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ARIZONA CORPORATION COMMISSION

July 6, 2007

The Honorable Samuel W. Bodman, Secretary
United States Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585

RE: Draft Southwest Area National Interest Electric Transmission Corridor Designation
Docket No. 2007-OE-02

Dear Secretary Bodman:

On June 21, 2007, we, the members of Arizona Corporation Commission ("ACC"), attended a public comment meeting in Phoenix to advise the U.S. Department of Energy ("DOE") of our grave concerns over the Draft Southwest Area National Corridor Designation. We are writing to you today to reiterate those concerns, which are amply supported by the legal memorandum that our Chief Counsel is filing under separate cover.

The ACC recognizes that DOE is specifically requesting comments on the Draft National Corridor designations in the Southwest United States under the Docket No. 2007-OE-02. The ACC provides comments herein that the Draft National Corridor in Arizona in its entirety is unwarranted, not well founded on available information, and not needed in any location in Arizona. The ACC believes that the state of Arizona is in the best position to determine the need for transmission line projects in Arizona and the impact of such projects on the reliability and economy of the regions' electrical transmission grid. The ACC has a proven track record for siting and approving transmission line projects in Arizona which employs a public, judicial and rigorous fact finding process to evaluate all aspects of a transmission project application. Any decision by the Federal Energy Regulatory Commission ("FERC") or other federal agency authorized by the final National Corridor Designations to intervene in an Arizona transmission line siting case or act as an "appeal agent" to overturn an ACC decision is inappropriate and circumvents state jurisdiction and authority.

We also provide general comments on the Arizona transmission line siting process, as the ACC believes it is important to frame the overall electric transmission process in Arizona to provide a context for our conclusion that the Draft National Corridor with respect to Arizona is unfounded and inappropriate.

ARIZONA COLLABORATIVE PROCESS FOR TRANSMISSION PLANNING

Arizona Corporation Commission Biennial Transmission Assessment

The ACC prepares a Biennial Transmission Assessment (“BTA”) every two years with the first BTA completed in 2000 and the fourth BTA for 2006 issued in March 2007. This BTA is intended to inform the ACC and other affected parties regarding the adequacy of existing and planned transmission facilities in Arizona to meet present and future energy needs of Arizona customers in a reliable manner.

The BTA preparation utilizes Ten-Year Transmission Plans, Reliability Must Run (“RMR”) studies, and other technical reports and documents required of and filed with the Commission by the various regulated electric transmission organizations in the state. In the 2006 BTA, a set of guiding principles were used to determine whether the Arizona transmission system will be adequate during the next ten years. The reliability of an existing or planned electric system under existing, alternative or future operating conditions can only be determined by technical simulation studies, including load flow, stability and short circuit analysis. Such studies require the application of a set of study criteria to measure system performance. In assessing the Arizona transmission system adequacy, ACC Staff critically reviewed and analyzed pertinent transmission planning documents and addressed the following questions:

1. Do the proposed Arizona transmission system plans meet the load serving requirements of the state during the 2006-2015 time period in a reliable manner?
2. Was the transmission planning process conducted in accordance with the transmission planning principles and good utility practices accepted by the power industry?
3. What steps were taken in the new transmission planning studies to effectively address the ACC’s concerns raised in the earlier BTAs about the adequacy of the state’s transmission system to reliably support the competitive wholesale market emerging in Arizona?
4. Do the generation interconnection practices in Arizona adequately reflect technical aspects of the generation interconnection policies as defined in FERC Orders?
5. Do the transmission plans adequately reflect North America Electric Reliability Council’s (“NERC”) latest activities related to compliance with the transmission planning standards, as well as compliance with Western Electricity Coordinating Council (“WECC”) reliability standards?

The resultant transmission assessment represents the professional opinion of ACC Staff. The BTA is not an evaluation of individual transmission provider’s facilities or quality of service. The BTA report does not set ACC policy and does not recommend specific action for any individual Arizona transmission provider. It assesses the adequacy of Arizona’s transmission system to reliably meet existing and future energy needs of the state.

