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BEFORE THE ARIZONA CORPORATION COMMISSION

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AZ CORP COMMISSION
DOCKET CONTROL

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

IN THE MATTER OF THE TRICO ELECTRIC)
COOPERATIVE, INC.'S APPLICATION FOR)
APPROVAL OF A NET METERING TARIFF.)

DOCKET NO. E-01461A-09-0450

INTERVENOR RESPONSE TO:

)
) APPLICATION UNDER
) A.R.S. § 40-252 TO REOPEN
) DOCKET TO CONSIDER
) POSSIBLE AMEUREMENT OF
) DECISION NO. 71462

TRICO'S REQUEST

Intervenor, Arkoosh, requests the Arizona Corporation Commission (ACC) to reject TRICO Electric Cooperative, Inc.'s request to reopen the docket, contribute additional documents and rehear Decision N. 71462.

The ACC has previously rejected a rehearing of Decision No. 71462 by not responding within the statutory deadline to Intervenor Arkoosh's prior request and TRICO makes no substantial case for a rehearing. The Commission is asked to consider the following:

- TRICO takes no position on the requested rehearing and wants to limit a rehearing to the narrow issue in Intervenor's prior request. That narrow issue is whether ACC erred in applying Rule R14-2-2305 in Decision NO. 71462. TRICO's request adds noting on this issue.
- The documents provided add known facts but provide no evidence that TRICO supported their fee request per the rule above which reads in part, "The changes shall be fully supported with cost of service studies and benefit\costs analysis.
- Intervenor, Arkoosh, requested any cost of service studies and benefit/cost analysis in his Request to TRICO of November 9, 2009. This request was not answered then nor in the documents TRICO has now requested be placed on record.

Arizona Corporation Commission

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- TRICO has not supported why it needs “**30-minute interval**” information and a reputable solar installer on February 23, 2010 but into question TRICO’s need for this Method and indicated Tucson Electric Power does not use this method. In fact all the ACC Net Metering Rules require is the transmission of two numbers at the end of each month. R14-2-2304.
- TRICO still has not met its burden of proof under Rule R14-2-2305.
- Finally, the issue TRICO asks to reopen has been appealed to the **Arizona Court of Appeal, Division II**, Case #2-CA-CC-2010-0001. TRICO’s request to reopen the hearing looks more like an Appellate strategy to confuse and delay the appeal procedure than any serious request for a rehearing.

REHEARING

Should the Corporation Commission reopen Decision No. 71462, James M. Arkoosh, as an intervenor in the original hearings requests notice and the right to participate in and comment at any reopened hearing.

Prepared and submitted April 19, 2010 by:


James M. Arkoosh

Original and 13 of the foregoing filed this 19th day of April, 2010 with:

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