

ORIGINAL



0000101240

Jordan R. Rose AZ Bar No.: 017452  
Court S. Rich AZ Bar No. 021290  
M. Ryan Hurley AZ Bar No. 024620  
**Rose Law Group pc**  
6613 N. Scottsdale Road, Suite 200  
Scottsdale, Arizona 85250  
Direct: (480) 240-5585  
Fax: (480) 505-3925

RECEIVED

2009 JUL -4 P 2:43

AZ CORP COMMISSION  
DOCKET CONTROL

Attorneys for Applicant SolarCity Corporation

**BEFORE THE ARIZONA CORPORATION COMMISSION**

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

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**  
**NOTICE OF FILING**  
**AFFIDAVIT OF PUBLICATION**  
**AND**  
**CERTIFICATION OF MAILING**

Applicant, SolarCity, by and through its undersigned counsel, hereby submits this notice of filing of an affidavit of publication and certification of mailing for Docket No. E-20690A-09-0346. The affidavit of publication is attached hereto as **Exhibit A** and a copy of the notice (attached as **Exhibit B**), was mailed to the service list on July 31st, 2009.

Arizona Corporation Commission  
**DOCKETED**

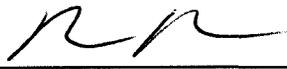
AUG - 4 2009

DOCKETED BY

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  
27  
28

**RESPECTFULLY SUBMITTED** this 4<sup>th</sup> day of August, 2009.

**Rose Law Group pc**



---

**Jordan R. Rose  
Court S. Rich  
M. Ryan Hurley  
6613 N. Scottsdale Road, Suite 200  
Scottsdale, Arizona 85250  
Direct: 480.505-3936  
Fax: 480.505.3925  
Attorneys for Applicant SolarCity Corp.**

**EXHIBIT A**  
**AFFIDAVIT OF PUBLICATION**

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  
27  
28

# THE ARIZONA REPUBLIC

STATE OF ARIZONA }  
COUNTY OF MARICOPA } SS.

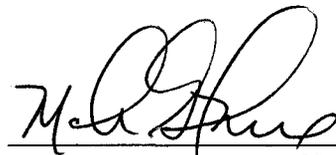
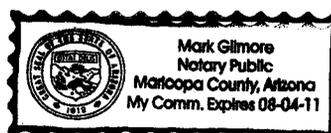
Ed Carlise, being first duly sworn, upon oath deposes and says: That he is a legal advertising representative of the Arizona Business Gazette, a newspaper of general circulation in the county of Maricopa, State of Arizona, published at Phoenix, Arizona, by Phoenix Newspapers Inc., which also publishes The Arizona Republic, and that the copy hereto attached is a true copy of the advertisement published in the said paper on the dates as indicated.

The Arizona Republic

July 31, 2009



Sworn to before me this  
4<sup>TH</sup> day of  
August A.D. 2009



Notary Public

**PUBLIC NOTICE OF THE APPLICATION OF SOLARCITY CORPORATION FOR A DETERMINATION THAT WHEN IT PROVIDES SOLAR SERVICE TO ARIZONA SCHOOLS, GOVERNMENTS, AND NON-PROFIT ENTITIES THAT 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)**

**Summary**

On July 2, 2009, SolarCity Corporation ("SolarCity" or "Applicant") filed with the Arizona Corporation Commission ("Commission") an application for a determination that when it provides solar service to Arizona schools, governments, and non-profit entities under Solar Service Agreements ("SSAs") it is not acting as a public service corporation pursuant to Article 15, Section 2 of the Arizona Constitution ("Application").

The Commission's Utilities Division is reviewing two SSAs SolarCity has entered into with the Scottsdale Unified School District and will make a recommendation to the Commission regarding the SSAs in a Staff Report and Recommended Order.

The Commission's Utilities Division is also reviewing the Application in regard to SolarCity's requested relief, and will make a separate recommendation to the Commission. Other parties granted intervention will also have an opportunity to make recommendations to the Commission regarding the Application. The Commission will consider the recommendations of all parties, but is not bound by those recommendations in determining the appropriate relief to be granted.