In the 2006 BTA report, ACC Staff concluded that the collaborative process among the ACC and Arizona utilities (investor owned and public power entities), which began in previous

BTAs, has continued to evolve in a constructive manner. Transmission owners have been responsive to many issues raised by the ACC in prior BTAs, including the ability of the Palo Verde transmission system to handle full generation output, Palo Verde Hub reliability issues and the economic viability of generators at the Palo Verde Hub, clarifying the criteria and study processes Arizona utilities utilize to formulate their RMR plans, and a number of other issues that are discussed in the BTA report. The 2006 BTA concluded that the existing and proposed Arizona transmission system meets the load serving requirements of the state in a reliable manner.

Arizona Transmission Planning Forums

Extensive regional planning studies have been conducted in Arizona and the Western United States overall by numerous transmission planning and government agency groups. Additionally, these planning and government agency groups work together through various organizations to achieve a synergy that further enhances and validates the conclusions and recommendations that arise from these collaborations. Noted below are some of the Arizona and Western Area groups that have and will continue to ensure that transmission planning in Arizona and adjacent states in the West is effective and continually improving.

The Southwest Area Transmission (“SWAT”) regional planning group¹ includes two states (Arizona and New Mexico) and parts of four others states (Southern California, West Texas, Southern Nevada, and Southern Colorado) to promote regional planning in the Desert Southwest. The SWAT regional planning group includes four main subcommittees, which are overseen by the SWAT Oversight Committee. They are:

1. SWAT Arizona-New Mexico Regional Transmission

The SWAT Arizona-New Mexico regional transmission subcommittee was formed to study the Eastern Arizona and Western New Mexico regional transmission system, including (but not limited to) the Four Corners, Springerville and Greenlee/Hidalgo areas. This regional analysis includes the participation of: Arizona Public Service, Western Area Power Administration, Southern California Edison, California Independent System Operator, Public Service Company of New Mexico, Tucson Electric Power, PacifiCorp, Tri-State GT, Dine Power Authority, BHP Billiton, Navajo Tribal Utility Authority, Salt River Project, Southwest Transmission Cooperative, and other interested Parties.

2. SWAT Colorado River Transmission (“CRT”)

The SWAT Colorado River Transmission subcommittee was formed to study the area within the geographic region from Palo Verde to the Colorado River and southern Nevada to Yuma, Arizona. This regional analysis includes the participation of: Arizona Power Authority, Western Area Power Administration, Nevada Power, Southern California Edison, Imperial Irrigation District, California ISO, Arizona Public Service, Salt River Project, Tucson Electric, Central Arizona Project, and other interested Parties.

3. SWAT Central Arizona Transmission EHV

The SWAT Central Arizona Transmission subcommittee, formerly known as the CATS

¹ <http://www.azpower.org/swat/description.asp>

Study Group, studies the Central Arizona EHV transmission system. This regional analysis includes the participation of: Arizona Public Service, Salt River Project, Southwest Transmission Cooperative, Tucson Electric, Western Area Power Administration and other interested Parties. A subcommittee to the CATS EHV subcommittee is the CATS HV subcommittee. This group was formed to study the HV Transmission system in the Central Arizona region. This regional analysis includes the participation of: Arizona Public Service, Salt River Project, Southwest Transmission Cooperative, Tucson Electric, Western Area Power Administration, Central Arizona Project, ED-2, ED-3, ED-4 and other interested Parties.

4. SWAT New Mexico Transmission

The SWAT New Mexico Transmission Subcommittee was formed to study the New Mexico and Southwest Texas region. This regional analysis includes the participation of: Public Service Company of New Mexico El Paso Electric, Tri-State GT and other interested Parties.

WestConnect² is composed of utility companies providing transmission of electricity in the Southwestern United States. The members work collaboratively to assess stakeholder and market needs and to develop cost-effective enhancements to the western wholesale electricity market. WestConnect is committed to coordinating its work with other regional industry efforts to achieve as much consistency as possible in the Western Interconnection.

The WECC³ was formed on April 18, 2002, by the merger of the Western Systems Coordinating Council, Southwest Regional Transmission Association, and Western Regional Transmission Association. The WECC encompasses a vast area of nearly 1.8 million square miles and is responsible for coordinating and promoting electric system reliability. In addition to promoting a reliable electric power system in the Western Interconnection, WECC supports efficient competitive power markets, assures open and non-discriminatory transmission access among members, provides a forum for resolving transmission access disputes, and provides an environment for coordinating the operating and planning activities of its members. Membership in WECC is voluntary and open to any organization having an interest in the reliability of interconnected system operation or coordinated planning. WECC provides the forum for its members to enhance communication, coordination and cooperation—all vital ingredients in planning and operating a reliable interconnected electric system.

