## RULES AND RULEMAKING

- **Proposed Rulemaking, Notices of**
  - 4 A.A.C. 17 Arizona Regulatory Board of Physician Assistants .................................................. 549
  - 12 A.A.C. 4 Game and Fish Commission ....................................................................................... 553

- **Final Rulemaking, Notices of**
  - 14 A.A.C. 2 Corporation Commission - Fixed Utilities ................................................................. 564
  - 20 A.A.C. 5 Industrial Commission of Arizona ........................................................................... 589

## OTHER AGENCY NOTICES

- **Docket Opening, Notices of Rulemaking**
  - 9 A.A.C. 25 Department of Health Services - Emergency Medical Services ............................. 593
  - 12 A.A.C. 4 Game and Fish Commission ....................................................................................... 594

## GOVERNOR’S OFFICE

- **Governor’s Executive Order 2022-01**
  - Moratorium on Rulemaking to Promote Job Creation and Economic Development; Internal Review of Administrative Rules .................................................................................. 595

## INDEXES

- **Register Index Ledger** ........................................................................................................ 597
- **Rulemaking Activity, Cumulative Index for 2022** ............................................................... 588
- **Other Notices and Public Records, Cumulative Index for 2022** ............................................ 600

## CALENDAR/DEADLINES

- **Rules Effective Dates Calendar** ............................................................................................ 602
- **Register Publishing Deadlines** .............................................................................................. 604

## GOVERNOR’S REGULATORY REVIEW COUNCIL

- **Governor’s Regulatory Review Council Deadlines** .............................................................. 605
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.
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

START HERE

APA, statute or ballot proposition is passed. It gives an agency authority to make rules.

Agency opens a docket.

Agency files a Notice of Rulemaking Docket Opening; it is published in the Register. Often an agency will file the docket with the proposed rulemaking.

Agency drafts proposed rule and Economic Impact Statement (EIS); informal public review/comment.

Agency files Notice of Proposed Rulemaking.

Notice is published in the Register.

Oral proceeding and close of record. Comment period must last at least 30 days after publication of notice. Oral proceeding (hearing) is held no sooner than 30 days after publication of notice of hearing

Substantial change?

If no change then

Rule must be submitted for review or terminated within 120 days after the close of the record.

A final rulemaking package is submitted to G.R.R.C. or A.G. for review. Contains final preamble, rules, and Economic Impact Statement.

G.R.R.C. has 90 days to review and approve or return the rule package, in whole or in part; A.G. has 60 days.

After approval by G.R.R.C. or A.G., the rule becomes effective 60 days after filing with the Secretary of State (unless otherwise indicated).

Final rule is published in the Register and the quarterly Code Supplement.
Definitions


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

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

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

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


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.

EIS – 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 analysis of the probable costs and benefits of the rule. An agency includes a brief summary of the EIS in its preamble. The EIS is not published in the Register but is available from the agency promulgating the rule. The EIS is also filed with the rulemaking package.

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

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

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

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

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

Acronyms

A.A.C. – Arizona Administrative Code
A.A.R. – Arizona Administrative Register
APA – Administrative Procedure Act
A.R.S. – Arizona Revised Statutes
CFR – Code of Federal Regulations
EIS – Economic, Small Business, and Consumer Impact Statement
FR – Federal Register
G.R.R.C. – Governor’s Regulatory Review Council

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.

548  Vol. 28, Issue 10 | Published by the Arizona Secretary of State | March 11, 2022
### NOTICES OF PROPOSED RULEMAKING

This section of the *Arizona Administrative Register* contains Notices of Proposed Rulemaking. A proposed rulemaking is filed by an agency upon completion and submittal of a Notice of Rulemaking Docket Opening. Often these two documents are filed at the same time and published in the same Register issue. When an agency files a Notice of Proposed Rulemaking under the Administrative Procedure Act (APA), the notice is published in the Register within three weeks of filing. See the publication schedule in the back of each issue of the Register for more information. Under the APA, an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the Register before beginning any proceedings for making, amending, or repealing any rule (A.R.S. §§ 41-1013 and 41-1022). The Office of the Secretary of State is the filing office and publisher of these rules. Questions about the interpretation of the proposed rules should be addressed to the agency that promulgated the rules. Refer to item #4 below to contact the person charged with the rulemaking and item #10 for the close of record and information related to public hearings and oral comments.

### NOTICE OF PROPOSED RULEMAKING

**TITLE 4. PROFESSIONS AND OCCUPATIONS**

**CHAPTER 17. ARIZONA REGULATORY BOARD OF PHYSICIAN ASSISTANTS**

[R22-34]

**PREAMBLE**

1. **Article, Part, or Section Affected (as applicable)** | **Rulemaking Action**
   - R4-17-203                    Amend
   - R4-17-206                    Amend
   - R4-17-307                    New Section

2. **Citations to the agency’s statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**
   - Authorizing statute: A.R.S. § 32-2504(C)
   - Implementing statute: A.R.S. §§ 32-2521, 32-2522, and 32-2505(E)

3. **Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed rule:**
   - Notice of Rulemaking Docket Opening: 28 A.A.R. 279, January 28, 2022

4. **The agency’s contact person who can answer questions about the rulemaking:**
   - Name: Patricia McSorley, Executive Director
   - Address: Arizona Medical Board
   - 1740 W. Adams St., Suite 4000
   - Phoenix, AZ 85007
   - Telephone: (480) 551-2700
   - Fax: (480) 551-2704
   - Email: patricia.mcsorley@azmd.gov
   - Website: www.azmd.gov

5. **An agency’s justification and reason why a rule should be made, amended, repealed, or renumbered, to include an explanation about the rulemaking:**
   - The Board is completing the rulemaking plan of work identified in a 5YRR approved by the Council on May 5, 2020. An exemption from Executive Order 2021-02 was provided for this rulemaking by Trista Guzman Glover of the Governor’s Office in an e-mail dated November 29, 2021.
   - In response to a U.S. Department of Justice report concluding that questions similar to those asked by the Board single out applicants based on their status of having a mental health disability rather than their conduct and violate the Americans with Disabilities Act, the Board is amending relevant application questions at R4-17-203 and R4-17-206. An exemption from Executive Order 2021-02 for this provision was provided by Ms Guzman in an email dated December 9, 2021.

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:**
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:**
   The addition of R4-17-307 will benefit individuals aggrieved by a decision made by the executive director. The amendments to R4-17-203 and R4-17-206 will benefit physician assistants who might be reluctant to obtain needed help for medical conditions that potentially impair practice.

9. **The agency’s contact person who can answer questions about the economic, small business, and consumer impact statement:**
   Name: Patricia McSorley, Executive Director
   Address: Arizona Medical Board
   1740 W. Adams St., Suite 4000
   Phoenix, AZ 85007
   Telephone: (480) 551-2700
   Fax: (480) 551-2704
   Email: patricia.mcsorley@azmd.gov
   Website: www.azmd.gov

10. **The time, place, and nature of the proceedings to make, amend, repeal, or renumber the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:**
   An oral proceeding regarding the proposed rules will be held as follows:
   Date: Monday, April 11, 2022
   Time: 10:30 a.m.
   Location: The oral proceeding will be conducted electronically. Instructions for accessing the oral proceeding will be posted on the Board’s website.

11. **All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:**
   None.
   a. **Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:**
      The Board does not issue general permits. Rather, the Board issues individual licenses as required by the Board’s statutes to each individual who is qualified by statute (See A.R.S. § 32-2521) and rule.
   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:**
      No federal law is directly applicable to the subject of any rule in this rulemaking. There are numerous federal laws relating to health care and controlled substances with which a physician assistant must comply.
   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 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 4. PROFESSIONS AND OCCUPATIONS**

   **CHAPTER 17. ARIZONA REGULATORY BOARD OF PHYSICIAN ASSISTANTS**

   **ARTICLE 2. PHYSICIAN ASSISTANT LICENSURE**

   Section
   R4-17-203. Regular License Application
   R4-17-206. License Renewal

   **ARTICLE 3. DUTIES OF THE EXECUTIVE DIRECTOR**

   Section
   R4-17-307. Appealing Executive Director Actions

   **ARTICLE 2. PHYSICIAN ASSISTANT LICENSURE**

   R4-17-203. Regular License Application
   A. An applicant for a regular license shall submit a completed application to the Board that includes:
      1. The applicant’s:
         a. First, last, and middle name;
         b. Every other name used by the applicant;
c. Social Security number;
d. Office, mailing, e-mail, and home addresses;
e. Office, mobile, and home telephone numbers; and
f. Birth date and state or country of birth;

2. The name and address of the approved physician assistant program completed by the applicant and the date of completion;

3. The name of each state or province in which the applicant has ever been certified, registered, or licensed as a physician assistant, including the certificate, registration, or license number, and current status;

4. Whether the applicant has practiced as a physician assistant since graduation from a physician assistant program or for 10 continuous years before the date the application was submitted to the Board or since graduation from a physician assistant program and if not, an explanation;

5. A questionnaire that includes answers to the following:
   a. Whether the applicant has had an application for a certificate, registration, or license refused or denied by any licensing authority, and if so, an explanation;
   b. Whether the applicant has had the privilege of taking an examination for a professional license refused or denied by any entity, and if so, an explanation;
   c. Whether the applicant has ever resigned or been requested to resign, been suspended or expelled from, been placed on probation, or been fined while enrolled in an approved physician assistant program in a medical school or a postsecondary educational program, and if so, an explanation;
   d. Whether, while attending an approved physician assistant program, the applicant has ever had any action taken against the applicant by the approved program, resigned, or been asked to leave the approved program for any amount of time, and if so, an explanation;
   e. Whether the applicant has ever surrendered a health professional license, and if so, an explanation;
   f. Whether the applicant has ever had a health professional license suspended or revoked, or whether any other disciplinary action has ever been taken against a health professional license held by the licensee, and if so, an explanation;
   g. Whether the applicant is currently under investigation by any health profession regulatory authority, health care association, licensed health care institution, or there are any pending complaints or disciplinary actions against the applicant, and if so, an explanation;
   h. Whether the applicant has ever had any action taken against the applicant’s privileges, including termination, resignation, or withdrawal by a health care institution or health profession regulatory authority, and if so, an explanation;
   i. Whether the applicant has ever had a federal or state regulatory authority take any action against the applicant’s authority to prescribe, dispense, or administer controlled substances including revocation, suspension, or denial, or whether the applicant ever surrendered the authority in lieu of any of these actions, and if so, an explanation;
   j. Whether the applicant has ever been charged with, convicted of, pleaded guilty to, or entered into a plea of no contest to a felony or misdemeanor involving moral turpitude or has been pardoned or had a record expunged or vacated, and if so, an explanation;
   k. Whether the applicant has ever been charged with or convicted of a violation of any federal or state drug statute, rule, or regulation, regardless of whether a sentence was or was not imposed, and if so, an explanation;
   l. Whether the applicant has been named as a defendant in a malpractice matter currently pending or that resulted in a judgment or settlement entered against the applicant, and if so, an explanation;
   m. Whether the applicant has ever been court-martialed or discharged other than honorably from any branch of military service component of the uniformed services of the United States, and if so, an explanation;
   n. Whether the applicant has ever been involuntarily terminated from a health professional position, resigned, or been asked to leave the health care position, and if so, an explanation;
   o. Whether the applicant has ever been convicted of insurance fraud or received a sanction, including limitation, suspension, or removal from practice, imposed by any state or the federal government, and if so, an explanation; and
   p. Whether the applicant, within the three years before the date of the application, has completed 45 hours in pharmacology or clinical management of drug therapy or is certified by a national commission on the certification of physician assistants or its successor;

6. A confidential questionnaire that includes answers to the following:
   a. Whether the applicant currently has received treatment within the last five years for use of alcohol or a controlled substance, prescription-only drug, or dangerous drug or narcotic or a physical, mental, emotional, or nervous disorder or a medical condition that currently impairs the applicant’s judgment or ability to exercise the judgment and skills of a medical practice medicine in a competent, ethical, and professional manner;
   b. If the answer to subsection (A)(6)(a) is yes:
      i. A detailed description of the use, disorder, or condition Provide an explanation of the medical condition; and
      ii. An explanation of whether the use, disorder, or condition is reduced or ameliorated because the applicant receives ongoing treatment and if so, the name and contact information for all current treatment providers and for all monitoring or support programs in which the applicant is currently participating.
   c. Whether the applicant has ever been court-martialed or discharged other than honorably from any branch of military service component of the uniformed services of the United States, and if so, an explanation;
   d. Whether the applicant has received treatment within the last five years for use of alcohol or a controlled substance, prescription-only drug, or dangerous drug or narcotic or a physical, mental, emotional, or nervous disorder or a medical condition that currently impairs the applicant’s judgment or ability to exercise the judgment and skills of a medical practice medicine in a competent, ethical, and professional manner;
   e. A copy of any public or confidential agreement or order relating to the use, disorder, or condition, issued by a licensing agency or health care institution within the last five years, if applicable;

7. Consistent with the Board’s statutory authority, other information the Board may deem necessary to evaluate the applicant fully; and


B. In addition to the requirements in subsection (A), an applicant shall submit the following to the Board:

1. Documentation of citizenship or alien status that conforms to A.R.S. § 41-1080;
2. Documentation of a legal name change if the applicant’s legal name is different from that shown on the document submitted in accordance with subsection (B)(1);
3. A form provided by the Board and completed by the applicant that lists all current or past employment with health professionals, health professions educational institutions, or health care institutions within five years before the date of application or since graduation from a physician assistant program, if less than five years, including each health professional’s, health professions educational institution’s, or health care institution’s name, address, and dates of employment;
4. Verification of any medical malpractice matter currently pending or resulting in a settlement or judgment against the applicant, including a copy of the complaint and either the agreed terms of settlement or the judgment and a narrative statement specifying the nature of the occurrence resulting in the medical malpractice action. An applicant who is unable to obtain a document required under this subsection may submit a written request for a waiver of the requirement. The applicant shall include the following information in a request for waiver:
   a. The document for which waiver is requested;
   b. Detailed description of efforts made by the applicant to provide the required document; and
   c. Reason the applicant’s inability to provide the required document is due to no fault of the applicant; and
5. The fee required in R4-17-204.

C. In addition to the requirements in subsections (A) and (B), an applicant shall have the following directly submitted to the Board:
1. A copy of the applicant’s certificate of successful completion of the PANCE or PANRE and the applicant’s examination score provided by the NCCPA;
2. An approved program form provided by the Board, completed and signed by the director or administrator of the approved program that granted the applicant a physician assistant degree, that includes the:
   a. Applicant’s full name,
   b. Type of degree earned by the applicant,
   c. Name of the physician assistant program completed by the applicant,
   d. Starting and ending dates, and
   e. Date the applicant’s degree was granted.

D. The Board’s issuance of a regular license to an applicant certifies the applicant to issue, dispense, or administer schedule II or schedule III controlled substances, subject to the limits and requirements specified in A.R.S. § 32-2532. Additionally, beginning October 1, 2018, a physician assistant previously certified by the Board for 30-day prescription privileges for schedule II or schedule III controlled substances is certified for 90-day prescription privileges for schedule II or schedule III controlled substances that are not opioids or benzodiazepine.

R4-17-206. License Renewal
A. To renew a license, a licensee shall submit a completed application to the Board that includes:
1. An application form that contains the licensee’s:
   a. First, last, and middle names;
   b. Arizona license number;
   c. Office, mailing, e-mail, and home addresses;
   d. Office, mobile, and home telephone numbers;
2. A questionnaire that includes answers to the following since the last renewal date:
   a. Whether the licensee has had an application for a certificate, registration, or license refused or denied by any licensing authority, and if so, an explanation;
   b. Whether the licensee has had the privilege of taking an examination for a professional license refused or denied by any entity, and if so, an explanation;
   c. Whether the licensee has voluntarily surrendered a health care professional license, and if so, an explanation;
   d. Whether the licensee has had a federal or state regulatory authority take any action against the license’s authority to prescribe, dispense, or administer controlled substances including revocation, suspension, or denial, or whether the applicant surrendered the authority in lieu of any of these actions, and if so, an explanation;
   e. Whether the licensee has been charged with, convicted of, pleaded guilty to, or entered into a plea of no contest to a felony or misdemeanor involving moral turpitude or an alcohol- or drug-related offense in any state, or has been pardoned or had a record expunged or vacated, and if so, an explanation;
   f. Whether the licensee has had a federal or state regulatory authority take any action against the license’s authority to prescribe, dispense, or administer controlled substances including revocation, suspension, or denial, or whether the applicant surrendered the authority in lieu of any of these actions, and if so, an explanation;
   g. Whether the licensee has been court-martialed or discharged other than honorably from any branch of military service component of the uniformed services of the United States, and if so, an explanation;
   h. Whether the licensee has been involuntarily terminated from a health professional position with any city, county, state, or federal government, and if so, an explanation;
   i. Whether the licensee has been convicted of insurance fraud or a state or the federal government has sanctioned or taken any action against the licensee, such as suspension or removal from practice, and if so, an explanation;
3. Consistent with the Board’s statutory authority, other information the Board may deem necessary to evaluate the licensee fully;
4. A dated and sworn statement by the licens ee verifying that during the past biennial license period, the licensee completed at least 40 hours of Category I continuing medical education as required by A.R.S. § 32-2523;
5. The fee required in R4-17-204;
6. A confidential questionnaire that includes answers to the following:
   a. Whether the applicant licensee currently has received treatment since the last renewal for use of alcohol or a controlled substance, prescription only drug, or dangerous drug or narcotic or a physical, mental, emotional, or nervous disorder or 2
medical condition that currently impairs the applicant’s licensee’s judgment or ability to exercise the judgment and skills of a medical practice medicine in a competent, ethical, and professional manner;

b. If the answer to subsection (A)(6)(a) is yes:
   i. A detailed description of the use, disorder, or condition provide an explanation of the medical condition; and
   ii. An explanation of whether the use, disorder, or condition is reduced or ameliorated because the applicant receives ongoing treatment and if so, the name and contact information for all current treatment providers and for all monitoring or support programs in which the applicant is currently participating. If currently practicing under a monitoring agreement with a licensing board in another state, attach a copy of the monitoring agreement to the application; and

c. A copy of any public or confidential agreement or order relating to the use, disorder, or condition, issued by a licensing agency or health care institution since the last renewal, if applicable; and

7. If the document submitted under R4-17-203(B)(1) was a limited form of work authorization issued by the federal government, evidence that the licensee’s presence in the U.S. continues to be authorized under federal law.

B. Under A.R.S. §32-2523(A), the Board shall randomly select at least 10 percent of renewal applications submitted by licensees who are not currently certified by a national certification organization to verify compliance with the continuing medical education requirement specified in R4-17-205(A). If selected, a licensee shall submit to the Board documents that verify compliance with the continuing medical education requirement.

ARTICLE 3. DUTIES OF THE EXECUTIVE DIRECTOR

R4-17-307. Appealing Executive Director Actions

A. Any person aggrieved by an action taken by the executive director under the authority delegated in this Article may appeal that action to the Board. The aggrieved person shall file a written request with the Board no later than:
   1. Thirty days after notification of the action, if personally served; or
   2. Thirty-five days after the date on the notification, if mailed.

B. The aggrieved person shall provide, in the written request, evidence showing:
   1. An irregularity in the investigative process or the executive director’s review deprived the party of a fair decision;
   2. Misconduct by Board staff, a Board consultant, or the executive director that deprived the party of a fair decision; or
   3. Material evidence newly discovered that could have a bearing on the decision and that, with reasonable diligence, could not have been discovered and produced earlier.

C. The fact that the aggrieved party does not agree with the executive director’s action is not grounds for a review by the Board.

D. If an aggrieved person fails to submit a written request within the time specified in subsection (A), the Board is relieved of the requirement to review actions taken by the executive director. The executive director may, however, evaluate newly provided information that is material or substantial in content to determine whether the Board should review the case.

E. If a written request is submitted that meets the requirements of subsection (B):
   1. The Board shall consider the written request at its next regularly scheduled meeting.
   2. If the written request provides new material or substantial evidence that requires additional investigation, the investigation shall be conducted as expeditiously as possible and the case shall be forwarded to the Board at the first possible regularly scheduled meeting.

NOTICE OF PROPOSED RULEMAKING

TITLE 12. NATURAL RESOURCES

CHAPTER 4. GAME AND FISH COMMISSION

[R22-35]

PREAMBLE

1. Article, Part, or Section Affected (as applicable) Rulemaking Action
   R12-4-501 Amend
   R12-4-502 Amend
   R12-4-507 Amend
   R12-4-509 Amend
   R12-4-510 Amend
   R12-4-518 Amend

2. Citations to the agency’s statutory authority to include the authorizing statute (general) and the implementing statute (specific):
   Authorizing statute: A.R.S. § 5-311(A)(1)
   Implementing statute: A.R.S. §§ 5-301, 5-311, 5-321, 5-321.01, 5-326, and 5-327, 5-336, 5-350, and 17-255.01

3. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed rule:
   Notice of Rulemaking Docket Opening: 28 A.A.R. 594, March 11, 2022 (in this issue)

4. The agency’s contact person who can answer questions about the rulemaking:
   Name: Deanna Pfleger, Wildlife Manager Supervisor
   Address: Arizona Game and Fish Department
   5000 W. Carefree Highway
   Phoenix, AZ 85086
An agency’s justification and reason why the rule should be made, amended, repealed, or renumbered, to include an explanation about the rulemaking:

The Arizona Game and Fish Commission proposes to amend rules within Article 5 addressing boating and water sports to enact amendments developed during the preceding Five-year Review Report, approved by the Commission in February 2021 and the Governor's Regulatory Review Council in July 7, 2021. The proposed amendments are designed to clarify current rule language; ensure compliance with U.S. Coast Guard regulations; enable the Department to provide better customer service; and reduce regulatory and administrative burdens wherever possible.

An exemption from Executive Order 2021-02 was provided for this rulemaking by Buchanan Davis, Natural Resource Policy Advisor, Governor’s Office, in an email dated September 8, 2021.


The rule establishes definitions that assist the regulated community and the public in understanding the unique terms used throughout 12 A.A.C. Chapter 4, Article 5.

U.S. Coast Guard regulation, 33 C.F.R. 187.303, establishes the terms each state must define in order to participate in the Vessel Identification System (VIS). Participating in VIS is beneficial to the citizens of Arizona because VIS is a nationwide system that collects information on vessels and vessel ownership to help identify and recover stolen vessels, deter vessel theft, and assist in deterring and discovering security-interest and insurance fraud. Since the last rulemaking, 33 C.F.R. 187.303 was amended to require state agencies to also define: “issuing authority,” “secured party,” “secured interest,” and “titling authority.” The Commission proposes to amend the rule to define the following terms: “issuing authority,” “secured party,” “secured interest,” and “titling authority” to ensure compliance with the regulation.

R12-4-502. Application for Watercraft Registration

The rule establishes watercraft registration application requirements. The rule was adopted to ensure the Department provides and maintains the necessary information required under 33 C.F.R. 187 Vessel Identification System (VIS), which prescribes the owner and vessel information requirements for states electing to participate in VIS.

The rule requires an applicant for watercraft registration to submit one or more additional forms of documentation necessary to identify a specific watercraft and establish ownership. When the owner of a watercraft that was previously documented by the U.S. Coast Guard is now applying for registration in Arizona, the watercraft owner must submit a U.S. Coast Guard Letter of Deletion. The U.S. Coast Guard charges $125 for this form. Currently, the National Vessel Documentation Center (NVDC) is experiencing delays in the time necessary to issue letters of deletion due to performance issues associated with its Information Technology (IT) System. This delay has resulted in the watercraft owner's inability to provide the documentation required to register the watercraft in Arizona. In an effort to provide better customer service, and after reviewing applicable statutes and rules and consulting with U.S. Coast Guard, the Commission proposes to amend the rule to allow a customer to submit the U.S. Coast Guard Form CG-1270 or Statement of Facts form when the watercraft was documented by U.S. Coast Guard immediately preceding application for watercraft registration in Arizona. In addition, the Commission also proposes to replace “letter of documentation” with “certificate of documentation” to make the rule more concise.

