

# INTERVENTION



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

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

August 3, 2009

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

Arizona Corporation Commission

DOCKETED

AUG - 4 2009

Re: SunPower Corporation  
Docket No. E-20690A-09-0346

DOCKETED BY	
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To Whom It May Concern:

Enclosed for filing in the above-referenced proceeding are the original and thirteen (13) copies of an Application For Leave to Intervene ("Application") on behalf of SunPower Corporation.

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

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

Sincerely,

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

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2009 AUG - 4 A 9: 55  
AZ CORP COMMISSION  
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# INTERVENTION

BEFORE THE ARIZONA CORPORATION COMMISSION

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ARIZONA CORP COMMISSION  
DOCKET CONTROL

COMMISSIONERS

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

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IN THE MATTER OF THE APPLICATION OF )  
SOLARCITY CORPORATION FOR A )  
DETERMINATION THAT WHEN IT PROVIDES ) DOCKET NO. E-20690A-09-0346  
SOLAR SERVICE TO ARIZONA SCHOOLS, )  
GOVERNMENTS, AND NON-PROFIT ENTITIES ) APPLICATION FOR LEAVE TO  
IT IS NOT ACTING AS A PUBLIC SERVICE ) INTERVENE  
CORPORATION PURSUANT TO ART. 15, )  
SECTION 2 OF THE ARIZONA CONSTITUTION )

**I.**

**INTRODUCTION**

Pursuant to A.A.C. R14-3-105, and the Sixteenth Ordering Paragraph of the July 22, 2009 Procedural Order issued in the above-captioned and above-docketed proceeding, SunPower Corporation ("SunPower"), a Delaware corporation, hereby submits its Application For Leave to Intervene ("Application") in the aforesaid proceeding. In support of its Application, SunPower submits the following information.

**II.**

**IDENTITY OF APPLICANT**

SunPower (together with its subsidiaries) designs, manufactures and markets high-performance solar electric power technologies. The Company's solar cells and solar panels are manufactured using proprietary processes, and its technologies are based on more than 15 years of research and development. The Company operates in two business segments: systems and components. The Systems Segment generally represents sales directly to systems owners of engineering, procurement, construction and other services relating to solar electric power systems that integrate the Company's solar panels and balance of systems components, as well as

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1 materials sourced from other manufacturers. The Components Segment primarily represents  
2 sales of the Company's solar cells, solar panels and inverters to solar systems installers and other  
3 resellers, including the Company's global dealer network. SunPower has offices throughout  
4 North America and in Germany, Italy, Korea, Australia and Spain.

5 In connection with the foregoing, SunPower is currently engaged in identifying and  
6 formalizing several business arrangements of the aforesaid nature within the State of Arizona. In  
7 that regard, SunPower believes that its business activities can assist Arizona electric utilities in  
8 satisfying their obligations under the Commission's Renewable Energy Standard and Tariff  
9 regulations, as set forth in A.A.C. R14-2-1801 et seq.

10 As a consequence, SunPower is interested in proceedings before the Commission which  
11 could affect (i) the manner in which business entities such as SunPower, offering business  
12 products and arrangements such as SunPower, can lawfully conduct business within the State of  
13 Arizona; and, (ii) under what circumstances such business and such products could be so  
14 conducted and offered.

15 **III.**

16 **APPLICANT COULD BE SUBSTANTIALLY AND**  
17 **DIRECTLY AFFECTED BY A COMMISSION DECISION**  
18 **IN THE INSTANT PROCEEDING**

19 At a minimum, SunPower's business interests and activities in the State of Arizona could  
20 be substantially and directly affected by a Commission decision on the jurisdictional aspects of  
21 SolarCity Corporation's ("SolarCity") request for a non-jurisdictional determination, which is  
22 the subject of the second procedural path provided for in the aforesaid July 22, 2009 Procedural  
23 Order. In that regard, it is difficult to envision how a Commission decision on the jurisdictional  
24 aspects of SolarCity's Application could be effectively limited to the instant proceeding and  
25 SolarCity, for all practical purposes, when examined from a potential-for-precedent perspective.  
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IV.

**APPLICANT'S INTERVENTION WOULD NOT DELAY THE  
INSTANT PROCEEDING OR UNDULY BROADEN ISSUES**

SunPower's intervention and participation in the instant proceeding would not delay the conduct of the same or unduly broaden the issues to be addressed therein. In that regard, SunPower acknowledges the bifurcated procedural process and procedural schedules which have been established by the aforesaid July 22, 2009 Procedural Order; and, it would participate within that framework and those timelines if granted intervention. In addition, SunPower's intervention would not unduly broaden the issues which have already been raised by the mere filing of SolarCity's Application. To the contrary, SunPower may be in a position to provide testimony and/or comment which the Commission would find to be of assistance in connection with its consideration of and decision upon issues which are now before it as a result of SolarCity's Application.

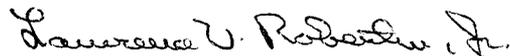
V.

**CONCLUSION**

Based upon the foregoing, SunPower believes that it has satisfied the requirements for intervention set forth in A.A.C. R-14-3-105. Accordingly, it requests that an appropriate order of the Commission be issued granting SunPower's Application, and according SunPower all rights as a party of record in the instant proceeding.

Dated this 3<sup>rd</sup> of August 2009.

Respectfully submitted,



Lawrence V. Robertson, Jr.  
Attorney for SunPower Corporation

The original and thirteen (13) copies of the foregoing Application will be mailed for filing this 3<sup>rd</sup> day of August 2009 to:

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

A copy of the foregoing Application has been  
emailed or mailed this same date to:

Lyn A. Farmer,  
Chief Administrative Law Judge  
Hearing Division  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, Arizona 85007

Janice M. Alward  
Legal Division  
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