

EMAIL SERVICE CONSENT

What is Email Service?

Service is the act by which a party to a case provides copies of each filing it makes in the case to the other parties to the case, or by which a Commissioner, the Commission's Executive Director, or the Commission's Hearing Division, provides copies of a filing made in a case to the parties to the case. Traditionally, service has been done either through personal delivery or, more commonly, through sending copies of filings through the U.S. Postal Service by first class mail.¹ The Commission's rules (Arizona Administrative Code ("A.A.C.") R14-3-107(B)) allow for service to be made by mail, and to be deemed complete when a true copy of a filing, properly addressed and stamped, is deposited in the U.S. mail with first class postage prepaid.

Both to accommodate parties who have requested the ability to provide and receive service by email, and to reduce the amount of paper used and postage paid by the parties and the Commission in each case, the Commission has created a process that allows each party to a case to choose to receive service of all filings in the case by email, at a designated email address, rather than by U.S. mail or personal service. When a party has completed a consent to email service, and the consent to email service has been approved through a Procedural Order, the party will no longer receive hard copies of filings made by a Commissioner, the Commission's Executive Director, or a Commission Division. Instead, service of each such filing will be made by sending to the party's designated email address an email identifying the case by docket number and including a link to a PDF version of the filing. A party may still receive hard copies of filings made by other parties, if the other parties choose not to provide service by email, but the approved consent to email service allows every party to provide service to the consenting party by email.

Parties who do not consent to email service may not be able to receive some documents, such as Amendments to Open Meeting Agenda items.

How do I consent to Email Service?

To consent to email service, a party must complete the following steps:

- Ensure that the party has a valid and active email address to which the party has regular and reliable access ("designated email address");
- Complete a Consent to Email Service created using either the form available on the Commission's website ([click here](#)) or a substantially similar format;
- File the original and 13 copies of the Consent to Email Service with the Commission's Docket Control, also providing service to each other party on the service list; and
- Unless the party is represented in the case by counsel who has had consent to email service approved in another docket using the same designated email address, send an email containing the party's name and the docket number for the case to HearingDivisionServicebyEmail@azcc.gov from the designated email address.

A party's Consent to Email Service does not become effective until the Hearing Division issues a Procedural Order approving the use of email service for the party. The Hearing Division issues a

¹ There are specific and more stringent requirements for service in cases involving the Commission's Securities Division. See A.A.C. R14-4-403.

Procedural Order approving a party's Consent to Email Service only after the party has completed the steps above, as applicable, and the Hearing Division has verified receipt of an email from the party's designated email address.

What if the case I'm interested in is a rulemaking case or a generic docket?

Rulemaking cases and generic dockets do not have parties, so there is no requirement for service in those dockets. However, the Commission generally provides notice of its filings in a generic or rulemaking docket, by mail, to a list of interested persons. In light of this, the Commission has determined that the process for consent to email service should be made available in generic and rulemaking dockets, to allow interested persons to opt in to email service by following the same process used in non-generic and non-rulemaking cases.

What do I do if the full caption for the case will not fit on the Consent to Email Service form?

The Commission requires that the full caption for each case be provided on each filing in the case. For a consolidated case, that means that each caption for the individual cases that have been consolidated must be included on each filing. When the title for a case is very large, or there are multiple captions (multiple case titles and dockets involved), the full caption will not fit on the Consent to Email Service form. In that case, a party must create a filing that includes: (1) the full caption for the case; (2) the party's name; (3) the party's designated email address; (4) the name, title, address, and telephone number for the signer of the Consent to Email Service; (5) all of the language setting forth the consents, certifications, and agreements included on the Consent to Email Service form; (6) the signer's signature on behalf of the party; (7) a completed service certification in the format used on the Consent to Email Service form; and (8) the service list for the case.

May I attach a Consent to Email Service form to another filing made with the Commission or include it in another filing?

Yes. The Consent to Email Service form may be attached to another filing made by a party in a case, such as a Motion to Intervene, and may be included within another filing.

When will I receive emailed service of a filing?

Due to the processing time necessary to convert a time- and date-stamped hard copy filing to a PDF file accessible through a hyperlink, a party may not receive an email with the link to the filing on the same business day that the filing is made, particularly if the filing is voluminous or is made late in the business day. By consenting to email service, a party consents to receiving an email with a link to a filing as soon as practicable rather than on the same business day that the filing is made.

Is my Consent to Email Service effective for every case in which I am involved?

No. A party's Consent to Email Service is effective only for the case in which it was filed and approved by Procedural Order.

Can one representative for a party that has an approved Consent to Email Service still receive copies of filings in hard copy by mail?

No. A Consent to Email Service is effective as to the party as a whole and encompasses all of its representatives. If a party desires for one of its representatives to continue receiving service of hard copy filings by mail in a case, the party should not file a Consent to Email Service in the case.

Can a party that chooses to Consent to Email Service receive email service at more than one designated email address?

Yes. A party may receive email service at more than one email address, although the Hearing Division considers the first listed email address for a party to be the designated email address for the party and for any additional email addresses to be included as a courtesy to the party.

How do I revoke my Consent to Email Service for a case?

A party desiring to revoke its Consent to Email Service must file in the docket for the case an original and 13 copies of a Notice Revoking Consent to Email Service, prepared in a form that clearly identifies the party and the case and that clearly states that the party is revoking its Consent to Email Service. A Notice Revoking Consent to Email Service is effective, without issuance of a Procedural Order, provided that the Notice includes a completed service certification showing that it has been served upon all other parties in the case.