

ORIGINAL

REHEARING FEB - 3 2010



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BEFORE THE ARIZONA CORPORATION C

Arizona Corporation Commission
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Docket No. E-01575A-09-0429

COMMISSIONERS
Kristin K. Mayes
Gary Pierce
Sandra D. Kennedy
Paul Newman
Bob Stump

**IN THE MATTER OF THE APPLICATION
OF SULPHUR SPRINGS VALLEY
ELECTRIC COOPERATIVE FOR
APPROVAL OF THE NET METERING
TARIFFS AND THE ADMINISTRATION OF
THE REST PROGRAM**

**Application for a REHEARING and to
Reconsider ACC Order. No. 71456**

This application requests that a rehearing be held in this matter and reconsideration of ACC Decision and Order No. 71458 of January 6, 2010 in accordance with A.R.S. §40-253. I am submitting this document in further support of Mr. James F. Rowley's request for a rehearing on the matter.

Copernicus Energy, Inc. is a renewable energy sales and systems integrator based in Arizona. To date, the company has submitted several megawatts of photovoltaic solar system applications for a rebate under the 2009 SSVEC "Sunwatts" rebate program. SSVEC has acknowledged receipt of said applications as evidenced in the attached correspondence dated 11-3-2009 from SSVEC to Copernicus Energy. SSVEC initially attempted to reject the applications on a "technicality" because there was a "white out" mark on the documents. Subsequently, SSVEC reversed their position in this matter and processed the rebate applications for Copernicus Energy customers.

When construction is completely finished on these project submissions, SSVEC will owe Copernicus Energy over \$17 million dollars in rebate incentives under their published 2009 Sunwatts program under which Copernicus has applied and was accepted.

1 In recent correspondence of SSVEC to the ACC regarding their REST program, there
2 is absolutely no account of the several megawatts of projects that Copernicus Energy has
3 submitted. Further, SSVEC is now attempting to claim that Copernicus Energy can not
4 proceed with the projects submitted under the 2009 rules and regulations then in place when
5 the applications were made and accepted by SSVEC. SSVEC is now attempting to claim
6 that all prior submissions of Copernicus Energy and/or Copernicus Energy customers must
7 retroactively comply with their 2010 Sunwatts rebate program. This is patently unfair and
8 inequitable to Copernicus Energy and its customers.
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12 Copernicus Energy, Inc. respectfully asks the ACC to conduct a rehearing on the 2010
13 REST matter because SSVEC did not present all of the facts to the ACC in this matter,
14 namely, that they had many more renewable energy systems proposed under their 2009
15 REST program than were disclosed to the ACC. SSVEC clearly communicated to
16 Copernicus Energy that the dispute over the renewable energy system drawings "does not
17 affect your customer position on the rebate reservation list" as written in the November 2009
18 letter from SSVEC to Copernicus Energy.
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22 Therefore, Copernicus Energy and its customers are clearly rebate applicants under
23 the 2009 Sunwatts rebate program rules and rebate amounts. Copernicus Energy requests
24 that the ACC issue a rule and directive to SSVEC instructing the utility to fund the incentive
25 payments to Copernicus Energy and all other SSVEC customers who made an application in
26 2009 to be made under the rules and regulations then in place when the rebate applications
27 were accepted by the utility. It is not fair and equitable for a utility company to "change the
28 rules" in mid stream when a customer has made an application for a rebate, and said
29 application was legally received and acknowledged by the utility.
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33 Lastly, Copernicus Energy requests that the ACC issue a rule and directive that
34 compels SSVEC to produce a list of customers that have made applications under the 2009
35 Sunwatts program. Said list should show when the rebate application was received by

1 SSVEC, and in what order said customer is in with regards to being paid under the Sunwatts
2 program.
3

4 SSVEC has made numerous public comments that it will take years for it to pay out
5 the rebates requests currently submitted under their 2009 Sunwatts program. This is an
6 untenable situation that is patently unfair to the customers that submitted rebate applications
7 in good faith with a reasonable expectation of prompt payment of the rebate. The customers
8 that submitted applications under the Sunwatts program didn't write the program rules and
9 regulations, SSVEC did. Therefore, SSVEC should be held legally responsible for making
10 payments under the program rules and amounts that they created in a reasonable and
11 prudent manner, not ten years from now.
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15 For these reasons, I respectfully request a rehearing be held to hear the facts and to
16 develop a fair and reasonable SSVEC REST plan for 2010 to meet the needs of the SSVEC
17 member/owners, renewable energy contractors and the company.
18

19 I certify this filing has been mailed to all parties shown on the Distribution List below.
20

21
22 Respectfully submitted on this 11th day of January, 2010.

23 Robby Richards
24

25
26 By 
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Distribution List

Original and 13 copies of the foregoing are filed this date:

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Sulphur Springs Valley Electric Cooperative, Inc.

A Touchstone Energy® Cooperative 

311 E. Wilcox, Sierra Vista AZ 85635

520-515-3472

November 3, 2009

Mr. Robbie Richards
Copernicus Energy LLC
PO Box 4913
Rio Rico, AZ 85648

Re: Line Drawings

Mr. Richards,

Our engineering department as rejected the following 1-line & 3-line drawings. We do not accept stamped engineer drawings with "white out" corrections to the name and address or hand written deletions not initialed by the PE.

Please provide appropriate replacement drawings for:

Deborah Fain	537 First Ave	Patagonia	15 kW PV
Coates/Wiercinski	40 Lucero del Cielo	Sonoita	15kW PV with wind
Getzwiller	50 Pinto Trail	Sonoita	15 kW PV with wind
Charlie Montoy	300 Naugle Ave	Patagonia	15 kW PV with wind
Charlie Montoy	161 Pennsylvania Ave	Patagonia	15 kW PV with wind
SBBI	3282 Hwy 82	Sonoita	15kW PV
Sonoita Café	3280 Hwy 82	Sonoita	15 kW PV with wind

Our Engineering department also rejected your plans for the 4 - 1MW systems as the supplied drawings for a 100MW system "X 10" noted on the plans is not sufficient for a project of this scale.

This request for replacement drawings does not affect your customer position on the rebate reservation list, but could delay the inspection of the project.

Respectfully,

David Jones
Key Account Manager
520-515-3472

Cc: Jack Blair
Ed Catmull, PE