R12-4-507. Transfer of Ownership of an Abandoned or Unreleased Watercraft

The rule establishes requirements for transferring ownership of an unreleased or abandoned watercraft. Under R12-4-501, “abandoned watercraft” is any watercraft that has remained: on private property without the consent of the owner; unattended for more than 48 hours on a highway, public street, or other public property; unattended for more than 72 hours on state or federal lands or on public waterways unless in a designated moorage or anchorage area. Abandoned watercraft are unsightly, pose potential threats to navigation and to the environment through the discharge of oil and other pollutants. Under R12-4-501, “unreleased watercraft” means a watercraft for which there is no written release of interest from the registered owner. This occurs when a person sells a watercraft without proper documentation, such as when a watercraft is sold and the new owner never registers it. The rule provides the regulated community with an efficient manner in which to properly dispose of abandoned/unreleased watercraft that includes: determination of abandonment; determination of ownership; a notice of intent to sell/waiver of rights process with an appropriate waiting period, determination of disposition, and transfer of ownership, when warranted. If the Department finds a person who has a lawful interest in the watercraft, the abandoned watercraft process is terminated. The Commission proposes to amend the rule to repeal the requirement that the required notice be sent by certified mail; approximately 50% of the certified letters are returned as undeliverable. The Department intends to use email to meet the notification requirements of the rule; email addresses are more likely to remain changed and provide more convenience to the public. The Commission also proposes to remove redundant language. The actions to be taken if an owner refuses to respond or fails to respond are the same, so the Commission proposes to repeal subsection (I)(1)(c) to make the rule more concise.

R12-4-509. Watercraft Agents

The rule establishes watercraft agent application requirements and the authorization process for a dealer seeking to issue a 45-day temporary certificate of number upon the sale of a watercraft. The rule requires a watercraft agent to submit documentation necessary to identify a specific watercraft and establish ownership to the Department for record retention and quality assurance purposes. With this rulemaking, the Commission proposes to amend R12-4-502 to allow a customer to submit the U.S. Coast Guard Form CG-1270 or Statement of Facts form for watercraft documented by U.S. Coast Guard immediately preceding application for watercraft registration in Arizona. The Commission also proposes to amend this rule to allow watercraft agents to accept
and submit a Coast Guard Form CG-1270 or Statement of Facts form when processing a watercraft registration on behalf of the Department. In addition, the Commission also proposes to replace “letter of documentation” with “certificate of documentation” to make the rule more concise.

R12-4-510. Refunds for Renewals

The rule establishes requirements necessary to obtain a refund of a watercraft registration renewal fee and Nonresident Boating Safety Infrastructure fee, when applicable, when the watercraft owner paid the fees in error or sold the watercraft to another person prior to renewing the registration. The Department issues approximately 70 refunds under this rule; this figure has doubled since the last rule amendment.

The rule was last amended to allow a person to obtain a refund when the watercraft was registered in error. The Commission anticipated the proposed amendments would have little or no impact on the Department or regulated community. However, this amendment resulted in an increase in refund requests for persons who pay the watercraft registration fees online one week to recreationally boat in Arizona, and then request a refund the following week by simply stating they did not mean to register their watercraft - yet. When renewing a watercraft registration online, the person is able to register their watercraft for the current registration period and be issued a 45-day temporary registration. Under A.R.S. 5-321(L), if more than twelve months have lapsed since the expiration date of the last registration or renewal, the penalty and back fees are waived. Nonresident watercraft owners have learned to “game the system” by renewing the registration for their watercraft online and then using R12-4-510(A)(3) to obtain a refund, and then registering their watercraft for the following year. Since the rule was amended in 2017, the number of claims for refunds has risen dramatically: in 2017, 48 watercraft registration refunds were issued; by 2020, 73 refunds were issued. In addition, the refund process involves multiple state agencies: the Department initiates the refund action; the General Accounting Office (GAO) processes the request and issues the warrants (refunds); the Department receives the warrants, verifies the payee and warrant amount, mails valid warrants, and initiates warrant corrections when necessary. If by chance a refund is returned as undeliverable, it is forwarded to the Department of Revenue to process as unclaimed property. Each refund costs the Department approximately $3 to $6 to process (Department employee related expenses as well as GAO/ADOR costs are not included in this estimate). The Commission proposes to remove rule language that allows a person to claim a refund by merely stating they registered a boat in error.

In addition, system edits within the Department's watercraft registration system prevents a person from registering the same watercraft a second time during the same registration period. The Commission proposes to remove rule language that allows a person to request a refund because the person erroneously paid those fees twice for the same watercraft to eliminate a requirement that is no longer necessary for the operation of state government.

R12-4-518. Regattas

The rule prescribes regulations for the issuance of permits for motor boat races, regattas, or other events, as authorized under A.R.S. § 5-311(A)(6). The Commission has elected not to exercise its authority under this statute and the U.S. Coast Guard issues permits for events held on the Colorado River under 33 C.F.R. § 100.15. The rule authorizes the Department to enforce the terms and conditions of these federal permits.

Since the last rulemaking, the Aquatic Invasive Species Article was renumbered from 11 to 9. The Commission proposes to amend the rule to reference the current Article number.

6. A reference to any study relevant to the rule that the agency reviewed and proposes to either rely on or 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:

The agency did not rely on any study in its evaluation of or justification for the rule.

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:

The Commission’s intent in the proposed rulemaking is to clarify current rule language; ensure compliance with U.S. Coast Guard regulations; enable the Department to provide better customer service; and reduce regulatory and administrative burdens wherever possible.

The Commission anticipates the rulemaking will result in an overall benefit to persons regulated by the rule. The Commission anticipates the rulemaking will result in no impact to political subdivisions of this state, private and public employment in businesses, agencies or political subdivisions, or state revenues. The Commission has determined the rulemaking will not require any new full-time employees. The Commission has determined that there are no less intrusive or costly alternative methods of achieving the purpose of the rulemaking. The Commission anticipates the Department will incur costs related to rulemaking, updating Department publications, and related training.

Therefore, the Commission has determined that the benefits of the rulemaking outweigh any costs.

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

Name: Deanna Pfleger, Wildlife Manager Supervisor
Address: Arizona Game and Fish Department
5000 W. Carefree Highway
Phoenix, AZ 85086
Telephone: (928) 342-0091
Email: CCook@azgfd.gov
10. The time, place, and nature of the proceedings to make, amend, repeal, or renumber the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

Date: August 12, 2022
Time: 8:00 a.m. to 5:00 p.m.
Location: Little America Hotel
2515 E. Butler Ave.
Flagstaff, AZ 86004
Close of record: August 12, 2022

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

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

Except for the rule listed below, the rules do not require a general permit. The rules are based on state law. R12-4-502, the rule complies with A.R.S. § 41-1037. The certificate of number described in the rule falls within the definition of “general permit” as defined under A.R.S. § 41-1001(11).

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:

Except for the rules listed below, federal law is not directly applicable to the subject of the rules. The rules are based on state law. R12-4-501, Federal regulation 33 C.F.R. 187 is applicable to the subject of the rule. 33 C.F.R. 187.303 establishes the terms a state must define in order to participate in the Vessel Identification System (VIS). The Department has determined the rule is not more stringent than the corresponding federal law. R12-4-502, Federal regulation 33 C.F.R. 187 is applicable to the subject of the rule. 33 C.F.R. 187 prescribes the minimum owner, vessel, and record information requirements for States electing to participate in VIS. The Department has determined the rule is not more stringent than the corresponding federal law. R12-4-502, Federal regulation 33 C.F.R. 174 is applicable to the subject of the rule. 33 C.F.R. 174 prescribes a standard numbering system for vessels applicable to States for approval of State numbering systems. The Department has determined the rule is not more stringent than the corresponding 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:

The agency has not received an analysis that compares the rule’s impact of competitiveness of business in this state to the impact on business in other states.

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

Not applicable

13. The full text of the rules follows:

**TITLE 12. NATURAL RESOURCES**

**CHAPTER 4. GAME AND FISH COMMISSION**

**ARTICLE 5. BOATING AND WATER SPORTS**

Section
R12-4-501. Boating and Water Sports Definitions
R12-4-502. Application for Watercraft Registration
R12-4-507. Transfer of Ownership of an Abandoned or Unreleased Watercraft
R12-4-509. Watercraft Agents
R12-4-510. Refunds for Renewals
R12-4-518. Regattas

**ARTICLE 5. BOATING AND WATER SPORTS**

**R12-4-501. Boating and Water Sports Definitions**

In addition to the definitions provided under A.R.S. § 5-301, the following definitions apply to this Article unless otherwise specified:

“Abandoned watercraft” means any watercraft that has remained:

On private property without the consent of the private property owner;

Unattended for more than 48 hours on a highway, public street, or other public property;

Unattended for more than 72 hours on state or federal lands; or

Unattended for more than 14 days on state or federal waterways, unless in a designated mooring or anchorage area.

“Aids to navigation” means buoys, beacons, or other fixed objects placed on, in, or near the water to mark obstructions to navigation or to direct navigation through channels or on a safe course.
“Authorized third-party provider” means an entity that has been awarded a written agreement with the Department, pursuant to a competitive bid process, to perform limited or specific services on behalf of the Department.

“AZ number” means the Department-assigned identification number with the prefix “AZ.”

“Bill of sale” means a written agreement transferring ownership of a watercraft that includes all of the following information:
- Name of buyer;
- Name of seller;
- Manufacturer of the watercraft, when known;
- Hull identification number, unless exempt under R12-4-505;
- Purchase price and sales tax paid, when applicable; and
- Signature of seller.

“Boats keep out” in reference to a regulatory marker means the operator or user of a watercraft, or a person being towed by a watercraft on water skis, an inflatable device, or similar equipment shall not enter.

“Certificate of number” means the Department-issued document that is proof that a motorized watercraft is registered in the name of the owner.

“Certificate of origin” means a document provided by the manufacturer of a new watercraft or its distributor, its franchised new watercraft dealer, or the original purchaser establishing the initial chain of ownership for a watercraft, such as but not limited to:
- Manufacturer’s certificate of origin (MCO);
- Manufacturer’s statement of origin (MSO);
- Importer’s certificate of origin (ICO);
- Importer’s statement of origin (ISO); or
- Builder’s certification (Form CG-1261).

“Controlled-use marker” means an anchored or fixed marker on the water, shore, or a bridge that controls the operation of watercraft, water skis, surfboards, or similar devices or equipment.

“Dealer” means any person who engages in whole or in part in the business of buying, selling, or exchanging new or used watercraft, or both, either outright or on conditional sale, consignment, or lease.

“Homemade watercraft” means a watercraft that is not fabricated or manufactured for resale and to which a manufacturer has not attached a hull identification number. If a watercraft is assembled from a kit or constructed from an unfinished manufactured hull and does not have a manufacturer assigned hull identification number it is a “homemade watercraft.”

“Hull identification number” means a number assigned to a specific watercraft by the manufacturer or by a government jurisdiction as prescribed by the U.S. Coast Guard.

“Issuing authority” means either a State that has an approved numbering system or the U.S. Coast Guard when a State does not have an approved numbering system.

“Junk watercraft” means any hulk, derelict, wreck, or parts of any watercraft in an unseaworthy or dilapidated condition that cannot be profitably dismantled or salvaged for parts or profitably restored.

“Letter of gift” means a document transferring ownership of a watercraft that includes all of the following information:
- Name of previous owner;
- Name of new owner;
- Manufacturer of the watercraft, when known;
- Hull identification number, unless exempt under R12-4-505;
- A statement that the watercraft is a gift; and
- Signature of previous owner.

“Livery” means a business authorized to rent or lease watercraft with or without an operator for recreational, non-commercial use as prescribed under A.R.S. § 5-371.

“Manufacturer” means any person engaged in the business of manufacturing or importing new watercraft for the purpose of sale or trade.

“Motorized watercraft” means any watercraft propelled by machinery and powered by electricity, fossil fuel, or steam.

“No ski” in reference to a regulatory marker means a person shall not be towed on water skis, an inflatable device, or similar equipment.

“No wake” in reference to a regulatory marker has the same meaning as “wakeless speed” as defined under A.R.S. § 5-301.

“Operate” in reference to a watercraft means use, navigate, or employ.

“Owner” in reference to a watercraft means a person who claims lawful possession of a watercraft by virtue of legal title or equitable interest that entitles the person to possession.

“Personal flotation device” means a U.S. Coast Guard approved wearable or throwable device for use on any watercraft, as prescribed under A.R.S. §§ 5-331, 5-350(A), and R12-4-511.
“Regatta” means an organized water event of limited duration affecting the public use of waterways, for which a lawful jurisdiction has issued a permit.

“Registered owner” means the person or persons to whom a watercraft is currently registered by any jurisdiction.

“Registration decal” means the Department-issued decal that is proof of watercraft registration.

“Regulatory marker” means a waterway marker placed on, in, or near the water to convey general information or indicate the presence of:

A danger, or

A restricted or controlled-use area.

“Release of interest” means a statement surrendering or abandoning unconditionally any claim or right of ownership or use in a watercraft.

“Secured party” means a lender, seller, or other person who holds a security interest in a watercraft under applicable law.

“Secured interest” means an interest that is reserved or created by an agreement under applicable law and that secures payment or the performance of an obligation.

“Sound level” means the noise level measured in decibels on the A-weighted scale of a sound level instrument that conforms to recognized industry standards and is maintained according to the manufacturer’s instructions.

“Staggered registration” means the system of renewing watercraft registrations in accordance with the schedule provided under R12-4-504.

“State of principal operation” means the state in whose waters the watercraft is used or will be operated most during the calendar year.

“Throwable personal flotation device” means a U.S. Coast Guard approved Type IV device for use on any watercraft such as, but not limited to, a buoyant cushion, ring buoy, or horseshoe buoy.

“Titling authority” means a State whose vessel titling system has been certified by the Commandant under 33 C.F.R. 187.303 Subpart D.

“Unreleased watercraft” means a watercraft for which there is no written release of interest from the registered owner.

“Watercraft” means a boat or other floating device of rigid or inflatable construction designed to carry people or cargo on the water and propelled by machinery, oars, paddles, or wind action on a sail. Exceptions are sea-planes, makeshift contrivances constructed of inner tubes or other floatable materials that are not propelled by machinery, personal flotation devices worn or held in hand, and other objects used as floating or swimming aids.

“Watercraft agent” means a person authorized by the Department to collect applicable fees for the registration and numbering of watercraft.

“Watercraft registration” means the validated certificate of number and validating decals issued by the Department.

“Wearable personal flotation device” means a U.S. Coast Guard approved Type I, Type II, Type III, or Type V device for use on any watercraft such as, but not limited to, an off-shore lifejacket, near-shore buoyant vest, special-use wearable device, or flotation aid.

R12-4-502. Application for Watercraft Registration

A. Only motorized watercraft as defined under R12-4-501 are subject to watercraft registration.

B. A person shall apply for watercraft registration under A.R.S. § 5-321 using a form furnished by the Department and available at any Department office or on the Department’s website. The applicant shall provide the following information for registration of all motorized watercraft except homemade watercraft, which are addressed under subsection (C):

1. Arizona residency certification statement, signed by the watercraft owner;
2. Type of watercraft;
3. Propulsion type;
4. Engine drive type;
5. Overall length of watercraft;
6. Make and model of watercraft, if known;
7. Year built or model year, if known;
8. Hull identification number;
9. Hull material;
10. Fuel type;
11. Category of use;
12. Watercraft or AZ number previously issued for the watercraft, if any;
13. State of principal operation; and
14. For watercraft:
   a. Owned by a person:
      i. Legal name;
      ii. Mailing address;
      iii. Date of birth; and
      iv. Signature of each applicant.
   b. Owned by a business:
      i. Name of business:
ii. Business address;
iii. Tax Identification Number; and
iv. Signature and title of authorized representative on behalf of the business.

c. Held in a trust:
  i. Name of trust;
  ii. Primary trustee’s address;
  iii. Tax Identification Number, required when the trust is held by two or more persons;
  iv. Date of trust; and
   v. Signature of each trustee, unless the trust instrument authorizes the signature of one trustee to bind the trust.

15. When ownership of the watercraft is in more than one name, the applicant shall indicate ownership designation by use of one of the following methods:
   a. Where ownership is joint tenancy with right of survivorship, the applicant shall use “and/or” between the names of the owners. To transfer registration of the watercraft, each owner shall provide a signature. Upon legal proof of the death or incompetency of either owner, the remaining owner may transfer registration of the watercraft.
   b. Where ownership is a tenancy in common the applicant shall use “and” between the names of the owners. To transfer registration of the watercraft, each owner shall provide a signature. In the event of the death or incompetency of any owner, the disposition of the watercraft shall be handled through appropriate legal proceedings.
   c. Where the ownership is joint tenancy or is community property with an express intent that either of the owners has full authority to transfer registration, the applicant shall use “or” between the names of the owners. Each owner shall sign the application for registration. To transfer registration, either owner’s signature is sufficient for transfer.

C. The builder, owner, or owners of a homemade watercraft shall present the watercraft for inspection at a Department office. The applicant shall provide the following information for registration of homemade watercraft, using the same ownership designations specified in subsection (A)(15):
   1. Type of watercraft;
   2. Propulsion type;
   3. Engine drive type;
   4. Overall length of watercraft;
   5. Year built;
   6. Hull material;
   7. Fuel type;
   8. Category of use;
   9. Each owner’s:
      a. Name,
      b. Mailing address, and
      c. Date of birth;
   10. State of principal operation;
   11. Whether the watercraft was assembled from a kit or rebuilt from a factory or manufacturer’s hull;
   12. Hull identification number, if assigned; and
   13. Signature of the applicant, acknowledged before a Notary Public or witnessed by a Department employee.

D. As prescribed under A.R.S. § 5-321, the applicant shall submit a use tax receipt issued by the Arizona Department of Revenue with the application for registration unless any one of the following conditions apply:
   1. The applicant is exempt from use tax as provided under 15 A.A.C. Chapter 5,
   2. The applicant is transferring the watercraft from another jurisdiction to Arizona without changing ownership,
   3. The applicant submits a bill of sale or receipt showing the sales or use tax was paid at the time of purchase, or
   4. The applicant submits a notarized affidavit of exemption stating that the acquisition of the watercraft was for rental or resale purposes.

E. An applicant for a watercraft dealer registration authorized under A.R.S. § 5-322(F), shall be a business offering watercraft for sale or a watercraft manufacturer registered by the U.S. Coast Guard. A person shall display dealer registration for watercraft demonstration purposes only. For the purposes of this Section, “demonstration” means to operate a watercraft on the water for the purpose of selling, trading, negotiating, or attempting to negotiate the sale or exchange of interest in new watercraft, and includes operation by a manufacturer for purposes of testing a watercraft. Demonstration does not include operation of a watercraft for personal purposes by a dealer or manufacturer or an employee, family member, or an associate of a dealer or manufacturer. The watercraft dealer registration is subject to invalidation pursuant to R12-4-506 if a watercraft with displayed dealer registration is used for purposes other than those authorized under A.R.S. § 5-322(F) or this Section. A watercraft dealer registration applicant shall submit an application to the Department. The application is furnished by the Department and is available at any Department office. The applicant shall provide the following information on the application:
   1. All business names used for the sale or manufacture of watercraft in Arizona;
   2. Mailing address and telephone number for each business for which a watercraft dealer registration is requested;
   3. Tax privilege license number;
   4. U.S. Coast Guard manufacturer identification code, when applicable;
   5. Total number of certificates of number and decals requested; and
   6. The business owner’s or manager’s:
      a. Name,
      b. Business address,
      c. Telephone number, and
      d. Signature.
F. In addition to submitting the application form and any other information required under this Section, the applicant for watercraft registration shall submit one or more of the following additional forms of documentation:
1. Original title if the watercraft is titled in another state;
2. Original registration if the watercraft is from a non-titling state;
3. Bill of sale as defined under R12-4-501 if the watercraft has never been registered or titled in any state;
4. Letter of gift as defined under R12-4-501 if the watercraft was received as a gift and was never registered or titled in any state;
5. Court order or other legal documentation establishing lawful transfer of ownership;
6. Letter Certificate of documentation or letter of deletion, required when the watercraft was previously documented, issued by the U.S. Coast Guard;
7. Statement of facts form furnished by the Department and available from any Department office when none of the documentation identified under subsections (F)(1) through (F)(6) exists either in the possession of the watercraft owner or in the records of any jurisdiction responsible for registering or titling watercraft. An applicant for watercraft registration under a statement of facts shall present the watercraft for inspection at a Department office. The statement of facts form shall include the following information:
   a. Hull identification number,
   b. Certification that the watercraft meets one of the following conditions:
      i. The watercraft was manufactured prior to 1972, is 12 feet in length or less, and is not propelled by an inboard engine;
      ii. The watercraft is owned by the applicant and has never been registered or titled;
      iii. The watercraft was purchased in a state that required registration, but was never registered or titled; or
      iv. The watercraft was purchased, received as a gift, or received as a trade and has not been registered, titled, or otherwise documented in the past five years.
   c. Signature of the applicant, acknowledged before a Notary Public or witnessed by a Department employee.
8. An original certificate of origin when all of the following apply:
   a. The watercraft was purchased as new,
   b. The applicant is applying for watercraft registration within a year of purchasing the watercraft, and
   c. The certificate of origin is not held by a lien holder.

G. If the watercraft is being transferred to a person other than the original listed owner, the applicant for a watercraft registration shall submit a release of interest. The Department may require the applicant to provide a release of interest that is acknowledged before a Notary Public or witnessed by a Department employee when the Department is unable to verify the signature on the release of interest.

H. If the original title is held by a lien holder, the applicant for a watercraft registration shall submit a form furnished by the Department and available from any Department office along with a copy of the title. The applicant shall comply with the following requirements when submitting the form:
1. The applicant shall provide the following information on the form:
   a. Applicant’s name,
   b. Applicant’s mailing address,
   c. Make and model of watercraft, and
   d. Watercraft hull identification number.
2. The applicant shall ensure the lien holder provides the following information on the form:
   a. Lien holder’s name,
   b. Lien holder’s mailing address,
   c. Name of person completing the form on behalf of the lien holder,
   d. Title of person completing the form on behalf of the lien holder, and
   e. Signature of the person completing the form on behalf of the lien holder, acknowledged before a Notary Public or witnessed by a Department employee.

I. If the watercraft’s original title or registration is lost, the Department shall register a watercraft upon receipt of one of the following:
1. A letter or printout from any jurisdiction responsible for registering or titling watercraft that verifies the owner of record for that specific watercraft;
2. A printout of the Vessel Identification System for that specific watercraft from the U.S. Coast Guard and verification from the appropriate state agency that the information regarding the owner of record for that specific watercraft is correct and current;
3. A statement of facts by the applicant as described under subsection (F)(7) if the watercraft has not been registered, titled, or otherwise documented in the past five years; or
4. The abandoned or unreleased watercraft approval letter issued by the Department, as established under R12-4-507(I).

J. The Department shall issue a watercraft registration within 30 calendar days of receiving a valid application and the documentation required under this Section from the applicant or a watercraft agent authorized under R12-4-509.

K. All watercraft registrations and supporting documentation are subject to verification by the Department and to the requirements established under R12-4-505. The Department shall require a watercraft to be presented for inspection to verify the information provided by an applicant if the Department has reason to believe the information provided by the applicant is inaccurate or the applicant is unable to provide the required information.

L. The Department shall deem an application invalid if the Department receives legal documentation of any legal action that may affect ownership of that watercraft.

M. The Department shall invalidate a watercraft registration if the registration is obtained by an applicant who makes a false statement or provides false information on any application, statement of facts, or written instrument submitted to the Department.
R12-4-507. Transfer of Ownership of an Abandoned or Unreleased Watercraft

A. A person who has knowledge and custody of a watercraft abandoned on private property owned by that person may attempt to obtain ownership of the watercraft by way of the abandoned watercraft transfer process. A lienholder of foreclosed real property may assign an agent to act on its behalf.

B. The last registered owner of an abandoned or unreleased watercraft is presumed to be responsible for the watercraft, unless the watercraft is reported stolen.

C. The operator of a self-storage facility located in this state and having a possessory lien shall comply with the requirements prescribed under A.R.S. Title 33, Chapter 15, Article 1 when attempting to obtain ownership of a watercraft abandoned while in storage.

D. A person having a possessory lien under a written agreement shall comply with the requirements prescribed under A.R.S. Title 33, Chapter 7, Article 6 when attempting to obtain ownership of a watercraft for which repairs or service fees remain unpaid.

E. Only a person acting within the scope of official duties as an employee or authorized agent of a government agency may order the removal of a watercraft abandoned on public property or a public waterway.

F. A person seeking ownership of an abandoned or unreleased watercraft shall submit an application to the Department and pay the fee established under R12-4-504. The application is furnished by the Department and available at any Department office. The application shall include the following information, if available:

1. Hull identification number, unless exempt under R12-4-505;
2. Registration number;
3. Decal number;
4. State of registration;
5. Year of registration;
6. Name, address, and daytime telephone number of the person who found the watercraft;
7. For abandoned watercraft:
   a. Address or description of the location where the watercraft was found,
   b. Whether the watercraft was abandoned on private or public property, and
   c. When applicable, for watercraft abandoned on private property, whether the applicant is the legal owner of the property;
8. Condition of the watercraft: wrecked, stripped, or intact;
9. State in which the watercraft will be operated;
10. Length of time the watercraft was abandoned;
11. Reason why the applicant believes the watercraft is abandoned; and
12. Signature of the applicant, acknowledged before a Notary Public or witnessed by a Department employee.

