House Engrossed

FILED

JANICE K. BREWER
SECRETARY OF STATE

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

CHAPTER 3

HOUSE BILL 2085

AN ACT

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

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

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

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

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

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

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

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

APPROVED BY THE GOVERNOR APRIL 6, 2007.

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