**How You Can View or Obtain a Copy of the Application**

Copies of the Application are available at Applicant's Attorney's offices, 6613 N. Scottsdale Rd. Suite #200, Scottsdale, Arizona, 85250, and at the Commission's Docket Control Center, at 1200 West Washington, Phoenix, Arizona, 85007, for public inspection during regular business hours and on the Internet using the Commission's e-Docket function, which is located in the lower right hand corner on the Commission's website homepage, [www.azcc.gov](http://www.azcc.gov).

**Arizona Corporation Commission Public Hearing Information**

The Commission's Utilities Division is reviewing two SSAs SolarCity has entered into with the Scottsdale Unified School District and will issue a Staff Report and Recommended Order regarding the SSAs on August 11, 2009. Intervenors will have an opportunity to file exceptions prior to Commission consideration of the Recommended Order. The Commission may schedule consideration of the Recommended Order on the SSAs as early as the Regular Open Meeting of the Commission scheduled for August 25, 2009.

The Commission will hold a hearing on the relief requested in the Application beginning at 10:00 a.m. on October 14, 2009 at the Commission's offices, Hearing Room #1, 1200 West Washington Street, Phoenix, Arizona. Public comments will be taken on the first day of the hearing. Written public comments may be submitted in this case by mailing a letter referencing Docket No. E-20690A-09-0346 to Arizona Corporation Commission, Consumer Services Section, 1200 West Washington, Phoenix, AZ 85007, or by e-mail. For a form to use and instructions on how to e-mail comments to the Commission, go to

[http://www.azcc.gov/divisions/utilities/forms/public\\_comment.pdf](http://www.azcc.gov/divisions/utilities/forms/public_comment.pdf). If you require assistance, you may contact the Consumer Services Section at 1-800-222-7000.

**About Intervention**

Under appropriate circumstances, interested persons or entities may intervene and become a party to this case. Any person or entity entitled by law to intervene and having a direct and substantial interest in the matter will be permitted to intervene. If you do not intervene in this proceeding, you will receive no further notice of the proceedings in this docket. However, documents filed in this docket are available online (usually within 24 hours after docketing) using the Commission's e-Docket function, which is located in the lower right hand corner of the Commission's website homepage, [www.azcc.gov](http://www.azcc.gov). RSS feeds are also available using the Commission's e-Docket function.

If you wish to intervene, you must file an original and 13 copies of a written motion to intervene with the Commission no later than August 10, 2009, and send a copy of the motion to Applicant or its counsel and to all parties of record. Your motion to intervene must contain the following:

1. Your name, address, and telephone number, and the name, address, and telephone number of any party upon whom service of documents is to be made, if not yourself;
2. A short statement of your interest in the proceeding; and
3. A statement certifying that you have mailed a copy of the motion to intervene to Applicant or its counsel and to all parties of record in the case.

The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except that all motions to intervene must be filed on or before August 10, 2009. If representation by counsel is required by Rule 31 of the Rules of the Arizona Supreme Court, intervention will be conditioned upon the intervenor obtaining counsel to represent the intervenor. For information about requesting intervention, go to <http://www.azcc.gov/divisions/utilities/forms/intervenor.pdf>.

**ADA/Equal Access Information**

The Commission does not discriminate on the basis of disability in admission to its public meetings. Person with a disability may request a reasonable accommodation such as a sign language interpreter, as well as request this document in an alternative format, by contacting the ADA Coordinator Guadalupe Ortiz, E-mail [gnortiz@azcc.gov](mailto:gnortiz@azcc.gov), voice phone number 602/542-3931. Requests should be made as early as possible to allow time to arrange the accommodation.

Published: July 31, 2009

**EXHIBIT B**  
**MAILED NOTICE**

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  
27  
28

**PUBLIC NOTICE OF THE**  
**APPLICATION OF SOLARCITY CORPORATION FOR**  
**A DETERMINATION THAT WHEN IT PROVIDES SOLAR SERVICE TO**  
**ARIZONA SCHOOLS, GOVERNMENTS, AND NON-PROFIT ENTITIES THAT**  
**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)**

**Summary**

On July 2, 2009, SolarCity Corporation (“SolarCity” or “Applicant”) filed with the Arizona Corporation Commission (“Commission”) an application for a determination that when it provides solar service to Arizona schools, governments, and non-profit entities under Solar Service Agreements (“SSAs”) it is not acting as a public service corporation pursuant to Article 15, Section 2 of the Arizona Constitution (“Application”).