G. This state and its agencies, employees, and agents are not liable for relying in good faith on the contents of the application.

H. The Department shall attempt to determine the name and address of the registered owner by:

1. Conducting a search of its watercraft database when documentation indicates the watercraft was previously registered in this state, or
2. Requesting the watercraft record from the other state when documentation indicates the watercraft was previously registered in another state.

I. If the Department is able to determine the name and address of the registered owner, the Department shall send written notice of the applicant’s attempt to register the watercraft to the owner by certified mail, return receipt requested.

1. If service is successful or upon receipt of a response from the registered owner, the Department shall send the following written notification to the applicant, as appropriate:
   a. If the registered owner provides a written release of interest in the watercraft, the Department shall mail the release of interest and an abandoned or unreleased watercraft approval letter to the applicant. The applicant shall apply for watercraft registration in compliance with the requirements established under R12-4-502.
   b. If the registered owner provides written notice to the Department refusing to release interest in the watercraft, the Department shall notify the applicant of the owner’s refusal. The Department shall not register the watercraft to the applicant unless the applicant provides proof of ownership and complies with the requirements established under R12-4-502.
   c. If the registered owner does not respond to the notice in writing within 30 days from the date of receipt, the Department shall notify the applicant of the owner’s failure to respond. The Department shall not register the watercraft to the applicant unless the applicant provides proof of ownership and complies with the requirements established under R12-4-502.
   d. If the registered owner does not respond to the notice within 180 days from the date of receipt, this failure to act shall constitute a waiver of interest in the watercraft by any person having an interest in the watercraft, and the watercraft shall be deemed abandoned for all purposes. The Department shall mail an abandoned or unreleased watercraft approval letter to the applicant. The applicant shall apply for watercraft registration in compliance with the requirements established under R12-4-502.

2. If the written notice is returned unclaimed or refused, the Department shall notify the applicant within 15 days of the notice being returned that the attempt to contact the registered owner was unsuccessful.

J. If the Department is unable to identify or serve the registered owner, the Department shall post a notice of intent on the Department’s website within 45 days of the Department’s notification to the applicant as provided in subsection (I)(2).

1. The notice shall include a statement of the Department’s intent to transfer ownership of the watercraft ten days after the date of posting, unless the Department receives notice from the registered owner refusing to release interest in the watercraft within that ten-day period following posting.
2. If the watercraft remains unclaimed after the ten-day period, the Department shall mail an abandoned or unreleased watercraft approval letter to the applicant. The applicant shall apply for watercraft registration in compliance with the requirements established under R12-4-502.

K. A government agency may submit an application for authorization to dispose of a junk watercraft abandoned on state or federal lands or waterways. The application is furnished by the Department and is available at any Department Office. Upon receipt of the applica-
tion, the Department shall attempt to determine the name and address of the registered owner. If the Department is unable to identify and serve the registered owner, the Department shall publish a notice of intent to authorize the disposal of the junk watercraft as described under subsection (J).

1. The published notice shall include a statement of the Department’s intent to authorize the disposal of the watercraft ten days after the date of publication, unless the Department receives notice from the registered owner refusing to release interest in the watercraft within that ten-day period following publication.

2. If the watercraft remains unclaimed after the ten-day period, the Department shall mail an authorization to dispose of the junk watercraft to the government agency. The government agency may dispose of the abandoned watercraft and all indicia for that watercraft in any manner the agency determines expedient or convenient.

R12-4-509. Watercraft Dealers; Agents

A. The Department may authorize a watercraft dealer to act as an agent on behalf of the Department for the purpose of issuing temporary certificates of number for 45 days for new or used watercraft, provided:

1. The applicant’s previous authority to act as a watercraft agent under A.R.S. § 5-321(I) has not been canceled by the Department within the preceding 24 months, and

2. The applicant is a business located and operating within this state and sells watercraft.

B. An applicant seeking watercraft agent authorization shall submit an application to the Department. The application is furnished by the Department and available at the Arizona Game and Fish Department, 5000 W. Carefree Highway, Phoenix, AZ 85086. The applicant shall provide the following information on the application:

1. Principal business or corporation name, address, and telephone number or if not a corporation, the full name, address, and telephone number of all owners or partners;

2. Name, address, and telephone number of the owner or manager responsible for compliance with this Section;

3. Whether the applicant has previously issued temporary certificates of number under A.R.S. § 5-321(I);

4. All of the following information specific to the location from which new watercraft are to be sold and temporary certificates of number issued:

   a. Name of owner or manager;

   b. Business hours;

   c. Business telephone number;

   d. Business type;

   e. Storefront name; and

   f. Street address;

5. Manufacturers of the watercraft to be sold; and

6. Signature of person named under subsection (B)(2).

C. The Department shall either approve or deny the application within the licensing time-frame established under R12-4-106.

D. Authorization to act as a watercraft agent is specific to the dealer’s business location designated on the application and approved by the Department, unless the dealer is participating in a boat show for the purpose of selling watercraft.

E. The watercraft agent shall:

1. Use the assigned watercraft agent number when issuing a temporary certificate of number,

2. Use the online application system and forms supplied by the Department; and

3. Collect the appropriate fee as prescribed under R12-4-504 and R12-4-527.

F. A watercraft agent is prohibited from issuing a temporary certificate of number for a watercraft when:

1. The watercraft is involved in legal proceedings such as, but not limited to, a marital dissolution, probate, or bankruptcy proceeding;

2. The watercraft is abandoned or unreleased;

3. The watercraft is homemade; or

4. The watercraft has a nonconforming HIN.

G. A watercraft agent issuing a temporary certificate of number to the purchaser of a watercraft shall comply with all the following:

1. The watercraft agent shall obtain a completed application that complies with the requirements established under R12-4-502.

2. The watercraft agent shall identify to the applicant the state registration fee and the nonresident boating safety infrastructure fee, when applicable, separately from any other costs.

3. The fees collected under subsection (E)(3) shall be submitted electronically to the Department prior to the submission of the documentation required under subsection (G)(4).

4. Within five business days of issuing a temporary certificate of number, a watercraft agent shall deliver or mail the following documentation to the Arizona Game and Fish Department, Watercraft Agent Representative, 5000 W. Carefree Highway, Phoenix, AZ 85086:

   a. For a new watercraft:

      i. Original application;

      ii. Original or copy of the bill of sale issued by the watercraft agent; and

      iii. Original certificate of origin;

   b. For a used watercraft:

      i. Original application;

      ii. Original or copy of the bill of sale issued by the watercraft agent;

      iii. Ownership document, such as but not limited to a title, bill of sale, letter of gift or U.S. Coast Guard letter certificate of documentation or letter of deletion when the watercraft was previously documented issued by the U.S. Coast Guard; and

      iv. Lien release, when applicable.

H. The Department may cancel the watercraft agent’s authorization if the agent does any one of the following:
1. Fails to comply with the requirements established under this Article;
2. Submits more than one electronic payment dishonored because of insufficient funds, payments stopped, or closed accounts to the Department within a calendar year;
3. Predates, postdates, alters, or provides or knowingly allows false information to be provided on an application for a temporary certificate of number; or
4. Falsifies the application for authorization as a watercraft agent.

I. The Department shall provide a written notice to the person stating the reason for the denial or cancellation of watercraft agent status, as applicable. The person may appeal the denial or cancellation to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10.

R12-4-510. Refund of Fees Paid in Error
A. The Department shall issue a refund for watercraft registration fees paid and, when applicable, the Nonresident Boating Safety Infrastructure fee when:
   1. The registered owner has erroneously paid those fees twice for the same watercraft;
   2. The registered owner has erroneously paid those fees for a watercraft that has already been sold to another individual; or
   3. The registered owner registered the watercraft in error.
B. To request a refund of fees paid in error, the person applying for the refund shall surrender all of the following to the Department:
   1. Original certificate of number;
   2. Registration decals; and
   3. Nonresident Boating Safety Infrastructure Decal, when applicable.
C. A person requesting a refund of fees shall submit the request to the Department within 30 calendar days of the date the payment was received by the Department.
D. The Department shall not refund:
   1. A late registration penalty fee.
   2. A fee collected by an authorized third-party provider. A person who paid their watercraft registration fee to a third-party provider shall request a refund of fees from that third-party provider.

R12-4-518. Regattas
A. When a regatta permit is issued by the Coast Guard, the person in control of the regatta shall at all times be responsible for compliance with the stipulations as prescribed within the regatta permit. Such stipulations may include but not be limited to:
   1. A specified number of patrol or committee boats and identified as such.
   2. Availability of emergency medical services.
   3. Spectator control if there exists a danger that life or property is in jeopardy.
B. Non-compliance with any stipulation of an authorized permit which jeopardizes the public welfare shall be cause to terminate the regatta until the person in control or a person designated by the one in control satisfactorily restores compliance.
C. When a regatta applicant is informed in writing by the Coast Guard that a permit is not required, such regatta may take place, but shall not relieve the regatta sponsor of any responsibility for the public welfare or confer any exemption from state boating and watersports laws and rules.
D. The regatta sponsor and all participants shall comply with aquatic invasive species requirements established under A.R.S Title 17, Chapter 2, Article 3.1 and 12 A.A.C. 4, Article 112.
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 but are filed by the agency with their final notice.

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

[R22-36]

PREAMBLE

1. **Article, Part, or Section Affected (as applicable)**
   - R14-2-201
   - R14-2-208
   - R14-2-211
   - R14-2-212
   - R14-2-214
   - R14-2-215
   - R14-2-216
   - R14-2-301
   - R14-2-308
   - R14-2-311
   - R14-2-312
   - R14-2-315
   - R14-2-316

   **Rulemaking Action**
   - Amend
   - Amend
   - Amend
   - Amend
   - New Section
   - New Section
   - New Section
   - Amend
   - Amend
   - Amend
   - Amend
   - New Section
   - New Section

2. **Citations to the agency’s statutory rulemaking authority to include both the authorizing statute (general) and the implementing statute (specific):**

3. **The effective date of the rule:**
   - April 18, 2022
   - **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 provided 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: 27 A.A.R. 798, May 21, 2021
   - Notice of Proposed Rulemaking: 27 A.A.R. 775, May 21, 2021

5. **The agency’s contact person who can answer questions about the rulemaking:**
   - **Name:** Candrea Allen, Executive Consultant
   - **Address:** Arizona Corporation Commission
     Utilities Division
     1200 W. Washington St.
     Phoenix, AZ 85007
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 amends the following sections under Article 2, entitled “Electric Utilities” and sections under Article 3, entitled “Gas Utilities”, 14 A.A.C. 2, the Chapter containing the Commission’s rules for fixed utilities, including by adding three new rules under Electric Utilities and two new rules under Gas Utilities. Specifically, this rulemaking (1) Amends A.A.C. R14-2-201; (2) Amends A.A.C. R14-2-208; (3) Amends A.A.C. R14-2-211; (4) Amends A.A.C. R14-2-212; (5) Adds A.A.C. R14-2-214 - Compliance by Electric Cooperatives; (6) Adds A.A.C. R14-2-215 - Termination of Service Reporting Requirements; (7) Adds A.A.C. R14-2-216 - Relief for Heat-Vulnerable Residential Customers (8) Amends A.A.C. R14-2-201; (9) Amends A.A.C. R14-2-308; (10) Amends A.A.C. R14-2-311; (11) Amends A.A.C. R14-2-312; (12) Adds A.A.C. R14-2-315 - Compliance by Gas Cooperatives; and (13) Adds A.A.C. R14-2-316 - Termination of Service Reporting Requirements.

The rules amend various definitions, add new definitions, and remove definitions under both Electric Utilities and Gas Utilities. In addition, the rules amend the requirements under which Commission-regulated utilities, specifically public service corporations under Arizona Constitution, Article 15, § 2, are to report service interruptions. The rules amend the circumstances in which Commission-regulated utilities, specifically public service corporations under Arizona Constitution, Article 15, § 2, are prohibited from terminating electric or gas service to residential customers. In addition, the rules amend the procedures for processing utility bill disputes and customer complaints. Further, new sections provide electric and gas cooperatives greater flexibility to achieve compliance with the amended rules in recognition of their unique membership structure and operations, detail the reporting requirements related to termination of electric and gas service, and specify the steps electric utilities must take to address issues facing heat-vulnerable populations.

On June 14, 2019, former Chairman Robert Burns requested that Commission Utilities Division Staff begin an emergency rulemaking to amend and strengthen the Commission’s rules related to termination of service for electric utilities, Arizona Administrative Code R14-2-211. On June 14, 2019, Docket No. RU-00000A-19-0132 was opened for the purpose of commencing an emergency rulemaking process to enable the Commission to review and amend the current rules regarding termination of service for electric utilities.

On June 20, 2019, in Decision No. 77260, the Commission approved, as an emergency measure, amendments to A.A.C. R14-2-211. On June 21, 2019, the approved emergency rules became effective the same day they were presented to the Secretary of State’s Office. The emergency rules were in effect for a period of 180 days and expired on December 18, 2019. During the June 20, 2019, Staff Open Meeting, the Commission voted for approval to direct Staff to commence a regular rulemaking to amend the termination of service rules for all utilities (electric, gas, water, telephone, and sewer/wastewater). The electric and gas termination of service rules were combined in Docket No. RU-00000A-19-0132. Separate dockets were opened for telephone and water/wastewater utilities.

On August 30, 2019, Staff filed its first draft of proposed modifications to the rules regarding the provision of service, termination of service, and administrative reporting requirements for all utilities. On September 26, 2019, Staff filed a revised draft of its proposed modifications to the rules. On September 30, 2019, and January 30, 2020, Staff held workshops. Participants in the workshops included current and former Commissioners, representatives from utilities, government agencies, energy efficiency and environmental advocacy groups, research entities, consumer advocacy groups, and the public. Many of the same participants also provided written comments. On November 23, 2020, based on discussions during workshops, comments filed, and the Commission’s directives, Staff filed its third draft of the rules which only included the electric and gas utilities. Written comments regarding Staff’s revised draft were filed by representatives from utilities, consumer advocacy groups, and the public in December 2020.

At the January 30, 2020, workshop, information on temperature-related health impacts, which the Commission considered to inform its decision on the termination of electric service prohibition detailed in the amended rules, was presented by: (1) Maricopa County Department of Public Health, (2) National Weather Service/National Oceanic and Atmospheric Administration, and (3) Arizona State University School of Geographical Sciences and Urban Planning and Urban Climates Research Center. The information provided showed a correlation between higher outdoor temperature, availability or use of cooling systems that rely on electric service, the impact to the indoor temperature, and heat-related health impacts on customers when outdoor temperatures reach 95°F or higher, or specifically during the summer months.

According to information presented by the Maricopa County Department of Public Health, the number of indoor heat-related deaths increased as the outdoor temperature increased. For example, from 2006 to 2017, two percent (2%) of heat-related indoor deaths occurred at 95°F. The percentage of heat-related indoor deaths increased to 12% when the outdoor temperature reached 100°F, and to 55% when the outdoor temperature reached 108°F. In addition, data provided by the Maricopa County Department
of Public Health showed that for 2018, 51 heat-related indoor deaths were caused due to “system failures” with 49 of those deaths being in “non-cooled” indoor environments: 45 deaths where air conditioning was present and 4 deaths where air conditioning was not present. Of the 45 heat-related indoor deaths where air conditioning was present, 33 deaths occurred where there was a non-functioning air conditioning, 8 occurred where air conditioning was not turned on, and 4 occurred where there was not electric service.

The amended rules include revisions to the termination of service procedures that specify when an electric or gas utility is prohibited from terminating service to residential customers. The amended rules require an electric utility to adopt one of the following two conditions under which the utility will be prohibited from terminating residential service:

- During any period of time for which the local weather forecast, as predicted by the National Weather Service, indicates that the weather in the area of the customer’s service address:
  - Will include temperatures that do not exceed 32° F;
  - Will include temperatures that exceed 95° F;
  - Will include other weather conditions that the Commission has determined, by order, are especially dangerous to health;

- During the calendar days of June 1 through October 15 of each year, which shall be specified as non-termination dates in a utility’s tariffs.

The amended rules require a gas utility to adopt one of the following two conditions under which the utility will be prohibited from terminating residential service:

- During any period of time for which the National Weather Service has issued a winter weather advisory in the area of the customer’s service address; or
- During any period of time for which the local weather forecast, as predicted by the National Weather Service, indicates that the weather in the area of the customer’s service address:
  - Will include temperatures that do not exceed 32° F;
  - Will include other weather conditions that the Commission has determined, by order, are especially dangerous to health.

The amended rules also detail the notification requirements electric and gas utilities must follow when notifying customers prior to termination of service including (1) timing of notification of termination of service, (2) circumstances when advance notice of termination of service is required, (3) circumstances when advance notice of termination of service is not required, and (4) the information required to be included in the notice of termination of service.

In addition, the amended rules revise how and when electric utilities are required to report interruptions of electric service to the Commission. The amendments require electric utilities to notify the Commission when interruptions in electric service affect a significant portion of the electric utility’s system as detailed:

- A service interruption of 1,000 customer hours or more for a utility with more than 1,000,000 customer connections,
- A service interruption of 500 customer hours or more for a utility with 400,000 to 1,000,000 customer connections, and
- A service interruption of 100 customer hours or more for a utility with fewer than 400,000 customer connections.

Further, the amended rules remove duplicative language related to notifying the Commission of interruptions in gas service for gas utilities because gas utilities currently have reporting requirements that are required to be filed with the Commission’s Safety Division.

The Commission believes the amendments and additions contained in this rulemaking are necessary and in the public interest to ensure that electric and gas utility customers are protected from terminations of service occurring when outside temperatures present a health and safety risk and to ensure that customers who are subject to termination receive timely and meaningful notice. The amended rules provide a balanced position between utility costs and customer safety while ensuring safe, reliable, and affordable energy service to the people of Arizona. In addition, the amendments regarding interruptions of service will ensure that the Commission receives timely notification of service interruptions that impact customers of electric and gas service.

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:

The Commission relied on information presented by: (1) Maricopa County Department of Public Health, (2) National Weather Service/National Oceanic and Atmospheric Administration, and (3) Arizona State University School of Geographical Sciences and Urban Planning and Urban Climates Research Center at the workshop on January 30, 2021 and filed with the Commission’s Docket Control. Although the Commission did not independently verify the data from these reports and studies, the Commission believes the data is acceptable data that supports the amended rules because the data is empirical in nature, and the stakeholders can replicate and test the data based on the supporting documentation, statistics, reports, studies, or research that the stakeholders included. The information was presented in Docket No. RU-00000A-19-0132. The presentations were compiled by Commission Staff into a single document that was then filed in the docket, which is available to the public at: https://docket.images.azcc.gov/E000004765.pdf.

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:

It is expected that persons who will be directly affected by, bear the costs of, or directly benefit from this rulemaking include: (a)
the general public; (b) customers of electric utilities; (c) customers of gas utilities; (d) residents who live at an electric or gas utility customer’s service address; (e) electric public service corporations; (f) gas public service corporations; and (g) the Arizona Corporation Commission.

The amended rules include several major differences from the Commission’s current rules detailing the circumstances under which a utility is prohibited from terminating residential electric or gas service. The amended rules require a regulated electric or gas utility to adopt one of two termination provisions in which the utility will be prohibited from terminating residential service, based on the utility’s service territory. The amended rules may result in increased bad debt/uncollectable expense or write-offs for a utility, which ultimately may be borne by all the utility’s customer classes. There are additional reporting requirements related to termination of electric and gas service and additional steps electric utilities must take to address issues facing heat-vulnerable populations. The potential costs to the utility will vary depending on the size of each regulated utility and the termination of service provision implemented by the utility. Quantification of these costs is difficult, as it is likely that each utility will be impacted differently depending on its specific circumstances.

For electric and gas utilities, the costs for complying with the rulemaking will vary over time. Electric and gas utilities can expect increased investment in customer education, customer notification, and bill assistance programs. A utility can expect an increase in the total cost for complying with the filing requirements contained in this rulemaking as compared to the rules that currently exist. Further, a utility may expect to see an increase in the amount of payment arrearages, delinquent billing accounts, bad debt/uncollectable expense, and write-off amounts with the adoption of the amended rules.

Pursuant to Commission Decision No. 77849 (December 17, 2020), information related to the number of residential customer accounts disconnected, the number of residential customer accounts in arrears, and the total dollar amount of residential customer accounts in arrears, among other information, is required to be filed with the Commission on a quarterly basis. Table 1 below includes the most recent available information for the first quarter of 2021, filed by several affected electric utilities. Electric cooperatives and gas utilities currently are not required to provide this information.

### Table 1

<table>
<thead>
<tr>
<th>Company</th>
<th>Number of Disconnected Accounts</th>
<th>Number of Accounts in Arrears</th>
<th>Total Dollar Amount of Accounts in Arrears</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>July</td>
<td>August</td>
<td>September</td>
</tr>
<tr>
<td>Ajo Improvement Company</td>
<td>38</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Arizona Public Service Company</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Morenci Water &amp; Electric Company</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Tucson Electric Power</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>UNS Electric, Inc.</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

At this time, it is uncertain whether there will be a need for any additional utility personnel to comply with the amendments contained in this rulemaking. For complying with the amended rules, it is uncertain at this time whether electric and gas utilities will have additional costs or benefits for complying with the requirements of this rulemaking. The impact of complying with the amended rules will depend on the specific termination procedure option the utility chooses to adopt and implement. In addition, if a utility chooses to adopt and implement a termination procedure option consistent with the current utility’s Commission-approved tariff, the impact of the amendments to the rules may be greatly reduced. For example, a utility with a Commission-approved tariff that currently includes the termination prohibition for the calendar days June 1 through October 15 and that continues to utilize this procedure may not be impacted by the approval of the amended rules to the same extent as the utility would be if the utility revised its current termination of service procedure.

Commission Staff requested and was provided information from regulated electric and gas utilities related to customer account arrearages and bad debt/uncollectable expense for the years 2018, 2019, and 2020. Table 2 shows the total dollar amount of arrearages for residential customer accounts that became delinquent. Table 3 shows the amount of actual bad debt/uncollectable expense that was recorded by the utility for regulatory purposes. Table 4 shows the amount of actual bad debt/uncollectable expense written off by the utility. Table 5 shows the amount of uncollectable expense that ultimately was approved by the Commission to be recovered through rates in the utility’s most recent rate case. The tables do not include information from all Commission-regulated utilities but represent a sampling of regulated electric and gas utilities of various sizes.

### Table 2 - Total Dollar Amount of Arrearages for Residential Customer Accounts that Became Delinquent

<table>
<thead>
<tr>
<th>Company</th>
<th>Year 2018</th>
<th>Year 2019</th>
<th>Year 2020</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arizona Public Service Company</td>
<td>$14,362,000</td>
<td>$34,034,000</td>
<td>$64,456,000</td>
</tr>
<tr>
<td>Tucson Electric Power Company</td>
<td>$11,956,223</td>
<td>$7,684,110</td>
<td>$34,635,304</td>
</tr>
<tr>
<td>UNS Electric, Inc.</td>
<td>$1,480,374</td>
<td>$2,013,401</td>
<td>$3,863,679</td>
</tr>
<tr>
<td>Trico Electric Cooperative, Inc.</td>
<td>$981,456</td>
<td>$998,885</td>
<td>$1,362,785</td>
</tr>
<tr>
<td>Mohave Electric Cooperative, Inc.</td>
<td>$7,042,022</td>
<td>$6,271,257</td>
<td>$6,926,450</td>
</tr>
<tr>
<td>Duncan Valley Electric Cooperative, Inc. (Electric and Gas combined)</td>
<td>$53,503</td>
<td>$80,634</td>
<td>$75,919</td>
</tr>
<tr>
<td>Southwest Gas Corporation</td>
<td>$2,383,214</td>
<td>$2,460,733</td>
<td>$1,514,194</td>
</tr>
<tr>
<td>UNS Gas, Inc.</td>
<td>$946,055</td>
<td>$985,266</td>
<td>$1,278,740</td>
</tr>
</tbody>
</table>
Table 3 - Amount of Actual Bad Debt/Uncollectable Expense Recorded by Utility for Regulatory Purposes

<table>
<thead>
<tr>
<th>Company</th>
<th>2018</th>
<th>2019</th>
<th>2020</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arizona Public Service Company</td>
<td>$10,870,000</td>
<td>$11,819,000</td>
<td>$20,633,000</td>
</tr>
<tr>
<td>Tucson Electric Power Company</td>
<td>$2,518,310</td>
<td>$3,572,235</td>
<td>$10,012,785</td>
</tr>
<tr>
<td>UNS Electric, Inc.</td>
<td>$297,235</td>
<td>$374,004</td>
<td>$1,017,310</td>
</tr>
<tr>
<td>Trico Electric Cooperative, Inc.</td>
<td>$15,578</td>
<td>$9,306</td>
<td>$11,268</td>
</tr>
<tr>
<td>Mohave Electric Cooperative, Inc.</td>
<td>$112,757</td>
<td>$102,675</td>
<td>$110,646</td>
</tr>
<tr>
<td>Duncan Valley Electric Cooperative, Inc.</td>
<td>$6,900</td>
<td>$6,900</td>
<td>$6,900</td>
</tr>
<tr>
<td>Southwest Gas Corporation</td>
<td>$1,306,724</td>
<td>$1,306,724</td>
<td>$1,306,724</td>
</tr>
<tr>
<td>UNS Gas, Inc.</td>
<td>$182,250</td>
<td>$189,728</td>
<td>$506,170</td>
</tr>
<tr>
<td>Copper Market, Inc. (Propane)</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
</tbody>
</table>

* Duncan Valley Electric Cooperative, Inc. did not provide this information separately for its electric and gas divisions.

