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AZ CORP COMMISSION
DOCKET CONTROL

Attorneys for Intervenors

BEFORE THE ARIZONA CORPORATION COMMISSION

In the matter of

DOCKET NO.: S-20484A-06-0669

AGRA-TECHNOLOGIES, INC. (a/k/a
ATI), a Nevada Corporation, 5800 North
Dodge Avenue, Bldg. A, Flagstaff, Arizona
86004-2963;

**MOTION FOR RECONSIDERATION
BY ARIZONA CORPORATION
COMMISSIONERS OF
APPLICATION FOR INTERVENTION**

(Administrative Law Judge Marc Stern)

WILLIAM JAY PIERSON (a/k/a BILL
PIERSON), and SANDRA LEE PIERSON
(a/k/a SANDY PIERSON), husband and
wife, 6710 Lynx Lane Flagstaff, Arizona
86004-1404;

RICHARD ALLEN CAMPBELL (a/k/a
DICK CAMPBELL), and SONDRRA JANE
CAMPBELL, husband and wife, 8686 West
Morten Avenue, Glendale, Arizona 85305-
3940;

WILLIAM H. BAKER, JR (a/k/a BILL
BAKER), and PATRICIA M. BAKER,
3027 N. Alta Vista, Flagstaff, Arizona
86004;

JERRY JOHNSTON HODGES, 1858
Gunlock Court, Saint George, Utah 84790-
6705; and

LAWRENCE KEVIN PAILLE (a/k/a
LARRY PAILLE), 220 Pinon Woods Drive,
Sedona, Arizona 86351-6902;

Respondents.

Arizona Corporation Commission
DOCKETED

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1 Applicants for intervention hereby request that the Arizona Corporation Commission
2 reconsider the Administrative Law Judge's denial of their Application to Intervene. In
3 denying the Application to Intervene, the Administrative Law Judge ("ALJ") failed to
4 consider the basis for intervention as set forth in the Arizona Corporation Commission's
5 Rule of Practice and Procedure, A.A.C. R14-3-105.

6 MEMORANDUM OF POINTS AND AUTHORITIES

7 Argument

8 A. The Applicants Meet the Requirements for Intervention.

9 The Arizona Corporation Commission ("ACC"), pursuant to ITS Rules of Practice
10 and Procedure, permits persons who are "directly and substantially affected by the
11 proceedings" to intervene so long as they do not unduly broaden the issues to be presented.
12 A.A.C. R14-3-105.A. and B. Applicants clearly meet the requirements of being directly and
13 substantially affected by the proceedings in the above-captioned matter. Their participation
14 in the Ore Rights and Mining Project of Agra-Technologies, Inc. ("ATI") exceeds several
15 million dollars. No argument was made by the Securities Division disputing the amount of
16 the Applicants' participation in ATI or that the proceedings would directly affect them.

17 Further, the Applicants will not unduly broaden the issues to be presented at the
18 proceeding and such was never contested by the Securities Division and no finding otherwise
19 was made by the ALJ. The ALJ failed to address any of the bases for the Application to
20 Intervene in his denial. Applicants meet all requirements for intervention and should be
21 permitted to intervene.

22 B. Denial of the Application to Intervene is Contrary to ACC Rules of 23 Practice and Procedure

24 Applicants have met all requirements for intervention as set forth in the ACC's Rules
25 of Practice and Procedure. As such, denial of their Application is contrary to the ACC's
26 established procedural rules. Contrary to the argument of the Securities Division, Applicants
27 are not seeking an adjudication of their individual or private rights. They are seeking to
28 participate in a proceeding that will have a profound and direct affect on their financial well

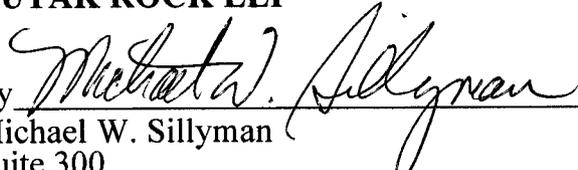
1 being and contractual rights. Simply because the Applicants can appear and made a
2 statement pursuant to A.A.C. R14-3-1-5.C. does not and should not deprive them of their
3 right to intervene as a matter of right, having met the ACC's requirements for intervention.

4 **Conclusion**

5 Applicants meet the requirements for intervention under the ACC's rules and ask that
6 their Application to Intervene be reconsidered and granted.

7 Dated this 13th day of September, 2007.

8 **KUTAK ROCK LLP**

9 By 

10 Michael W. Sillyman
11 Suite 300
12 8601 North Scottsdale Road
13 Scottsdale, AZ 85253-2742

14 *Attorneys for Intervenors*

15 **ORIGINAL AND THIRTEEN (13) COPIES**
16 of the foregoing hand-delivered this 13th day of September,
2007, to:

17 Docket Control
18 Arizona Corporation Commission
1200 West Washington
19 Phoenix, AZ 85007

20 **ONE COPY** of the foregoing hand-delivered
this 13th day of September, 2007, to:

21 Marc Stern, ALJ
22 Arizona Corporation Commission
1200 West Washington
23 Phoenix, AZ 85007

24 **ONE COPY** of the foregoing hand-delivered
and electronically mailed this 13th day of September, 2007, to:

25 Securities Division
26 Arizona Corporation Commission
Attn: Julie Coleman, Esq., Mike Dailey, Esq., Mark Dinell, Esq.
27 1300 West Washington, Third Floor
Phoenix, AZ 85007

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