions must be taken by the Customer to resolve the issue and to obtain approval for Parallel Operation.
- E.** If the Generating Facility fails the initial Utility site inspection:
1. The Applicant shall, within 30 calendar days of the initial site inspection, correct any outstanding issues and notify the Utility that all corrections have been made, or the Application may be deemed withdrawn unless alternative arrangements have been made by the Customer with the Utility; and
  2. The Utility shall, within 14 calendar days of the Applicant notice of correction, perform a repeat inspection of the Generating Facility, for which the Utility may charge a fee, if a tariff containing such a fee is approved for the Utility by the Commission.
- F.** A Utility may take any reasonable actions, including locking open a Disconnect Switch, to prevent Parallel Operation for:
1. A Generating Facility that fails a site inspection; or
  2. A Customer who operates a Generating Facility in parallel without Utility approval.
- G.** If a Customer does not interconnect a Generating Facility within 180 calendar days after Application approval, the Customer's Application may be considered withdrawn.

**R14-2-2622. Interconnection to a Secondary Spot Network System**

- A.** A Secondary Spot Network System is a system that:
1. Simultaneously serves a Customer from three-phase, four-wire, low-voltage (typically 480V) circuits supplied by two or more network transformers which have low-voltage terminals that are connected to the low-voltage circuits through network protectors without ties to adjacent or nearby secondary network systems;
  2. Has two or more high-voltage primary feeders that are either dedicated network feeders that serve only other network transformers, or non-dedicated network feeders that serve radial transformers in addition to the network transformers, depending on network size and design; and
  3. Has automatic protective devices and fuses intended to isolate faulted primary feeders, network transformers, or low-voltage cable sections while maintaining uninterrupted service to the consumers served from the low-voltage circuits.
- B.** Because interconnecting a Generating Facility to a Secondary Spot Network System implicates technical requirements that are particular to the design and operational aspects of network protectors that are not required on radial systems, the Utility shall determine the process for interconnecting to a Secondary Spot Network System, subject to the following:
1. A Generating Facility shall not be interconnected to the load side of spot network protectors unless the Generating Facility uses an inverter-based equipment package and, together with the aggregated other inverter-based generation, does not exceed the smaller of 5% of the Secondary Spot Network System's maximum load or 50 kW; and
  2. Interconnection of a Generating Facility shall not result in a Backfeed of a Secondary Spot Network System or cause unnecessary operation of any Secondary Spot Network System protectors.

**R14-2-2623. Expedited Interconnection Process**

- A.** A Customer interconnecting a Non-Exporting inverter-based energy storage Generating Facility or an Inadvertent Export Generating Facility with a Maximum Capacity of 20 kW or less may apply for Interconnection under the Expedited Interconnection Process. In order to qualify for the Expedited Interconnection Process, the Customer's Generating Facility must meet the applicable conditions specified in subsections (B) and (C).
- B.** For a Customer interconnecting a Non-Exporting Generating Facility:
1. The Generating Facility shall utilize only UL 1741- and UL 1741SA-listed equipment;
  2. The Generating Facility shall meet all applicable codes and standards required by this Article and referenced in the Utility Interconnection Manual;
  3. The Generating Facility shall comply with Utility Interconnection and contractual requirements;
  4. The Generating Facility shall be a Non-Exporting inverter-based energy storage device with an aggregate maximum nameplate rating no greater than 500 kW;
  5. No other Generating Facilities, other than isolated back-up Generating Facilities, may be at the same Point of Interconnection as the Generating Facility;
  6. The Generating Facility shall comply with R14-2-2615(F); and
  7. The Generating Facility shall comply with one of the following:
    - a. The system capacity shall be less than 25% of the electrical service entrance ampere rating, and less than 50% of the service transformer rating; or
    - b. The system output rating shall be less than 50% of the verifiable Customer minimum load as measured over the past 12 months.
- C.** For a Customer interconnecting an Inadvertent Export Generating Facility with a Maximum Capacity of 20 kW or less:



- 1. The Generating Facility shall utilize only UL 1741- and UL 1741SA-listed equipment;
- 2. The Generating Facility shall meet all applicable codes and standards required by this Article and referenced in the Utility Interconnection Manual;
- 3. The Generating Facility shall comply with Utility Interconnection and contractual requirements;
- 4. The Generating Facility shall comply with R14-2-2603(E)(1) and (E)(4) through (7);
- 5. No other Generating Facilities, other than isolated back-up Generating Facilities or Generating Facilities that are already subject to an executed Interconnection Agreement, may be at the same Point of Interconnection as the Generating Facility; and
- 6. The Generating Facility shall comply with R14-2-2615(E) and (F).

**D. The Expedited Interconnection Process shall proceed as follows:**

- 1. An Applicant shall complete an Application provided by the Utility and submit the Application to the Utility along with all required supplemental information and documents, which shall be noted on the Application, as well as an executed Interconnection Agreement, if required by the Utility, and with an initial application fee or processing fee only if a tariff containing such a fee is approved for the Utility by the Commission.
- 2. Within seven calendar days of receipt of the Application, the Utility shall notify the Applicant whether the Application is complete or incomplete.
  - a. When the Utility notifies the Applicant that an Application is incomplete, the Utility shall specify what additional information or documentation is necessary to complete the Application.
  - b. Within 30 calendar days after receipt of notification that an Application is incomplete, an Applicant shall withdraw the Application or submit the required information or documentation. If an Applicant does not submit the required information or documentation within 30 calendar days, the Application may be considered withdrawn.
- 3. Within seven calendar days following the receipt of a complete Application, the Utility shall review the Application and notify the Applicant of one of the following determinations:
  - a. The Generating Facility meets the requirements of subsections (B) and (C), and the Application is approved as submitted; or
  - b. The Generating Facility does not meet the requirements of subsections (B) and (C), in a manner specified by the Utility; the Application is no longer eligible for processing under the Expedited Interconnection Process; and the Applicant has the option to select Application processing in accordance with R14-2-2620.
- 4. If the Application is not accepted as submitted, the Applicant shall notify the Utility within 30 calendar days whether it wishes to proceed with the Interconnection.
  - a. If the Applicant does not wish to proceed with the Interconnection, or the Utility is not notified within the specified time-frame, the Application may be considered withdrawn.
  - b. If the Applicant wishes to proceed with the Interconnection, the Utility shall begin processing the Application in accordance with R14-2-2620.
- 5. Once an Application is approved:
  - a. If the Utility has not received an executed Interconnection Agreement, the Utility shall send to the Customer, within three calendar days after the notice of Application approval, the appropriate Interconnection Agreement for review and signature; and
  - b. Within three calendar days of the receipt of all final applicable signed Interconnection documents, the Utility shall notify the Customer that the Generating Facility is approved for Parallel Operation.

**R14-2-2624. Disconnect Switch Requirements**

- A.** If required by a Utility, a Customer shall install and maintain a visual-open, manually operated, load break Disconnect Switch that completely opens and isolates all ungrounded conductors of the Generating Facility from the Distribution System. For multi-phase systems, the Disconnect Switch shall be gang-operated.
- B.** A Utility may impose additional requirements for a Disconnect Switch in its Interconnection Manual.

**R14-2-2625. Advanced Inverter Requirements**

- A.** If interconnected after the effective date of this Article, a Generating Facility utilizing inverter-based technology shall be interconnected via advanced inverter(s) that are capable of, at minimum, the advanced grid support features specified in subsection (B).
- B.** At a minimum, an advanced inverter shall be capable of the following grid support features:
  - 1. Volt/VAR Mode – Provide voltage/VAR control through dynamic reactive power injection through autonomous responses to local voltage measurement;
  - 2. Volt/Watt Mode – Provide voltage/watt control through dynamic active power injection through autonomous responses to local voltage measurement;
  - 3. Fixed Power Factor – Provide reactive power by a fixed power factor;
  - 4. Anti-Islanding – Support anti-Islanding to trip off under extended anomalous conditions;
  - 5. Low/High Voltage Ride-through (L/HVRT) – Provide ride-through of low/high voltage excursions beyond normal limits;
  - 6. Low/High Frequency ride-through (L/HFRT) – Provide ride-through of low/high frequency excursions beyond normal limits;
  - 7. Soft-Start Reconnection – Reconnect after grid power is restored; and
  - 8. Frequency/Watt Mode – Provide Frequency/Watt control to counteract frequency excursions beyond normal limits by decreasing or increasing real power.
- C.** The grid support features listed in subsections (B)(1), (2), (3), (7), and (8) shall only be activated upon mutual consent between the Customer and the Utility.