Table 4 - Amount of Actual Bad Debt/Uncollectable Expense Written Off by Utility

<table>
<thead>
<tr>
<th>Company</th>
<th>2018</th>
<th>2019</th>
<th>2020</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arizona Public Service Company</td>
<td>$9,314,000</td>
<td>$7,717,000</td>
<td>$9,022,000</td>
</tr>
<tr>
<td>Tucson Electric Power Company</td>
<td>$2,698,795</td>
<td>$2,863,130</td>
<td>$2,842,761</td>
</tr>
<tr>
<td>UNS Electric, Inc.</td>
<td>$433,688</td>
<td>$319,668</td>
<td>$418,457</td>
</tr>
<tr>
<td>Trico Electric Cooperative, Inc.</td>
<td>$15,578</td>
<td>$9,306</td>
<td>$71,268</td>
</tr>
<tr>
<td>Mohave Electric Cooperative, Inc.</td>
<td>$36,542</td>
<td>$41,206</td>
<td>$25,207</td>
</tr>
<tr>
<td>Duncan Valley Electric Cooperative, Inc.</td>
<td>$6,391</td>
<td>$8,736</td>
<td>$8,141</td>
</tr>
<tr>
<td>Southwest Gas Corporation</td>
<td>$2,167,846</td>
<td>$2,167,846</td>
<td>$2,167,846</td>
</tr>
<tr>
<td>UNS Gas, Inc.</td>
<td>$233,021</td>
<td>$221,590</td>
<td>$205,082</td>
</tr>
<tr>
<td>Copper Market, Inc. (Propane)</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
</tbody>
</table>

* Duncan Valley Electric Cooperative, Inc. did not provide this information separately for its electric and gas divisions.

Table 5 - Amount of Uncollectable Expense Ultimately Approved by Commission to be Recovered Through Rates in Utility’s Most Recent Rate Case

<table>
<thead>
<tr>
<th>Company</th>
<th>2018</th>
<th>2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arizona Public Service Company</td>
<td>$4,100,000</td>
<td></td>
</tr>
<tr>
<td>Tucson Electric Power Company</td>
<td>$2,833,735</td>
<td></td>
</tr>
<tr>
<td>UNS Electric, Inc.</td>
<td>$374,037</td>
<td></td>
</tr>
<tr>
<td>Trico Electric Cooperative, Inc.</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Mohave Electric Cooperative, Inc.</td>
<td>$21,105</td>
<td></td>
</tr>
<tr>
<td>Duncan Valley Electric Cooperative, Inc.</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Southwest Gas Corporation</td>
<td>$1,550,724</td>
<td></td>
</tr>
<tr>
<td>UNS Gas, Inc.</td>
<td>$503,555</td>
<td></td>
</tr>
<tr>
<td>Copper Market, Inc. (Propane)</td>
<td>$0</td>
<td></td>
</tr>
</tbody>
</table>

* Trico Electric Cooperative, Inc. does not record this information separately from other cost of service data. Therefore, this information is not available without the assistance of outside consultants.

** Duncan Valley Electric Cooperative, Inc. did not provide this information separately for its electric and gas divisions. DVEC did not request uncollectable expense in its most recent rate case.

Potential costs to electric and gas utility customers include accumulation of utility bill balances. Although the amended rules prohibit electric and gas utilities from terminating residential service under specific circumstances, customers will continue to receive utility service and the dollar amount owed by a residential customer during a termination of service prohibition will continue to accumulate. In addition, the potential increase in costs of bad debt/uncollectable expense requested by the utility and approved by the Commission as part of future rate case proceedings would be borne by all customer classes through higher rates. However, quantification of these costs is difficult, as it is likely that each utility customer will be impacted differently depending on a customer’s monthly usage, tariff rate, personal financial situation, and other circumstances.

Potential benefits for electric and gas utility customers include a prohibition of termination of service during periods when weather can be especially dangerous to health thus reducing the number of potential heat-related indoor illnesses or deaths. As stated herein, information provided to the Commission showed a correlation between higher outdoor temperature, availability or use of cooling systems that rely on electric service, the impact to the indoor temperature, and heat-related health impacts on customers when outdoor temperatures reach 95°F or higher, or specifically during the summer months. The amended rules provide for more
robust procedures that provide greater customer protections related to termination of service, customer notifications of termination of service, and the processing of customer complaints and disputes filed with the Commission. The amended rules also provide for deferred payment arrangements, which may result in reducing bad debt expense or uncollectable amounts.

Probable costs to the Commission of the amended rules will include increased administrative time spent by Commission Staff to review the compliance filings and reports required to be filed by utilities. The Commission will not incur any fixed upfront cost with adoption of the amended rules. Benefits to the Commission of the amended rules will be more robust procedures that will provide greater guidance for Commission Staff when reviewing compliance with the amended rules.

To the extent that the political subdivisions of Arizona are customers of regulated utilities, potential costs include the increase in costs of uncollectable expense requested by the utility and approved by the Commission as part of future rate case proceedings that would be borne by all customer classes through higher rates. Benefits may include greater protections related to customer notifications of termination of service, and the processing of customer complaints and disputes filed with the Commission due to the more robust procedures.

All Commission-regulated utilities that are subject to the amended rules may incur increased payroll expenditures and increased administrative time complying with the amended rules, at least during the initial implementation of the amended rules while becoming familiar with the change in requirements. Currently, regulated utilities file general termination of service information as part of the annual report filing made with the Commission. The amended rules require that regulated utilities provide detailed termination of service information specific to the zip codes included in a regulated utility’s service territory. The amended rules may result in increased regulated-utility administration time spent on developing and filing reporting requirements with the Commission, as the amended rules require additional reporting requirements.

The Commission does not expect the amended rules to have more than a minimal impact on private and public employment in businesses, agencies, or political subdivisions. However, regulated electric utilities must take specific steps, including working with community advocacy organizations, to address issues facing heat-vulnerable populations. These advocacy organizations may incur increased payroll expenditures and increased administrative time spent working with regulated electric and gas utilities as the utilities comply with the amended rules.

The amended rules will apply to regulated electric and gas cooperatives, some of which may be small businesses. To the extent that regulated cooperative utilities are small businesses subject to the amended rules, these utilities can expect to incur increased administrative time allocated toward complying with the termination of service reporting requirements and interruption of service reporting requirements of the amended rules. The cost for complying with the amended rules will be unique to each regulated cooperative. In addition, regulated cooperative utilities may expect to incur increased administrative time associated with the allocation of resources in developing and filing reporting requirements associated with the amended rules. To the extent that small businesses are regulated utilities, the amended rules include waiver requirements and new sections that provide electric and gas cooperatives greater flexibility to achieve compliance with the amended rules in recognition of their unique membership structure and operations.

The Commission expects the costs and benefits to private persons and consumers (as the general public or customers of a regulated utility) to vary with adoption of the amended rules. For customers of regulated utilities, the costs for complying with the amended rules would be unique to each utility. Potential benefits for electric and gas utility customers include a prohibition on termination of service during periods when weather can be especially dangerous to health thus reducing the number of potential heat-related indoor deaths. The amended rules provide for more robust procedures that provide greater customer protections related to termination of service, customer notifications of termination of service, and the processing of customer complaints and disputes filed with the Commission. Determining quantitative costs or benefits would be speculative at this time.

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

The Commission found it appropriate to make minor modifications to the text of the amended rules to ensure the rules are clear, concise, and understandable. The modifications are not intended to, and the Commission believes that they do not, change in any way the scope, meaning, or impact of the rules. The Commission believes that the minor modifications do not result in any change to the amended rules that would necessitate publication of a Notice of Supplemental Proposed Rulemaking as required by A.R.S. § 41-1025(A) when an agency’s changes to a rule make it “substantially different” than the proposed rule.

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

Summary of the Comments Made on the Rulemaking and the Agency Response to Them, Prepared Pursuant to A.R.S. § 41-1001(18)(d)(iii)

The written and oral comments received by the Arizona Corporation Commission (“Commission”) concerning the Notice of Proposed Rulemaking (“NPRM”) are included in the following table, along with the Commission’s response to each. The Commission has included comments received after the April 13, 2021, Open Meeting when the Commission approved Decision No. 77996 (May 5, 2021), which adopted the language for the NPRM, and before the NPRM was published on May 21, 2021.
### Written Comments on NPRM

<table>
<thead>
<tr>
<th>Public Comment</th>
<th>Commission Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr. Padgaonkar’s April 19, 2021 filing primarily discussed Arizona Public Service Company’s (“APS”) uncollectible expense in its pending rate case. Regarding the Termination of Service Rules, Mr. Padgaonkar stated that current reporting requirements overemphasize arrearages and delinquent balances, which he asserted do not represent actual uncollectible expense. Mr. Padgaonkar stated that the Commission should require utilities to report actual uncollectible expense as actual write-offs separately for residential and non-residential customers.</td>
<td>The Termination of Service Rules include robust reporting requirements for electric and gas utilities in R14-2-215 and R14-2-316. These provisions are adequate to ensure that utilities are compiling information necessary to evaluate the impact of the Termination of Service Rules both on public health and on customer and utility finances. The Commission concludes that no change is needed in response to these comments.</td>
</tr>
<tr>
<td>Mr. Padgaonkar also noted that affordability of rates is a concern.</td>
<td></td>
</tr>
<tr>
<td>The Commission concludes that no change is needed in response to these comments.</td>
<td></td>
</tr>
<tr>
<td>RUCO expressed concern with the provision in R14-2-211(A)(11), which allows a utility to select one of two conditions under which termination of service will be prohibited. RUCO characterized the provision as an impermissible delegation of the Commission’s authority.</td>
<td>The reporting requirements in R14-2-215 and R14-2-316 will provide utilities and the Commission with necessary information to evaluate the impacts of the Termination of Service Rules. However, R14-2-212(I) and R14-2-312(I) allow utilities to request waivers from any of the Termination of Service Rules for good cause. Additionally, the Commission believes that GCSECA’s suggested language changes would result in a rule that would be “substantially different” than the NPRM under A.R.S. § 41-1025. The Commission concludes that no change is needed in response to these comments.</td>
</tr>
<tr>
<td>RUCO also objected to R14-2-211(H)(1), stating that the Commission does not have the authority to prescribe how ratepayers manage their energy use and the rule does not define how compliance would be measured or how the rule would be enforced. In addition, RUCO raised concerns regarding the potential rate impact of the Termination of Service Rules on ratepayers and stated that the cost considerations required more evaluation.</td>
<td>Ensuring that utility customers are cognizant of their energy usage, especially during the periods when a utility is prohibited from terminating service, is a reasonable expectation. Compliance or enforcement measures are not necessary or appropriate. The Commission concludes that no change is needed in response to these comments.</td>
</tr>
<tr>
<td>RUCO also referred to its prior filings, which it stated remained relevant.</td>
<td>The Termination of Service Rules include robust reporting requirements in R14-2-215 and R14-2-316 that will allow the Commission and stakeholders to evaluate the financial impact of the rules moving forward. As described in the EIS, all financial impacts cannot be anticipated at this time. The Termination of Service Rules provide for deferred payment arrangements, which will help minimize arrearages for customers and bad debt expense for utilities. The Commission concludes that no change is needed in response to these comments.</td>
</tr>
<tr>
<td>On June 28, 2021, RUCO filed a copy of its comments read at the Oral Proceeding on June 28, 2021, which are discussed below.</td>
<td></td>
</tr>
</tbody>
</table>
AARP, Steve Jennings (July 1, 2021)

Mr. Jennings, a volunteer speaking on behalf of AARP, expressed concerns relating to the ability of a utility to select one of two conditions under which termination of service would not be allowed as provided for in R14-2-211(A)(11) and R14-3-311(A)(12). He stated that there could be confusion for residential customers with both electric and gas utility service, and that there should be one statewide policy to reduce the risk of confusion. In addition, Mr. Jennings stated that AARP supports the requirement that an electric utility cannot terminate service if the customer has a delinquent bill arrearage of $300 or less. In addition, Mr. Jennings expressed AARP’s concern that arrearage balances could accumulate, potentially becoming uncollectible debt for the utility that impacts rates in a future rate case proceeding.

Commission Response

The Commission responded that the provision allowing utilities to select one of two conditions, and the potential economic impact of the Termination of Service Rules, is substantial and timely information regarding their rights under the Termination of Service Rules. No change is needed in response to these comments.
Ms. Brown expressed concern with the health and financial impacts on customers of a termination of service prohibition for electric utilities. She stated that there are no data that specify or compare contributing factors other than lack of air conditioning to the number of heat-related incidents. In addition, she stated that the bad debt and uncollectible information included in the EIS is not complete because of the lag in reporting due, in part, to customers entering into payment plans, and thus the Commission does not have adequate information on the financial impact of the 2019 and 2020 summer moratoriums.

Ms. Brown also expressed concern with the provisions in R14-2-211(A)(11) that allow a utility to adopt one of two conditions under which the utility would be prohibited from terminating utility service. She stated a preference for using a June 1 to October 15 moratorium instead of a 95°F temperature-based moratorium because if a 95°F standard was used, there are households that would spend more months in a moratorium than not, potentially creating a perpetual debt problem for those customers.

Ms. Brown stated that the Commission should focus on reducing ratepayer utility bills because any increase in bad debt expense would be borne by all ratepayers.

Ms. Brown also stated the rules should specify that customers will be placed on automatic deferred payment plans of at least six months.

Mr. Steven expressed general support for the Termination of Service Rules. He stated that the 95°F temperature threshold specified in R14-2-211(A)(11)(a)(ii) is an improvement over rules currently in place, but a threshold of 90°F would be more favorable with respect to potential heat-related health complications.

The Commission appreciates the supportive comments. The 95°F threshold is based on the best-available information provided to the Commission and as described in the EIS. The standard is protective of public health and considers the financial impact to the public from a prolonged period where termination of service is prohibited. No change is needed in response to these comments.

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:

   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:

   None

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:

   Notice of Emergency Rulemaking: 25 A.A.R. 1798, July 12, 2019 (Section R14-2-211)

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 2. ELECTRIC UTILITIES
R14-2-215. Termination of Service Reporting Requirements
R14-2-216. Relief for Heat-Vulnerable Residential Customers.

ARTICLE 3. GAS UTILITIES

Section
R14-2-301. Definitions
R14-2-308. Provision of Service
R14-2-311. Termination of Service
R14-2-312. Administrative and Hearing Requirements
R14-2-315. Compliance by Gas Cooperatives
R14-2-316. Termination of Service Reporting Requirements

R14-2-201. Definitions
In this Article, unless the context otherwise requires, the following definitions shall apply. In addition, the definitions contained in Article 16, Retail Electric Competition, shall apply in this Article unless the context otherwise requires.

1. No change
2. No change
3. No change
4. No change
5. No change
6. No change
7. No change
8. No change
9. No change
10. No change
11. “Customer hours” means the product of the duration of the utility outage and the number of customers affected by said outage.
12. No change
13. No change
14. “Elderly.” A person who is 62 years of age or older.
15. “Electric Service Provider” or “ESP” means an entity supplying, marketing, or brokering at retail any competitive services pursuant to a Certificate of Convenience and Necessity.
16. No change
17. “Handicapped.” A person with a physical or mental condition which substantially contributes to the person’s inability to manage his or her own resources, carry out activities of daily living, or protect oneself from neglect or hazardous situations without assistance from others.
18. “Illness.” A medical ailment or sickness for which a residential customer obtains a verified document from a licensed medical physician stating the nature of the illness and that discontinuance of service would be especially dangerous to the customer’s health.
20. “Heat-vulnerable populations” means persons who are more vulnerable to hot weather mortality and morbidity.
21. “Inability to pay.” Circumstances where means a circumstance under which a residential customer either:
   a. Cannot pay the full balance of the customer’s monthly bill and has attested to and, if requested, has provided documentation issued by an Arizona or U.S. governmental agency or a licensed medical practitioner verifying that the customer meets one of the following:
      i. Is at least 62 years of age;
      ii. Has a physical or mental condition that substantially limits the customer’s ability to manage resources, carry out activities of daily living, or secure protection from neglect or hazardous situations without assistance from others; or
      iii. Has a medical condition that makes termination of electric service especially dangerous to the customer’s health; or
   b. Cannot pay the full balance of the customer’s monthly bill and meets one of the following as attested to by the residential customer:
      a. Is not gainfully employed and unable to pay;
      b. Qualifies for monetary government welfare assistance but has not yet begun to receive assistance on the date that he receives his bill and can obtain verification of that fact from the government welfare assistance agency; or
      c. Has an annual income at or below 200 percent of the federal poverty level and can produce evidence of this, and
   d. Signs a declaration verifying that the customer meets one of the above criteria and is either elderly, handicapped, or suffers from illness.
22. “Interruptible electric service.” “Interrupt” or “Interruption” means Electric to cease or the cessation of electric service that is subject to interruption as specified in the utility’s tariff to a customer at the point of delivery.
23. No change
23. “Licensed medical practitioner” means one of the following types of health care providers, actively licensed to practice in Arizona:
   a. An allopathic or osteopathic physician,
   b. A registered nurse practitioner, or
   c. A physician assistant.

24. “Limited income” means:
   a. A residential customer with annual household income at or below 250 percent of the federal poverty level; or
   b. A residential customer with annual household income at or below a percentage of the federal poverty level higher than 250 percent, as established by an electric utility in a Commission-approved tariff.

25. No change

26. “Low Income Home Energy Assistance Program” or “LIHEAP” means the federally funded program that provides low-income residential customers energy bill assistance.

27. No change

28. No change

29. No change

30. No change

31. No change

32. No change

33. No change

34. No change

35. No change

36. No change

37. “Preferred method of communication” means the communication method that complies with R14-2-212(K).

38. No change

39. No change

40. No change

41. “Service address” means the physical location at which a utility provides service to a customer.

42. No change

43. No change

44. No change

45. “Service reconnect charge.” The means the charge as specified in the utility’s tariffs which must be paid by the customer prior to restarting of electric service each time the customer’s electric service is disconnected or terminated for nonpayment or whenever service is disconnected for failure otherwise to comply with the utility’s tariffs.

46. “Service reestablishment charge.” A means the charge as specified in the utility’s tariffs for that must be paid to reinitiate service at the same location where the same customer ordered a service disconnection or termination within the preceding 12-month period.

47. No change

48. No change

49. No change

50. “Terminate” or “Termination” means to discontinue or a discontinuance of electric service to a customer’s service address, by intentional action of the utility, and is synonymous with “disconnect” or “disconnection” as used in this Article.

51. “Third party notification.” A “Third party” means notice sent to an individual or a public entity or a person authorized by a customer and willing to receive notification of the customer’s pending discontinuance termination of service of a customer of record in order and to make arrangements to communicate with the utility on behalf of said customer satisfactory to the utility for the purpose of making arrangements to prevent termination of the customer’s electric service.

52. No change

53. “Utility Distribution Company” or “UDC” means the utility that operates, constructs, and maintains the distribution system for the delivery of power to a point of delivery on the distribution system.

54. “Weather especially dangerous to health.” That period of time commencing with the scheduled termination date when the local weather forecast, as predicted by the National Oceanographic and Administration Service, indicates that the temperature will not exceed 32 degrees Fahrenheit for the next day’s forecast. The Commission may determine that other weather conditions are especially dangerous to health as the need arises.

R14-2-208. Provision of Service
A. No change
   1. No change
   2. No change
   3. No change

B. No change
   1. No change
   2. No change
   3. No change
   4. No change
   5. No change

C. No change
   1. No change
   2. No change
A utility shall notify the Commission’s Consumer Services Section, at least 24 hours in advance, of the estimated duration of the service interruption. Such a utility shall complete repairs shall be completed in the shortest possible time to minimize the inconvenience to the customers of the utility.

4. When a utility plans to interrupt service for more than four hours to perform necessary repairs or maintenance, the utility shall attempt to inform affected customers and the Commission’s Consumer Services Section, at least 24 hours in advance, of the estimated duration of the service interruption. Such a utility shall complete repairs shall be completed in the shortest possible time to minimize the inconvenience to the customers of the utility.

5. The utility shall notify the Commission’s Consumer Services Section, at least 24 hours in advance, of any interruption in service affecting the entire a significant portion of a utility’s system or any significant portion thereof, as follows:

a. The interruption of service and cause shall be reported by telephone to the Commission. By telephone or by submitting a Service Interruption Report Form through the Commission’s website, within two hours as soon as practicable after the interruption has occurred.

b. If the initial notice is made by telephone, by submitting a follow-up notice by written report to the Commission, Commission’s Consumer Services Section within 24 hours after the initial notice.

6. A utility’s notification made under subsection (D)(5) shall include at least the following:

a. The names of the utility and of the utility representative making the report.

b. The telephone number of the utility representative.

c. The locations and number of customer connections affected by the service interruption.

d. The substations and feeders involved in the service interruption.

e. The date and start and end times of the service interruption.

f. The cause of the service interruption.

7. For purposes of subsection (D)(5), an “interruption in service affecting a significant portion of a utility’s system” means:

a. A service interruption of 1,000 customer hours or more for a utility with more than 1,000,000 customer connections.

b. A service interruption of 500 customer hours or more for a utility with 500,000 to 1,000,000 customer connections, and

c. A service interruption of 100 customer hours or more for a utility with fewer than 500,000 customer connections.

E. No change

F. No change

R14-2-211. Termination of Service

A. Nonpermissible reasons to disconnect service. Restrictions on termination of service; recordkeeping and repayment requirements. A utility may not disconnect service for any of the reasons stated below:

1. Delinquency. A utility shall not terminate service to a customer due to delinquency in payment for services rendered to a prior customer at the premises service address where service is being provided, except in the instance where unless the prior customer continues to reside on the premises service address.

2. Failure of the customer. A utility shall not terminate service to a customer due to the customer’s failure to pay for services or equipment which are not regulated by the Commission.

3. Nonpayment. A utility shall not terminate service to a customer due to the customer’s nonpayment of a bill related to another class of service.

4. Failure A utility shall not terminate service to a customer due to the customer’s failure to pay the portion of a bill imposed due to an inaccurate meter or meter failure provided that if the customer agrees to pay the portion of the bill attributable to correction of underbilling in full over a reasonable period of time months agreed to by the customer and the utility. A utility shall comply with R14-2-209(C)(3) and R14-2-210(E)(3) when calculating the underbilling amount to be paid.

5. A utility shall not terminate residential service where the to a customer who has an inability to pay and if the customer establishes, on an annual basis, through documentation from a licensed medical practitioner:

a. The customer can establish through medical documentation that That, in the opinion of a licensed medical physician practitioner, termination would be especially dangerous to the health of the customer or a permanent resident residing on the customer’s premises service address, or

b. Life supporting that there is medically necessary equipment used in the home that is dependent on utility service for operation of such apparatus, or

c. Where weather will be especially dangerous to health as defined or as determined by the Commission.

