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LAWRENCE V. ROBERTSON, JR.
ATTORNEY AT LAW

P. O. BOX 1448
TUBAC, ARIZONA 85646

(520) 398-0411
FAX: (520) 398-0412
EMAIL: TUBACLAWYER@AOL.COM

ADMITTED TO PRACTICE IN:
ARIZONA, COLORADO, MONTANA,
NEVADA, TEXAS, WYOMING,
DISTRICT OF COLUMBIA

OF COUNSEL TO
MUNGER CHADWICK, P.L.C.

June 12, 2009

Docket Control
Arizona Corporation Commission
1200 West Washington
Phoenix, Arizona 85007

Arizona Corporation Commission
DOCKETED

Re: Solar Alliance
Docket No. E-20633A-08-0513

DOCKETED BY	
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To Whom It May Concern:

Enclosed for filing in the above-referenced docketed proceeding are the original and thirteen (13) copies of Comments on behalf of Sempra Energy Solutions LLC ("Comments").

Also enclosed are two (2) additional copies of the Comments. I would appreciate it if you would "filed" stamp the same and return them to me in the enclosed addressed and prepaid envelope.

Please let me know if you have any questions. Thank you for your assistance.

Sincerely,

Angela R. Trujillo
Secretary
Lawrence V. Robertson, Jr.

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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

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

ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

IN THE MATTER OF THE APPLICATION) DOCKET NO. E-20633A-08-0513
OF THE SOLAR ALLIANCE FOR A)
DECLARATORY ORDER THAT) SEMPRA ENERGY SOLUTION LLC'S
PROVIDERS OF CERTAIN SOLAR) COMMENTS ON ISSUES
SERVICE AGREEMENTS WOULD NOT)
BE PUBLIC SERVICE CORPORATIONS)

Pursuant to the Second Ordering Paragraph of the Procedural Order issued on May 13, 2009 in the above-captioned and above-docketed proceeding, Sempra Energy Solutions LLC ("SES") hereby files its Comments on issues to be addressed at such hearing as may be conducted in the instant proceeding.

By way of background, on or about May 15, 2009, the undersigned counsel for SES filed a Motion For Leave To Be Excused From Procedural Conference based upon the reasons therein indicated. As a consequence of his absence from the United States on June 22, 2009, the undersigned counsel will not know (and currently does not know) how the presiding Administrative Law Judge in the instant proceeding will rule upon the three (3) procedural issues identified in the First Ordering Paragraph of the aforesaid May 13, 2009 Procedural Order.

However, assuming for purposes of these Comments that the presiding Administrative Law Judge determines that (i) the Solar Alliance has standing to bring its October 3, 2008 Application, and (ii) a hearing should be held thereon, SES submits the following. First, SES believes that, from a precedent perspective, any Opinion and Order ultimately issued in the instant proceeding should carefully delineate those circumstances in which the Commission for jurisdictional purposes is willing to consider and act upon an Application based upon a generic business model. Second, in the event that the Commission should ultimately determine that

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ATTORNEY AT LAW
P.O. Box 1448
Tubac, Arizona 85646
(520) 398-0411

1 providers of Solar Service Agreements ("SSA") are not public service corporations under
2 Arizona law, SES believes that the accompanying Opinion and Order should specifically and
3 carefully delineate those differences between (i) providers of SSAs and (ii) meter service
4 providers and meter reader service providers, respectively, which underlie and influence the
5 Commission's non-jurisdictional conclusion as to the status of providers of SSAs. Third, and
6 inasmuch as SES does not have the background of arguments which may be made during the
7 forthcoming June 22, 2009 Procedural Conference as to matters other than the above-mentioned
8 procedural issues, SES defers to the other parties in this proceeding as to such additional issues
9 as might be suitable for consideration in such hearing as may ultimately be scheduled.

10
11 Dated this 11th day of June 2009.