- D.** The grid support features listed in subsections (B)(4), (5), and (6) shall always be operational.
- E.** Advanced inverters shall meet the shutdown protective functions (under/over voltage, under/over frequency, and anti-Islanding) specified in IEEE 1547-2018, which is incorporated by reference in R14-2-2614(E)(1).

**R14-2-2626. Utility Reporting Requirements**

- A.** Each Utility shall maintain records concerning each received Application for Interconnection and shall include in its records:
  - 1. The date the Application was received;
  - 2. Any documents generated in the course of processing the Application;
  - 3. Any correspondence regarding the Application;
  - 4. The final disposition of the Application; and
  - 5. The final disposition date.
- B.** By March 30 of each year, each Utility shall file with the Commission a Distributed Generation Interconnection Report, with data for the preceding calendar year that shall include:
  - 1. The number of complete Applications denied by track level, including the reasons for denial;
  - 2. A list of special contracts, approved by the Commission during the reporting period, that provide discounted rates to Customers as an alternative to self-generation;
  - 3. Pre-Application Report:
    - a. Total number of reports requested;
    - b. Total number of reports issued;
    - c. Total number of requests withdrawn; and
    - d. Maximum, mean, and median processing times from receipt of request to issuance of report;
  - 4. Interconnection Application:
    - a. Total number received, broken down by:
      - i. Primary fuel type (e.g., solar, wind, biogas, etc.); and
      - ii. System size (<20 kW, 20 kW-2 MW, >2MW);
    - b. Expedited Interconnection Process:
      - i. Total number of applications approved;
      - ii. Total number of applications denied;
      - iii. Total number of applications withdrawn; and
      - iv. Maximum, mean, and median processing times from receipt of complete Application to execution of Interconnection Agreement;
    - c. Level 1 Super Fast Track Process:
      - i. Total number of applications approved;
      - ii. Total number of applications denied;
      - iii. Total number of applications withdrawn; and
      - iv. Maximum, mean, and median processing times from receipt of complete Application to execution of Interconnection Agreement;
    - d. Level 2 Fast Track Process:
      - i. Total number of applications approved;
      - ii. Total number of applications denied;
      - iii. Total number of applications withdrawn; and
      - iv. Maximum, mean, and median processing times from receipt of complete Application to execution of Interconnection Agreement;
    - e. Supplemental Review:
      - i. Total number of applications approved;
      - ii. Total number of applications denied;
      - iii. Total number of applications withdrawn; and
      - iv. Maximum, mean, and median processing times from receipt of complete Application to execution of Interconnection Agreement; and
    - f. Level 3 Study Process:
      - i. Total number of System Impact Studies completed;
      - ii. Maximum, mean, and median processing times from receipt of signed System Impact Study agreement to provision of study results;
      - iii. Total number of Facilities Studies completed;
      - iv. Maximum, mean, and median processing times from receipt of signed Facility Study agreement to provision of study results;
      - v. Maximum, mean, and median processing times from receipt of complete Application to execution of Interconnection Agreement.

**R14-2-2627. Electric Cooperatives**

- A.** Upon Commission approval of an Electric Cooperative's Interconnection Manual, its provisions shall substitute for the timeline requirements set forth in R14-2-2614 and R14-2-2616 through R14-2-2623 for the Electric Cooperative and its Customers.
- B.** Each Electric Cooperative shall employ best reasonable efforts to comply with the deadlines set forth in the applicable provisions of this Article or, if unable to meet those deadlines, shall process all Applications and conduct all inspections and tests in the shortest time practical.



**R14-2-2628. Interconnection Manuals**

- A.** No later than 90 calendar days after the effective date of this Article, each Utility shall file with Docket Control, for Commission review and approval, an Interconnection Manual that:
  - 1. Contains detailed technical, safety, and protection requirements necessary to interconnect a Generating Facility to the Distribution System in compliance with this Article and Good Utility Practice; and
  - 2. Specifies by date, either within its main text or in an appendix, the version of each standard, code, or guideline with which an Applicant's Generating Facility must comply to be eligible for Interconnection and Parallel Operation.
- B.** A Utility shall revise its Interconnection Manual as necessary to ensure compliance with Good Utility Practice.
- C.** A Utility shall file each revision to its Interconnection Manual with Docket Control, for Commission review and approval, at least 60 calendar days prior to the proposed effective date of the revision.
- D.** A revision to an Interconnection Manual that a Utility has determined is necessary to enhance health or safety shall become effective immediately, subject to subsequent review and approval by the Commission.
- E.** The Commission's Utilities Division may contest a Utility's proposed revision to its Interconnection Manual and may seek a suspension of the effective date of the revision to allow for further review.
- F.** A Utility shall file with Docket Control, within 10 calendar days after the effective date of a decision approving any revisions to its Interconnection Manual, an updated Interconnection Manual conforming to the Commission's decision.
- G.** A Utility shall make its Interconnection Manual available on the Utility's website.
- H.** A Utility shall implement and ensure compliance with its Commission-approved Interconnection Manual.



**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 1. DEPARTMENT OF HEALTH SERVICES  
ADMINISTRATION**

[R20-36]

**PREAMBLE**

1. **Article, Part, or Section Affected (as applicable)**

R9-1-101	Amend
R9-1-102	Amend
R9-1-103	Amend
R9-1-201	Amend
R9-1-202	Amend
R9-1-203	Amend
R9-1-301	Amend
R9-1-302	Amend
R9-1-303	Amend
  
2. **Citations to the agency’s statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**  
 Authorizing statutes: A.R.S. §§ 36-104(3), 36-136(A)(1), and 36-136(G)  
 Implementing statutes: A.R.S. §§ 41-1002(C), 41-1003, 41-1092.08, 41-1029, 41-1092.09; 41-1033; 36-104(9), 36-105, 36-107, 36-136(H)(11), and 36-351
  
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 rule:**  
 Notice of Rulemaking Docket Opening: 26 A.A.R. 206, January 31, 2020
  
4. **The agency’s contact person who can answer questions about the rulemaking:**

Name:	Stephanie Elzenga, Acting Office Chief
Address:	Department of Health Services Office of Administrative Counsel and Rules 150 N. 18th Ave., Suite 200 Phoenix, AZ 85007
Telephone:	(602)-542-8819
Fax:	(602) 364-1150
E-mail:	Stephanie.Elzenga@azdhs.gov
or	
Name:	Robert Lane, Administrative Counsel
Address:	Department of Health Services Office of Administrative Counsel and Rules 150 N. 18th Ave., Suite 200 Phoenix, AZ 85007
Telephone:	(602) 542-1020
Fax:	(602) 364-1150
E-mail:	Robert.Lane@azdhs.gov
  
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:**  
 In the Department’s five year review report, submitted to the Governor’s Regulatory Review Council (“Council”) in June 2019, the Department stated a plan to amend the rules to update outdated definitions and statutory references, and revise outdated language that will improve the clarity and effectiveness of the rules; update language to comply with Laws 2018, Ch. 337, which made revisions to Arizona Revised Statutes (“A.R.S.”) § 41-1033; and include language related to records that are confidential under A.R.S. § 36-2810.