6. Residential service to ill, elderly, or handicapped person. A utility shall not terminate residential service to a customer who has an inability to pay will not be terminated until the utility has complied with subsection (D) and completed all of the following:

a. The utility has informed the customer has been informed of the availability of funds from various government and social assistance agencies which the utility is aware and provided the customer the contact information for those agencies;

b. All a third party has been previously designated by the customer has been notified and has not made arrangements to receive delinquency and termination information, the utility has notified the third party that the customer’s bill is delinquent and allowed the third party at least five business days to communicate with the utility and to make arrangements for to pay the outstanding delinquent utility bill.

c. At least 48 hours before the date upon which termination is scheduled to occur, the utility has:

i. Provided at least two written notices of the termination, using the customer’s preferred method of communication, to the customer and, if applicable, the customer’s designated third party; and
ii. Telephoned the customer and, if applicable, the customer’s designated third party to provide notice of the termination by attempting to speak to the customer, the customer’s designated third party, or an adult resident of the customer’s service address; or by attempting to leave a voice message.

d. A utility may partner with local stakeholders, nonprofits, public health agencies at the state, county, and local level; and local community service agencies to provide in-person notice of termination.

e. A utility shall keep pace with technological advancements in communication and augment the requirements of this subsection to utilize the most effective means of informing the customer of delinquency and termination; and

f. Beginning on April 15, 2022, and on each April 15 thereafter, each regulated Class A, B, and C electric utility that provides residential electric service shall file a report containing the utility’s policy for compliance with subsection (A)(6).

7. If a customer, the customer’s designated third party, or an adult resident of the customer’s service address threatens the utility or a utility employee, the utility shall document the threatening occurrence. A utility shall maintain documentation of all threatening occurrences related to a customer’s account for the entire period during which the customer continues to be a customer and for at least one year after the customer ceases to be a customer.

8. A utility shall retain the records demonstrating its compliance with subsection (A)(6) for at least three years.

7.9. A utility may require a customer utilizing the provisions of whose service is not terminated due to subsection (A)(4) or (A)(5) above may be required to enter into a deferred payment agreement with the utility within forty-seven business days after the scheduled termination date on which service otherwise would have been terminated. A utility shall allow at least a single missed payment or a single partial payment in a 12-month period at the request of the customer without any consequence. If there is more than one missed or partial payment, the payment plan agreement will be considered as breached. If the payment plan is in breach, the current payment plan may be amended, or a new payment plan may be created. Both the utility and the customer have a duty to act in good faith in negotiating a payment plan.

8.10. Disputed bills. A utility shall not terminate service due to a customer’s failure to pay the disputed portion of a bill if the customer has complied with the Commission’s rules on customer bill disputes R14-2-212(B).

11. A utility shall adopt only one of the following conditions under which it shall not terminate residential service:

a. During any period of time for which the local weather forecast, as predicted by the National Weather Service, indicates that the weather in the area of the customer’s service address:
   i. Will include temperatures that do not exceed 32°F;
   ii. Will include temperatures that exceed 95°F; or
   iii. Will include other weather conditions that the Commission has determined, by order, are especially dangerous to health; or

b. During the calendar days of June 1 through October 15 of each year, which shall be specified as non-termination dates in a utility’s tariffs.

12. A utility shall specify, in its tariffs, the provision of subsection (A)(11) that the utility has chosen to comply with and shall comply with the provision.

13. If a utility is prohibited from terminating a customer’s service under subsection (A)(11)(b) as adopted in its tariff, the utility shall:

a. Notify the customer, using the customer’s preferred method of communication, and, if applicable, the customer’s designated third party, of:
   i. The reason the utility is not permitted to disconnect service;
   ii. The expected date on which termination of service will be permissible, and
   iii. The customer’s responsibilities under subsection (H);

b. Not charge the customer any late fees or assess any interest on any past due amounts that accrue during a period when subsection (A)(11)(b) applies; and

c. After subsection (A)(11)(b) no longer applies, bill the customer for the past due amounts through installments over a period of at least six months.

14. A utility shall not terminate residential service to a customer unless the utility’s call center and office or business facilities are open and available to the public on the day of termination and the day following the day of termination.

15. A utility shall not terminate residential service to a customer if the customer has paid at least half of the customer’s delinquent bill balance within the last 25 days or if the customer’s delinquent bill balance is less than or equal to $300.00.

16. If a customer has a deposit with the utility, the utility shall use the deposit to pay any delinquent amount on the customer’s account before terminating service and shall allow the customer time to reestablish the deposit in installments over a period of at least six months.

17. Beginning on April 15, 2022, and on each April 15 thereafter, each regulated Class A, B, and C electric utility that provides residential electric service shall file a report containing the utility’s policy for compliance with subsection (A)(6).

B. Termination of service without advance written notice; recordkeeping requirement

1. In a competitive marketplace, the Electric Service Provider cannot order a disconnect for nonpayment but can only send a notice of contract cancellation to the customer and the Utility Distribution Company. Utility service may be disconnected notwithstanding subsection (A), a utility may terminate service to a customer’s service address without advance written notice under the following conditions if:

a. The existence of a failure to terminate service would result in an obvious hazard to the safety or health of the consumer customer, or the general population, or the utility’s personnel or facilities;

b. The utility has evidence of meter tampering or fraud related to the customer or the customer’s service address; or

c. The customer has failed to comply with the curtailment procedures imposed by the utility during supply shortage stages.

2. The utility that has terminated service under subsection (B)(1) shall not be required to restore service until the conditions which resulted in the termination have been corrected to the satisfaction of the utility.
such customer of his right to file a complaint with the Commission. A description of the requirements of subsection (F), along with the specific address for the customer to contact or the phone number for the customer to call to raise a dispute.

3. A utility shall maintain a record of all terminations. Each termination of service without notice made under subsection (B)(1). This record shall be maintained for a minimum of at least one year and shall be made available for inspection by the utility's state.

C. Termination of service with notice

1. In a competitive marketplace, the Electric Service Provider cannot order a disconnect for nonpayment but can only send a notice of contract cancellation to the customer or the Utility Distribution Company. Except as provided in subsection (A), a utility may disconnect a customer's service address for any of the following reasons, or made under subsection (C): a. Customer violation of any of the utility's tariffs or of the Commission's rules, b. Failure of the customer to pay a delinquent bill for utility service, c. Failure of the customer to meet or maintain the utility's deposit requirements, d. Failure of the customer to provide the utility reasonable access to the utility's equipment or property, e. Customer breach of a written contract for service between the utility and customer, f. When necessary for the utility to comply with an order of any governmental agency having jurisdiction, or g. Unauthorized resale of utility equipment or service by the customer.

2. Each utility shall maintain a record of all terminations. Each termination of service with notice made under subsection (C)(1) shall be maintained for at least one year and shall be made available for Commission inspection upon request.

D. Termination notice requirements

1. No utility shall terminate service to any of its customers by a customer's service address under subsection (C), the utility shall provide the customer and, if applicable, the customer's designated third party, without providing advance written notice to the customer of the utility's intent to disconnect service, except under the conditions specified in subsection (C)(1) for advanced written notice is not required.

2. The utility shall provide the advance notice required by subsection (D)(1) by providing a copy of the advance notice to the customer and, if applicable, the customer's designated third party, using the customer's preferred method of communication, or U.S. mail, as provided in R14-2-212(K).

2-3. Such a utility shall include at least advance written notice shall contain, at a minimum, the following information in an advance notice required under subsection (D)(1):

a. The name of the person whose service is to be terminated and the service address where service is being rendered;

b. If service is to be terminated because the customer has violated a utility tariff or Commission rule, the name of the utility tariff or Commission rule violated and an explanation of the violation;

c. The tariff or Commission rule violated and an explanation thereof or If service is to be terminated because the customer has failed to pay a delinquent bill for utility service, the amount of the delinquent bill which the customer has failed to pay in accordance with the payment policy of the utility, if applicable, and the date payment was due;

d. If service is to be terminated because the customer has failed to meet or maintain the utility's deposit requirements, the amount the customer has on deposit and the amount the customer is required to have on deposit;

e. If service is to be terminated because the customer has failed to provide the utility reasonable access to the utility's equipment or property, a description of the access required and a description, including dates, of the customer's failure to provide access;

f. If service is to be terminated because the customer has breached a written contract for service between the customer and the utility, identification of the contract provision breached and a description of the circumstances constituting a breach;

g. If service is to be terminated because the termination is necessary for the utility to comply with an order of any governmental agency having jurisdiction, a description and, if possible, a copy of the order;

h. If service is to be terminated because the customer has engaged in unauthorized resale of the utility's equipment or service, a description of the circumstances, including dates, constituting such resale;

i. The date on or after which service may be terminated;

j. A statement advising the customer to contact the utility at a specific address or phone number for to receive information regarding any deferred payment program or other procedures which utility may offer, or to work out such other a mutually agreeable solution to avoid termination of the customer's service;

k. A statement advising the customer that the utility's stated reason for the termination of service may be disputed by contacting the utility at a specific address or phone number, advising the utility of the dispute and making arrangements to discuss the cause for termination with a responsible employee of the utility in advance of the scheduled date of termination. The responsible employee shall be empowered to resolve the dispute and the utility shall retain the option to terminate service after affording this opportunity for a meeting and concluding that the reason for termination is just and advising the customer of his right to file a complaint with the Commission. A description of the requirements of subsection (F), along with the specific address for the customer to contact or the phone number for the customer to call to raise a dispute.

3. A utility has designated a third party for the customer's account, a utility shall ensure that a copy of the termination notice will be simultaneously forwarded to the designated third party. A party is concurrently provided each notice, whether written or telephonic, that is provided to the customer as required by this Section.

E. Timing of terminations with notice

1. Each utility shall be required to give at least five days' advance written notice prior to the termination date.

2. Such notice shall be considered to be given to the customer when a copy thereof is left with the customer or posted first class in the United States mail, addressed to the customer's last known address.

3. If after the period of time allowed by the advance notice has elapsed, and the delinquent account has not been paid or arrangement made with the utility for the payment thereof or in the case of a violation of the utility's rules the customer has not satis-
fied the utility that such violation has ceased. The customer has not remedied the cause for termination to the utility’s satisfaction, the utility shall provide the customer and, if applicable, the customer’s designated third party, a final notice, two days before the termination date specified, using the customer’s preferred method of communication. If the customer has not remedied the cause for termination after the two days have passed, and subsection (A) does not apply, the utility may then terminate service on or after the day specified in the final notice without giving further notice.

2. Notwithstanding subsection (E)(1), if a customer’s preferred method of communication is U.S. mail, the utility shall allow ten days before terminating service without giving further notice.

4.3. Service. A utility may only comply with subsection (A)(6), if applicable, before it may be disconnected terminate service in conjunction with a personal visit to the premises by an authorized representative of the utility.

5.4. The utility shall have the right (but not the obligation) but not the obligation to remove any or all of its equipment or other property installed on the at a customer’s premises service address upon the termination of service.

E. Termination notice requirements: disputes. A utility shall ensure that a customer is afforded the right to dispute the utility’s stated reason for termination, in accordance with the following:

1. A utility shall maintain a specific address or phone number for customers to use to raise a dispute with the utility.

2. A utility shall notify each customer, subject to termination, and the customer’s designated third party, that to dispute the utility’s reason for termination, the customer or the customer’s designated third party shall contact the utility at the specific address or phone number, before the scheduled date of termination, to advise the utility of the dispute and to discuss the cause for termination with a representative of the utility.

3. If a customer raises a dispute, a utility shall ensure that a representative of the utility, who is empowered to resolve the customer’s dispute, discusses the cause for termination with the customer before the scheduled termination date.

4. If a utility determines after discussion with a disputing customer that the reason for termination is just, the utility may terminate service to the customer, unless prohibited by subsection (A).

5. If a utility decides to terminate service to a disputing customer as permitted in subsection (F)(4), the utility shall inform the customer of the termination and of his or her right to file a complaint with the Commission.

6. The utility shall not terminate service if the customer has a pending complaint before the Commission.

F. Landlord/tenant rule. In situations where the service address for a customer is rendered at an address different from the mailing address for the customer’s bill, or where the utility knows that a landlord/tenant relationship exists for the service address and that the landlord is the customer of the utility, and where the landlord is the utility shall comply with subsections (D) and (E) as well as the following if the customer account becomes delinquent, the utility may terminate service under subsection (C), the utility may not disconnect service until the following actions have been taken:

1. If it is feasible to provide service to the service address in the occupant’s name, the utility, after providing notice as required in these rules, shall offer the occupant the opportunity to subscribe for service in his or her own name; the occupant then declines to subscribe, the utility may disconnect service pursuant to the rules.

2. If the occupant declines to subscribe to service in the occupant’s name, the utility may terminate service as permitted under subsections (C) through (E), and

2.3. The utility shall not require or attempt to recover from a tenant the occupant the requirement to pay or condition service to a tenant with the payment of any outstanding bills or other charges due upon the outstanding account of the landlord.

G. Customer responsibilities

1. A customer shall be responsible for managing energy use when a utility is not permitted to terminate service to the customer under subsection (A).

2. A customer shall be financially responsible for any charges accrued for service during a period when a utility is not permitted to terminate service to the customer under subsection (A).

3. A customer shall, after the provision of subsection (A)(11) included in a utility’s tariff no longer precludes termination:

a. Pay the past due amounts in full; or

b. Pay the past due amounts through installments as billed by the utility, with no penalty for prepayment.

4. A customer desiring to dispute a utility’s reason for termination shall, before the scheduled date of termination, contact the utility at the specific address or phone number provided in the notice pursuant to subsection (D)(3)(k) to notify the utility of the dispute and discuss the reason for termination with a representative of the utility.

H. In a competitive marketplace, if a customer’s account with an Electric Service Provider becomes delinquent, the Electric Service Provider may not order a disconnect for nonpayment or terminate service to the customer but may only send a notice of contract cancellation to the customer and the Utility Distribution Company.

R14-2-212. Administrative and Hearing Requirements

A. Customer service complaints

1. Each utility shall make a full and prompt investigation of all service complaints made by one of its customers, either whether made directly or through the Commission.

2. The utility shall respond to the complainant and, if applicable, to the Commission representative within five working days as to regarding the status of the utility’s investigation of the complaint.

3. The utility shall notify the complainant and, if applicable, the Commission representative of the final disposition of each complaint. The utility shall report the findings of its investigation in writing.

4. The utility shall inform the customer of his or her right of to appeal file an informal complaint to with the Commission, under subsection (C)(1), if the customer is dissatisfied with the results of the utility’s investigation or the final disposition of the complaint.

5. Each utility shall keep a record of all written service complaints received which shall contain, at a minimum, the following data:

a. Create a record of each service complaint received including, at a minimum, the following data:
a. Name and address of the complainant customer;

b. Service address at issue, if different from the customer's address;

c. Date and nature of the complaint;

d. Disposition of the complaint; and

e. A copy of any correspondence between the utility, the customer, and the Commission representative; and

b. This record shall be maintained. Maintain each service complaint record for a minimum period of at least one year after final disposition of the complaint and shall be made the record available for inspection by the Commission upon request.

B. Customer bill disputes

1. Any utility customer who disputes a portion of a bill rendered for utility service shall, prior to the due date for the bill, pay the undisputed portion of the bill and notify the utility's designated representative of the utility that such the unpaid amount is in dispute prior to the delinquent date of the bill.

2. Upon receipt of the customer's notice of dispute, the utility shall:
   a. Notify the customer within five working business days of the receipt of a written notice of the dispute, notify the customer of the procedures to resolve the dispute by correspondence or telephone;
   b. Initiate a prompt investigation into the source of the dispute;
   c. Withhold disconnection, termination of service until the investigation is completed and the customer is informed of the results. Upon request of the customer, the utility shall report the results of the investigation in writing of the investigation;
   d. Inform the customer of his or her right to appeal to file an informal complaint with the Commission, under subsection (C)(1), if dissatisfied with the results of the utility's investigation or final disposition.

3. Once the customer has received the results of the utility's investigation and the utility's final disposition, the customer shall, within five business days, submit payment within five working days to the utility for any disputed amounts. Failure to make full payment within five business days shall be grounds for termination of service under R14-2-211(C)(1)(b).

C. Commission resolution of service and bill disputes

1. In the event if a customer and utility cannot resolve a complaint, the customer shall forward the written statement of dissatisfaction with the Commission, by submitting such notice to the Commission, the customer, which shall be deemed to have filed an informal complaint against the utility.

2. Within 30 days after receiving a written statement of customer dissatisfaction related to a service or bill dispute, an informal complaint against a utility, a designated Commission representative of the Commission shall endeavor to resolve the dispute by correspondence or telephone through communications with the utility and the customer (written or telephonic or both). If resolution of the dispute is not achieved within 20 days of the Commission representative's initial effort, the Commission shall hold a formal hearing to arbitrate the resolution of the dispute regarding the dispute. The informal hearing shall be governed by the following rules, in accordance with the following:
   a. Each participant shall have the opportunity to present written or oral testimony material to support the positions of the individual parties participant's position.
   b. All parties Each participant shall have the opportunity to cross-examine the other participant and the Commission's representative shall be given the opportunity for cross-examination of the various parties to examine each participant.
   c. The Commission's representative shall render a written decision to all parties the participants within five working business days after the date of the informal hearing conclusion of the investigation. Such the written decision of the arbitrator is Commission representative shall not be binding on the participants, who any of the parties and the parties will still have the right to make a formal complaint to the Commission.

3. The utility may implement normal termination procedures, under R14-2-211(C)(1)(b), if the customer fails to pay all undisputed bills rendered during the resolution of the dispute by the Commission.

4. Each utility shall maintain a record of written statements of dissatisfaction and their resolution for a minimum of at least one year and shall make such records available for Commission inspection upon request.

D. Notice by utility of responsible officer or agent

1. Each utility shall file with the Commission, through Docket Control, a written statement containing the name, address (business, residence, and post office mailing), email, and telephone number (business and residence) of at least one officer, agent, or employee responsible for the general management of its operations as a utility in Arizona.

2. Each utility shall give notice, by filing a written statement with the Commission, through Docket Control, of any change in the information required herein within five business days from the date of any such change.

E. Time-frames for processing applications for Certificates of Convenience and Necessity

1. This rule prescribes time-frames for the Commission's processing of any application for a Certificate of Convenience and Necessity issued by the Arizona Corporation Commission filed pursuant to this Article. These time-frames shall apply to applications filed on or after the effective date of this rule.

2. No change

3. Staff may terminate cease its review of an application if the applicant does not remedy all deficiencies within 60 calendar days of the notice of deficiency.
4. After receipt of a corrected application, staff shall notify the applicant within 90 calendar days if the corrected application is either administratively complete or deficient. If the corrected application is deficient, the notice shall specify all deficiencies. The time-frame for administrative completeness review shall be suspended from the time the notice of deficiency is issued until staff determines that the application is complete.

5. The time-frame for administrative completeness review shall be suspended from the time the notice of deficiency is issued until staff determines that the application is complete.

§6. Within 150 days after an application is deemed determined to be administratively complete, the Commission shall approve or reject the application.

6. For purposes of A.R.S. § 41-1072 through A.R.S. § 41-1079 et seq., the Commission has established the following time-frames:
   a. Administrative completeness review time-frame: 120 calendar days;
   b. Substantive review time-frame: 150 calendar days; and
   c. Overall time-frame: 270 calendar days.

7. If an applicant requests, and is granted, an extension or continuance, the appropriate time-frame time-frames shall be tolled from the date of the request during and for the duration of the extension or continuance.

8. During the substantive review time-frame, the Commission may, for good cause, upon its own motion or that of any interested party to the proceeding, request a suspension of the time-frame rules.

F. Filing and availability of tariffs
1. Each utility shall file with the Commission, through Docket Control, within 120 days after the effective date of new rules or requirements adopted by the Commission, or within a shorter period ordered by the Commission, tariffs which are in compliance with the new rules and regulations promulgated by the Arizona Corporation Commission, except as provided by law.

G. Accounts and records
1. No change
2. Each utility shall maintain its books and records in conformity with the Uniform Systems of Accounts for Class A, B, C, and D Electric Utilities as adopted and amended by the Federal Energy Regulatory Commission or, for electric cooperatives, as promulgated by the Rural Utilities Service.
3. Each utility shall produce or deliver in this state any or all of its formal accounting records and related documents requested by the Commission. A utility may, at its option, provide verified copies of original records and documents rather than produce the originals.
4. Each utility shall submit an annual report to the Commission, through the Compliance Section, Utilities Division, on a form prescribed by the Utilities Division. The annual report shall be filed on or before the 15th day of April for the preceding calendar year. Reports. If the utility has received a report on the utility prepared by a certified or licensed public accountant on the utility, if any, the utility shall accompany the report with its annual report submission.
5. Each utility shall submit to the Commission, through the Utilities Division, a copy of all reports the utility is required to file with the Securities and Exchange Commission.
6. Each utility shall file with the Commission, through the Compliance Section, Utilities Division, a copy of all annual reports the utility is required to file with the Federal Energy Regulatory Commission and, in addition, for electric cooperatives, each annual report the utility is required to file with the Rural Utilities Service.

H. Maps. Each utility shall file with the Commission, through Docket Control, a map or maps clearly setting forth the location and extent of the area or areas they hold under lease or included within the utility’s approved certificates of convenience and necessity, in accordance with the Cadastral (Rectangular) Survey of the United States Bureau of Land Management, or by metes and bounds with a starting point determined by the aforesaid Cadastral Survey.

I. Variations, exemptions of Commission rules and regulations. Variations. The Commission may, by order, approve variations or exemptions from the terms and requirements of any of the rules included herein (14 A.A.C. 2) shall be considered upon the verified application of an affected party to the Commission setting forth the circumstances wherein the public interest requires such variation or exemption from the Commission rules and regulations or upon determining, on its own initiative, that such variation or exemption is necessary to serve the public interest. Such application will be subject to the review of the Commission, and any variation or exemption granted shall require an order of the Commission. In case of conflict between these rules and regulations and an approved tariff or order of the Commission, the provisions of the approved tariff or order shall apply.

J. No change

K. A utility shall obtain and maintain for each customer the customer’s preferred method of communication, which may be email, U.S. mail, voice telephone call, text message, or other communication method acceptable to the utility and the customer. Except as otherwise specified in this Article, a utility shall communicate with a customer and the customer’s designated third party using the customer’s preferred method of communication. If a utility does not yet have a customer’s preferred method of communication on file, the utility may use the U.S. mail.

R14-2-214. Compliance by Electric Cooperatives
A. The terms and conditions for termination of service, including customer notice, in an electric cooperative’s tariff approved by the Commission prior to the effective date of this Section shall substitute for the provisions of R14-2-211.
B. Notwithstanding R14-2-212(F), an electric cooperative that proposes to revise the terms and conditions for termination of service included in its Commission-approved tariff shall file the proposed revisions with the Commission, in a new docket, pursuant to R14-2-212(I). If the Commission fails to approve, disapprove, or suspend for further consideration the proposed revisions within 60 days following the cooperative’s filing, the revisions shall be deemed approved and become effective on the 61st day following the filing.

R14-2-215. Termination of Service Reporting Requirements

Beginning on April 15, 2022, and on each July 15, October 15, January 15, and April 15 thereafter, each regulated Class A, B, and C electric utility that provides residential electric service shall file a quarterly report providing the following information for each month of the previous quarter:

1. The number of residential customers whose electric service was terminated by zip code, and, if termination of service was prohibited under R14-2-211(A)(11) and the utility’s tariffs, the number of residential accounts that would have been subject to termination if not for the prohibition;
2. The number of residential customers by zip code who have payment arrearages;
3. The total dollar amount of arrearages, by zip code;
4. The average dollar amount in arrearages per residential customer, by residential customer rate plan;
5. The number of commercial customers by zip code whose electric service was terminated;
6. The number of commercial customers by zip code who have payment arrearages;
7. The average amount in arrearages per commercial customer, by commercial class;
8. The number of residential accounts enrolled in a deferred payment arrangement and the number of those residential accounts in compliance with the deferred payment arrangement;
9. The number of active and delinquent residential accounts with an arrearage of $100 or more, disaggregated into “limited-income” accounts, “accounts with documentation from a licensed medical practitioner,” and “other residential accounts”;.
10. The percentage of limited-income customers in arrears who have received customer assistance due to inability to pay in the most recent quarter;
11. The number of active and delinquent residential accounts with an arrearage of $100 or more, disaggregated into “limited-income” accounts, “accounts with documentation from a licensed medical practitioner,” and “other residential accounts,” and further disaggregated to show the duration of the arrearages (up to 30 days, 30 to 60 days, and 60 to 90 days);
12. A brief narrative discussing the information contained in the report; and
13. A description of how the utility is assisting customers who indicate they may have an inability to pay, including details regarding the specific steps taken to direct the customers to appropriate resources, and including the following metrics:
   a. Number of calls received from residential customers asking for bill assistance during the most recent quarter;
   b. Number of customers notified about tariffs for limited-income customers, or other available tariffs, as of the most recent quarter;
   c. Cumulative number of customers enrolled in limited-income tariffs, or other available tariffs, as of that most recent quarter;
   d. Cumulative number of customers receiving assistance through the Low-Income Home Energy Assistance Program of that most recent quarter; and
   e. Number of customers notified of energy efficiency and weatherization options during that most recent quarter.