In conclusion, for the Arizona collaborative process for transmission planning, Arizona has in place a proven transmission planning process utilizing a variety of regional planning groups representing the Southwestern United States that is superior to any existing federal process for transmission planning. Additionally, the Arizona planning process has brought about the cooperative production of a biennially transmission plan for Arizona, the BTA, which serves as a “blueprint” for further transmission development. The Arizona transmission planning process including regional planning and the BTA has not identified any need or benefit for

² <http://www.westconnect.com>

³ <http://www.wecc.biz/>

National Corridor Designations; therefore the determination of any National Corridor Designations in Arizona is unnecessary and inappropriate.

The Arizona Line Siting Process⁴

In 1971, the Arizona Legislature required that the ACC establish the Arizona Power Plant and Transmission Line Siting Committee ("Committee"). The Committee provides a single, independent forum to evaluate applications to build power plants (of 100 megawatts or more) or transmission projects (of 115,000 volts or more) in the state. The Committee holds meetings and hearings that are open to the public.

The Committee was created after the Legislature found that existing law did "not provide adequate opportunity for individuals, groups interested in conservation and the protection of the environment, local governments, and other public bodies to participate in a timely fashion in the decision to locate a specific major facility at a specific site." Members of the Committee are:

State attorney general or the attorney general's designee. (Chairman of Committee)
Director of the Arizona Department of Water Resources or the director's designee.
Director of the Arizona Department of Environmental Quality or the director's designee.
Director of the energy office of the Arizona Department of Commerce or the director's designee.

Chairman of the Arizona Corporation Commission or the chairman's designee.

Six members appointed by the Arizona Corporation Commission to serve for a term of two years. Three of the members shall represent the public, one member shall represent incorporated cities and towns, one member shall represent counties and one member shall be actively engaged in agriculture.

The Committee Chairman directs the flow of the meeting and makes procedural decisions in accordance with Arizona law. However, each member of the Committee, including the Chairman, has a single vote. In general, the Committee has 180 days from the date the application is filed to come to a decision. The procedures for the Committee's activities are set forth in law and administrative regulations. After an application to build a power plant or transmission line is filed with the ACC, copies are sent to all members of the Committee. The Chairman of the Committee sets a hearing date and provides public notice of the hearing date and location. Any member of the public can attend the hearing. The hearing will include testimony and exhibits from the applicant, and testimony and exhibits from any groups or individuals who are granted party, or intervener, status. There is cross-examination of the witnesses by the parties. The Committee members also ask questions of the witnesses, and may ask for additional information. After all the information is before the Committee, the Committee members will discuss the matter and will take a vote on whether to grant or deny a Certificate of Environmental Compatibility ("CED"), which is a formal document that is necessary before the power plant or transmission line can be built. If granted, the CED is then forwarded to the Commission for review and action. If denied, the applicant may request that the Commission rehear the matter.

⁴ <http://www.azcc.gov/utility/electric/linesiting-faqs.htm#a>

The Legislature envisioned the power plant and line siting process as a public process that benefits from public input. The Chairman of the Committee will call the meeting to order and allow time for public comment. If there are many people who wish to speak, the Chairman may impose a time limit for each person making public comment. Factors for consideration for issuing a CEC include:

- Existing plans of the state, local government and private entities for other developments at or in the vicinity of the proposed site.
- Fish, wildlife and plant life and associated forms of life upon which they are dependent.
- Noise emission levels and interference with communication signals.
- The proposed availability of the site to the public for recreational purposes, consistent with safety considerations and regulations.
- Existing scenic areas, historic sites and structures or archaeological sites at or in the vicinity of the proposed site.
- The total environment of the area.
- The technical practicability of achieving a proposed objective and the previous experience with equipment and methods available for achieving a proposed objective.
- The estimated cost of the facilities and site as proposed by the applicant and the estimated cost of the facilities and site as recommended by the committee, recognizing that any significant increase in costs represents a potential increase in the cost of electric energy to the customers or the applicant.
- Any additional factors which require consideration under applicable federal and state laws pertaining to any such site.

