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**TOHONO O'ODHAM LEGISLATIVE
BRANCH**

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PUBLIC NOTICE

TO: Nation's Members
Nation's Districts
Executive Branch
Members of the Public

FROM: Grace Manuel, Chairperson, Grace.Manuel@tonation-nsn.gov
Commerce Committee

CC: Commerce Committee
Tohono O'odham Legislative Council Representatives

DATE: December 28, 2022

SUBJECT: Proposed Amendments to the TOUA Second Amended Plan of Operation - Rates and Charges for Utility Services

The Commerce Committee is providing notice of amendments to the Tohono O'odham Utility Authority (TOUA) Second Amended Plan of Operation, 24 T.O.C. Chapter 1, Section 21, and is inviting public comment on the attached amendments.

The proposed amendments would:

- Require TOUA to provide 60 days advance written notice to all affected customers of a proposed increase in a rate or charge.
- Require TOUA to hold a public hearing during which TOUA must provide a detailed explanation and justification for a proposed increase in a rate or charge.
- Require TOUA to accept and consider oral and written comments from affected customers before making a final determination on whether to approve a proposed increase in a rate or charge.
- Provide a process for affected customers to appeal TOUA's final determination.

Written comments can be provided to Commerce Committee Staffer Stella Luna by email at Stella.Luna@tonation-nsn.gov or by U.S. Mail, Attention Stella Luna, Commerce Committee Staffer, Tohono O'odham Legislative Branch, P.O. Box 837, Sells, Arizona 85634.

Please contact Commerce Committee Chairperson Grace Manuel by email at Grace.Manuel@tonation-nsn.gov or (520) 383-5260 if there are any questions.

Thank you.

Attachments

DRAFT VERSION FOR PUBLIC NOTICE (DELETIONS IN STRIKETHROUGH, ADDITIONS IN BOLD UNDERLINE)

TITLE 24 - UTILITIES AND COMMUNICATIONS

CHAPTER 1 - TOHONO O'ODHAM UTILITY AUTHORITY

Section 21: Rates and Charges

A. ~~The Management Board shall adopt all rates and charges for utility services which, when adopted, shall become effective at such time as the Board shall determine. Upon a petition being filed by five percent (5%) of the affected customers, the Authority shall, after giving such notice as the Board may determine to be adequate, hold a formal public hearing to review such rates and charges.~~ **The Management Board shall adopt fair and equitable rates and charges for utility services. Prior to approving any proposed increase in a rate or charge, the Authority shall provide sixty (60) days advance written notice to all affected customers of:**

- 1. the proposed increase in a rate or charge and the justification for the increase;**
- 2. the process for submitting written comments to the Authority; and**
- 3. the date, time, and location of a public hearing conducted virtually and at the Authority's principal office or another convenient location in Sells, Arizona during which the Management Board and the Authority's general manager shall provide a detailed explanation and justification for the proposed increase and accept oral and written comments.**

The Management Board shall review and consider all public comments before making a final determination on whether to approve the proposed increase in a rate or charge.

B. ~~Procedures shall be established by the Tohono O'odham Council to provide for appeals of rate decisions following a public hearing by the Authority to an impartial review board composed of specialists on utility rates.~~ **The Authority shall provide written notice to all affected customers of the Management Board's final determination about the proposed increase in a rate or charge. Written notice shall include information on how and where affected customers can file a petition appealing the Management Board's final determination.**

C. Affected customers may file a petition with the Authority appealing the Management Board's final determination within ninety (90) days after the Authority provides notice of the Management Board's final determination under Section 21(B).

D. Upon a petition being filed by five percent (5%) of the affected customers, an impartial review board selected by the Authority composed of three (3) specialists on utility rates shall hold a formal public hearing to review the increase in a rate or charge. The public hearing shall be conducted virtually and at the Authority's principal office or another convenient location in Sells, Arizona during which the review board shall accept oral and written comments. The review board shall review and consider all public

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comments before making a final determination on whether to uphold or deny the increase in a rate or charge.

~~E.~~ E. The Management Board may, in its sole discretion, negotiate with large users of a particular utility service for special rates and charges, provided, however, that such negotiated rates shall be demonstrated to be fair and equitable to all other customers or users of the services of the Authority.

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3. the date, time, and location of a public hearing conducted virtually and at the Authority's principal office or another convenient location in Sells, Arizona during which the Management Board and the Authority's general manager shall provide a detailed explanation and justification for the proposed increase and accept oral and written comments.

The Management Board shall review and consider all public comments before making a final determination on whether to approve the proposed increase in a rate or charge.

B. The Authority shall provide written notice to all affected customers of the Management Board's final determination about the proposed increase in a rate or charge. Written notice shall include information on how and where affected customers can file a petition appealing the Management Board's final determination.

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E. The Management Board may, in its sole discretion, negotiate with large users of a particular utility service for special rates and charges, provided, however, that such negotiated rates shall be demonstrated to be fair and equitable to all other customers or users of the services of the Authority.