- 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 comments on the proposed expedited rule:**  
Close of record: March 26, 2020 at 3:00 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:**  
There are no other matters prescribed by statutes applicable specifically to the Department or this specific rulemaking.
  - 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 a permit.
  - 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:**  
There are no federal rules applicable to the subject of 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 rules follows:**

TITLE 9. HEALTH SERVICES

CHAPTER 1. DEPARTMENT OF HEALTH SERVICES ADMINISTRATION

ARTICLE 1. RULES OF PRACTICE AND PROCEDURE

- Section
- R9-1-101. Definitions
- R9-1-102. ~~Objection~~ Response to a Recommended Decision
- R9-1-103. Rehearing or Review of a Final Administrative Decision

ARTICLE 2. PUBLIC PARTICIPATION IN RULEMAKING

- Section
- R9-1-201. Definitions
- R9-1-202. Rulemaking Record
- R9-1-203. Petition for Department Rulemaking and Petition for Review of a Department Practice or Substantive Policy Statement

ARTICLE 3. DISCLOSURE OF MEDICAL RECORDS, PAYMENT RECORDS, AND PUBLIC HEALTH RECORDS

- Section
- R9-1-301. Definitions
- R9-1-302. Medical Records or Payment Records Disclosure
- R9-1-303. Public Health Records Disclosure



## ARTICLE 1. RULES OF PRACTICE AND PROCEDURE

### R9-1-101. Definitions

~~A.~~ In this Chapter, addition to the definitions in A.R.S. §§ 41-1001 and 41-1092, the following definitions apply in this Chapter, unless otherwise specified:

- ~~1.~~ “Day” means a calendar day, and excludes the:
  - a. Day of the act or event from which a designated period of time begins to run; and
  - b. Last day of the period if a Saturday, Sunday, or official state holiday.
1. “Calendar day” means each day, not including the day of the act, event, or default from which a designated period of time begins to run, but including the last day of the period unless it is a Saturday, Sunday, statewide furlough day, or legal holiday, in which case the period runs until the end of the next day that is not a Saturday, Sunday, statewide furlough day, or legal holiday.
2. “Department” means the Arizona Department of Health Services.
3. “Director” means the Director of the Arizona Department of Health Services or an individual designated by the Director.
4. “Rule” has the same meaning as A.R.S. § 41-1001(17).

~~B.~~ In this Article, unless otherwise specified:

- ~~1.~~ “Administrative law judge” has the same meaning as in A.R.S. § 41-1092.
- ~~2.~~ “Appealable agency action” has the same meaning as in A.R.S. § 41-1092.
- ~~3.~~ “Contested case” has the same meaning as in A.R.S. § 41-1001.
4. “Final administrative decision” has the same meaning as in A.R.S. § 41-1092.
- ~~5.~~ “Party” has the same meaning as in A.R.S. § 41-1001.
- ~~6.~~ “Recommended decision” means the written ruling made by an administrative law judge regarding a contested case or appealable agency action within 20 days after a hearing under A.R.S. § 41-1092.07 A.R.S. § 41-1092.08.

### R9-1-102. ~~Objection~~ Response to a Recommended Decision

- ~~A.~~ Upon receipt of a copy of a recommended decision for a contested case or an appealable agency action, the ~~The~~ Director may mail a copy of ~~the a~~ recommended decision to each party.
- ~~B.~~ A party has ten calendar days from the date the Director mails the recommended decision to submit a ~~memorandum of objections~~ response that states each reason why the Director should accept, reject, or modify the recommended decision ~~is in error~~, with information supporting the reason.
- ~~C.~~ The Director may consider ~~the memorandum of objections~~ a response in subsection (B) in determining whether to accept, reject, or modify the recommended decision.

### R9-1-103. Rehearing or Review of a Final Administrative Decision

- ~~A.~~ A party who is aggrieved by a final administrative decision may file with the Director, not later than 30 calendar days after service of the final administrative decision, a written motion for rehearing or review of the final administrative decision specifying the grounds for rehearing or review.
- ~~B.~~ A party filing a motion for rehearing or review under this Section may amend the motion at any time before it is ruled upon by the Director.
- ~~C.~~ Any other party may file a response to the motion for rehearing or review in subsection (A) within 15 calendar days after the date the motion for rehearing or review is filed with the Director.
- ~~D.~~ The ~~director~~ Director may require that the parties file supplemental memoranda explaining the issues raised in ~~the a~~ motion or response in subsection (A) or (C) and may permit oral argument.
- ~~E.~~ The Director may grant a rehearing or review of the final administrative decision for any of the following reasons materially affecting the requesting party’s rights:
  1. Irregularity in the proceedings of the hearings or an abuse of discretion; that deprived the party of a fair hearing,
  2. Misconduct by the administrative law judge or the prevailing party,
  3. Accident or surprise that could not have been prevented by ordinary prudence,
  4. Newly discovered material evidence that could not with reasonable diligence have been discovered and produced at the original hearing,
  5. Excessive or insufficient penalties,
  6. Error in the admission or rejection of evidence or other errors of law occurring at the hearing, or
  7. That the decision is not supported by the evidence or is contrary to law.
- ~~D.~~ The Director shall rule on the motion for rehearing or review within 15 calendar days after the a response to the motion is filed. If no response to the motion for rehearing or review is filed, the Director shall rule on the motion for rehearing or review within five calendar days after the expiration of the response period in subsection (C).
- ~~E.~~ An order issued by the Director granting a rehearing or review shall specify the grounds for the rehearing or review.

## ARTICLE 2. PUBLIC PARTICIPATION IN RULEMAKING

### R9-1-201. Definitions

In addition to the definitions in ~~R9-1-101(A)~~ R9-1-101, the following definitions apply in this Article, unless otherwise specified:

1. “Amendment” means a change to a rule, including added or deleted text.
2. “Arizona Administrative Code” means the publication described in A.R.S. § 41-1012.
3. “Citation” means the number that identifies a rule.
- ~~4.~~ “Person” means the same as in A.R.S. § 41-1001(13).
- ~~5.~~ “Rulemaking” means the same as in A.A.C. R1-1-101.
- ~~6.~~ “Rulemaking record” means a file maintained by the Department as specified in A.R.S. § 41-1029.
- ~~7.~~ “Substantive policy statement means the same as in A.R.S. § 41-1001(20).



8-5. "Text" means a letter, number, symbol, table, or punctuation in a rule.

**R9-1-202. Rulemaking Record**

Except on a state holiday, an individual may review a rulemaking record at the Office of the ~~Director~~ Administrative Counsel and Rules, Monday through Friday, from 8:00 a.m. until 5:00 p.m.

**R9-1-203. Petition for Department Rulemaking and Petition for Review of a Department Practice or Substantive Policy Statement**

- A. A petition to the Department for rulemaking under A.R.S. § 41-1033 shall include:
  - 1. The name and address of the individual who submits the petition;
  - 2. An identification of the rulemaking, including:
    - a. A statement of the rulemaking sought,
    - b. The Arizona Administrative Code citation of each existing rule included in the petition, and
    - c. A description of each new rule included in the petition;
  - 3. The specific text of each new rule or amendment;
  - 4. The reasons for requesting the rulemaking, supported by:
    - a. Statistical data;
    - b. If the statistical data refers to exhibits, the exhibits;
    - c. An identification of the persons who would be affected by the rulemaking and the type of effect; and
    - d. Other information supporting the rulemaking;
  - 5. The signature of the individual who submits the petition;
  - 6. The date the petition is signed; and
  - 7. A copy of each existing rule included in the petition.
- B. A petition to the Department under A.R.S. § 41-1033 for review of a Department practice or substantive policy statement that allegedly constitutes a rule shall include:
  - 1. The name and address of the individual who submits the petition,
  - 2. ~~The reasons why the Department's~~ An identification of a Department practice or substantive policy statement that allegedly constitutes a rule,
  - 3. The signature of the individual who submits the petition,
  - 4. The date the petition is signed, and
  - 5. A copy of the Department's substantive policy statement or a description of the Department's practice.
- C. ~~According to A.R.S. § 41-1033(A), the~~ The Department shall notify an individual who submits a ~~subsection (A) or subsection (B) petition according to A.R.S. § 41-1033~~ of the Department's decision in writing within 60 calendar days after receipt of the petition.
- D. If the Department denies a ~~subsection (A) or subsection (B) petition submitted according to A.R.S. § 41-1033~~, the individual who submitted the petition may proceed according to ~~either A.R.S. § 41-1033(B) or A.R.S. § 41-1034 or according to both A.R.S. § 41-1033(B) and A.R.S. § 41-1034~~ A.R.S. §§ 41-1033 or 41-1034.

