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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

KRISTIN K. MAYES, CHAIRMAN APR 16 P 4: 14
GARY PIERCE
PAUL NEWMAN
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ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

Arizona Corporation Commission

DOCKETED

APR 16 2010

DOCKETED BY [Signature]

IN THE MATTER OF THE APPLICATION
OF NAVOPACHE ELECTRIC
COOPERATIVE, INC. AN ARIZONA NON-
PROFIT CORPORATION, FOR APPROVAL
OF A RUS GUARANTEED FFB LOAN IN
THE AMOUNT OF \$33,231,000 TO FUND
CONSTRUCTION OF FACILITIES

DOCKET NO. E-01787A-05-0719

NAVOPACHE ELECTRIC
COOPERATIVE, INC.'S RESPONSE
TO IBEW LOCAL 387'S APPLICATION
TO INTERVENE

Navopache Electric Cooperative, Inc. ("Navopache"), through its counsel undersigned, hereby responds to the Application to Intervene filed by IBEW Local 387. Intervention is untimely, inappropriate and should be denied for the reasons set forth below.

This Docket involves a 2005 financing application previously approved May 5, 2006 by Decision No. 68691. In accordance with this authorization Navopache executed standard loan and lien documents prepared by the lender and has from time to time drawn funds to finance the construction of facilities set forth in its Rural Utilities Service ("RUS") approved 2005 – 2009 Construction Work Plan ("Work Plan").

Subsequent to meeting with Arizona Corporation Commission Staff to discuss an RUS approved amendment to the Work Plan, Navopache filed a Notice of Amended RUS Work Plan on January 28, 2010. The Notice was inadvertently docketed in Docket No. E-0178A-10-0030. A separate and more detailed Notice was filed in this docket on April 14, 2010. The Notice advises the Arizona Corporation Commission ("Commission") that RUS

1 has approved an amendment to Navopache's 2005-2010 Work Plan transferring \$7,000,000
2 from distribution facilities to headquarter facilities. As a result, Navopache may, under the
3 loan documents executed following Decision No. 68691, apply loan funds under the existing
4 loan toward the construction of needed operations facilities.

5 No additional borrowing is being requested and no additional loan
6 documentation must be executed. Therefore, Navopache does not believe any further
7 Commission action is necessary. The Notice was filed out of an abundance of caution, after
8 meeting with Commission Staff. Under such circumstances granting intervention is
9 inappropriate and the application should be denied.

10 RESPECTFULLY SUBMITTED this 16th day of April, 2010.

11
12 CURTIS, GOODWIN, SULLIVAN
13 UDALL & SCHWAB, P.L.C.

14
15 By 

16 Michael A. Curtis
17 William P. Sullivan
18 501 East Thomas Road
19 Phoenix, Arizona 85012-3205
20 Attorneys for Navopache Electric
21 Cooperative, Inc.
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PROOF OF AND CERTIFICATE OF MAILING

I hereby certify that on this 10th day of April, 2010, I caused the foregoing document to be served on the Arizona Corporation Commission by delivering the original and thirteen (13) copies of the above to:

DOCKET CONTROL
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

With a copy emailed this 10th day of April, 2010 to:

Lyn Farmer, Chief Hearing Officer
Hearing Division
Arizona Corporation Commission
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Phoenix, Arizona 85007

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Chief Legal Counsel, Legal Division
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By Mary Walker
109 M2-15-3 Response to IBEW App to Intervene 04 15 10