R14-2-216. Relief for Heat-Vulnerable Residential Customers

A. Each utility shall participate and collaborate in good faith with stakeholders; nonprofits; public health agencies at the state, county, and local level; and local community service agencies to address issues facing heat-vulnerable populations.

B. Each utility shall propose and implement one or more programs targeting heat-vulnerable populations to address heat-related safety concerns.

C. Each utility shall communicate with public health agencies at the state, county, and local level; and local community service agencies to obtain the information needed to comply with subsection (B) and to coordinate on the creation and potentially the administration of the program or programs required by subsection (B).

D. If a utility provides funding to support one or more programs targeting heat-vulnerable populations to address heat-related safety concerns, the utility may, in its next rate case or demand-side management tariff, request recovery of those costs. Recovery of the costs requested by a utility shall be allowed only if the Commission determines that the costs are prudent.

ARTICLE 3. GAS UTILITIES

R14-2-301. Definitions

In this Article, unless the context otherwise requires, the following definitions shall apply:

1. No change
2. No change
3. No change
4. No change
5. No change
6. No change
7. No change
8. No change
9. No change
10. No change
11. No change
   a. No change
   b. No change
   c. No change
12. No change
13. No change
14. No change
15. No change
16. No change
17. No change
18. “Elderly.” A person who is 62 years of age or older.
19. “Handicapped.” A person with a physical or mental condition which substantially contributes to the person’s inability to manage his or her own resources, carry out activities of daily living, or protect oneself from neglect or hazardous situations without assistance from others.
20. “Illness.” A medical ailment or sickness for which a residential customer obtains a verifiable document from a licensed medical physician stating the nature of the illness and that discontinuance of service would be especially dangerous to the customer’s health in the opinion of a licensed medical physician.
22. “Inability to pay.” Circumstances where means a circumstance under which a residential customer either:
   a. Cannot pay the full balance of the customer’s monthly bill and has attested to and, if requested, has provided documentation issued by an Arizona or U.S. governmental agency or a licensed medical practitioner verifying that the customer meets one of the following:
      i. Is at least 62 years of age;
      ii. Has a physical or mental condition that substantially limits the customer’s ability to manage resources, carry out activities of daily living, or secure protection from neglect or hazardous situations without assistance from others; or
      iii. Has a medical condition that makes termination of gas service especially dangerous to the customer’s health; or
   b. Cannot pay the full balance of the customer’s monthly bill and meets one of the following as attested to by the residential customer:
      a.i. Is not gainfully employed and unable to pay;
      b. Qualifies for monetary government welfare assistance but has not yet begun to receive assistance on the date that he receives his bill and can obtain verification of that fact from the government welfare assistance agency; or
      c. Has an annual income at or below 200 percent of the federal poverty level and can produce evidence of this, and
      d. Signs a declaration verifying that the customer meets one of the above criteria and is either elderly, handicapped, or suffers from illness.
23. “Interruptible electric service.” “Interrupt” or “ Interruption” means Gas to cease or the cessation of gas service that is subject to interruption as specified in the utility’s tariff to a customer at the point of delivery.
24. “Licensed medical practitioner” means one of the following types of health care providers, actively licensed to practice in Arizona:
   a. An allopathic or osteopathic physician,
   b. A registered nurse practitioner, or
   c. A physician assistant.
25. “Limited income” means:
   a. A residential customer with annual household income at or below 250 percent of the federal poverty level; or
   b. A residential customer with annual household income at or below a percentage of the federal poverty level higher than 250 percent, as established by a gas utility in a Commission-approved tariff.
26. “Low Income Home Energy Assistance Program” or “LIHEAP” means the federally funded program that provides low-income residential customers energy bill assistance.
27. “Preferred method of communication” means the communication method that complies with R14-2-312(K).
28. “Service address” means the physical location at which a utility provides service to a customer.
40-43. “Service reconnect charge.” A means the charge as specified in the utility’s tariffs which must be paid by the customer prior to restarting gas service each time the customer’s gas service is disconnected for nonpayment or whenever service is disconnected for failure otherwise to comply with the utility’s tariffs.

41-44. “Service reestablishment charge.” A means the charge as specified in the utility’s tariffs for that must be paid to reinitiate service at the same location where the same customer had ordered a service disconnection termination within the preceding 12-month period.

42-45. No change
43-46. No change
44-47. No change
45-48. No change

49. “Terminate” or “Termination” means to discontinue or a discontinuance of gas service to a customer’s service address, by intentional action of the utility, and is synonymous with “disconnect” or “disconnection” as used in this Article.

46-50. No change

47-51. “Third party notice.” A means notice sent to an individual or a public entity or a person authorized by a customer and willing to receive notification of the customer’s pending disconnection termination of service of a customer of record in order to make arrangements to communicate with the utility on behalf of the customer satisfactory to the utility, for the purpose of making arrangements to prevent termination of gas service.

48-52. No change

49. “Weather especially dangerous to health.” That period of time commencing with the scheduled termination date when the local weather forecast, as predicted by the National Oceanographic and Administration Service, indicates that the temperature will not exceed 32 degrees Fahrenheit for the next day’s forecast. The Commission may determine that other weather conditions are especially dangerous to health as the need arises.

R14-2-308. Provision of Service

A. No change
B. No change
C. Continuity of service. Each utility shall make reasonable efforts to supply a satisfactory and continuous level of service. However, no utility shall be responsible for any damage or claim of damage attributable to any interruption or discontinuation of service resulting from:
1. Any cause against which the utility could not have reasonably foreseen or made provision for, i.e., such as force majeure;
2. Intentional service interruptions to make repairs or perform routine maintenance;
3. Curtailment.

D. No change

E. Service Interruptions
1. No change
2. No change
3. No change
4. When a utility plans to interrupt service for more than four hours to perform necessary repairs or maintenance, the utility shall attempt to inform affected customers and the Commission’s Consumer Services Section, at least 48 hours in advance, of the scheduled date and time and of the estimated duration of the service interruption. Such a utility shall complete repairs shall be completed in the shortest possible time to minimize the inconvenience to the customers of the utility.

5. The Commission shall be notified of interruptions in service affecting the entire system or any major division thereof. The interruption and cause shall be reported within one hour after the responsible representative of the utility becomes aware of said interruption by telephone to the Commission and followed by a written report to the Commission.

F. No change

R14-2-311. Termination of service

A. Nonpermissible reasons to disconnect service. Restrictions on termination of service; recordkeeping and repayment. A utility may not disconnect service for any of the reasons stated below:
1. Delinquency. A utility shall not terminate service to a customer due to delinquency in payment for services rendered to a prior customer at the premises service address where service is being provided, except in the instance where unless the prior customer continues to reside on at the premises service address.
2. **Failure of the customer** A utility shall not terminate service to a customer due to the customer’s failure to pay for services or equipment which are not regulated by the Commission.

3. **Nonpayment** A utility shall not terminate service to a customer due to the customer’s nonpayment of a bill related to another class of service.

4. **Failure** A utility shall not terminate service to a customer due to the customer’s failure to pay the portion of a bill imposed to correct a previous underbilling due to an inaccurate meter or meter failure, provided that if the customer agrees to pay the portion of the bill attributable to correction of underbilling in full over a reasonable period of time months agreed to by the customer and the utility. A utility shall comply with R14-2-309(C)(3) and R14-2-310(E) when calculating the underbilling amount to be paid.

5. A utility shall not terminate residential service **where the** to a customer who has an inability to pay if the customer establishes, on an annual basis, through documentation from a licensed medical practitioner:
   a. The customer can establish through medical documentation that termination would be especially dangerous to the health of a customer or a permanent resident residing at the customer’s premises.
   b. Life-supporting equipment used in the home that is dependent on utility service for operation of such apparatus.
   c. Where weather will be especially dangerous to health as defined or as determined by the Commission.

6. **Residential service to ill, elderly, or handicapped persons** A utility shall not terminate residential service to a customer who has an inability to pay until the utility has complied with subsection (D) and completed all of the following have been attempted:
   a. The customer has been informed by the utility of the availability of funds from various government and social assistance agencies;
   b. A third party, has previously designated by the customer has been notified and has made arrangements to receive delinquency and termination information, the utility has notified the third party that the customer’s bill is delinquent and allowed the third party at least five business days to communicate with the utility and to make arrangements for payment of the outstanding delinquent utility bill;
   c. At least 48 hours before the date upon which termination is scheduled to occur, the utility has:
      i. Provided at least two written notices of the termination, using the customer’s preferred method of communication, to the customer and, if applicable, the customer’s designated third party; and
      ii. Telephoned the customer and, if applicable, the customer’s designated third party to provide notice of the termination by attempting to speak to the customer, the customer’s designated third party, or an adult resident of the customer’s service address; or by attempting to leave a voice message;
   d. A utility may partner with local stakeholders; nonprofits; public health agencies at the state, county, and local level; and local community service agencies to provide in-person notice of termination;
   e. A utility shall keep pace with technological advancements in communication and augment the requirements of this subsection to utilize the most effective means of informing the customer of delinquency and termination; and
   f. Beginning on April 15, 2022, and on each April 15 thereafter, each regulated Class A, B, and C gas utility that provides residential gas service shall file a report containing the utility’s policy for compliance with subsection (A)(6).

7. If a customer, the customer’s designated third party, or an adult resident of the customer’s service address threatens the utility or a utility employee, the utility shall document the threatening occurrence. A utility shall maintain documentation of all threatening occurrences related to a customer’s account for the entire period during which the customer continues to be a customer and for at least one year after the customer ceases to be a customer.

8. A utility shall retain the records demonstrating its compliance with subsection (A)(6) for at least three years.

9. A utility may require a customer utilizing the provisions of this subsection that are not terminated under subsection (A)(4) or (A)(5) may be required to enter into a deferred payment agreement with the utility within 10 days after the scheduled termination date on which service otherwise would have been terminated. A utility shall allow at least a single missed payment or a single partial payment in a 12-month period at the request of the customer without any consequence. If there is more than one missed or partial payment, the payment plan agreement will be considered as breached. If the payment plan is in breach, the current payment plan may be amended, or a new payment plan may be created. Both the utility and the customer have a duty to act in good faith in negotiating a payment plan.

10. **Failure** A utility shall not terminate service to a customer’s service address due to the customer’s failure to pay the bill of another customer as guarantor thereof.

11. **Disputed bills** A utility shall not terminate service due to a customer’s failure to pay the disputed portion of a bill if the customer has complied with the Commission’s rules on customer bill disputes R14-2-312(B).

12. A utility shall adopt only one of the following conditions under which it shall not terminate residential service:
   a. During any period of time for which the National Weather Service has issued a winter weather advisory in the area of the customer’s service address;
   b. During any period of time for which the local weather forecast, as predicted by the National Weather Service, indicates that the weather in the area of the customer’s service address:
      i. Will include temperatures that do not exceed 32˚F; or
      ii. Will include other weather conditions that the Commission has determined, by order, are especially dangerous to health;

13. A utility shall specify, in its tariffs, the provision of subsection (A)(12) that the utility has chosen to comply with, and shall comply with the provision.

14. A utility shall not terminate residential service to a customer unless the utility’s call center and office or business facilities are open and available to the public on the day of termination and the day following the day of termination.
15. A utility shall not terminate residential service to a customer if the customer has paid at least half of the customer’s delinquent bill balance within the last 25 days or if the customer’s delinquent bill balance is less than or equal to $100.00.

16. If a customer has a deposit with a utility, the utility shall use the deposit to pay any delinquent amount on the customer’s account before terminating service and shall allow the customer time to reestablish the deposit in installments over a period of at least four months.

17. Beginning on April 15, 2022, and on each April 15 thereafter, each regulated Class A, B, and C gas utility that provides residential gas service shall file a report containing the utility’s payment plan policy for residential customers.

B. Termination of service without advance written notice; recordkeeping requirement

1. Utility service may be disconnected. Notwithstanding subsection (A), a utility may terminate service to a customer’s service address without advance written notice under the following conditions if:
   a. The existence of Failure to terminate service would result in an obvious hazard to the safety or health of the consumer customer, or the general population, or the utility’s personnel or facilities;
   b. The utility has evidence of meter tampering or fraud related to the customer or the customer’s service address; or
   c. Failure of a The customer has failed to comply with the curtailment procedures imposed by a the utility during supply shortages.

2. The Utility that has terminated service under subsection (B)(1) shall not be required to restore service until the conditions which resulted in the termination have been corrected to the satisfaction of the utility.

3. Each utility shall maintain a record of all terminations each termination of service without notice made under subsection (B)(1). This record shall be maintained for a minimum of at least one year and shall be available for inspection by the Commission upon request.

C. Termination of service with notice

1. A utility may disconnect service to any customer a customer’s service address for any reason stated below if the utility has met complied with the notice requirements established by the Commission in subsection (D):
   a. Customer violation of any of the utility’s tariffs or of the Commission’s rules;
   b. Failure of the customer to pay a delinquent bill for utility service;
   c. Failure of the customer to meet or maintain the utility’s deposit requirements;
   d. Failure of the customer to provide the utility reasonable access to its the utility’s equipment and property;
   e. Customer breach of a written contract for service between the utility and customer;
   f. When necessary for the utility to comply with an order of any governmental agency having such jurisdiction; or
   g. Unauthorized resale of utility equipment or service by the customer.

2. Each utility shall maintain a record of all terminations each termination of service with notice made under subsection (C)(1). This record shall be maintained for at least one year and shall be available for Commission inspection upon request.

D. Termination notice requirements

1. No At least 10 days before a utility shall terminate terminates service to any of its customers a customer’s service address under subsection (C), the utility shall provide the customer without providing advance written notice to the customer of the utility’s intent to disconnect service, except under those conditions specified where advance written notice is not required.

2. The utility shall provide the advance notice required by this subsection (D)(1) by providing a copy of the advance notice to the customer and, if applicable, the customer’s designated third party, using the customer’s preferred method of communication, or U.S. mail, as provided in R14-2-312(K).

3. Such A utility shall include at least advance written notice shall contain, at a minimum, the following information in an advance notice required under subsection (D)(1):
   a. The name of the person whose service is to be terminated and the service address where service is being rendered;
   b. If service is to be terminated because the customer has violated a utility tariff or Commission rule, the name of the utility tariff or Commission rule violated and an explanation of the violation;
   c. The utility tariff that was violated and explanation thereof or If service is to be terminated because the customer has failed to pay a delinquent bill for utility service, the amount of the delinquent bill which the customer has failed to pay in accordance with the payment policy of the utility, if applicable, and the date payment was due;
   d. If service is to be terminated because the customer has failed to meet or maintain the utility’s deposit requirements, the amount the customer has on deposit and the amount the customer is required to have on deposit;
   e. If service is to be terminated because the customer has failed to provide the utility reasonable access to the utility’s equipment or property, a description of the access required and a description, including dates, of the customer’s failure to provide access;
   f. If service is to be terminated because the customer has breached a written contract for service between the customer and the utility, identification of the contract provision breached and a description of the circumstances constituting a breach;
   g. If service is to be terminated because the termination is necessary for the utility to comply with an order of any governmental agency having jurisdiction, a description and, if possible, a copy of the order;
   h. If service is to be terminated because the customer has engaged in unauthorized resale of the utility’s equipment or service, a description of the circumstances, including dates, constituting such resale;
   i. The date on or after which service may be terminated;
   j. A statement advising the customer that the utility’s stated reason for the termination of services may be disputed by contacting the utility at a specific address or phone number advising the utility of the dispute and making arrangements to discuss the cause for termination with a responsible employee of the utility in advance of the scheduled date of termination. The responsible employee shall be empowered to resolve the dispute and the utility shall retain the option to terminate...
service after affording this opportunity for a meeting and concluding that the reason for termination is just and advising the
customer of this right to file a complaint with the Commission, to receive information regarding any deferred payment pro-
gram or other procedures the utility may offer, or to reach a mutually agreeable solution to avoid termination of the cus-
tomer’s service; and

k. A description of the requirements of subsection (F), along with the specific address for the customer to contact or the phone
number for the customer to call to raise a dispute.

3.4. Where applicable. If a customer has designated a third party for the customer’s account, a utility shall ensure that a copy of the
termination notice will be simultaneously forwarded to the designated third party as concurrently provided each notice,
whether written or telephonic, that is provided to the customer as required by this Section.

E. Timing of terminations with notice
1. Each utility shall be required to give at least five days’ advance written notice prior to the termination date.
2. Such notice shall be considered to be given to the customer when a copy thereof is left with the customer or posted first class in
the United States mail, addressed to the customer’s last known address.
3.1. If after the period of time allowed by the advance notice has elapsed, and the delinquent account has not been paid nor arrange-
ments made with the utility for the payment thereof or in the case of a violation of the utility’s rules the customer has not satis-
fi ed the utility that such violation has ceased, customer has not remedied the cause for termination to the utility’s satisfaction, the
utility shall provide the customer and, if applicable, the customer’s designated third party, a final notice, two days before the ter-
mination date specified, using the customer’s preferred method of communication. If the customer has not remedied the cause
for termination after the two days have passed, and subsection (A) does not apply, the utility may then terminate service on or
after the day specified in the final notice without giving further notice.
2. Notwithstanding subsection (E)(1), if a customer’s preferred method of communication is U.S. mail, the utility shall allow ten
days before terminating service without giving further notice.
4.3. Service A utility may only shall comply with subsection (A)(6), if applicable, before it may be disconnected terminate service in
conjunction with a personal visit to the premises by an authorized representative of the utility.
5.4. The A utility shall have the right (but not the obligation) but not the obligation to remove any or all of its equipment or other
property installed on the at a customer’s premises service address upon the termination of service.

F. Termination notice requirements; disputes. A utility shall ensure that a customer is afforded the right to dispute the utility’s stated rea-
son for termination, in accordance with the following:
1. A utility shall maintain a specific address or phone number for customers to use to raise a dispute with the utility.
2. A utility shall notify each customer subject to termination, and the customer’s designated third party, that to dispute the utility’s
reason for termination, the customer or the customer’s designated third party shall contact the utility at the specific address or
phone number, before the scheduled date of termination, to advise the utility of the dispute and to discuss the cause for termina-
tion with a representative of the utility.
3. If a customer raises a dispute, a utility shall ensure that a representative of the utility, who is empowered to resolve the cus-
tomer’s dispute, discusses the cause for termination with the customer before the scheduled termination date.
4. If a utility determines after discussion with a disputing customer that the reason for termination is just, the utility may terminate
service to the customer, unless prohibited by subsection (A).
5. If a utility decides to terminate service to a disputing customer as permitted in subsection (F)(4), the utility shall inform the cus-
tomer of the termination and of the customer’s right to file a complaint with the Commission.
6. The utility shall not terminate service if the customer has a pending complaint before the Commission.

G. Landlord/tenant rule. In situations where If the service address for a customer is rendered at an address different from the mailing
address of the for the customer’s bill, or where the utility knows that a landlord/tenant relationship exists for the service address and
that the landlord is the customer of the utility, and where the landlord as a the utility shall comply with subsections (D) and (E) as well
as the following if the customer account becomes would otherwise be subject to disconnection termination of service under subsec-
tion (C), the utility may not disconnect service until the following actions have been taken:
1. Where If it is feasible to so provide service to the service address in the occupant’s name, the utility, after providing notice as
required in these rules, shall offer the occupant the opportunity to subscribe for obtain service in his or her own the occupant’s
name; If the occupant then declines to so subscribe, the utility may disconnect service pursuant to the rules.
2. If the occupant declines to subscribe to service in the occupant’s name, the utility may terminate service as permitted under sub-
sections (C) through (E); and
2.3. A The utility shall not require or attempt to recover from a tenant or condition service to a tenant with the payment of require the
occupant to pay any outstanding bills or other charges due upon the outstanding account of the landlord.

H. Customer responsibilities
1. A customer shall be responsible for managing their use when a utility is not permitted to terminate service to the customer under subsection (A).
2. A customer shall be financially responsible for any charges accrued for service during a period when a utility is not permitted to
terminate service to the customer under subsection (A).
3. A customer shall, after the provision of subsection (A)(12) included in a utility’s tariff no longer precludes termination:
   a. Pay the past due amounts in full; or
   b. Pay the past due amounts through installment as billed by the utility, with no penalty for prepayment.
4. A customer desiring to dispute a utility’s reason for termination shall, before the scheduled date of termination, contact the util-
ity at the specific address or phone number provided in the notice pursuant to subsection (D)(3)(k) to notify the utility of the dis-
pute and discuss the reason for termination with a representative of the utility.

R14-2-312. Administrative and Hearing Requirements
A. Customer service complaints
1. Each utility shall make a full and prompt investigation of all service complaints made by one of its customers, whether made directly or through the Commission.

2. The utility shall respond to the complaint within five working days after a complaint is made, the utility shall respond to the complaint and, if applicable, to the Commission representative. The utility shall provide the customer confirmation that the dispute has been received.

3. The utility shall inform the customer of his or her right to appeal file an informal complaint to the Commission, under subsection (C)(1), if the customer is dissatisfied with the results of the utility’s investigation or the final disposition of the complaint.

4. Each utility shall keep a record of all written service complaints received which shall contain, at a minimum, the following data:
   a. Create a record of each service complaint received including, at a minimum, the following data:
      i. Name and address of the complainant;
      ii. Service address at issue, if different from the customer’s address;
      iii. Date and nature of the complaint;
      iv. Disposition of the complaint; and
      v. A copy of any correspondence between the utility, the customer, and the Commission representative and
   b. The record shall be maintained. The record shall be maintained for a minimum period of at least one year after final disposition of the complaint and shall be made available to the public.

B. Customer bill disputes

1. Any utility customer who disputes a portion of a bill rendered for utility service shall, prior to the due date for the bill, pay the undisputed portion of the bill and notify the utility of the dispute. The notice shall be in writing.

2. Upon receipt of the customer notice of dispute, the utility shall:
   a. Notify the customer within five working business days of the receipt of a written notice of dispute notice, provide the customer confirmation that the dispute has been received;
   b. Initiate a prompt investigation of the source of the dispute;
   c. Withhold disconnection of service until the investigation is completed and the customer has been informed of the results. Upon request of the customer the utility shall report the results of the investigation in writing;
   d. Notify the customer of the results of the investigation and final disposition of the bill dispute, in writing if requested by the customer;
   e. Inform the customer of his or her right to appeal file an informal complaint with the Commission, under subsection (C)(1), if the customer is dissatisfied with the results of the utility’s investigation or final disposition.

3. Once the customer has received the results of the utility’s investigation, the customer shall, within five working days, submit payment within five working days to the utility for any disputed amounts. Failure to make full payment within five working days shall be grounds for termination of service under R14-2-311(C)(1)(b).

C. Commission resolution of service and bill disputes

1. In the event a customer is not satisfied with the outcome of a utility’s investigation or final disposition of a service or bill dispute, the customer may file with the Commission a written statement of dissatisfaction with the Commission, by submitting such notice to the Commission, the customer, which shall be deemed to have filed an informal complaint against the utility.

2. Within 30 days of the receipt of a written statement of customer dissatisfaction related to a service or bill dispute an informal complaint against the utility, a designated Commission representative of the Commission shall endeavor to resolve the dispute by correspondence and/or telephone through communications with the utility and the customer (written or telephonic or both). If resolution of the dispute is not achieved within 20 days of the Commission representative’s initial effort, the Commission shall hold an informal hearing to arbitrate the resolution of mediation regarding the dispute. The informal hearing shall be governed by the following rules in accordance with the following:
   a. A Commission representative shall preside over the mediation, and the participants shall be the customer and the utility.
   b. Each party may be represented by legal counsel, at the participant’s own expense, if desired.
   c. All such informal hearings. The mediation may be recorded or held in the presence of a stenographer.
   d. All parties shall have the opportunity to present written or oral evidentiary material to support the positions of the individual parties’ participants.
   e. Each participant shall have the opportunity to cross-examine the other participant and the Commission’s representative shall have the opportunity to cross-examine the various parties to examine each participant.
   f. The Commission’s representative shall render a written decision to all parties within five working business days after the date of the informal hearing. Such decision of the arbitrator Commission’s representative is not binding on any of the parties, and the parties shall retain the right to make a formal complaint to the Commission.

3. The utility may implement normal termination procedures, under R14-2-311(C)(1)(b), if the customer fails to pay all undisputed bills rendered during the resolution of the dispute by the Commission.

4. Each utility shall maintain a record of written statements of dissatisfaction and their resolution for at least one year and shall make such records available for Commission inspection upon request.

D. Notice by utility of responsible officer or agent
1. Each utility shall file with the Commission a written statement containing the name, address (business, residence, and post-office mailing), email, and telephone number (business and residence) of at least one officer, agent, or employee responsible for the general management of its operations as a utility in Arizona.

