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DAVID P. BRAUN Of Counsel

January 20, 2010

JAN 21 2010

ORIGINAL

ARIZONA CORP. COMM  
400 W CONGRESS STE 218 TUCSON AZ 85704

Arizona Corporation Commission  
Docket Control  
1200 W Washington Street  
Phoenix, AZ 85007

**Re: Motion to Intervene in the matter of the sale and transition by APS to ED3  
Docket No. E-01345A-08-0426**

To Whom it May Concern:

We represent the City of Maricopa and wish to intervene in the manner of the sale and transition by Arizona Public Service to Electrical District No. 3 of certain electrical facilities in Pinal County pursuant to A.R.S. §40-285(A) and for deletion from its certificate of convenience and necessity certain areas of Pinal County. The City of Maricopa is a customer of Electrical District No. 3 and represents approximately 45,000 residents who have an interest in the ramifications of the results of this matter.

I hereby certify that a copy of this Notice of Intervention has been mailed to Arizona Public Service and Electrical District No. 3.

Thank you very much.

Very truly yours,  
  
Denis M. Fitzgibbons

DMF: tlv  
cc: Arizona Corporation Commission (13)  
Arizona Public Service (1)  
Electrical District No. 3 (1)

Arizona Corporation Commission  
**DOCKETED**  
JAN 22 2010  
DOCKETED BY

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6 Attorneys for Intervener City of Maricopa

**R E C E I V E D**

JAN 21 2010

ARIZONA CORP. COMM  
400 W CONGRESS STE 218 TUCSON AZ 85704

7 **BEFORE THE ARIZONA CORPORATION COMMISSION**

8  
9 IN THE MATTER OF THE SALE AND  
10 TRANSITION BY ARIZONA PUBLIC SERVICE  
11 TO ELECTRICAL DISTRICT NO. 3 OF CERTAIN  
12 ELECTRICAL FACILITIES IN PINAL COUNTY  
13 PURSUANT TO A.R.S. §40-285(A) AND FOR  
DELETION FROM ITS CERTIFICATE OF  
CONVENIENCE AND NECESSITY CERTAIN  
AREAS OF PINAL COUNTY

Docket No. E-01345A-08-0426

**MOTION TO INTERVENE**

14 The City of Maricopa, a municipal corporation formed under the laws of the State of  
15 Arizona ("Maricopa") by and through undersigned counsel, and pursuant to A.A.C. R14-3-105  
16 hereby submits this Motion to Intervene in the above captioned matter. Maricopa is a City of  
17 approximately 45,000 residents who, along with the City itself, are customers of Electrical  
18 District No. 3 ("ED3") and receive their electrical service from ED3.

19 Maricopa itself along with its residents and business owners will all be directly and  
20 substantially impacted by this matter due to the increase in electrical rates that have occurred  
21 over the last year. The City wants to do everything they can to reduce the electrical utility rates  
22 for its citizens and to be sure the agreement between Arizona Public Service ("APS") and ED3 is  
23 fair in light of the fact that power is now much cheaper than it was when the original agreement  
24 between APS and ED3 was negotiated. Maricopa understands that the approximate 4,000  
25 customers who will be transferred are not within the City limits. However, these customers are

1 in Maricopa's planning area and this transfer will affect the long-term viability of ED3 to serve  
2 all of its customers.

3 Maricopa's late intervention in this matter is in the public interest because its citizens are  
4 directly impacted by the sharp rise in electrical rates caused by the new power purchase  
5 agreement between APS and ED3. Moreover, the viability of Maricopa's largest manufacturer,  
6 Pinal Energy, LLC, is threatened by the massive rate increase caused by the power purchase  
7 agreement.

8 Maricopa does not believe its intervention status will lengthen the proceeding or burden  
9 the status of any other potential interveners. Maricopa, therefore, respectfully requests that the  
10 Commission grant its Motion to Intervene.

11 DATED this 20<sup>th</sup> day of January, 2010.

12 FITZGIBBONS LAW OFFICES, P.L.C.

13  
14 By   
15 Denis M. Fitzgibbons  
16 Attorney for Intervener

17 ORIGINAL and 13 copies filed  
18 on January 21, 2010, with:

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

21 Copies of the foregoing mailed/hand  
22 delivered on January 21, 2010 to:

23 Jane Rodda, Administrative Law Judge  
24 Hearing Division  
25 Arizona Corporation Commission  
400 W Congress St.  
Tucson, Arizona 85701-1347

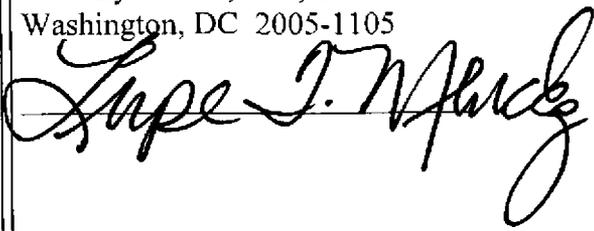
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