

INTERVENTION



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VIA OVERNIGHT DELIVERY

FEBRUARY 19, 2009

Docket Control Center
Arizona Corporation Commission
1200 West Washington Street, Suite 108
Phoenix, Arizona 85007

Arizona Corporation Commission

DOCKETED

FEB 20 2009

Re: DOCKET NO. E-20633A-08-0513



Docket Control Center:

Enclosed please find the original and 13 copies of the Motion to Intervene of the Interstate Renewable Energy Council and Motion of Kevin T. Fox to Appear Pro Hac Vice on a Temporary Basis in the above referenced docket.

Thank you for your attention.

Sincerely,

Kevin T. Fox,

For the Interstate Renewable Energy Council

KEYES & FOX LLP
5727 Keith Avenue
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Email: kfox@keyesandfox.com

AZ CORP COMMISSION
DOCKET CONTROL

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Kevin T. Fox (not currently admitted to practice in Arizona)
For the Interstate Renewable Energy Council
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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

KRISTIN K. MAYES, Chairman
GARY PIERCE
PAUL NEWMAN
SANDRA D. KENNEDY
BOB STUMP

Docket No. E-20633A-08-0513

**IN THE MATTER OF THE APPLICATION OF
THE SOLAR ALLIANCE FOR A DECLARATORY
ORDER THAT PROVIDERS OF CERTAIN SOLAR
SERVICE AGREEMENTS WOULD NOT BE
PUBLIC SERVICE CORPORATIONS.**

**MOTION TO INTERVENE OF THE
INTERSTATE RENEWABLE ENERGY
COUNCIL AND MOTION OF KEVIN T.
FOX TO APPEAR PRO HAC VICE ON
A TEMPORARY BASIS**

Pursuant to A.A.C. R14-3-105, the Interstate Renewable Energy Council ("IREC") hereby moves for leave to intervene in the above captioned docket. In support of this motion, IREC states as follows:

For over two decades, IREC has worked as a non-profit organization to accelerate the sustainable utilization of renewable energy resources. With funding from the United States Department of Energy, IREC's mission includes assisting policymakers in identifying "best practices" in interconnecting and net metering distributed renewable energy technologies.

Over the past few years, third-party financing arrangements have become an increasingly preferred means for financing solar PV systems. According to a recent report from the Department of Energy's Lawrence Berkeley National Laboratory, such arrangements "have grown from just 10% of the non-residential U.S. PV market in 2006 to roughly 50% in 2007, and were projected to reach roughly 90% of the market in 2008." See Bolinger, *et al.*, Financing Non-Residential Photovoltaic Projects: Options and Implications, Lawrence Berkeley National Laboratory, LBNL-1410E (Jan. 2009).

1 IREC is concerned that regulation of solar service agreements would have a direct and substantial
2 impact on continued growth in the market for solar PV, which would significantly impact IREC's mission
3 of accelerating the sustainable utilization of renewable energy resources. For this reason, IREC has
4 dedicated significant resources to addressing this issue in a number of states, including Florida, Oregon,
5 Nevada, Colorado, Utah and North Carolina.

6 Given Arizona's significant market growth potential for solar PV, IREC has also invested
7 considerable time and resources in Arizona, including active involvement in the Arizona Corporation
8 Commission's development of net metering rules in Docket No. RE-00000A-07-0608 (In re Proposed
9 Rulemaking Regarding Net Metering). IREC also looks forward to participating in a continuation of the
10 Commission's development of interconnection procedures in Docket No. E-0000A-99-0431 (In re
11 Interconnection of Distributed Generation Facilities in the Generic Investigation of Distributed
12 Generation).

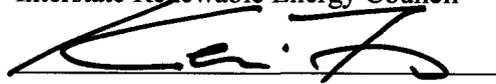
13 In light of the direct and substantial impact this proceeding may have on IREC's mission and
14 investment of time and resources in Arizona, IREC respectfully requests that the Commission issue an
15 order granting this Motion to Intervene in this proceeding. IREC's intervention will not unduly broaden
16 the issues or delay the proceeding.

17 Pursuant to the Commission's Procedural Order dated January 12, 2009, IREC respectfully
18 requests that intervention be conditioned upon obtaining counsel to represent IREC in this proceeding.
19 Should the Commission grant IREC's Motion to Intervene, Kevin T. Fox, an attorney with Keyes & Fox,
20 LLP, will submit an application to represent IREC *pro hac vice*. Mr. Fox is an active member in good
21 standing of the state bars of Oregon and California and is currently admitted to practice *pro hac vice* on
22 IREC's behalf in the state of North Carolina. Mr. Fox will associate with local counsel and follow the
23 Arizona Supreme Court's requirements for obtaining admission *pro hac vice*. Pursuant to Arizona
24 Supreme Court Rule 38(a)(3), IREC respectfully requests that Mr. Fox be admitted to appear *pro hac vice*
25

1 on a temporary basis until he has had an opportunity to complete the procedures set forth in Arizona
2 Supreme Court Rule 38(a).

3 RESPECTFULLY SUBMITTED this 19th day of February, 2009.

4 Interstate Renewable Energy Council

5 

6 Kevin T. Fox

7 For the Interstate Renewable Energy Council

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10 Oakland, CA 94618
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12 Email: kfox@keyesandfox.com

CERTIFICATE OF SERVICE
DOCKET NO. E-20633A-08-0513

I hereby certify that on this 19th day of February, 2009, the original and thirteen (13) copies of the foregoing Motion to Intervene of the Interstate Renewable Energy Council and Motion of Kevin T. Fox to Appear Pro Hac Vice on a Temporary Basis in the above referenced docket were filed with:

Docket Control Center
Arizona Corporation Commission
1200 West Washington Street, Suite 108
Phoenix, Arizona 85007

A copy of the foregoing was served on the following parties of record:

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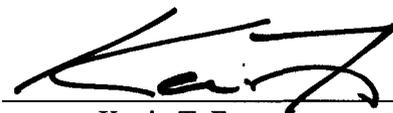
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Kevin T. Fox