**ARTICLE 3. DISCLOSURE OF MEDICAL RECORDS, PAYMENT RECORDS, AND PUBLIC HEALTH RECORDS**

**R9-1-301. Definitions**

In addition to the definitions in ~~R9-1-101(A)~~ R9-1-101, the following definitions apply in this Article, unless otherwise specified:

- 1. "Behavioral health services" means ~~the assessment, diagnosis, or treatment of an individual's mental, emotional, psychiatric, psychological, psychosocial, or substance abuse issues~~ same as in A.R.S. § 36-401.
- 2. "Business day" means the same as in A.R.S. § 10-140.
- 3. "Commercial purpose" means the same as in ~~A.R.S. § 39-121.03(D)~~ A.R.S. § 39-121.03.
- 4. "Consent" means permission by an individual or by the individual's parent, legal guardian, or other health care decision maker to have medical services provided to the individual.
- 5. "Correctional facility" means ~~the same as in A.R.S. § 13-2501(2).~~
- 6-5. "Court of competent jurisdiction" means a court with the authority to enter an order.
- 7-6. "De-identified" means a public health record from which the information listed in 45 CFR 164.514(b)(2)(i) for an individual and the individual's relatives, employers, or household members has been removed.
- 8. "Diagnosis" means ~~an identification of a disease or an injury by an individual authorized by law to make the identification.~~
- 9-7. "Disclose" means to release, transfer, provide access to, or divulge information in any other manner.
- 10-8. "Disclosure" means the release, transfer, provision of access to, or divulging of information in any other manner by the person holding the information.
- 11-9. "Disease" means ~~a condition or disorder that causes the human body to deviate from its normal or healthy state~~ the same as in R9-6-101.
- 12-10. "Documentation" means written supportive evidence.
- 13-11. "Emancipated minor" means an individual less than age 18 who:
  - a. Is determined to be independent of parents or legal guardians under A.R.S. Title 12, Chapter 15, Article 1, ~~as added by Laws 2005, Chapter 137, § 3, effective August 12, 2005;~~
  - b. Meets the requirements for recognition as an emancipated minor in A.R.S. § 12-2455, ~~as added by Laws 2005, Chapter 137, § 3, effective August 12, 2005;~~
  - c. Has the ability to make a contract under A.R.S. § 44-131 or to consent to medical services under A.R.S. § 44-132; or
  - d. Is married or is a U.S. armed forces enlisted member.
- 14-12. "Employee" means an individual who works for the Department for compensation.
- 15-13. "Enlisted member" means the same as in ~~32 U.S.C. 101(9)~~ 32 U.S.C. 101.



- ~~16-14.~~“Epidemic” means that a disease ~~that~~ affects a disproportionately large number of individuals in a population, community, or region at the same time.
- ~~17-15.~~“Estate” means the same as in A.R.S. § 14-1201(16) A.R.S. § 14-1201.
- ~~18.~~ “Financial institution” means a bank, a savings and loan association, a credit union, or a consumer lender.
- ~~19-16.~~“Halfway house” means a residential facility setting that temporarily provides shelter, food, and other services to an individual after the individual completes a confinement in a correctional facility, as defined in A.R.S. § 13-2501, or a stay in a health care institution, as defined in A.R.S. § 36-401.
- ~~20-17.~~“Health care decision maker” means the same as in A.R.S. § 12-2291(3) A.R.S. § 12-2291.
- ~~21.~~ “Health care institution” means the same as in A.R.S. § 36-401(23).
- ~~22.~~ “Health care system” means the facilities, personnel, and financial resources in place in a state or other geographic area for delivering behavioral health services, medical services, nursing services, and health-related services to individuals in the state or other geographic area.
- ~~23.~~ “Health oversight activity” means:
- ~~a.~~ Supervision of the health care system;
  - ~~b.~~ Determining eligibility for health-related government benefit programs;
  - ~~c.~~ Determining compliance with health-related government regulatory programs, or
  - ~~d.~~ Determining compliance with civil rights laws for which health-related information is relevant.
- ~~24.~~ “Health-related services” means the same as in A.R.S. § 36-401(24).
- ~~25.~~ “Homeless minor” means an individual described in A.R.S. § 44-132(C).
- ~~26.~~ “Homeless shelter” means the same as in A.R.S. § 16-121(D).
- ~~27-18.~~“Human Subjects Review Board” means individuals designated by the Director to:
- ~~a.~~ Review human subjects research that is conducted, funded, or sponsored by the Department for consistency with 45 CFR Part 46, Subpart A, dealing with the protection of the human subjects;
  - ~~b.~~ Review requests for Department information from external entities conducting or planning to conduct human subjects research; and
  - ~~c.~~ Establish guidelines for the submission and review of human subjects research.
- ~~28-19.~~“Incapacitated person” means the same as in A.R.S. § 14-5101(1) A.R.S. § 14-5101.
- ~~29-20.~~“Incidence” means the rate of cases of a disease or an injury in a population, community, or region during a specified period.
- ~~30-21.~~“Individually identifiable health information” means the information described in ~~42 U.S.C. 1320d(6)~~ 42 U.S.C. 1320d.
- ~~31-22.~~“Injury” means trauma or damage to a part of the human body.
- ~~32.~~ “Jurat” means the same as in A.R.S. § 41-311(6).
- ~~33-23.~~“Legal guardian” means an individual:
- ~~a.~~ Appointed by a court of competent jurisdiction under ~~A.R.S. Title 8, Chapter 10, Article 5~~ A.R.S. Title 8, Chapter 4, Article 12 or A.R.S. Title 14, Chapter 5;
  - ~~b.~~ Appointed by a court of competent jurisdiction under another state’s laws for the protection of minors and incapacitated persons; or
  - ~~c.~~ Appointed for a minor or an incapacitated person in a probated will.
- ~~34-24.~~“Medical records” means the same as in A.R.S. § 12-2291(5) A.R.S. § 12-2291.
- ~~35-25.~~“Medical services” means the same as in A.R.S. § 36-401(31) A.R.S. § 36-401.
- ~~36-26.~~“Minor” means the same as in A.R.S. § 36-798(5) A.R.S. § 36-798.
- ~~37.~~ “Nursing services” means the same as in A.R.S. § 36-401(35).
- ~~38-27.~~“Outbreak” means an unexpected increase in the incidence of a disease as determined by the Department or a health agency, as defined in A.R.S. § 36-671(5) A.R.S. § 36-671.
- ~~39-28.~~“Parent” means a biological or adoptive mother or father of an individual.
- ~~40-29.~~“Patient” means an individual receiving behavioral health services, medical services, nursing services, or health-related services, as defined in A.R.S. § 36-401.
- ~~41-30.~~“Payment records” means the same as in A.R.S. § 12-2291(6) A.R.S. § 12-2291.
- ~~42.~~ “Person” means the same as in A.R.S. § 41-1001(13).
- ~~43-31.~~“Personal representative” means the same as in A.R.S. § 14-1201(38) A.R.S. § 14-1201.
- ~~44-32.~~“Probated will” means a will that has been proved as valid in a court of competent jurisdiction.
- ~~45.~~ “Public health intervention” means ~~responding to and containing:~~
- ~~a.~~ Outbreaks or epidemics of disease, or
  - ~~b.~~ The incidence of injury.
- ~~46.~~ “Public health investigation” means ~~identifying and examining:~~
- ~~a.~~ Outbreaks or epidemics of disease, or
  - ~~b.~~ The incidence of injury.
- ~~47-33.~~“Public health records” means information created, obtained, or maintained by the Department for:
- ~~a.~~ Public health surveillance, ~~public health investigation, or public health intervention~~ to monitor the incidence and spread of a disease or an injury;
  - ~~b.~~ Public health investigation to identify and examine outbreaks or epidemics of disease or the incidence of injury;
  - ~~c.~~ Public health intervention to respond and contain outbreaks or epidemics of disease or the incidence of injury;
  - ~~b-d.~~ A system of public health statistics, as defined in A.R.S. § 36-301;
  - ~~e-c.~~ A system of vital records, as defined in A.R.S. § 36-301; or
  - ~~d-f.~~ Health oversight activities, which include the following:
    - ~~i.~~ Supervision of the health care system.
    - ~~ii.~~ Determining eligibility for health-related government benefit programs.