The Committee has broad discretion and can require that a plant or transmission line conform to certain conditions. Within the parameters of the law, the Commission can also amend an CEC to include conditions it deems necessary for a project to mitigate environmental impacts and enhance system reliability with overall consideration for the broad public interest. A decision is rendered by the ACC and often an approval will be subject to various conditions generally involving design, construction and operating particulars of the project that have been brought forward from the Committee review and deliberations and the final review by the ACC. These conditions are an important element of the "balancing test" of the ACC and are required by Arizona statutes to ensure that the need of a project is fairly weighed against the project's environmental and ecological impact with a resultant decision made in the public interest.

Since the year 2000, the ACC has approved more than 20 major transmission projects across Arizona ranging from 115 kV to 500 kV and totaling approximately 600 linear miles of transmission corridor plus associated substation facilities. This past approval rate of approximately 100 linear miles of transmission corridor per year in Arizona is anticipated to continue for the foreseeable future.

In conclusion, for the Arizona Line Siting process for transmission projects Arizona has in place a proven transmission line siting process with statutory basis and a rigorous and timely approach to hearing evidence and recommending action in the public interest. The ability of the Committee members to fulfill their statutory obligations is not enhanced by the introduction of

any National Corridor Designations in Arizona. On the contrary, Committee members are likely at a disadvantage in carrying out their responsibilities due to the added measure of uncertainty in the finality of their recommendations due to any National Corridor Designations. Additionally, the conditional approval normally a part of decisions is unreasonably subject to renegotiation without the full benefit of the process used to arrive at those conditions if granted in a National Corridor Designation. Therefore the determination of any National Corridor Designations in Arizona with respect to the Arizona Line Siting process is unnecessary and inappropriate.

RESOURCE ADEQUACY

The ACC appreciates that various alternatives to transmission line construction are a consideration in establishing National Corridors and believes that balancing the needs of adjoining states should also consider the resource adequacy policies of states that may make one state unreasonably dependent on another for power resources. Arizona has no restrictions on the source of power that it may acquire from within the state or an adjoining state. California has emission performance standards for all new long term commitments (new plant and new/renewal contracts with terms of five years or more) which requires that sources have emissions no greater than a combined cycle gas turbine plant.⁵ This California policy places undue and unreasonable burdens on Arizona for supply of power to California which meets the California emission standard and reduces the options Arizona might otherwise employ to meet its own energy needs. Adjoining states with common energy problems (California and Arizona) should not promulgate actions injurious to a neighboring state without consultation and deliberation with the state affected. In this case, California has enacted its restrictive requirement on the source of its future generation without consideration or consultation with the affected state, Arizona.

For the Resource Adequacy disparity between California and Arizona, Arizona has in place a non discriminatory policy toward the procurement of energy supplies inside Arizona and outside Arizona as well, that does not require any reliance on National Corridor Designations in Arizona. Therefore, the determination of any National Corridor Designations in Arizona with respect to the Resource Adequacy Requirements is unnecessary and inappropriate.

FEDERAL LAND

Arizona contains approximately 113,417 square miles of land with an estimated 42% under Federal jurisdiction, 27.5% in Indian Trust, 17.7% owned privately and 12.8% in State Trust. The Draft National Corridor in Arizona contains land that is representative of the state as a whole; therefore, the percentages are reasonably accurate for the ownership status of the Draft National Corridor. Due to the significant percentage of Federal land in Arizona, major transmission line projects frequently involve the use of or, at least, the consideration of using Federal land in the projects. The federal process for siting authority on the majority of lands commonly encountered in Arizona, however, is not well defined and therefore any new policies or processes (such as those associated with National Corridor Designations) should be postponed until such time as appropriate use policies are adopted and publicized by Federal agencies with respect to transmission line siting

⁵ California Senate Bill No. 1368, Chapter 598

For example, one of our important Arizona line siting projects, the proposed 345 kV double circuit project between Tucson and Nogales, Arizona, was heard and approved by the ACC in 2001 only to be overturned by Federal preemption with regard to permitting and routing through National Forest Land. This 65 mile long project would have addressed various reliability and supply problems in the area and provided a needed tie with generation sources in Mexico.

