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BEFORE THE ARIZONA CORPORATION COMMISSION

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1 COMMISSIONERS

- 2 KRISTIN K. MAYES, Chairman
- 3 GARY PIERCE
- 4 PAUL NEWMAN
- 5 SANDRA D. KENNEDY
- 6 BOB STUMP

2009 JUL 10 P 1: 44 Arizona Corporation Commission

DOCKETED

AZ CORP COMMISSION
DOCKET CONTROL

JUL 10 2009

DOCKETED BY	<i>MA</i>
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7 IN THE MATTER OF THE APPLICATION OF
 8 SOLARCITY CORPORATION FOR A
 9 DETERMINATION THAT WHEN IT PROVIDES
 10 SOLAR SERVICE TO ARIZONA SCHOOLS,
 11 GOVERNMENTS, AND NON-PROFIT ENTITIES
 12 IT IS NOT ACTING AS A PUBLIC SERVICE
 13 CORPORATION PRUSUANT TO ART. 15,
 14 SECTION 2 OF THE ARIZONA CONSTITUTION.

DOCKET NO. E-20690A-09-0346

PROCEDURAL ORDER

11 **BY THE COMMISSION:**

12 On July 2, 2009, SolarCity Corporation ("SolarCity" or "Company") filed with the Arizona
 13 Corporation Commission ("Commission") an application to determine that the Company is not a
 14 public service corporation as defined in Article 15, Section 2 of the Arizona Constitution
 15 ("Application"). The Application requested expedited consideration.

16 On July 10, 2009, a telephonic procedural conference was held for the limited purpose of (1)
 17 discussing issues related to public notice of the Application, and (2) a suitable date for a procedural
 18 conference to discuss an appropriate procedure for processing the Application. Counsel for SolarCity
 19 and the Commission's Utilities Division ("Staff") appeared telephonically.

20 The parties agreed to the date and time of July 16, 2009, at 10:00 a.m. for the procedural
 21 conference, and accordingly, it should be scheduled.

22 After discussion, the Company and Staff were directed to work together to prepare a form of
 23 public notice of the Application and of the July 16, 2009, procedural conference to be published in a
 24 newspaper of statewide circulation, and to be distributed to the service list of the pending matter in
 25 Commission Docket No. E-20633A-08-0513, to entities that have provided public comment in that
 26 docket, and to schools statewide, no later than July 14, 2009.

27 The Company was directed to file in this docket, by July 13, 2009, a copy of the agreed-upon
 28

1 form of notice that includes a listing of the parties to whom the notice will be provided.

2 IT IS THEREFORE ORDERED that a **procedural conference** for the purpose of discussing
3 an appropriate procedure for processing the Application is hereby scheduled for **July 16, 2009, at**
4 **10:00 a.m.**, at the Commission's offices, 1200 West Washington Street, Hearing Room No. 1,
5 Phoenix, Arizona.

6 IT IS FURTHER ORDERED that SolarCity Corporation and the Commission's Utilities
7 Division shall work together to prepare a form of public notice of the Application and of the July 16,
8 2009 procedural conference to be published in a newspaper of statewide circulation, and to be
9 distributed to the service list of the pending matter in Commission Docket No. E-20633A-08-0513, to
10 parties that have filed public comment in that docket, and to schools statewide.

11 IT IS FURTHER ORDERED that SolarCity Corporation shall cause to be published in a
12 newspaper of statewide circulation, no later than July 14, 2009, public notice of the Application and
13 of the July 16, 2009 procedural conference in the form agreed to by the Commission's Utilities
14 Division. The notice shall be printed with the heading in no less than 12-point bold type and the
15 body in no less than 10-point regular type.

16 IT IS FURTHER ORDERED that SolarCity Corporation shall cause to be delivered or mailed
17 to the service list of the pending matter in Commission Docket No. E-20633A-08-0513, to entities
18 that have provided public comment in that docket, and to schools statewide , no later than July 14,
19 2009, public notice of the Application and of the July 16, 2009 procedural conference in the form
20 agreed to by the Commission's Utilities Division.

21 IT IS FURTHER ORDERED that SolarCity Corporation shall file in this docket, no later than
22 July 13, 2009, a copy of the form of public notice as discussed at the July 10, 2009 procedural
23 conference and as agreed to by SolarCity Corporation and the Commission's Utilities Division. The
24 filing shall include a listing of the parties to whom the notice will be provided, in accordance with the
25 preceding Ordering Paragraph.

26 IT IS FURTHER ORDERED that SolarCity Corporation shall file in this docket, as soon as
27 practicable, but prior to the July 16, 2009 procedural conference, an affidavit of publication and
28 mailing or delivery of public notice of the Application and July 16, 2009 procedural conference.

1 IT IS FURTHER ORDERED that all parties must comply with Rules 31 and 38 of the Rules
2 of the Arizona Supreme Court and A.R.S. § 40-243 with respect to the practice of law and admission
3 *pro hac vice*.

4 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance
5 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the
6 Rules of the Arizona Supreme Court). Representation before the Commission includes appearances
7 at all hearings and procedural conferences, as well as all Open Meetings for which the matter is
8 scheduled for discussion, unless counsel has previously been granted permission to withdraw by the
9 Administrative Law Judge or the Commission.

10 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized
11 Communications) continues to apply to this proceeding and shall remain in effect until the
12 Commission's Decision in this matter is final and non-appealable.

13 IT IS FURTHER ORDERED that the time periods specified herein shall not be extended
14 pursuant to Rule 6(a) or (e) of the Rules of Civil Procedure.

15 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend,
16 or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at
17 hearing.

18 DATED this 10th day of July, 2009.

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22 
23 TEENA WOLFE
24 ADMINISTRATIVE LAW JUDGE

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28 ...

1 Copies of the foregoing mailed/delivered
This 10th day of July, 2009 to:

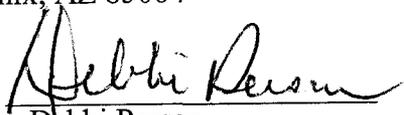
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11 ARIZONA CORPORATION COMMISSION
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12 Phoenix, AZ 85007

13 ARIZONA REPORTING SERVICE, INC.
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15 By:



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Assistant to Teena Wolfe
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