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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

DOCKETED

OCT 5 2010

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IN THE MATTER OF THE
APPLICATION
OF THE SOLAR ALLIANCE FOR A
DECLARATORY ORDER THAT
PROVIDERS OF CERTAIN SOLAR
SERVICE AGREEMENTS WOULD
NOT BE PUBLIC SERVICE
CORPORATIONS

DOCKET NO. E-20633A-08-0513

THE SOLAR ALLIANCE'S NOTICE
OF INTENTION

The Solar Alliance (the "Alliance") hereby provide this Notice of Intention as required by the Administrative Law Judge's August 6, 2010 Procedural Order.

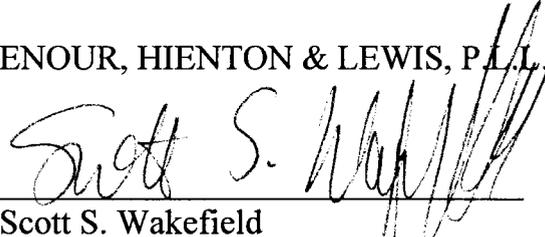
The Alliance's Application sought a determination that providers of certain solar service agreements ("SSAs") would not be considered to be public service corporations ("PSCs"). Since the Alliance filed its Application, the Commission has answered a subset of that question in the form of its ruling on Solar City's adjudication application in Decision No. 71795 (July 12, 2010). In Decision No. 71795, the Commission found that Solar City's offering of SSAs to schools, government and non-profit customers would not cause it to be regulated as a PSC. However, Decision No. 71795 leaves open the issue of whether an entity that provides SSAs to for-profit customers is acting as a PSC. The Alliance believes that it is imperative for the development of a sustainable commercial and residential solar market that the Commission provides further guidance that the mere fact that a customer is a for-profit entity (i.e. a business) or a residence, rather than a non-profit entity, would not result in a different conclusion. The Solar Alliance urges the

1 Commission to consider the substantial record of evidence in the Solar City decision, and
2 take expedited action to clarify that an entity that provides SSAs to for-profit customers is
3 not acting as a PSC. Until resolution is brought to this remaining issue, the development
4 of a robust solar industry in the state will be stifled.

5 The Commission opened docket E-00000A-10-0368 on September 1, 2010 to
6 specifically address this remaining issue, and the Solar Alliance plans to issue comments
7 in this docket shortly. Given this new docket, the Alliance does not intend to pursue the
8 Application in docket number E-20633A-08-0513 at this time. The Alliance looks
9 forward to participating in docket E-00000A-10-0368, and will urge the Commission to
10 issue a policy statement indicating that the tax status of an SSA customer would not be a
11 relevant factor to the question of whether the provider of an SSA is or is not acting as a
12 public service corporation.

13 Dated this 5th day of October, 2010.

14 RIDENOUR, HIENTON & LEWIS, P.L.L.C.

15 By 

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21 Pursuant to A.A.C. R14-3-204,
22 the Original and 13 copies were filed on
23 October 5, 2010 with:

24 Docket Control
25 Arizona Corporation Commission
26 1200 W. Washington Street
Phoenix, AZ 85007

///

1 Copy of the above hand-delivered
2 this 5th day of October, 2010, to:

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4 Administrative Law Judge
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6 1200 W. Washington
7 Phoenix, AZ 85007

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18 Copy of the above mailed
19 this 5th day of October, 2010 to:

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