There is no indication in Federal land use policies that the use of Federal land will be allowed for transmission line projects in a reasonably manner. In fact, our recent experience with Federal land in Arizona indicates the trend may become more restrictive than in the past with respect to transmission line siting. As an example, the Bureau of Land Management ("BLM") recently issued a Draft Environmental Impact Statement for the Ironwood Forest National Monument ("IFNM")⁶ northwest of Tucson with options that could jeopardize the continued use of transmission facilities in the IFNM that have been in operation for over thirty years. Additionally, the expectation that additional transmission lines may be installed on the established corridors in the IFNM is more at risk today than at the time the corridor was established. A final decision has not been rendered in that case and, of course, the ACC staff and other affected utilities have advised the BLM of factors that should be considered in their final decision. The concern of the ACC is that Federal land use policies do not consistently recognize the critical link between reliable electric supply and use of Federal land for transmission facilities. This is especially important in several Western states such as Arizona where the percentage of Federal land is exceptionally high (42%) and dispersed in such a manner that direct point to point transmission lines (the most cost effective installation) are very likely to encounter Federal land.

For Federal land, the establishment of National Corridor Designations in Arizona with a significant reliance on the use of Federal land (42 % of total land in Arizona) is premature until such time that appropriate Federal land use policies are adopted and publicized by Federal land agencies with respect to transmission line siting. Therefore, the determination of any National Corridor Designations in Arizona with respect to the Federal lands is premature at this time.

ARIZONA SOURCE AREAS OF GENERATION AND LOAD GROWTH

DOE indicates that the western areas of Arizona are a large source of existing and under used generation capacity and have the potential for substantial development of renewable energy⁷ all of which can be utilized as a "source" to supply load in Southern California which is the "sink" for that Arizona supplied generation. This position is not well founded. Additionally, DOE notes the load growth in Southern California is 1.5 percent annually⁸ which the ACC does not dispute; however, the Southern California load growth needs to be considered in relation to Arizona's significantly higher load growth which is approximately twice that of Southern California. These points are reviewed further below with a conclusion that Arizona has energy needs now and in the future that will require the full resources now available in Arizona plus

⁶ Ironwood Forest National Monument Draft Resource Management Plan and Environmental Impact Statement, March 2007

⁷ Draft NITEC Designations pg. 169

⁸ Comments by CAISO, Draft NITEC Designations pg. 163

additional resources yet to be determined. The “source” designation applied to Arizona by DOE is, therefore, a flawed concept and the resultant National Corridor Designations in Arizona are inappropriate and unnecessary.

CAPACITY FACTORS

Capacity factors for Arizona plants (Table IX-4)⁹ are reportedly based on 2005 data and are not projected into future years with any useful analysis to arrive at a longer term and validated conclusion to support a DOE Ten Year National Corridor in Arizona. The load growth expected in Arizona and described further below must be considered by DOE with a longer range view than the narrow sampling of July and December, 2005 presented in the Draft NIETC Designations. Specifically, the capacity factors (presuming they are accurate for 2005) fail to account for additional 500 kV facilities from the Palo Verde Hub to the south presently in the advanced design and early construction stages and the longer term expansion of these facilities to the south approaching Tucson. Additionally, there are other transmission line projects in the “source” area of Arizona that Arizona utilities have identified in their “Ten Year Plan” public filings that will serve Arizona customers and further reduce the capacity factors of Arizona plants. Considering the future transmission construction plans and high load growth in Arizona, we expect that the capacity factors of Arizona plants will be increasing at a faster rate than California plants. This will result, we believe, in a closer matching of capacity factors in both the Arizona and California plants before DOE’s Ten Year Corridor expires. The ACC, therefore, believes DOE’s capacity factor conclusion that Arizona plants have more capacity available than California plants is a flawed concept when considering the long range view of where the “source” for power is in the Southwest.

RENEWABLES

Arizona is committed to renewable energy and the ACC has recently issued rules to Arizona utilities that require 15 percent of their total energy be derived from renewable technologies by 2025. The Renewable Energy Standard allows utilities to use solar, wind, biomass, biogas, geothermal and other similar technologies to meet their requirements. Additionally, the recent 2006 BTA was approved by the ACC and included a provision for planning the future transmission needs of Arizona with consideration for renewable resources.

