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BEFORE THE ARIZONA CORPORATION COMMISSION

RECEIVED

2 COMMISSIONERS

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

2009 AUG 12 A 9: 58

Arizona Corporation Commission
DOCKETED

AZ CORP COMMISSION
DOCKET CONTROL

AUG 12 2009

DOCKETED BY	
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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 PURSUANT TO ART. 15,
14 SECTION 2 OF THE ARIZONA CONSTITUTION.

DOCKET NO. E-20690A-09-0346

PROCEDURAL ORDER

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 when SolarCity provides
14 solar service to Arizona schools, governments, and non-profit entities it is not acting as a public
15 service corporation pursuant to Article 15, Section 2 of the Arizona Constitution ("Application").
16 The Application requested expedited consideration of two specific Solar Service Agreements
17 ("SSAs") it has entered into with the Scottsdale Unified School District.

18 By procedural order issued July 22, 2009, intervention was granted to the Residential Utility
19 Consumer Office, the Salt River Project and Improvement District, Arizona Public Service Company,
20 Tucson Electric Power Company, UNS Electric, Inc., Navopache Electric Cooperative, Freeport-
21 McMoRan Copper and Gold Inc., Arizonans for Electric Choice and Competition, and Mohave
22 Electric Cooperative.

23 The July 22, 2009 procedural order set a schedule for the processing of the Application,
24 including public notice requirements, discovery deadlines, filing deadlines, and a hearing date. A
25 copy of the July 22, 2009 procedural order was mailed to the parties and to an extensive service list
26 for notification purposes. The procedural order put the entities included on the service list on notice
27 that unless an entity requested intervention on or before the intervention deadline of August 10, 2009,
28

1 they would be removed from the service list for this docket and would receive no further mailed
2 copies of the proceedings in this docket.

3 On July 24, 2009, Western Resource Advocates (“WRA”) filed a Request to Intervene.

4 On August 4, 2009, SolarCity filed an Affidavit of Publication and Certification of Mailing
5 indicating compliance with the public notice requirements of the July 22, 2009 procedural order.

6 On August 4, 2009, SunPower Corporation (“SunPower”) filed its Request to Intervene.

7 On August 7, 2009, Sulphur Springs Valley Electric Cooperative, Inc. (“SSVEC”) and
8 SunRun, Inc., (“SunRun”) also filed Requests to Intervene.

9 On August 10, 2009, a joint Motion to Intervene was filed by Agua Fria Union High School
10 District; Chandler Unified School District; Casa Grande Elementary School District; Continental
11 Elementary School District; Dysart Unified School District; Fountain Hills Unified School District;
12 Ft. Thomas Unified School District; Gilbert Unified School District; Miami Unified School District;
13 Nadaburg Unified School District; Payson Unified School District; Pendergast Elementary School
14 District; Pine-Strawberry Elementary School District; Riverside Elementary School District;
15 Roosevelt Elementary School District; Round Valley Unified School District; Tolleson Elementary
16 School District and Union Elementary School District (“School Districts”).

17 On August 10, 2009, the Commission’s Utilities Division (“Staff”) filed a Request for
18 Extension. Therein, Staff requests an extension of time from August 10, 2009 to August 14, 2009 for
19 filing the Staff Report and Recommended Order as directed by the July 22, 2009 procedural order.
20 Staff stated that the extension is necessary because some information relating to significant and
21 material issues was not received until late in the day on August 10, 2009. Staff states that SolarCity
22 does not object to the request.

23 To date, there have been no objections filed to the intervention requests of WRA, SunPower,
24 SSVEC, SunRun, and the School Districts, and accordingly, they should be granted intervention.

25 Staff’s request for an extension of time is reasonable and should be granted.

26 IT IS THEREFORE ORDERED that WRA, SunPower, SSVEC, SunRun, and the School
27 Districts are hereby granted intervention.

28 IT IS FURTHER ORDERED that the deadline for the Staff Report and Recommended Order

1 is hereby extended to August 14, 2009.

2 IT IS FURTHER ORDERED that all other procedural deadlines set forth in the July 22, 2009
3 procedural order remain in effect.

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

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

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

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

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

21 DATED this 12th day of August, 2009.

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25 
26 TEENA WOLFE
27 ADMINISTRATIVE LAW JUDGE
28

Copies of the foregoing mailed/delivered
 This 12th day of August, 2009 to:

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 District; Miami Unified School District; Nadaburg
 Unified School District; Payson Unified School District;
 Pendergast Elementary School District; Pine-Strawberry
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