2. Each utility shall give notice, by filing a written statement with the Commission, of any change in the information required herein within five business days from the date of any such change.

E. Time-frames for processing applications for Certificates of Convenience and Necessity

1. This rule prescribes time-frames for the Commission’s processing of any application for a Certificate of Convenience and Necessity issued by the Arizona Corporation Commission filed pursuant to this Article. These time-frames shall apply to applications filed on or after the effective date of this rule.

2. Each utility shall give notice, by filing a written statement with the Commission, of any change in the information required herein within five business days from the date of any such change.

3. Staff may terminate cease its review of an application if the applicant does not remedy all deficiencies within 60 calendar days of the notice of deficiency.

4. After receipt of a corrected application, staff shall notify the applicant within 30 calendar days if that the corrected application is either administratively complete or deficient. If the corrected application is deficient, the notice shall specify all deficiencies.

5. The time-frame for administrative completeness review shall be suspended from the time the notice of deficiency is issued until staff determines that the application is complete.

6. The time-frame for administrative completeness review shall be suspended from the time a notice of deficiency is issued until staff determines that the application is complete.

7. Within 150 days after an application is deemed determined to be administratively complete, the Commission shall approve or reject the application.

8. For purposes of A.R.S. § 41-1072 through A.R.S. § 41-1079 et seq., the Commission has established the following time-frames:
   a. Administrative completeness review time-frame: 120 calendar days.
   b. Substantive review time-frame: 150 calendar days.
   c. Overall time-frame: 270 calendar days.

9. If an applicant requests, and is granted, an extension or continuance, the appropriate time-frames shall be tolled from the date of the request during and for the duration of the extension or continuance.

F. Filing and availability of tariffs

1. Each utility shall file with the Commission, within 120 days after the effective date of new rules or requirements adopted by the Commission, or within a shorter period ordered by the Commission, tariffs which are in compliance that comply with the new rules and regulations promulgated by the Arizona Corporation Commission or requirements adopted by the Commission within 120 days of the effective date of such rules.

2. Each utility shall file with the Commission any proposed changes to the utility’s tariffs on file with the Commission; such proposed changes shall be accompanied by a statement of justification supporting the proposed tariff change.

3. A utility’s proposed change to the utility’s tariffs on file with the Commission shall not become effective until reviewed and approved by the Commission, except as provided by law.

4. Each utility shall make its applicable tariffs available on its website and, upon request, either in paper form or in a readily accessible electronic format such as Adobe PDF.

G. Accounts and records

1. No change

2. Each utility shall maintain its books and records in conformity with the Uniform Systems of Accounts for Class A, B, C, and D Gas Utilities as adopted and amended by the Federal Energy Regulatory Commission.

3. A utility shall produce or deliver in this state any or all of its formal accounting records and related documents requested by the Commission. Each utility may, at its option, provide verified copies of original records and documents rather than produce the originals.

4. Each utility shall submit an annual report to the Commission, through the Utilities Division, on a form prescribed by the Federal Energy Regulatory Commission. The annual report shall be filed on or before the 15th day of April for the preceding calendar year. Reports submitted to the utility shall accompany the include a copy of the report with its annual report submission.

5. Each utility shall file with the Commission, through the Utilities Division, a copy of all reports the utility is required to file with the Securities and Exchange Commission.

6. Each utility shall file with the Commission, through the Utilities Division, a copy of all annual reports the utility is required to file with the Federal Energy Regulatory Commission.

H. Maps

1. Each utility shall file with the Commission a map or maps clearly setting forth the location and extent of the area or areas they hold under included within the utility’s approved certificates of convenience and necessity, in accordance with the Cadastral (Rectangular) Survey of the United States Bureau of Land Management, or by metes and bounds with a starting point determined by the aforesaid Cadastral Survey.

I. Variations, exemptions of Commission rules and regulations

1. Variations, exemptions of Commission rules and regulations. Variations, exemptions of Commission rules and regulations shall be considered upon the verified application of an affected party to the Commission setting forth the circumstances whereby establishing that the public interest requires such variation or exemption from the Commission rules and regulations or upon determining, on its own initiative, that such variation or exemption is necessary to serve the public interest. Such application will be subject to the review of the Commission, and any variation or exemption granted shall require an order of the Commission.
conflict between these rules and regulations and an approved tariff or order of the Commission, the provisions of the approved tariff or order shall apply.

J. No change

K. A utility shall obtain and maintain for each customer the customer’s preferred method of communication, which may be email, U.S. mail, voice telephone call, text message, or other communication method acceptable to the utility and the customer. Except as otherwise specified in this Article, a utility shall communicate with a customer and the customer’s designated third party using the customer’s preferred method of communication. If a utility does not yet have a customer’s preferred method of communication on file, the utility may use the U.S. mail.

R14-2-315. Compliance by Gas Cooperatives

A. The terms and conditions for termination of service, including customer notice, in a gas cooperative’s tariff approved by the Commission prior to the effective date of this Section shall substitute for the provisions of R14-2-311.

B. Notwithstanding R14-2-312(E), a gas cooperative that proposes to revise the terms and conditions for termination of service included in its Commission-approved tariff shall file the proposed revisions with the Commission, in a new docket, pursuant to R14-2-312(I).

If the Commission fails to approve, disapprove, or suspend for further consideration the proposed revisions within 60 days following the cooperative’s filing, the revisions shall be deemed approved and become effective on the 61st day following the filing.

R14-2-316. Termination of Service Reporting Requirements

Beginning on April 15, 2022, and on each July 15, October 15, January 15, and April 15 thereafter, each regulated Class A, B, and C gas utility that provides residential gas service shall file a quarterly report providing the following information for each month of the previous quarter:

1. The number of residential customers whose gas service was terminated by zip code, and, if termination of service was prohibited under R14-2-311(A)(12) and the utility’s tariffs, the number of residential accounts that would have been subject to termination if not for the prohibition;
2. The number of residential customers by zip code that have payment arrearages;
3. The total dollar amount of arrearages, by zip code;
4. The average dollar amount in arrearages per residential customer, by residential customer rate plan;
5. The number of commercial customers by zip code whose gas service was terminated;
6. The number of commercial customers by zip code that have payment arrearages;
7. The average amount in arrearages per commercial customer, by commercial class;
8. The number of residential accounts enrolled in a deferred payment arrangement and the number of those residential accounts in compliance with the deferred payment arrangement;
9. The number of active and delinquent residential accounts with an arrearage of $100 or more, disaggregated into “limited-income” accounts, “accounts with documentation from a licensed medical practitioner,” and “other residential accounts;”
10. The percentage of limited-income customers in arrears who have received customer assistance due to inability to pay in the most recent quarter;
11. The number of active and delinquent residential accounts with an arrearage of $100 or more, disaggregated into “limited-income” accounts, “accounts with documentation from a licensed medical practitioner,” and “other residential accounts,” and further disaggregated to show the duration of the arrearages (up to 30 days, 30 to 60 days, and 60 to 90 days);
12. A brief narrative discussing the information contained in the report; and
13. A description of how the utility is assisting customers who indicate they may have an inability to pay, including details regarding the specific steps taken to direct the customers to appropriate resources, and including the following metrics:
   a. Number of calls received from residential customers asking for bill assistance during the most recent quarter;
   b. Number of customers notified about tariffs for limited-income customers, or other available tariffs, as of the most recent quarter;
   c. Cumulative number of customers enrolled in limited-income tariffs, or other available tariffs, as of that most recent quarter;
   d. Cumulative number of customers receiving assistance through the Low-Income Home Energy Assistance Program as of that most recent quarter; and
   e. Number of customers notified of energy efficiency and weatherization options during that most recent quarter.

NOTICE OF FINAL RULEMAKING

TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

[R22-37]

PREAMBLE

1. Article, Part, or Section Affected (as applicable) Rulemaking Action
   R20-3-602.02 New Section

2. Citations to agency’s statutory rulemaking authority to include the authorizing statute and the implementing statute:
   Authorizing statute: A.R.S. § 23-405(4)
   Implementing statute: A.R.S. § 23-410

Note: An exception from the moratorium on rulemaking, Executive Order 2021-02, was initially provided for this rulemaking by Grace Appelbe, Policy Advisor in the Office of the Arizona Governor, by e-mail dated October 13, 2021. A final exception from
the moratorium on rulemaking, was provided for this rulemaking by Christina Corieri, Senior Advisor in the Office of the Arizona Governor, by e-mail dated December 9, 2021.

3. The effective date of the rule:
February 16, 2022

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 provided in A.R.S. § 41-1032(A)(1) through (5):
The Commission requests an immediate effective date under A.R.S. § 41-1032(A)(1) (“To preserve the public peace, health or safety.”). Section 18(c) of the Federal Occupational Safety and Health Act of 1970 requires state-administered occupational safety and health programs to adopt standards that are at least as effective as those adopted by the United States Department of Labor, Occupational Safety and Health Administration (“OSHA”). See also 29 C.F.R. § 1904.37; A.R.S. § 23-405(3). To ensure that Arizona’s state-administered occupational safety and health program maintains standards that are at least as effective as the Federal OSHA standards, the Commission is proposing to adopt new section R20-5-602.02 (“Subpart U, COVID-19 Healthcare”) to adopt by reference non-expired/non-withdrawn standards in OSHA’s interim final rule published on June 21, 2021, titled “Occupational Exposure to COVID-19; Emergency Temporary Standard; Interim Final Rule” (the “COVID-19 Healthcare Rule”); published in the Federal Register at 86 FR 32,376 (available at https://www.federalregister.gov/documents/2021/06/21/2021-12428/occupational-exposure-to-covid-19-emergency-temporary-standard). New section R20-5-602.02 directly pertains to the health and safety of employees working in the State of Arizona.

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 proposed rule:
Notice of Rulemaking Docket Opening: 27 A.A.R. 2610, November 5, 2021
Notice of Proposed Rulemaking: 27 A.A.R. 2596, November 5, 2021

5. The agency’s contact person who can answer questions about the rulemaking:
Name: Jessie Atencio, Director
Address: Division of Occupational Safety and Health
Industrial Commission of Arizona
800 W. Washington St., Suite 203
Phoenix, AZ 85007
Telephone: (602) 542-5795
Fax: (602) 542-1614
Email: jessie.atencio@azdosh.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:

OSHA adopted the COVID-19 Healthcare Rule on June 21, 2021. On December 27, 2021, OSHA announced that it was withdrawing the non-recordkeeping portions of the COVID-19 Healthcare Rule. See https://www.osha.gov/coronavirus/ets; see also 29 U.S.C. § 655(e)(3) (stating that emergency temporary standards must be superseded by a permanent standard within six months after publication of the emergency temporary standard). Although most of the standards in the COVID-19 Healthcare Rule have now expired or been withdrawn, the COVID-19 log and reporting provisions in 29 CFR 1910.502(q)(2)(ii), (q)(3)(ii)-(iv), and (r) remain in effect, as they were adopted under a separate provision of the Occupational Safety and Health Act.

• 29 C.F.R. 1910.502(q)(2)(ii) – Covered employers with 10 or more employees must establish and maintain a COVID-19 log to record each instance identified by the employer in which an employee is COVID-19 positive, regardless of whether the instance is connected to COVID-19 at work.
• 29 C.F.R. 1910.502(q)(3)(ii) – Requires covered employers with 10 or more employees to provide for examination and copying individual COVID-19 log entries for a particular employee to that employee or anyone having written authorized consent of that employee.
• 29 C.F.R. 1910.502(q)(2)(iii) – Requires covered employers with 10 or more employees to provide a redacted version of the COVID-19 log to any employee, personal representative of an employee, or an authorized representative of an employee.
• 29 C.F.R. 1910.502(q)(2)(iv) – Requires covered employers with 10 or more employees to provide the COVID-19 log to OSHA upon request.
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:**

The Commission did not review or rely on any study relevant to the proposed rule. To the extent applicable, studies, surveys, data, or other information reviewed and relied upon by OSHA are discussed in the COVID-19 Healthcare Rule, which is electronically available at [https://www.federalregister.gov/documents/2021/06/21/2021-12428/occupational-exposure-to-covid-19-emergency-temporary-standard](https://www.federalregister.gov/documents/2021/06/21/2021-12428/occupational-exposure-to-covid-19-emergency-temporary-standard).

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:**


Because most of the standards in the COVID-19 Healthcare Rule have now expired or been withdrawn, the costs of compliance for covered employers will be far less that estimated by OSHA. The COVID-19 log and reporting provisions in 29 CFR 1910.502(q)(2)(ii), (q)(3)(iii)-(iv), and (r) are the only provisions that remain in effect as of the date of this Notice.

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

OSHA adopted the COVID-19 Healthcare Rule on June 21, 2021. On December 27, 2021, OSHA announced that it was withdrawing the non-recordkeeping portions of the COVID-19 Healthcare Rule. See [https://www.osha.gov/coronavirus/ets; see also 29 U.S.C. § 655(c)(3) (stating that emergency temporary standards must be superseded by a permanent standard within six months after publication of the emergency temporary standard).](https://www.osha.gov/coronavirus/ets; see also 29 U.S.C. § 655(c)(3)) Although most of the standards in the COVID-19 Healthcare Rule have now expired or been withdrawn, the COVID-19 log and reporting provisions in 29 CFR 1910.502(q)(2)(ii), (q)(3)(iii)-(iv), and (r) remain in effect, as they were adopted under a separate provision of the Occupational Safety and Health Act. As a result, the proposed rule was changed as follows: (1) add “Unless expired or withdrawn by the Federal Occupational Safety and Health Administration and” at the beginning of the proposed rule and (2) delete “This section shall expire on December 21, 2021.” at the end of the proposed rule. These changes are nonsubstantive and are intended to avoid the adoption of standards that have been or will be expired or withdrawn by OSHA.

11. **An agency’s summary of the public or stakeholder comments made regarding the rulemaking:**

The Commission received one written comment from the Arizona Hospital and Healthcare Association (“AzHHA”). Although AzHHA expressed understanding that state-administered occupational safety and health programs are required to adopt standards that are at least as effective as those adopted by OSHA, AzHHA expressed the following concerns: (1) the COVID-19 Healthcare Rule should not be adopted as an emergency temporary standard, as COVID-19 in healthcare settings does not present a “grave danger”; (2) the COVID-19 Healthcare Rule does not align with CDC guidance; (3) the physical distancing and barrier requirements do not account for employees’ vaccination status or adherence to rigorous PPE protocols; (4) the COVID-19 Healthcare Rule is inconsistent with CDC guidance related to flexibilities that fully-vaccinated healthcare personnel can enjoy; (5) the mini respirator program could compromise worker safety; (6) the COVID-19 Healthcare Rule contradicts the widely-accepted definition of an “exposure”; and (7) the COVID-19 Healthcare Rule imposes screening and assessment requirements that are overly rigid and time consuming. Finally, AzHHA requests clarification about how the requirements of the COVID-19 Healthcare Rule interface with Arizona Proposition 206 (pertaining to Earned Paid Sick Time (“EPST”)).

Commission Response to AzHHA Comments:

On December 27, 2021, OSHA announced that it was withdrawing the non-recordkeeping portions of the COVID-19 Healthcare Rule. See [https://www.osha.gov/coronavirus/ets; see also 29 U.S.C. § 655(c)(3) (stating that emergency temporary standards must be superseded by a permanent standard within six months after publication of the emergency temporary standard).](https://www.osha.gov/coronavirus/ets; see also 29 U.S.C. § 655(c)(3) Although most of the standards in the COVID-19 Healthcare Rule have now expired or been withdrawn, the COVID-19 log and reporting provisions in 29 CFR 1910.502(q)(2)(ii), (q)(3)(iii)-(iv), and (r) remain in effect, as they were adopted under a separate provision of the Occupational Safety and Health Act. As a result of the expiration/withdrawal of the majority of the standards contained in the COVID-19-Healthcare Rule, the AZHHA comments are now moot.

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:**

A.R.S. § 23-405(3) requires the Industrial Commission to “[c]ooperate with the federal government to establish and maintain an occupational safety and health program as effective as the federal occupational safety and health program.”

**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:**

March 11, 2022 | Published by the Arizona Secretary of State | Vol. 28, Issue 10 | 591
The proposed rule does not require issuance of a regulatory permit or license.

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:**


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 was submitted.

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


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:**

   Not applicable

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

   **TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE**

   **CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA**

   **ARTICLE 6. OCCUPATIONAL SAFETY AND HEALTH STANDARDS**

   **Section R20-5-602.02.** Subpart U; COVID-19 Healthcare Standards

   **ARTICLE 6. OCCUPATIONAL SAFETY AND HEALTH STANDARDS**

   **R20-5-602.02.** Subpart U: COVID-19 Healthcare Standards

   Unless expired or withdrawn by the Federal Occupational Safety and Health Administration and except as otherwise provided in Arizona Revised Statutes (“A.R.S.”), Title 23, Chapter 2, Articles 8 and 8.1 and A.R.S. § 23-425, each covered employer shall comply with the standards in Subpart U of the Federal Occupational Safety and Health Standards for the General Industry, as published in 29 CFR 1910(U).

   For purposes of this section, a “covered employer” means an employer subject to Subpart U, as set forth in 29 CFR 1910.502. Copies of the referenced material is available for review at the Industrial Commission of Arizona and may be obtained from the United States Government Printing Office, Superintendent of Documents, Washington, D.C. 20402. This incorporation by reference does not include amendments or editions to 29 CFR 1910(U) published after June 21, 2021.
### NOTICES OF RULEMAKING DOCKET OPENING

This section of the *Arizona Administrative Register* contains Notices of Rulemaking Docket Opening under A.R.S. § 41-1021.

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

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

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

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

---

#### NOTICE OF RULEMAKING DOCKET OPENING

**DEPARTMENT OF HEALTH SERVICES**  
**EMERGENCY MEDICAL SERVICES**

[R22-38]

1. **Title and its heading:**  
   9, Health Services

2. **Chapter and its heading:**  
   25, Department of Health Services - Emergency Medical Services

3. **Article and its heading:**  
   9, Ground Ambulance Certificate of Necessity  
   10, Ground Ambulance Vehicle Registration  
   11, Ground Ambulance Service Rates and Charges; Contracts  
   12, Time-Frames for Department Approvals

4. **Section numbers:**  

5. **The subject matter of the proposed expedited rules:**

   Arizona Revised Statutes (A.R.S.) §§ 36-2202(A)(3) and (4) and 36-2209(A)(2) require the Arizona Department of Health Services (Department) to adopt standards and criteria pertaining to the quality of emergency care, rules necessary for the operation of emergency medical services, and rules for carrying out the purposes of A.R.S. Title 36, Chapter 21.1. The Department has adopted rules to implement these statutes in 9 A.A.C. 25. The rules in 9 A.A.C. 25, Articles 9, 10, and 11 establish requirements for ground ambulance certificates of necessity, for registration of ground ambulance vehicle, and for ground ambulance service rates and charges and contracts, respectively, to ensure the health and safety of patients being transported. In a five-year-review report approved by the Governor’s Regulatory Review Council on July 6, 2017, the Department identified several issues with these rules and proposed a rulemaking to address these issues. These issues include non-compliance with A.R.S. § 41-1080, unclear requirements, requirements inconsistent with current standards of operation for ground ambulance services, and poor organization of the rules. All of these issues may affect the effectiveness of the rules and, thus, threaten the health and safety of patients being transported. The Department also requested input from stakeholders to identify additional issues. The rulemaking revises the rules in 9 A.A.C. 25, Articles 9 through 11, and makes corresponding changes in Article 12 to address these issues and other issues identified by stakeholders as part of the rulemaking process and to restructure the rules to improve clarity, remove duplication, and increase effectiveness. The Department began the rulemaking in 2019 and is continuing to work with stakeholders to revise the rules.

6. **A citation to all published notices relating to the proceeding:**

   Notice of Rulemaking Docket Opening: 25 A.A.R. 3292, November 8, 2019  
   Notice of Rulemaking Docket Opening: 27 A.A.R. 436, March 12, 2021

7. **The name and address of agency personnel with whom persons may communicate regarding the rules:**

   **Name:** Rachel Garcia, Bureau Chief  
   **Address:** Arizona Department of Health Services  
   Bureau of Emergency Medical Services and Trauma System  
   150 N. 18th Ave., Suite 540  
   Phoenix, AZ 85007-3248  
   **Telephone:** (602) 364-3150  
   **Fax:** (602) 364-3568  
   **Email:** Rachel.Garcia@azdhs.gov

   Or

   **Name:** Robert Lane, Chief  
   **Address:** Arizona Department of Health Services  
   Office of Administrative Counsel and Rules  
   150 N. 18th Ave., Suite 200  
   Phoenix, AZ 85007  
   **Telephone:** (602) 542-1020
NOTICE OF RULEMAKING DOCKET OPENING

TITLE 12. NATURAL RESOURCES
CHAPTER 4. GAME AND FISH COMMISSION

1. Title and its heading: 12, Natural Resources
   Chapter and its heading: 4, Game and Fish Commission
   Article and its heading: 5, Boating and Water Sports
   Section numbers: R12-4-501, R12-4-502, R12-4-507, R12-4-509, R12-4-510, and R12-4-518 (As part of this rulemaking, the Department may add, delete, or modify additional Sections as necessary)

2. The subject matter of the proposed rule: The Arizona Game and Fish Commission proposes to amend its Article 5 rules, addressing boating and water sports to enact amendments developed during the preceding Five-year Review Report. After evaluating the scope and effectiveness of the proposed amendments specified in the review, the Commission proposes additional amendments to further implement the original proposals.

3. A citation to all published notices relating to the proceeding: Notice of Proposed Rulemaking: 28 A.A.R. 553, March 11, 2022 (in this issue)

4. The name and address of agency personnel with whom persons may communicate regarding the rule:
   Name: Deanna Pfleger, Wildlife Manager Supervisor
   Address: Arizona Game and Fish Department
            5000 W. Carefree Highway
            Phoenix, AZ 85086
   Telephone: (928) 342-0091
   Email: CCook@azgfd.gov

5. The time during which the agency will accept written comments and the time and place where oral comments may be made: The Commission will accept comments Monday through Friday from 8:00 a.m. until 5:00 p.m., at the address listed under item #4 for 30 days from the date the Notice of Proposed Rulemaking, published on page 553 of this issue of the Administrative Register. Information regarding an oral proceeding is included in the Notice of Proposed Rulemaking on page 553 of this issue.

6. A timetable for agency decisions or other action on the proceeding, if known: To be determined.
WHEREAS, government regulations should be as limited as possible; and
WHEREAS, burdensome regulations inhibit job growth and economic development; 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, 2019, 2020 and 2021; and
WHEREAS, the State of Arizona eliminated or improved 231 burdensome regulations in 2021 and for a total of 3,047 needless regulations eliminated or improved since 2015; and
WHEREAS, estimates show these eliminations saved job creators nearly $11.6 million in operating costs in 2021 for a total of over $169.1 million in savings since 2015; and
WHEREAS, in 2021, for every one new necessary rule added to the Administrative Code, 25 have been repealed or improved; and
WHEREAS, COVID-19 has been hard on small businesses and the economy, and administrative barriers should be removed for their sake; 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, peace 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, including regular, expedited, emergency and exempt, 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 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 on the public, while achieving the same regulatory objective.
   c. To prevent a significant threat to 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 new 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, 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. After the public comment period and the close of the rulemaking record, a State agency subject to this Order shall not submit the proposed rules to the Governor’s Regulatory Review Council without a written final approval from the Office of the Governor. Before considering rules submitted by a State agency, the Governor’s Regulatory Review Council must obtain from the State agency the initial approval, referenced in Section 1, and the final approval from the Office of the Governor.

3. A State agency that submits a rulemaking request pursuant to this Order shall recommend for consideration by the Governor’s Office at least three existing rules to eliminate for every one additional rule requested by the agency.
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 the 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. A State agency that issues occupational or professional licenses must track veteran and military spouse status of applicants immediately and report that information to the Governor’s Office on an annual basis, starting July 1, 2022.

7. All State agencies that are required to issue occupational or professional licenses by “universal recognition” (established by A.R.S. § 32-4302) must track all applications received for this license type immediately and report that information to the Governor’s Office on an annual basis, starting July 1, 2021. Before any agency denies a professional or occupational license applied for under A.R.S. § 32-4302, 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 Governor’s Office should be notified of any required timeframes, whether in statute or rule, for approval or denial of the license by the agency.

8. 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.

9. 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.