- iii. Determining compliance with health-related government regulatory programs, or
- iv. Determining compliance with civil rights laws for which health-related information is relevant; or
- g. Other public health activities required or authorized by state or federal law.
- 48. ~~“Public health surveillance” means monitoring the incidence and spread of a disease or an injury.~~
- 49-34. “Research” means the same as in 45 CFR 164.501.
- 50-35. “State” means the same as in A.R.S. § 36-841.
- 51-36. “Surviving spouse” means the individual:
  - a. To whom a deceased individual was married at the time of death, and
  - b. Who is currently alive.
- 52. ~~“System of public health statistics” means the same as in A.R.S. § 36-301(31).~~
- 53. ~~“System of vital records” means the same as in A.R.S. § 36-301(32).~~
- 54-37. “Third person” means a person other than:
  - a. The individual identified by medical records; or
  - b. The individual’s parent, legal guardian, or other health care decision maker.
- 55-38. “Treatment” means a procedure or method to cure, improve, or palliate a disease or an injury.
- 56-39. “Valid authorization” means written permission to disclose individually identifiable health information that contains all the elements described in 45 CFR 164.508(c)(1).
- 57. ~~“Veteran” means the same as in 38 U.S.C. 101(2).~~
- 58. ~~“Vital record” means the same as in A.R.S. § 36-301(33).~~
- 59-40. “Volunteer” means an individual who works for the Department without compensation.
- 60-41. “Will” means the same as in A.R.S. § 14-1201(59) A.R.S. § 14-1201.

**R9-1-302. Medical Records or Payment Records Disclosure**

- A. Except as provided in subsection (B), an employee or volunteer shall not disclose to a third person medical records or payment records containing individually identifiable health information ~~that the employee or volunteer~~ obtained or accessed as a result of the employment or volunteering.
- B. Unless otherwise prohibited by law, an employee or volunteer may disclose to a third person medical records or payment records containing individually identifiable health information:
  - 1. With the valid authorization of the individual identified by the information in the medical records or payment records, if the individual:
    - a. Is at least age 18 or an emancipated minor, and
    - b. Is not an incapacitated person;
  - 2. With the valid authorization of the parent, legal guardian, or other health care decision maker of the individual identified by the information in the medical records or payment records, if the individual is:
    - a. Less than age 18, other than an emancipated minor; or
    - b. An incapacitated person;
  - 3. With the valid authorization of the individual identified by the information in the medical records or payment records, regardless of age, if:
    - a. The information to be disclosed resulted from the consent given by the individual under ~~A.R.S. § 44-132.01~~ or A.R.S. § 36-663 or A.R.S. § 44-132.01 and,
    - b. The individual is not an incapacitated person;
  - 4. With the valid authorization of the individual identified by information in the medical records or payment records if:
    - a. The information to be disclosed resulted from the individual’s treatment under A.R.S. § 44-133.01;
    - b. The individual was at least age 12 at the time of the treatment under A.R.S. § 44-133.01 as established by documentation, such as a copy of the individual’s:
      - i. Driver license issued by a state, or
      - ii. Birth certificate; and
    - c. The individual is not an incapacitated person;
  - 5. If the individual identified by the information in the medical records or payment records is deceased, upon the written request to the Department according to subsection (D) for disclosure of the deceased individual’s medical records or payment records to:
    - a. The deceased individual’s health care decision maker at the time of death;
    - b. The personal representative of the deceased individual’s estate; or
    - c. If the deceased individual’s estate has no personal representative, a person listed in ~~A.R.S. §§ 12-2294(D)(1) through 12-2294(D)(6)~~ A.R.S. § 12-2294(D);
  - 6. At the direction of the Human Subjects Review Board, if the medical records or payment records are sought for research and the disclosure meets the requirements of 45 CFR 164.512(i)(2); or
  - 7. As required by an order issued by a court of competent jurisdiction.
- C. For purposes of subsection (B)(1), an individual less than age 18 who claims emancipated minor status shall submit to the Department a valid authorization signed by the individual less than age 18 and:
  - 1. A copy of an order emancipating the individual issued by the Superior Court of Arizona;
  - 2. If the individual was an emancipated minor in a state other than Arizona:
    - a. Documentation establishing that the individual is at least age 16, such as a copy of the individual’s:
      - i. Driver license issued by a state, or
      - ii. Birth certificate; and
    - b. Documentation of the individual’s emancipation, such as a copy of:
      - i. An order emancipating the individual issued by a court of competent jurisdiction of a state other than Arizona,
      - ii. A real property purchase agreement signed by the individual as the buyer or the seller in a state other than Arizona,



- iii. An order for the individual to pay child support issued by a court of competent jurisdiction of a state other than Arizona, or
- iv. ~~A financial institution loan agreement with a financial institution, such as a bank, savings and loan association, a credit union, or a consumer lender, signed by the individual as the borrower in a state other than Arizona;~~
- 3. A copy of the individual's marriage certificate issued by a state;
- 4. If the individual is a homeless minor, as described in A.R.S. § 44-132, documentation such as:
  - a. A statement on the letterhead of a homeless shelter, as defined in A.R.S. § 16-121, or halfway house that:
    - i. Is dated within 10 calendar days before the date the Department receives the document,
    - ii. States the homeless shelter or halfway house is the individual's primary residence,
    - iii. Is signed by an authorized signer for the homeless shelter or halfway house, and
    - iv. States the authorized signer's title or position at the homeless shelter or halfway house; or
  - b. A statement signed by the individual that:
    - i. The individual does not live with the individual's parents, and
    - ii. The individual lacks a fixed nighttime residence;
- 5. If the individual is a U.S. armed forces enlisted member, a copy of the individual's U.S. armed forces:
  - a. Enlistment document, or
  - b. Identification card; or
- 6. If the individual is a U.S. armed forces veteran, as defined in 38 U.S.C. 101, a copy of the individual's discharge certificate.
- D. A request to the Department under subsection (B)(5) to disclose medical records or payment records shall include:
  - 1. The name of the individual identified by the information in the medical records or payment records;
  - 2. A statement that the individual identified by the information in the medical records or payment records is deceased;
  - 3. The description and dates of the medical records or payment records requested;
  - 4. The name, address, and telephone number of the person requesting the medical records or payment records disclosure;
  - 5. Whether the person requesting the medical records or payment records disclosure:
    - a. Was the deceased individual's health care decision maker at the time of death,
    - b. Is the personal representative of the deceased individual's estate, or
    - c. Is a person listed in A.R.S. § 12-2294(D);
  - 6. The signature of the individual requesting the medical records or payment records disclosure;
  - 7. Documentation that the individual identified by the information in the medical records or payment records is deceased, such as a copy of:
    - a. The individual's death certificate,
    - b. A published obituary notice for the individual, or
    - c. Written notification of the individual's death; and
  - 8. Documentation establishing the relationship to the deceased individual indicated under subsection (D)(5), ~~such as a copy of which includes the following:~~
    - a. Appointment as the deceased individual's legal guardian by a court of competent jurisdiction,
    - b. Appointment as the personal representative of the deceased individual's estate by a court of competent jurisdiction,
    - c. The deceased individual's birth certificate naming the person requesting the medical records or payment records as a parent,
    - d. The birth certificate of the person requesting the medical records or payment records naming the deceased individual as a parent, or
    - e. If the person requesting the medical records or payment records disclosure is the deceased individual's surviving spouse:
      - i. A copy of the person's marriage certificate naming the deceased individual as spouse, and
      - ii. ~~The person's statement that the person and the deceased individual were not divorced or legally separated at the time of the deceased individual's death, or~~
      - iii. A copy of the deceased individual's probated will naming the person as the deceased individual's surviving spouse.
- E. The Department shall send a response to a request for medical records or payment records disclosure under subsection (B)(5) that meets the requirements of subsection (D):
  - 1. By regular mail,
  - 2. To the address provided under subsection (D)(4), and
  - 3. Within 30 days after the date the Department receives the request.

