

ORIGINAL

INTERVENTION



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BEFORE THE ARIZONA CORPORATION COMMISSION

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2009 JUL 16 A 8:38

Arizona Corporation Commission

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COMMISSIONERS

KRISTIN K. MAYES - CHAIRMAN
GARY PIERCE
PAUL NEWMAN
SANDRA D. KENNEDY
BOB STUMP

DOCKETED BY

IN THE MATTER OF THE APPLICATION OF)
SOLARCITY FOR A DETERMINATION THAT)
WHEN IT PROVIDES SOLAR SERVICE TO)
ARIZONA SCHOOLS, GOVERNMENTS, AND)
NON-PROFIT ENTITIES IT IS NOT ACTING AS)
A PUBLIC SERVICE CORPORATION)
PURSUANT TO ART. 15, SECTION 2 OF THE)
ARIZONA CONSTITUTION.)

DOCKET NO. E-20690A-09-0346

MOTION TO INTERVENE

Tucson Electric Power Company ("TEP") and UNS Electric, Inc. ("UNS Electric"), collectively referred to as "the Companies", through undersigned counsel and pursuant to A.A.C. R14-3-105, hereby move the Arizona Corporation Commission ("Commission") for an order allowing TEP and UNS Electric to intervene in the above captioned proceeding. In support hereof, TEP and UNS Electric state as follows:

1. TEP is an Arizona public service corporation that provides electric service to customers within the State of Arizona.

2. UNS Electric is an Arizona public service corporation that provides electric service to customers within the State of Arizona.

3. TEP and UNS Electric are owners, operators and/or purchasers of renewable energy. The Companies have long been recognized as leaders in environmental protection and renewable energy. TEP has used landfill gas as a renewable energy source since 1999 and has owned the most productive solar array in the western hemisphere for several years at Springerville with 4.6 MW. In 2008, TEP was ranked among the nation's "Top 10 Solar Integrated Utilities" by the Solar Electric Power Association ("SEPA"). Additionally, TEP and UNS Electric have been running one of the most unique green pricing programs in the nation, the

1 GreenWatts Program, where all revenues go toward building community solar systems at non-
2 profit locations.

3 4. In this Docket, SolarCity Corporation ("SolarCity") has filed with the
4 Commission an Application requesting that the Commission declare that SolarCity is not a public
5 service corporation, pursuant to Article 15, Section 2 of the Arizona Constitution, when it enters
6 into Solar Services Agreements ("SSAs") with schools, non-profits, and governmental entities.

7 5. TEP and UNS Electric are directly and substantially affected by the outcome of
8 SolarCity's Application relating to providers of SSAs because it may set precedent or policy that
9 could affect TEP and UNS Electric, and their solar policies and practices.

10 6. No other party can adequately represent the interests of TEP and UNS Electric in
11 this Docket. TEP's and UNS Electric's involvement in this case will not broaden the issues of
12 SolarCity's Application, nor will it unduly prejudice SolarCity or any other interests.

13 7. Service of all correspondence, documents or pleadings should be made to counsel
14 for TEP and UNS Electric as follows:

15
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By Mary Ippolito