

# INTERVENTION



0000100750

RECEIVED

BEFORE THE ARIZONA CORPORATION COMMISSION

2009 JUL 17 A 11:47

COMMISSIONERS

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

AZ CORP COMMISSION  
DOCKET CONTROL

Arizona Corporation Commission

DOCKETED

JUL 17 2009

DOCKETED BY *[Signature]*

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

**APPLICATION OF FREEPORT-  
MCMORAN COPPER & GOLD  
INC. AND ARIZONANS FOR  
ELECTRIC CHOICE AND  
COMPETITION FOR LEAVE TO  
INTERVENE**

Pursuant to A.A.C. R14-3-105, Freeport-McMoRan Copper & Gold Inc. ("Freeport-McMoRan") and Arizonans for Electric Choice and Competition ("AECC") hereby apply to the Arizona Corporation Commission (the "Commission") for an Order granting Freeport-McMoRan and AECC leave to intervene in the above captioned proceeding.

Freeport-McMoRan maintains facilities and operations within the State of Arizona, which use a significant amount of electric services. As a significant user of electric services, Freeport-McMoRan will be directly and substantially affected by the decision of the Commission in this proceeding. The Commission should, therefore, grant Freeport-McMoRan leave to intervene in this matter.

AECC is a coalition of energy consumers, most of whom use large amounts of electric service. The Commission should grant AECC leave to intervene in this matter because the members of AECC are users of electric services and will be directly and substantially affected by the decision of the Commission in this proceeding. The

1 Commission should, therefore, grant AECC leave to intervene in this matter.

2 Neither Freeport-McMoRan's nor AECC's participation in this proceeding will  
3 broaden the issues nor unduly delay the proceeding, except upon leave of the Commission  
4 first had and received.

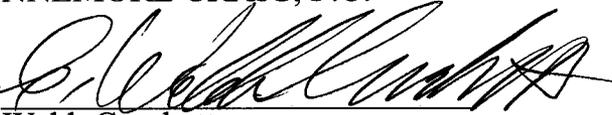
5 For the reasons outlined above, Freeport-McMoRan and AECC respectfully  
6 request that the Commission grant this Application for Leave To Intervene in this matter.

7 Freeport-McMoRan and AECC request that all communications in connection with  
8 the above captioned proceeding be directed to:

9 C. Webb Crockett  
10 Patrick J. Black  
11 FENNEMORE CRAIG, P.C.  
12 3003 North Central Avenue  
13 Suite 2600  
14 Phoenix, Arizona 85012-2913  
15 (602) 916-5333  
16 Fax: (602) 916-5533  
17 [wcrocket@fclaw.com](mailto:wcrocket@fclaw.com)  
18 [pblack@fclaw.com](mailto:pblack@fclaw.com)

19 RESPECTFULLY SUBMITTED this 17<sup>th</sup> day of July 2009.

20 FENNEMORE CRAIG, P.C.

21 By   
22 C. Webb Crockett  
23 Patrick J. Black  
24 3003 N. Central Avenue, Ste. 2600  
25 Phoenix, AZ 85012-2913

26 Attorneys for Freeport-McMoRan Copper & Gold Inc.  
and Arizonans for Electric Choice and Competition

1 **ORIGINAL** and **13 COPIES** of the foregoing  
2 **FILED** this 17<sup>th</sup> day of July 2009 with:

3 Docket Control  
4 ARIZONA CORPORATION COMMISSION  
5 1200 West Washington  
6 Phoenix, Arizona 85007-2927

7 **COPY** of the foregoing was  
8 **HAND DELIVERED** and **\*E-MAILED**  
9 this 17<sup>th</sup> day of July 2009 to:

10 \*Lyn Farmer  
11 Chief Administrative Law Judge  
12 Arizona Corporation Commission  
13 1200 West Washington Street  
14 Phoenix, Arizona 85007-2927  
15 [LFarmer@azcc.gov](mailto:LFarmer@azcc.gov)

16 \*Teena Wolfe  
17 Administrative Law Judge  
18 Arizona Corporation Commission  
19 1200 West Washington Street  
20 Phoenix, Arizona 85007-2927  
21 [TWolfe@azcc.gov](mailto:TWolfe@azcc.gov)