10. This Executive Order shall expire when the provisions of this executive order are adopted in statute and become law.
REGISTER INDEXES

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

Abbreviations for rulemaking activity in this Index include:

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

**SUPPLEMENTAL PROPOSED RULEMAKING**
- SPN = Supplemental proposed new Section
- SPM = Supplemental proposed amended Section
- SPR = Supplemental proposed repealed Section
- SP# = Supplemental proposed renumbered Section

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

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

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

**EXPEDITED RULEMAKING**

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

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

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

**EXEMPT RULEMAKING**
- XN = Exempt new Section
- XM = Exempt amended Section
- XR = Exempt repealed Section
- X# = Exempt renumbered Section

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

**EXEMPT SUPPLEMENTAL PROPOSED**
- SPXN = Supplemental Proposed Exempt new Section
- SPXR = Supplemental Proposed Exempt repealed Section
- SPXM = Supplemental Proposed Exempt amended Section
- SPX# = Supplemental Proposed Exempt renumbered Section

**FINAL EXEMPT RULEMAKING**
- FXN = Final Exempt new Section
- FXM = Final Exempt amended Section
- FXR = Final Exempt repealed Section
- FX# = Final Exempt renumbered Section

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

**RECODIFICATION OF RULES**
- RC = Recodified

**REJECTION OF RULES**
- RJ = Rejected by the Attorney General

**TERMINATION OF RULES**
- TN = Terminated proposed new Sections
- TM = Terminated proposed amended Section
- TR = Terminated proposed repealed Section
- T# = Terminated proposed renumbered Section

**RULE EXPIRATIONS**
- EXP = Rules have expired
  See also “emergency expired” under emergency rulemaking

**CORRECTIONS**
- C = Corrections to Published Rules
## RULEMAKING ACTIVITY INDEX

Rulemakings are listed in the Index by Chapter, Section number, rulemaking activity abbreviation and volume page number. Use the page guide above to determine the Register issue number to review the rule. Headings for the Subchapters, Articles, Parts, and Sections are not indexed.

THIS INDEX INCLUDES RULEMAKING ACTIVITY THROUGH ISSUE 9 OF VOLUME 28.

| Agriculture, Department of - Agricultural Councils and Commissions | Agriculture, Department of - Animal Services Division | Education, State Board of |
| R3-9-601. XM-198 | R3-2-901. PM-5 | Table 10. PM-16 |
| R3-2-903. PM-5 | R3-2-905. PM-5 | Environmental Quality, Department of - Administration |
| R3-2-906. PM-5 | R3-2-907. PM-5 | Environmental Quality, Department of - Permit and Compliance Fees |
| R3-2-901. PM-5 | R7-2-614. FXM-366 | R18-14-101. PM-79 |
| R3-2-903. PM-5 | R7-2-615. FXM-180 | R18-14-102. PM-79 |
| R3-2-905. PM-5 | R7-2-617. FEM-276 | R18-14-104. PM-79 |
| R3-2-906. PM-5 | R7-2-1501. FXM-187 | R18-14-111. PN-79; PM-79 |
| R3-2-907. PM-5 | R7-2-1502. FXM-187 | R18-14-112. PM-79; PN-79; R18-14-113. PM-79 |
| Clean Elections, Citizens | R7-2-1503. FXM-187 | R18-14-114. PN-79; PM-79 |
| R2-20-101. FM-491 | R7-2-1504. FXM-187 | R18-14-115. PN-79 |
| Corporation Commission - Transportation | R7-2-1505. FXM-187 | |
| R14-5-201. PM-256 | R7-2-1506. FXM-187 | |
| R14-5-202. PM-256 | R7-2-1507. FXM-187 | |
| R14-5-203. PM-256 | R7-2-1508. FXM-187 | |
| R14-5-204. PM-256 | R7-2-1509. FXM-187 | |
| R14-5-205. PM-256 | R7-2-1510. FXM-187 | |
| R14-5-207. PM-256 | R7-2-1511. FXM-187 | |
| Employment Relations Board, Agricultural | Environmental Quality, Department of - Water Pollution Control |
| R4-2-101. FM-395 | R18-9-103. PM-22 |
| R4-2-102. FM-395 | R18-9-103. PM-22 |
| R4-2-103. FM-395 | R18-9-103. PM-22 |
| R4-2-104. FM-395 | R18-9-103. PM-22 |
| R4-2-201. FM-395 | R18-9-103. PM-22 |
| R4-2-202. FM-395 | R18-9-103. PM-22 |
| R4-2-204. FM-395 | R18-9-103. PM-22 |
| R4-2-205. FM-395 | R18-9-103. PM-22 |
| R4-2-206. FM-395 | R18-9-103. PM-22 |
| R4-2-207. FM-395 | R18-9-103. PM-22 |
| R4-2-209. FM-395 | R18-9-103. PM-22 |
| R4-2-210. FM-395 | R18-9-103. PM-22 |
| R4-11-201. PM-161 | R18-9-103. PM-22 |
| R4-11-202. PM-161 | R18-9-103. PM-22 |
| R4-11-203. PM-161 | R18-9-103. PM-22 |
| R4-11-204. PM-161 | R18-9-103. PM-22 |
| R4-11-205. PM-174 | R18-9-103. PM-22 |
| R4-11-206. PM-174; FM-344 | R18-9-103. PM-22 |
| R4-11-207. PM-174; FM-344 | R18-9-103. PM-22 |
| R4-11-208. PM-174 | R18-9-103. PM-22 |
| Indexes |
|---------------------|---------------------|---------------------|
| Health Services, Department of - Health Care Institutions: Licensing |
| Health Care Institution Facility Data | Insurance and Financial Institutions, Department of - Insurance Division |
| R9-11-101. | PM-311 |
| R9-11-201. | PM-311 |
| R9-11-202. | PM-311 |
| R9-11-203. | PM-311 |
| R9-11-204. | PM-311 |
| R9-11-301. | PM-311 |
| R9-11-402. | PM-311 |
| R9-11-502. | PM-311 |
| R9-11-601. | PM-311 |
| R9-11-602. | PM-311 |
| R9-11-603. | PM-311 |
| R9-11-604. | PM-311 |
| Health Services, Department of - Health Care Institutions: Licensing |
| R9-10-113. | TM-404; PEM-464 |
| R9-10-230. | TM-404; PEM-464 |
| R9-10-233. | TM-404; PEM-464 |
| R9-10-407. | TM-404; PEM-464 |
| R9-10-507. | TM-404; PEM-464 |
| R9-10-1306. | TM-404; PEM-464 |
| Health Services, Department of - Health Programs Services |
| Table 1. | |
| Health Services, Department of - Procurement Organizations |
| R9-9-101. | PN-297 |
| R9-9-102. | PN-297 |
| R9-9-103. | PN-297 |
| R9-9-104. | PN-297 |
| R9-9-105. | PN-297 |
| R9-9-106. | PN-297 |
| R9-9-107. | PN-297 |
| R9-9-108. | PN-297 |
| Table 1.1. | PN-297 |
| R9-9-201. | PN-297 |
| R9-9-202. | PN-297 |
| R9-9-203. | PN-297 |
| R9-9-204. | PN-297 |
| R9-9-205. | PN-297 |
| R9-9-301. | PN-297 |
| R9-9-302. | PN-297 |
| R9-9-303. | PN-297 |
| R9-9-304. | PN-297 |
| R9-9-305. | PN-297 |
| R9-9-401. | PN-297 |
| R9-9-402. | PN-297 |
| R9-9-403. | PN-297 |
| Health Services, Department of - Child Care Facilities |
| R9-5-101. | PEM-99 |
| R9-5-201. | PEM-99 |
| R9-5-203. | PEM-99 |
| R9-5-208. | PEM-99 |
| R9-5-402. | PEM-99 |
| Health Services, Department of - Child Care Group Homes |
| R9-3-101. | PEM-89 |
| R9-3-201. | PEM-89 |
| R9-3-202. | PEM-89 |
| R9-3-205. | PEM-89 |
| R9-3-301. | PEM-89 |
| Health Services, Department of - |
| Lottery Commission, Arizona State |
| R19-3-201. | PM-439 |
| R19-3-202. | PM-439 |
| R19-3-202.01. | PM-439 |
| R19-3-202.02. | PM-439 |
| R19-3-202.03. | PR-439; PN-439 |
| R19-3-202.04. | PM-439 |
| R19-3-202.06. | PM-439 |
| R19-3-203. | PM-439 |
| R19-3-204. | PM-439 |
| R19-3-204.01. | PM-439 |
| R19-3-204.02. | PM-439 |
| R19-3-204.04. | PM-439 |
| R19-3-205. | PM-439 |
| R19-3-206. | PM-439 |
| R19-3-209. | PM-439 |
| R19-3-210. | PM-439 |
### Indexes

<table>
<thead>
<tr>
<th>Volume</th>
<th>Issue</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>28</td>
<td>10</td>
<td>March 11, 2022</td>
</tr>
</tbody>
</table>

- **R19-3-211.** PM-439
- **R19-3-212.** PM-439
- **R19-3-213.** PM-439
- **R19-3-214.** PM-439
- **R19-3-215.** PM-439
- **R19-3-216.** PM-439
- **R19-3-217.** PM-439

### Nursing, Board of

<table>
<thead>
<tr>
<th>Volume</th>
<th>Issue</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Volume</th>
<th>Issue</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>R4-19-901.</td>
<td>XN-111</td>
<td>R19-3-211.</td>
</tr>
<tr>
<td>R4-19-902.</td>
<td>XN-111</td>
<td>R19-3-213.</td>
</tr>
<tr>
<td>R4-19-903.</td>
<td>XN-111</td>
<td>R19-3-214.</td>
</tr>
<tr>
<td>R4-19-904.</td>
<td>XN-111</td>
<td>R19-3-215.</td>
</tr>
</tbody>
</table>

### Pharmacy, Board of

<table>
<thead>
<tr>
<th>Volume</th>
<th>Issue</th>
</tr>
</thead>
<tbody>
<tr>
<td>R4-23-401.</td>
<td>SPN-339</td>
</tr>
<tr>
<td>R4-23-411.</td>
<td>SPN-339</td>
</tr>
<tr>
<td>R4-23-101.</td>
<td>SPN-339</td>
</tr>
</tbody>
</table>

### Podiatry Examiners, Board of

<table>
<thead>
<tr>
<th>Volume</th>
<th>Issue</th>
</tr>
</thead>
<tbody>
<tr>
<td>R4-25-101.</td>
<td>PM-251</td>
</tr>
<tr>
<td>R4-25-103.</td>
<td>PM-251</td>
</tr>
<tr>
<td>R4-25-401.</td>
<td>PM-251</td>
</tr>
</tbody>
</table>

### Public Safety, Department of - Private Investigator and Security Guard Hearing Board

<table>
<thead>
<tr>
<th>Volume</th>
<th>Issue</th>
</tr>
</thead>
<tbody>
<tr>
<td>R13-2-101.</td>
<td>PM-517</td>
</tr>
</tbody>
</table>

### Public Safety, Department of - Rapid DNA

<table>
<thead>
<tr>
<th>Volume</th>
<th>Issue</th>
</tr>
</thead>
<tbody>
<tr>
<td>R13-15-101.</td>
<td>PN-10</td>
</tr>
<tr>
<td>R13-15-102.</td>
<td>PN-10</td>
</tr>
<tr>
<td>R13-15-103.</td>
<td>PN-10</td>
</tr>
<tr>
<td>R13-15-104.</td>
<td>PN-10</td>
</tr>
</tbody>
</table>

### Other Notices and Public Records Index

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.

### Arizona Administrative Register

- Environmental Quality, Department of - Water Pollution Control; 18 A.A.C. 9; pp. 124-125
- Environmental Quality, Department of - Water Quality Standards; 18 A.A.C. 11; pp. 125-126
- Health Services, Department of - Health Care Institutions: Licensing; 9 A.A.C. 10; pp. 471-472
- Industrial Commission of Arizona; 20 A.A.C. 5; pp. 372, 531-532
- Insurance and Financial Institutions, Department of - Insurance Division; 20 A.A.C. 6; p. 347
- Podiatry Examiners, Board of; 4 A.A.C. 25; p. 280
- Public Safety, Department of - Private Investigators; 13 A.A.C. 2; pp. 529-529
- Public Safety, Department of - Private Investigator and Security Guard Hearing Board; 13 A.A.C. 12; p. 530
- Public Safety, Department of - Rapid DNA; 13 A.A.C. 15; p. 124
- Regulatory Board of Physician Assistants, Arizona; 4 A.A.C. 17; p. 279
- Secretary of State, Office of the; 2 A.A.C. 12; p. 232

### Governor's Office

- Executive Order 2021-02: pp. 203-204
- Executive Order 2022-01: pp. 236-237

### Governor's Regulatory Review Council

- Notices of Action Taken at Monthly Meetings: pp. 245, 432-433
Proposed Delegation Agreement, Notices of
   Department of Environmental Quality; pp. 374-375

Public Information, Notices of
   Environmental Quality, Department of; pp. 129-135, 405-421

Substantive Policy Statement, Notices of
   Department of Environmental Quality; pp. 234-235, 533-534
   Insurance and Financial Institutions, Department of - Division of Insurance; p. 376
   Real Estate Department, State; p. 282
   Water Infrastructure Finance Authority; pp. 377-380
RULES EFFECTIVE DATES CALENDAR

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

<table>
<thead>
<tr>
<th>January</th>
<th>February</th>
<th>March</th>
<th>April</th>
<th>May</th>
<th>June</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date Filed</td>
<td>Effective Date</td>
<td>Date Filed</td>
<td>Effective Date</td>
<td>Date Filed</td>
<td>Effective Date</td>
</tr>
<tr>
<td>1/1</td>
<td>3/2</td>
<td>2/1</td>
<td>4/2</td>
<td>3/1</td>
<td>4/30</td>
</tr>
<tr>
<td>1/2</td>
<td>3/3</td>
<td>2/2</td>
<td>4/3</td>
<td>3/2</td>
<td>5/1</td>
</tr>
<tr>
<td>1/3</td>
<td>3/4</td>
<td>2/3</td>
<td>4/4</td>
<td>3/3</td>
<td>5/2</td>
</tr>
<tr>
<td>1/5</td>
<td>3/6</td>
<td>2/5</td>
<td>4/6</td>
<td>3/5</td>
<td>5/4</td>
</tr>
<tr>
<td>1/6</td>
<td>3/7</td>
<td>2/6</td>
<td>4/7</td>
<td>3/6</td>
<td>5/5</td>
</tr>
<tr>
<td>1/7</td>
<td>3/8</td>
<td>2/7</td>
<td>4/8</td>
<td>3/7</td>
<td>5/6</td>
</tr>
<tr>
<td>1/8</td>
<td>3/9</td>
<td>2/8</td>
<td>4/9</td>
<td>3/8</td>
<td>5/7</td>
</tr>
<tr>
<td>1/12</td>
<td>3/13</td>
<td>2/12</td>
<td>4/13</td>
<td>3/12</td>
<td>5/11</td>
</tr>
<tr>
<td>July</td>
<td>August</td>
<td>September</td>
<td>October</td>
<td>November</td>
<td>December</td>
</tr>
<tr>
<td>-------</td>
<td>--------</td>
<td>-----------</td>
<td>---------</td>
<td>----------</td>
<td>----------</td>
</tr>
<tr>
<td>Date Filed</td>
<td>Effective Date</td>
<td>Date Filed</td>
<td>Effective Date</td>
<td>Date Filed</td>
<td>Effective Date</td>
</tr>
<tr>
<td>7/1</td>
<td>8/30</td>
<td>8/1</td>
<td>9/30</td>
<td>9/1</td>
<td>10/31</td>
</tr>
<tr>
<td>7/2</td>
<td>8/31</td>
<td>8/2</td>
<td>10/1</td>
<td>9/2</td>
<td>11/1</td>
</tr>
<tr>
<td>7/3</td>
<td>9/1</td>
<td>8/3</td>
<td>10/2</td>
<td>9/3</td>
<td>11/2</td>
</tr>
<tr>
<td>7/4</td>
<td>9/2</td>
<td>8/4</td>
<td>10/3</td>
<td>9/4</td>
<td>11/3</td>
</tr>
<tr>
<td>7/5</td>
<td>9/3</td>
<td>8/5</td>
<td>10/4</td>
<td>9/5</td>
<td>11/4</td>
</tr>
<tr>
<td>7/6</td>
<td>9/4</td>
<td>8/6</td>
<td>10/5</td>
<td>9/6</td>
<td>11/5</td>
</tr>
<tr>
<td>7/7</td>
<td>9/5</td>
<td>8/7</td>
<td>10/6</td>
<td>9/7</td>
<td>11/6</td>
</tr>
<tr>
<td>7/8</td>
<td>9/6</td>
<td>8/8</td>
<td>10/7</td>
<td>9/8</td>
<td>11/7</td>
</tr>
<tr>
<td>7/9</td>
<td>9/7</td>
<td>8/9</td>
<td>10/8</td>
<td>9/9</td>
<td>11/8</td>
</tr>
<tr>
<td>7/10</td>
<td>9/8</td>
<td>8/10</td>
<td>10/9</td>
<td>9/10</td>
<td>11/9</td>
</tr>
<tr>
<td>7/12</td>
<td>9/10</td>
<td>8/12</td>
<td>10/11</td>
<td>9/12</td>
<td>11/11</td>
</tr>
<tr>
<td>7/13</td>
<td>9/11</td>
<td>8/13</td>
<td>10/12</td>
<td>9/13</td>
<td>11/12</td>
</tr>
<tr>
<td>7/14</td>
<td>9/12</td>
<td>8/14</td>
<td>10/13</td>
<td>9/14</td>
<td>11/13</td>
</tr>
<tr>
<td>7/16</td>
<td>9/14</td>
<td>8/16</td>
<td>10/15</td>
<td>9/16</td>
<td>11/15</td>
</tr>
<tr>
<td>7/19</td>
<td>9/17</td>
<td>8/19</td>
<td>10/18</td>
<td>9/19</td>
<td>11/18</td>
</tr>
<tr>
<td>7/20</td>
<td>9/18</td>
<td>8/20</td>
<td>10/19</td>
<td>9/20</td>
<td>11/19</td>
</tr>
<tr>
<td>7/31</td>
<td>9/29</td>
<td>8/31</td>
<td>10/30</td>
<td>10/31</td>
<td>12/30</td>
</tr>
</tbody>
</table>
## REGISTER PUBLISHING DEADLINES

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

<table>
<thead>
<tr>
<th>Deadline Date</th>
<th>Register Publication Date</th>
<th>Oral Proceeding may be scheduled on or after</th>
</tr>
</thead>
<tbody>
<tr>
<td>Friday, 5:00 p.m. (*earlier date due to holiday)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>December 30, 2021</td>
<td>January 21, 2022</td>
<td>February 22, 2022</td>
</tr>
<tr>
<td>January 7, 2022</td>
<td>January 28, 2022</td>
<td>February 28, 2022</td>
</tr>
<tr>
<td>January 14, 2022</td>
<td>February 4, 2022</td>
<td>March 7, 2022</td>
</tr>
<tr>
<td>January 21, 2022</td>
<td>February 11, 2022</td>
<td>March 14, 2022</td>
</tr>
<tr>
<td>January 28, 2022</td>
<td>February 18, 2022</td>
<td>March 21, 2022</td>
</tr>
<tr>
<td>February 4, 2022</td>
<td>February 25, 2022</td>
<td>March 28, 2022</td>
</tr>
<tr>
<td>February 11, 2022</td>
<td>March 4, 2022</td>
<td>April 4, 2022</td>
</tr>
<tr>
<td>February 18, 2022</td>
<td>March 11, 2022</td>
<td>April 11, 2022</td>
</tr>
<tr>
<td>February 25, 2022</td>
<td>March 18, 2022</td>
<td>April 18, 2022</td>
</tr>
<tr>
<td>March 4, 2022</td>
<td>March 25, 2022</td>
<td>April 25, 2022</td>
</tr>
<tr>
<td>March 11, 2022</td>
<td>April 1, 2022</td>
<td>May 2, 2022</td>
</tr>
<tr>
<td>March 18, 2022</td>
<td>April 8, 2022</td>
<td>May 9, 2022</td>
</tr>
<tr>
<td>March 25, 2022</td>
<td>April 15, 2022</td>
<td>May 16, 2022</td>
</tr>
<tr>
<td>April 1, 2022</td>
<td>April 22, 2022</td>
<td>May 23, 2022</td>
</tr>
<tr>
<td>April 8, 2022</td>
<td>April 29, 2022</td>
<td>May 31, 2022</td>
</tr>
<tr>
<td>April 15, 2022</td>
<td>May 6, 2022</td>
<td>June 6, 2022</td>
</tr>
<tr>
<td>April 22, 2022</td>
<td>May 13, 2022</td>
<td>June 13, 2022</td>
</tr>
<tr>
<td>April 29, 2022</td>
<td>May 20, 2022</td>
<td>June 20, 2022</td>
</tr>
<tr>
<td>May 6, 2022</td>
<td>May 27, 2022</td>
<td>June 27, 2022</td>
</tr>
<tr>
<td>May 13, 2022</td>
<td>June 3, 2022</td>
<td>July 5, 2022</td>
</tr>
<tr>
<td>May 20, 2022</td>
<td>June 10, 2022</td>
<td>July 11, 2022</td>
</tr>
<tr>
<td>May 27, 2022</td>
<td>June 17, 2022</td>
<td>July 18, 2022</td>
</tr>
<tr>
<td>June 3, 2022</td>
<td>June 24, 2022</td>
<td>July 25, 2022</td>
</tr>
<tr>
<td>June 10, 2022</td>
<td>July 1, 2022</td>
<td>August 1, 2022</td>
</tr>
<tr>
<td>June 17, 2022</td>
<td>July 8, 2022</td>
<td>August 8, 2022</td>
</tr>
<tr>
<td>June 24, 2022</td>
<td>July 15, 2022</td>
<td>August 15, 2022</td>
</tr>
<tr>
<td>July 1, 2022</td>
<td>July 22, 2022</td>
<td>August 22, 2022</td>
</tr>
<tr>
<td>July 8, 2022</td>
<td>July 29, 2022</td>
<td>August 29, 2022</td>
</tr>
<tr>
<td>July 15, 2022</td>
<td>August 5, 2022</td>
<td>September 6, 2022</td>
</tr>
</tbody>
</table>
# 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 2022

*(MEETING DATES ARE SUBJECT TO CHANGE)*

<table>
<thead>
<tr>
<th>DEADLINE FOR PLACEMENT ON AGENDA*</th>
<th>FINAL MATERIALS SUBMITTED TO COUNCIL</th>
<th>DATE OF COUNCIL STUDY SESSION</th>
<th>DATE OF COUNCIL MEETING</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tuesday, January 18, 2022</td>
<td>Tuesday, February 15, 2022</td>
<td>Tuesday, February 22, 2022</td>
<td>Tuesday, March 1, 2022</td>
</tr>
<tr>
<td>Tuesday, February 15, 2022</td>
<td>Tuesday, March 22, 2022</td>
<td>Tuesday, March 29, 2022</td>
<td>Tuesday, April 5, 2022</td>
</tr>
<tr>
<td>Tuesday, March 22, 2022</td>
<td>Tuesday, April 19, 2022</td>
<td>Tuesday, April 26, 2022</td>
<td>Tuesday, May 3, 2022</td>
</tr>
<tr>
<td>Tuesday, April 19, 2022</td>
<td>Tuesday, May 17, 2022</td>
<td>Tuesday, May 24, 2022</td>
<td>Wednesday, June 1, 2022</td>
</tr>
<tr>
<td>Tuesday, May 17, 2022</td>
<td>Tuesday, June 21, 2022</td>
<td>Tuesday, June 28, 2022</td>
<td>Wednesday, July 6, 2022</td>
</tr>
<tr>
<td>Tuesday, June 21, 2022</td>
<td>Tuesday, July 19, 2022</td>
<td>Tuesday, July 26, 2022</td>
<td>Tuesday, August 2, 2022</td>
</tr>
<tr>
<td>Tuesday, July 19, 2022</td>
<td>Tuesday, August 23, 2022</td>
<td>Tuesday, August 30, 2022</td>
<td>Wednesday, September 7, 2022</td>
</tr>
<tr>
<td>Tuesday, August 23, 2022</td>
<td>Tuesday, September 20, 2022</td>
<td>Tuesday, September 27, 2022</td>
<td>Tuesday, October 4, 2022</td>
</tr>
<tr>
<td>Tuesday, September 20, 2022</td>
<td>Tuesday, October 18, 2022</td>
<td>Tuesday, October 25, 2022</td>
<td>Tuesday, November 1, 2022</td>
</tr>
<tr>
<td>Tuesday, October 18, 2022</td>
<td>Tuesday, November 22, 2022</td>
<td>Tuesday, November 29, 2022</td>
<td>Tuesday, December 6, 2022</td>
</tr>
</tbody>
</table>

* 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.