The Commission’s Utilities Division is reviewing two SSAs SolarCity has entered into with the Scottsdale Unified School District and will make a recommendation to the Commission regarding the SSAs in a Staff Report and Recommended Order.

The Commission’s Utilities Division is also reviewing the Application in regard to SolarCity’s requested relief, and will make a separate recommendation to the Commission. Other parties granted intervention will also have an opportunity to make recommendations to the Commission regarding the Application. The Commission will consider the recommendations of all parties, but is not bound by those recommendations in determining the appropriate relief to be granted.

**How You Can View or Obtain a Copy of the Application**

Copies of the Application are available at Applicant’s Attorney’s offices, 6613 N. Scottsdale Rd. Suite #200, Scottsdale, Arizona, 85250, and at the Commission’s Docket Control Center at 1200 West Washington, Phoenix, Arizona, 85007, for public inspection during regular business hours and on the Internet using the Commission’s e-Docket function, which is located in the lower right hand corner on the Commission’s website homepage, [www.azcc.gov](http://www.azcc.gov).

**Arizona Corporation Commission Public Hearing Information**

The Commission’s Utilities Division is reviewing two SSAs SolarCity has entered into with the Scottsdale Unified School District and will issue a Staff Report and Recommended Order regarding the SSAs on August 11, 2009. Intervenors will have an opportunity to file exceptions prior to Commission consideration of the Recommended Order. The Commission may schedule consideration of the Recommended Order on the SSAs as early as the **Regular Open Meeting of the Commission scheduled for August 25, 2009.**

The Commission will hold a hearing on the relief requested in the Application beginning at **10:00 a.m. on October 14, 2009** at the Commission's offices, Hearing Room #1, 1200 West Washington Street, Phoenix, Arizona. Public comments will be taken on the first day of the hearing. Written public comments may be submitted in this case by mailing a letter referencing Docket No. E-20690A-09-0346 to Arizona Corporation Commission, Consumer Services Section, 1200 West Washington, Phoenix, AZ 85007, or by e-mail.

For a form to use and instructions on how to e-mail comments to the Commission, go to [http://www.azcc.gov/divisions/utilities/forms/public\\_comment.pdf](http://www.azcc.gov/divisions/utilities/forms/public_comment.pdf). If you require assistance, you may contact the Consumer Services Section at 1-800-222-7000.

### **About Intervention**

Under appropriate circumstances, interested persons or entities may intervene and become a party to this case. Any person or entity entitled by law to intervene and having a direct and substantial interest in the matter will be permitted to intervene. **If you do not intervene in this proceeding, you will receive no further notice of the proceedings in this docket.** However, documents filed in this docket are available online (usually within 24 hours after docketing) using the Commission's e-Docket function, which is located in the lower right hand corner of the Commission's website homepage, [www.azcc.gov](http://www.azcc.gov). RSS feeds are also available using the Commission's e-Docket function.

If you wish to intervene, you must file an original and 13 copies of a written motion to intervene with the Commission no later than **August 10, 2009**, and send a copy of the motion to Applicant or its counsel and to all parties of record. Your motion to intervene must contain the following:

1. Your name, address, and telephone number, and the name, address, and telephone number of any party upon whom service of documents is to be made, if not yourself;
2. A short statement of your interest in the proceeding; and
3. A statement certifying that you have mailed a copy of the motion to intervene to Applicant or its counsel and to all parties of record in the case.

The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except that **all motions to intervene must be filed on or before August 10, 2009.** If representation by counsel is required by Rule 31 of the Rules of the Arizona Supreme Court, intervention will be conditioned upon the intervenor obtaining counsel to represent the intervenor. For information about requesting intervention, go to <http://www.azcc.gov/divisions/utilities/forms/interven.pdf>.

### **ADA/Equal Access Information**

The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request a reasonable accommodation such as a sign language interpreter, as well as request this document in an alternative format, by contacting the ADA Coordinator, Guadalupe Ortiz, E-mail [gnortiz@azcc.gov](mailto:gnortiz@azcc.gov), voice

phone number 602/542-3931. Requests should be made as early as possible to allow time to arrange the accommodation.