22 \*Janice Alward, Chief Counsel  
23 Arizona Corporation Commission  
24 1200 West Washington Street  
25 Phoenix, Arizona 85007-2927  
26 [JAlward@azcc.gov](mailto:JAlward@azcc.gov)

\*Janet F. Wagner  
Legal Division  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, Arizona 85007-2927  
[JWagner@azcc.gov](mailto:JWagner@azcc.gov)

25  
26

1 \*Ernest G. Johnson  
2 Director, Utilities Division  
3 Arizona Corporation Commission  
4 1200 West Washington Street  
5 Phoenix, Arizona 85007-2927  
6 [EJohnson@azcc.gov](mailto:EJohnson@azcc.gov)

7 **COPY** of the foregoing was **\*E-MAILED**  
8 this 17<sup>th</sup> day of July 2009 to:

9 \*Jordan R. Rose  
10 \*Court S. Rich  
11 \*M. Ryan Hurley  
12 ROSE LAW GROUP PC  
13 6613 North Scottsdale Road, Suite 200  
14 Scottsdale, Arizona 85250  
15 [jrose@roselawgroup.com](mailto:jrose@roselawgroup.com)  
[crich@roselawgroup.com](mailto:crich@roselawgroup.com)  
[rhurley@roselawgroup.com](mailto:rhurley@roselawgroup.com)  
Attorneys for SolarCity Corporation

16 \*Michael W. Patten  
17 Roshka, DeWulf & Patten, PLC  
18 400 East Van Buren, Suite 8009  
19 Phoenix, Arizona 85004  
Attorneys for TEP  
[mpatten@rdp-law.com](mailto:mpatten@rdp-law.com)

20 \*Kelly J. Barr  
21 Salt River Project  
22 Mail Station PAB 221  
23 P.O. Box 52025  
24 Phoenix, Arizona 85072-2025  
25 [Kelly.Barr@srpnet.com](mailto:Kelly.Barr@srpnet.com)

26

1 \*Kenneth C. Sundlof, Jr.  
2 Jennings Strouss & Salmon, PLC  
3 201 East Washington Street, 11<sup>th</sup> Fl.  
4 Phoenix, Arizona 85004-2385  
5 Attorney for SRP  
6 [sundloff@jsslaw.com](mailto:sundloff@jsslaw.com)

7 \*Michael A. Curtis  
8 Curtis, Goodwin, Sullivan,  
9 Udall & Schwab, PLC  
10 501 East Thomas Road  
11 Phoenix, Arizona 85012-3205  
12 [mcurtis401@aol.com](mailto:mcurtis401@aol.com)  
13 Attorneys for Mohave and Navopache

14 \*Michelle Livengood  
15 Tucson Electric Power Company  
16 One South Church Avenue,  
17 Legal Dept P.O. Box 711  
18 Tucson, Arizona 85701- 1623  
19 [mlivengood@tucsonelectric.com](mailto:mlivengood@tucsonelectric.com)

20 \*Daniel W. Pozefsky, Chief Counsel  
21 Residential Utility Consumer Office  
22 1110 West Washington Street, Suite 220  
23 Phoenix, Arizona 85007-2958  
24 [dpozefsky@azruco.gov](mailto:dpozefsky@azruco.gov)

25 \*Lawrence V. Robertson, Jr.  
26 P.O. Box 1448  
27 2247 East Frontage Road  
28 Tubac, Arizona 85646-1448  
29 Attorney for SES  
30 [Tubaclawyer@aol.com](mailto:Tubaclawyer@aol.com)

31 \*Deborah R. Scott  
32 Pinnacle West Capital Corporation  
33 400 North 5<sup>th</sup> Street  
34 P.O. Box 53999, MS 8695  
35 Phoenix, Arizona 85072  
36 [Deb.Scott@pinnaclewest.com](mailto:Deb.Scott@pinnaclewest.com)  
Attorney for Arizona Public Service  
2217097.1/23040.041

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

\*Scott S. Wakefield  
Ridenhour, Heinton, Kelhoffer  
& Lewis, P.L.L.C.  
201 North Central Avenue, Ste. 3300  
Phoenix, Arizona 85004-1481  
sswakefield@rhk-law.com  
Attorneys for The Solar Alliance

*Mary Bollington*

---