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ARIZONA CORPORATION COMMISSION
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November 3, 2021

The Honorable Mark Brnovich
 Arizona Attorney General
 1275 West Washington Street
 Phoenix, Arizona 85007

RE: In the matter of possible modifications to the Arizona Corporation Commission's Retail Electric Competition Rules. (Docket No. RE-00000A-18-0405)

Dear Attorney General Brnovich:

In addition to the questions I signed onto on November 3, 2021, I have a few additional questions. As authorized by A.R.S. § 41-193(A)(7), I respectfully request an opinion on the following questions:

1. Are the public policies articulated in A.R.S. §40-202 (B) and (D) constitutional under Ariz. Const. art. XV, § 3, 12, and 14?
2. What is the impact of the public policies articulated in A.R.S. §40-202 (B) and (D) on the current duties and requirements of the Commission; do they establish an affirmative duty on the Commission or otherwise require the Commission to take specific action?
 - a. Under A.R.S. §40-202 (B), must the Commission cause "a competitive market [to] exist in the sale of electric generation service"?
 - b. Under A.R.S. §40-202 (D), must the Commission "permit electric generation service prices to be established in a competitive market" as "the most effective manner of establishing just and reasonable rates for electricity"?

Thank you.

Sincerely,

Lea Márquez Peterson
 Chairwoman