12 Respectfully submitted,

13 

14 Lawrence V. Robertson, Jr.

15 Attorney for Sempra Energy Solutions LLC

16 The original and thirteen (13) copies of
17 the foregoing Comments will be mailed for
18 filing this 11th day of June 2009 to:

19 Docket Control
20 Arizona Corporation Commission
21 1200 West Washington Street
22 Phoenix, Arizona 85007

23 A copy of the foregoing Comments will be
24 Emailed or mailed this same date to:

25 Scott S. Wakefield
26 RIDENHOUR, HEINTON, KELHOFFER
27 & LEWIS, P.L.L.C.
28 201 North Central Avenue, Suite 3300
Phoenix, Arizona 85004-1 052

1 David Berry
WESTERN RESOURCE ADVOCATES
2 P.O. Box 1064
Scottsdale, Arizona 85252-1064

3
4 Daniel W. Pozefsky, Chief Counsel
RESIDENTIAL UTILITY CONSUMER
5 OFFICE
1110 West Washington Street, Suite 220
6 Phoenix, Arizona 85007-2958

7 Russell E. Jones
8 WATERFALL ECONOMIDIS
CALDWELL
9 HANSHAW & VILLAMANA, P.C.
5210 East Williams Circle, Suite 800
10 Tucson, Arizona 85711-4482
Attorneys for TRICO

11
12 Michael A. Curtis
William P. Sullivan
13 Ian D. Quinn
CURTIS, GOODWIN, SULLIVAN,
14 UDALL & SCHWAB, PLC
501 East Thomas Road
15 Phoenix, Arizona 85012-3205
Attorneys for Mohave and Navopache

16
17 C. Webb Crockett
Patrick J. Black
18 FENNEMORE CRAIG, P.C.
3003 North Central Avenue, Suite 2600
19 Phoenix, Arizona 85012-2913
Attorneys for Freeport-McMoRan and
20 AECC

21 Jana Brandt
22 Kelly Barr
Regulatory Affairs and Contracts
23 SALT RIVER PROJECT
Mail Station PAB221
24 P.O. Box 52025
25 Phoenix, Arizona 85072-2025

Philip J. Dion
Michelle Livengood
Dave Couture
UNISOURCE ENERGY COMPANY
One South Church Avenue, Suite 200
Tucson, Arizona 85701-1623
Attorneys for TEP and UNS Electric

Michael M. Grant
GALLAGHER & KENNEDY, P.A.
2575 East Camelback Road
Phoenix, Arizona 85016-9225
Attorneys for AEPCO

Deborah R. Scott
Linda J. Benally
PINNACLE WEST CAPITAL
CORPORATION
400 N. 5th Street, M/S 8695
Phoenix, Arizona 85004

Kenneth C. Sundlof, Jr.
JENNINGS, STROUSS & SALMON,
P.L.C.
201 E. Washington St., 11th Floor
Phoenix, AZ 85004-2385
Attorneys for SRP

Kevin T. Fox
KEYES & FOX LLP
5727 Keith Avenue
Oakland, CA 946 18

Michael W. Patten
J. Matthew Derstine
ROSHKA, DEWULF & PATTEN, PLC
400 E. Van Buren, Suite 800
Phoenix, AZ 85004
Attorneys for TEP and UNS Electric

Bradley S. Carroll
SNELL & WILMER, LLP
One Arizona Center
400 E. Van Buren
Phoenix, AZ 85004-2202
Attorneys for SSVEC

LAWRENCE V. ROBERTSON, JR.
ATTORNEY AT LAW
P.O. Box 1448
Tubac, Arizona 85646
(520) 398-0411

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25
26
27
28

Timothy Hogan
ARIZONA CENTER FOR LAW IN THE
PUBLIC INTEREST
202 E. McDowell, Suite 153
Phoenix, AZ 85004
Attorneys for Western Resources

Janice Alward, Chief Counsel
Legal Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007-2927

Ernest G. Johnson, Director
Utilities Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007-2927
