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BEFORE THE ARIZONA CORPORATION COMMISSION

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AZ CORP COMMISSION
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COMMISSIONERS

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

IN THE MATTER OF THE APPLICATION OF SOLARCITY CORPORATION 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

PROCEDURAL ORDER

BY THE COMMISSION:

On July 2, 2009, SolarCity Corporation (“SolarCity” or “Company”) filed with the Arizona Corporation Commission (“Commission”) an application to determine that when SolarCity provides solar service to Arizona schools, governments, and non-profit entities it is not acting as a public service corporation pursuant to Article 15, Section 2 of the Arizona Constitution (“Application”). The Application requested expedited consideration of two specific Solar Service Agreements (“SSAs”) it has entered into with the Scottsdale Unified School District.

On July 22, 2009, a procedural order was issued setting a schedule for the processing of the Application, including public notice requirements, discovery deadlines, filing deadlines, and a hearing date for SolarCity’s adjudication request. A pre-hearing conference was set for October 9, 2009.

On September 23, 2009, a procedural order was issued extending the date for filing the Staff Report and Intervenor testimony.

The Administrative Law Judge assigned to the matter has been reassigned, which requires the rescheduling of the pre-hearing conference. The hearing date remains unchanged.

IT IS THEREFORE ORDERED that the **pre-hearing conference** originally set for October 9, 2009, shall be **re-scheduled to commence on October 7, 2009, at 1:30 pm**, at the Commission’s

1 Phoenix offices, 1200 West Washington, Phoenix, Arizona.

2 IT IS FURTHER ORDERED that any known objections to pre-filed testimony shall be made at
3 or before the pre-hearing conference, but because the time to review testimony is being shortened,
4 parties may **file any objections to the testimony up to and including October 13, 2009.**

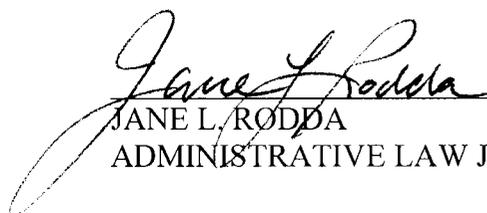
5 IT IS FURTHER ORDERED that all parties must comply with Rules 31 and 38 of the Rules
6 of the Arizona Supreme Court and A.R.S. § 40-243 with respect to practice of law and admission *pro*
7 *hac vice*.

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

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

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

20 DATED this 1st day of October, 2009.

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23 JANE L. RODDA
24 ADMINISTRATIVE LAW JUDGE
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Copies of the foregoing mailed/delivered
This 15th day of October, 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
Elementary School District; Riverside Elementary
School District; Roosevelt Elementary School District;
Round Valley Unified School District; Tolleson
Elementary School District and Union Elementary
School District.

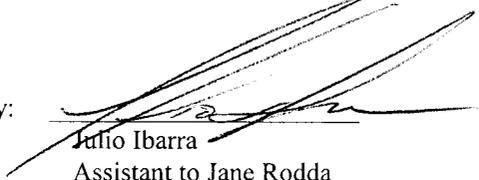
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