#### R9-1-303. Public Health Records Disclosure

- A. A.R.S. Title 39, Chapter 1, Article 2, governs the Department's disclosure of public health records, except for:
  - 1. Disclosure of public health records under A.R.S. §§ 36-104(9) and 36-105;
  - 2. Disclosure of vital records, as defined in A.R.S. 36-301, under A.R.S. §§ 36-324, 36-342, and 36-351; ~~and~~
  - 3. At the direction of the Human Subjects Review Board, disclosure of public health records that are not de-identified when:
    - a. The public health records are sought for research, and
    - b. The disclosure meets the requirements of 45 CFR 164.512(i)(2);
  - 4. Disclosure of medical marijuana records under A.R.S. § 36-2810; or
  - 5. Other disclosures prohibited by state or federal law.
- B. For disclosure of public health records under A.R.S. Title 39, Chapter 1, Article 2, an individual shall submit to the Department a public records request that contains:
  - 1. The request date;
  - 2. The requester's name, and if applicable, the requester's mailing address, e-mail address, and telephone number;
  - 3. If applicable, the name, address, and telephone number of the requester's organization;
  - 4. A specific identification of the public health records to be disclosed, including the description and dates of the records;



5. Whether the public health records identified in subsection (B)(4) will be used for commercial purposes;
  6. If the requester indicates under subsection (B)(5) that the public health records will be used for commercial purposes, an explanation of each commercial purpose;
  7. The requester's signature; and
  8. If the requester indicates under subsection (B)(5) that the public health records will be used for a commercial purpose:
    - a. A jurat, as defined in A.R.S. § 41-311, completed by an Arizona notary; or
    - b. A notarization from another state indicating that the notary:
      - i. Verified the signer's identity,
      - ii. Observed the signing of the document, and
      - iii. Heard the signer swear or affirm the truthfulness of the document.
- C.** Within 15 business days after the Department receives a public records request that meets the requirements in subsection (B) or at a later time agreed upon by the Department and the individual requesting the records, the Department shall respond to the request by:
1. Sending by regular mail or electronic mail to the address provided in subsection (B)(2):
    - a. An acknowledgement that the Department received the public records request;
    - b. A list of categories of public health records that are not subject to disclosure; and
    - c. For the public health records requested that are subject to disclosure, a statement that the Department will notify the individual when disclosure will be provided; or
  2. Providing:
    - a. A list of categories of public health records that are not subject to disclosure; and
    - b. For the public health records requested that are subject to disclosure, disclosure of the records.
- D.** The Department shall ensure that public health records disclosed pursuant to a public records request are de-identified.
- E.** For copies of public health records disclosed pursuant to a public records request:
1. If the copies are for a commercial purpose, the Department shall charge:
    - a. The amount determined according to A.R.S. § 39-121.03, and
    - b. Based on the requester's explanation under subsection (B)(6);
  2. If the copies are not for a commercial purpose, the Department shall charge twenty-five cents per page; or
  3. If the copies are for a purpose stated in A.R.S. § 39-122(A), the Department shall not impose a charge.





requirements designed to prevent the spread of COVID-19 to vulnerable Arizonans residing in nursing care institutions, intermediate care facilities, or assisted living facilities.

To accomplish this and in compliance with the Governor’s directive in the Executive Order 2020-07 and the Declaration of Emergency, the Department sought and obtained an exception from the rulemaking moratorium to conduct emergency rulemaking related to establishing requirements designed to protect vulnerable individuals in nursing care institutions, intermediate care facilities, and assisted living facilities from exposure to COVID-19. The Department is adopting these requirements in A.A.C. Title 9, Chapter 10, Health Care Institutions. In this emergency rulemaking, the Department is adopting requirements for establishing, documenting, and implementing policies and procedures to help prevent exposure to the virus and the spread of COVID-19 in these health care institutions. These include policies and procedures to require screening and triage of personnel members, employees, visitors, and any other individuals entering the facility. The Department is also specifying requirements for disinfection of frequently touched surfaces and for distancing residents who exhibit symptoms of COVID-19 from other residents.

The number of cases of COVID-19 and related deaths is expected to increase, causing concern at all levels. The measures designated in these rules are designed to reduce exposure of these residents to SARS-CoV-2 and the concomitant incidence of COVID-19. By providing licensed health care institutions with comprehensive requirements related to reducing the chance of exposure, the Department anticipates an immediate effect on the spread of the virus and a decrease in the number of deaths.

**7. A reference to any study relevant to the rules that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rules, 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 related to this rulemaking package.

**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:**

Not applicable

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

Not applicable. Pursuant to A.R.S. § 41-1055(D)(1), this rulemaking is exempt from the requirements to prepare and file an economic, small business, and consumer impact statement.

**10. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules. When applicable, matters shall include but are not limited to:**

**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:**

The rule is not more stringent than federal law.

**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 analysis comparing competitiveness was received by the Department.

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

None

**12. An agency explanation about the situation justifying the rulemaking as an emergency rule:**

COVID-19 is a serious, novel disease that can result in death, especially for those who are most at risk. The number of COVID-19 cases and related deaths is expected to increase, requiring immediate action to minimize the impact as much as possible. Nursing care institutions, intermediate care facilities, and assisted living facilities treat and house populations most at risk if they were to contract COVID-19. To reduce the number of COVID-19 cases and related deaths among residents of nursing care institutions, intermediate care facilities, and assisted living facilities, the Department needs to take immediate action to prevent the spread of COVID-19 at these facilities. These measures are designed to reduce exposure of these residents to the coronavirus and the concomitant incidence of COVID-19. Therefore, they are necessary to prevent loss of life, the most compelling justification for conducting this emergency rulemaking. The emergency situation created by COVID-19, and thus the need for emergency rules, was not created due to the Department’s inaction and is not something that may be averted by timely compliance with the notice and public participation provisions of A.R.S. Title 41, Chapter 6. Accordingly, in light of the human and economic costs posed by the COVID-19 epidemic, the Department submits that an emergency rulemaking is both justified and proper.