Notwithstanding the positive contribution renewables will make in Arizona’s future energy portfolio, it is premature to designate National Corridors in Arizona based on any available renewable location information. The discussion has just begun among Arizona utilities that renewables are a factor in future transmission planning and pertinent issues will be vetted in the upcoming 2008 BTA and in other forums as well. DOE has prematurely relied on speculative information in their analysis of where “renewables might be developed”¹⁰ in Arizona. A more rigorous analysis is required to determine renewable locations and associated transmission line development to support those renewables. A process is now in place (2008 BTA) to bring more certainty to the integration of renewables into the areas’ transmission system. Until that process

⁹ Draft NITC Designations pg. 170

¹⁰ DOE NIETC Designations, Appendix B

has made significant progress, it is not reasonable to base any National Corridor on less than verifiable information which is presently not available. It is further inappropriate to "broadly brush" National Corridors as has been done in Arizona to allow for any possible contingency in the National Corridor Designations to address the accuracy (or lack thereof) of the underlying assumptions regarding renewable locations and capacities in Arizona. Therefore, the determination of any National Corridor Designations in Arizona with respect to the location and capacity of renewable resources is premature at this time.

LOAD GROWTH

Arizona has been reported by news agencies as the fastest growing state in the country. Growth estimates have been provided the ACC by several of Arizona's largest utilities during various ACC business activities with utilities and very high growth rates are consistently noted in the review of issues affecting the utilities. Four to five percent annual load growth is often noted around the metropolitan areas and seven percent annual load growth is projected in some of the fastest growing portions of the state (the northwest area). While it may be debatable as to how long such high growth rates can be sustained, it is clear to the ACC that high growth of electrical load will be a constant for several years to come and a decade long view corresponding to DOE's Ten Year Corridor horizon will produce ten year growth projections approaching a 40 to 50 percent increase in load based on today's use. It is incumbent on Arizona utilities with the support of the ACC to develop supply sources and transmission to meet this increased requirement. Clearly, one result of this supply source development will be the additional utilization of existing sources in Arizona prior to building new resources. This dramatic increase in electrical load for Arizona is not adequately considered in DOE's Draft National Corridors and the result has been a flawed long term view by DOE of the proper solution to energy supplies in the Southwest. The associated distinction of portions of Arizona as a "source" for power sent to Southern California is similarly a flawed concept and the resultant designation of a National Corridor in Arizona is inappropriate and unnecessary.

The flawed approach of the plant capacity review, the premature determination of renewable locations and the failure to recognize Arizona's high growth rates are related factors that make any National Designation in Arizona inappropriate and unnecessary.

METRICS

The ACC is cognizant of the five usage and economic metrics used to model congestion in the Western interconnection and resultant conclusion of the August 2006 National Electric Transmission Study ("2006 Study") that Southern California constituted a critical congestion area. The ACC believes the modeling of these metrics without due consideration for the most recent load growth forecast for Arizona has resulted in a significant over estimation of the relief Southern California would receive from power sources in Arizona through the Draft National Corridors. The ACC believes that in the later years of DOE's Ten Year Designations, the growth of Arizona native load and greater utilization of Arizona plants for Arizona native load, the DOE metrics modeling congestion in the 2006 Study will not show a benefit of significance for any transmission corridor between Arizona and California. The Metrics used in the Congestion Study, the uncertainty of the long term validity of DOE's metrics used as a basis for the Draft

National Corridors makes the resultant designation of a National Corridor in Arizona inappropriate and unnecessary.

CONCLUSION

The ACC concludes that the Draft National Corridor in Arizona is not well founded on available information. The ACC finds no verifiable long term indication that a National Corridor is needed anywhere in Arizona. The ACC believes the proper review of future transmission development, generation supply including renewables and overall high load growth rates in Arizona has not been accomplished and any National Corridor in Arizona, even with a minimal width, is not justified. Additionally, the Arizona state process for transmission planning and line siting has demonstrated effectiveness that precludes the need for any National Corridor in Arizona.

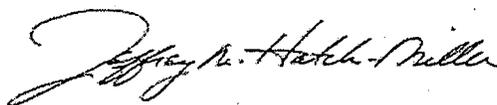
Sincerely,



Mike Gleason, Chairman



William Mundell, Commissioner



Jeff Hatch-Miller, Commissioner



Kris Mayes, Commissioner



Gary Pierce, Commissioner