**13. The date the Attorney General approved the rule:**

March 16, 2020

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

**TITLE 9. HEALTH SERVICES  
CHAPTER 10. DEPARTMENT OF HEALTH SERVICES  
HEALTH CARE INSTITUTIONS: LICENSING**



## ARTICLE 1. GENERAL

Section

R9-10-121. Disease Prevention and Control

## ARTICLE 1. GENERAL

**R9-10-121. Disease Prevention and Control**

- A.** This Section applies to health care institutions licensed under Article 4, 5, or 8 of this Chapter.
- B.** The following definitions apply in this Section:
1. “Communicable disease” has the same meaning as in A.A.C. R9-6-101.
  2. “Infection” has the same meaning as in A.A.C. R9-6-101.
  3. “Respiratory symptoms” means coughing, shortness of breath, or wheezing, with acute onset, not known to be caused by asthma, allergies, or another chronic disease.
- C.** An administrator or manager, as applicable, shall ensure that policies and procedures are established, documented, and implemented, to protect the health and safety of a resident, that:
1. Cover screening and triage before entry of personnel members, employees, visitors, and any other individuals;
  2. Cover the manner and frequency of assessing residents to determine a change in a resident’s medical condition;
  3. Establish disinfection protocols and schedules for frequently touched surfaces; and
  4. Specify requirements for distancing residents who exhibit symptoms of a communicable disease from other residents to reduce the chance for infection of another individual.
- D.** An administrator or manager, as applicable, shall ensure that:
1. Before entering the facility, each individual, including a personnel member, employee, or visitor, is screened for fever or respiratory symptoms indicative of a communicable disease;
  2. If an individual refuses to be screened, the individual is excluded from entry to the facility;
  3. If an individual is determined to have a fever or respiratory symptoms, the individual is excluded from entry to the facility until symptoms have resolved or the individual has been evaluated and cleared by a medical practitioner;
  4. If an individual, other than a resident, develops a fever or respiratory symptoms while in the facility, the individual is required to leave the facility and not return until symptoms have resolved or the individual has been evaluated and cleared by a medical practitioner; and
  5. If insufficient personnel members are available to meet the needs of all residents in the facility, the administrator or manager, as applicable, implements the disaster plan required in R9-10-424, R9-10-523, or R9-10-818, as applicable, which may include moving a resident to a different facility.
- E.** An administrator or manager, as applicable, shall ensure that:
1. An assessment of a resident includes whether the resident has a fever or respiratory symptoms indicative of a communicable disease and is documented in the resident’s medical record; and
  2. If a resident is found to have a fever or respiratory symptoms indicative of a communicable disease:
    - a. The resident is evaluated by a medical practitioner within 24 hours to determine what services need to be provided to the resident and what precautions need to be taken by the facility, and the evaluation is documented in the resident’s medical record;
    - b. To reduce the chance for infection of another individual, the resident is:
      - i. Kept at a distance of at least six feet from other residents; or
      - ii. If not possible to keep the resident at a distance from other residents, required to wear a facemask;
    - c. A personnel member:
      - i. Takes precautions, which may include the use of gloves and a facemask or other personal protection equipment, while providing services to the resident; and
      - ii. Removes and, if applicable, disposes of the personal protection equipment and washes the personnel member’s hands with soap and water for at least 20 seconds or, if soap and water are not available, uses a hand sanitizer containing at least 60% alcohol immediately after providing services to the resident and before providing services to another resident;
    - d. Linens, dishes, utensils, and other items used by the resident are:
      - i. Kept separate from similar items used by a resident who does not have a fever or respiratory symptoms indicative of a communicable disease, and
      - ii. Disinfected or disposed of in a manner to reduce the chance for infection of another individual; and
    - e. Surfaces touched by the resident are disinfected before another individual touches the surface.
- F.** An administrator or manager, as applicable, shall ensure that door handles, tables, chair backs and arm rests, light switches, and other frequently touched surfaces are cleaned and disinfected, according to policies and procedures, with:
1. An alcohol solution containing at least 70% alcohol;
  2. A bleach solution containing four teaspoons of bleach per quart of water; or
  3. An EPA-approved household disinfectant specified in the list, which is incorporated by reference, and available at [https://www.epa.gov/sites/production/files/2020-03/documents/sars-cov-2-list\\_03-03-2020.pdf](https://www.epa.gov/sites/production/files/2020-03/documents/sars-cov-2-list_03-03-2020.pdf), and does not include any later amendments or editions.



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
STATE LAND DEPARTMENT

[M20-16]

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

P05-02: Noncompetitive Oil and Gas Lease Applications: "8:00 A.M." Simultaneous Filings

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

December 30, 2005

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

Defines circumstances under which valid, noncompetitive oil and gas lease applications will be considered simultaneously filed.

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. § 27-255

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

This is a current statement.

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

Name: Sean Burke
Address: State Land Department, 1616 W. Adams, Phoenix, AZ 85007
Telephone: (602) 542-3238
FAX: (602) 542-5223
E-mail: sburke@azland.gov
Web site: www.azland.gov

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

You may locate a copy of the policy on our website or a copy may be obtained from the Arizona State Land Department, Administration Division Director, 1616 W. Adams, Phoenix, AZ, 85007, either by mail or telephone: (602) 542-3238. The Department charges \$.50 per page for copying. Payment may be paid with check or money order, made payable to the Arizona State Land Department.

NOTICE OF SUBSTANTIVE POLICY STATEMENT
STATE LAND DEPARTMENT

[M20-17]

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

P06-01: SLD – Tribal Government Consultation Guidelines

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

December 14, 2006

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

Establishes guiding principles for Land Department relations with Arizona Tribal governments within the Department's authority of managing State Trust lands.



**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:**

Current statement

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

Name: Sean Burke  
Address: State Land Department  
1616 W. Adams  
Phoenix, AZ 85007  
Telephone: (602) 542-3238  
FAX: (602) 542-5223  
E-mail: sburke@azland.gov  
Web site: [www.azland.gov](http://www.azland.gov)

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

You may locate a copy of the policy on our website or a copy may be obtained from the Arizona State Land Department, Administration Division Director, 1616 W. Adams, Phoenix, AZ, 85007, either by mail or telephone: (602) 542-3238. The Department charges \$.50 per page for copying. Payment may be paid with check or money order, made payable to the Arizona State Land Department.

**NOTICE OF SUBSTANTIVE POLICY STATEMENT  
STATE LAND DEPARTMENT**

[M20-18]

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

P86-1: Fees; Copy of Documents; Maps; Processing Costs and Returned Checks

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

Issued: March 18, 1986

Amended: April 22, 2011

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

Outlines fees for copies of documents and other records of the Department.

**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.A.C. R12-5-1201

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

This is a current statement.

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

Name: Sean Burke  
Address: State Land Department  
1616 W. Adams  
Phoenix, AZ 85007  
Telephone: (602) 542-3238  
Fax: (602) 542-5223  
E-mail: sburke@azland.gov  
Web site: [www.azland.gov](http://www.azland.gov)

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

You may locate a copy of the policy on our website or a copy may be obtained from the Arizona State Land Department, Administration Division Director, 1616 W. Adams, Phoenix, AZ, 85007, either by mail or telephone: (602) 542-3238. The Department charges \$.50 per page for copying. Payment may be paid with check or money order, made payable to the Arizona State Land Department.



GOVERNOR EXECUTIVE ORDER

Executive Order 2020-02 is being reproduced in each issue of the Administrative Register as a notice to the public regarding state agencies' rulemaking activities.

This order has been reproduced in its entirety as submitted.

EXECUTIVE ORDER 2020-02

Moratorium on Rulemaking to Promote Job Creation and Economic Development; Implementation of Licensing Reform Policies

[M20-01]

WHEREAS, government regulations should be as limited as possible; and

WHEREAS, burdensome regulations inhibit job growth and economic development; and

WHEREAS, protecting the public health, peace and safety of the residents of Arizona is a top priority of state government; and

WHEREAS, in 2015, the State of Arizona implemented a moratorium on all new regulatory rulemaking by State agencies through executive order, and renewed the moratorium in 2016, 2017, 2018 and 2019; and

WHEREAS, the State of Arizona eliminated or improved 637 burdensome regulations in 2019 and a total of 2,289 needless regulations have been eliminated or improved since 2015; and

WHEREAS, estimates show these eliminations saved job creators \$53.9 million in operating costs in 2019 and a total of over \$134.3 million in savings since 2015; and

WHEREAS, in 2019, for every one new necessary rule added to the Administrative Code, five have been repealed or improved; and

WHEREAS, approximately 354,000 private sector jobs have been added to Arizona since January 2015; and

WHEREAS, all government agencies of the State of Arizona should continue to promote customer-service-oriented principles for the people that it serves; and

WHEREAS, each State agency shall continue to conduct 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 while protecting the health and safety of residents; and

WHEREAS, each State agency should continue to evaluate its administrative rules using any available and reliable data and performance metrics; and

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, 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 justifications 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 federal court 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 comply with a state statutory requirement.
g. 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.
h. 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.
i. 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.
j. To eliminate rules which are antiquated, redundant or otherwise no longer necessary for the operation of state government.
2. A State agency that submits a rulemaking request pursuant to this Order shall recommend for consideration by the Office of the Governor at least three existing rules to eliminate for every one additional rule requested by the agency.



3. A State agency that submits a rulemaking exemption request pursuant to this Order shall include with their request an analysis of how small businesses may be impacted by any newly proposed rules or rule modifications.
4. A State agency subject to this Order shall not publicize any directives, policy statements, documents or forms on its website unless such are explicitly authorized by the Arizona Revised Statutes or Arizona Administrative Code. Any material that is not specifically authorized must be removed immediately.
5. A State agency that issues occupational or professional licenses shall prominently post on the agency's website landing page all current state policies that ease licensing burdens and the exact steps applicants must complete to receive their license using these policies. State agencies should provide information that applies to all applicants, but have a designated area on such landing page that includes licensing information specifically for military spouses, active duty service members and veterans and all policies that make it easier for these applicant groups to receive their license. Examples of reduced licensing burdens include universal recognition of out-of-state licenses, availability of temporary licenses, fee waivers, exam exemptions and/or allowing an applicant to substitute military education or experience for licensing requirements. A landing page feature may link to an internal agency web page with more information, if necessary. All information must be easy to locate and written in clear and concise language.
6. All state agencies that are required to issue occupational or professional licenses by universal recognition (established by section 32-4302, Arizona Revised Statutes) must track all applications received for this license type. Before any agency denies a professional or occupational license applied for under section 32-4302, Arizona Revised Statutes, the agency shall submit the application and justification for denial to the Office of the Governor for review before any official action is taken by the agency. The Office of the Governor should be notified of any required timeframes, whether in statute or rule, for approval or denial of the license by the agency.
7. For the purposes of this Order, the term "State agencies" includes, without limitation, all executive departments, agencies, offices, and all state boards and commissions, except for: (a) any State agency that is headed by a single elected State official; (b) the Corporation Commission; and (c) any board or commission established by ballot measure during or after the November 1998 general election. Those state agencies, boards and commissions excluded from this Order are strongly encouraged to voluntarily comply with this Order in the context of their own rulemaking processes.
8. 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 section 41-1001, Arizona Revised Statutes.

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

**Douglas A. Ducey**  
**GOVERNOR**

**DONE** at the Capitol in Phoenix on this 13th day of January in the Year Two Thousand and Twenty and of the Independence of the United States of America the Year Two Hundred and Forty-Fourth.

**ATTEST:**

**Katie Hobbs**  
**SECRETARY OF STATE**

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**REGISTER INDEXES**

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

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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**

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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**

XN = Exempt new Section  
XM = Exempt amended Section  
XR = Exempt repealed Section  
X# = Exempt renumbered Section

**EXEMPT PROPOSED**

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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**

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*See also “emergency expired” under emergency rulemaking*

**CORRECTIONS**

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Other legal notices required to be published under the Administrative Procedure Act, such as Rulemaking Docket Openings, are included in this Index by volume page number. Notices of Agency Ombudsman, Substantive Policy Statements, Proposed Delegation Agreements, and other applicable public records as required by law are also listed in this Index by volume page number.

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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.

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



**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>
November 15, 2019	December 6, 2019	January 6, 2020
November 22, 2019	December 13, 2019	January 13, 2020
November 29, 2019	December 20, 2019	January 21, 2020
December 6, 2019	December 27, 2019	January 27, 2020
December 13, 2019	January 3, 2020	February 3, 2020
December 20, 2019	January 10, 2020	February 10, 2020
December 27, 2019	January 17, 2020	February 17, 2020
January 3, 2020	January 24, 2020	February 24, 2020
January 10, 2020	January 31, 2020	March 2, 2020
January 17, 2020	February 7, 2020	March 9, 2020
January 24, 2020	February 14, 2020	March 16, 2020
January 31, 2020	February 21, 2020	March 23, 2020
February 7, 2020	February 28, 2020	March 30, 2020
February 14, 2020	March 6, 2020	April 6, 2020
February 21, 2020	March 13, 2020	April 13, 2020
February 28, 2020	March 20, 2020	April 20, 2020
March 6, 2020	March 27, 2020	April 27, 2020
March 13, 2020	April 3, 2020	May 4, 2020
March 20, 2020	April 10, 2020	May 11, 2020
March 27, 2020	April 17, 2020	May 18, 2020
April 3, 2020	April 24, 2020	May 26, 2020



## 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 under A.R.S. § 41-1013(B)(15).

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 305, Phoenix, AZ 85007. For more information, call (602) 542-2058 or visit <http://grrc.az.gov>.

### GOVERNOR’S REGULATORY REVIEW COUNCIL DEADLINES FOR 2019/2020 (MEETING DATES ARE SUBJECT TO CHANGE)

[M19-118]

DEADLINE FOR PLACEMENT ON AGENDA*	FINAL MATERIALS SUBMITTED TO COUNCIL	DATE OF COUNCIL STUDY SESSION	DATE OF COUNCIL MEETING
<i>Tuesday</i> November 19, 2019	<i>Tuesday</i> December 24, 2019	<i>Tuesday</i> January 7, 2020	<i>Tuesday</i> January 14, 2020
<i>Tuesday</i> December 24, 2019	<i>Tuesday</i> January 21, 2020	<i>Tuesday</i> January 28, 2020	<i>Tuesday</i> February 4, 2020
<i>Tuesday</i> January 21, 2020	<i>Tuesday</i> February 18, 2020	<i>Tuesday</i> February 25, 2020	<i>Tuesday</i> March 3, 2020
<i>Tuesday</i> February 18, 2020	<i>Tuesday</i> March 24, 2020	<i>Tuesday</i> March 31, 2020	<i>Tuesday</i> April 7, 2020
<i>Tuesday</i> March 24, 2020	<i>Tuesday</i> April 21, 2020	<i>Tuesday</i> April 28, 2020	<i>Tuesday</i> May 5, 2020
<i>Tuesday</i> April 21, 2020	<i>Tuesday</i> May 19, 2020	<b>Wednesday</b> May 27, 2020	<i>Tuesday</i> June 2, 2020
<i>Tuesday</i> May 19, 2020	<i>Tuesday</i> June 23, 2020	<i>Tuesday</i> June 30, 2020	<i>Tuesday</i> July 7, 2020
<i>Tuesday</i> June 23, 2020	<i>Tuesday</i> July 21, 2020	<i>Tuesday</i> July 28, 2020	<i>Tuesday</i> August 4, 2020
<i>Tuesday</i> July 21, 2020	<i>Tuesday</i> August 18, 2020	<i>Tuesday</i> August 25, 2020	<i>Tuesday</i> September 1, 2020
<i>Tuesday</i> August 18, 2020	<i>Tuesday</i> September 22, 2020	<i>Tuesday</i> September 29, 2020	<i>Tuesday</i> October 6, 2020
<i>Tuesday</i> September 22, 2020	<i>Tuesday</i> October 20, 2020	<i>Tuesday</i> October 27, 2020	<i>Tuesday</i> November 3, 2020
<i>Tuesday</i> October 20, 2020	<i>Tuesday</i> November 17, 2020	<i>Tuesday</i> November 24, 2020	<i>Tuesday</i> December 1, 2020
<i>Tuesday</i> November 17, 2020	<i>Tuesday</i> December 22, 2020	<i>Tuesday</i> December 29, 2020	<i>Tuesday</i> January 5, 2021
<i>Tuesday</i> December 29, 2020	<i>Tuesday</i> January 19, 2021	<i>Tuesday</i> January 26, 2021	<i>Tuesday</i> February 2, 2021

\* 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.