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BEFORE THE ARIZONA CORPORATION

COMMISSIONERS

KRISTIN K. MAYES, Chairman
GARY PIERCE
PAUL NEWMAN
SANDRA D. KENNEDY
BOB STUMP

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ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

Arizona Corporation Commission
DOCKETED

NOV 19 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

**RESPONSE TO
SOLAR ALLIANCE'S NOTICE
AND REQUEST FOR
ADMINISTRATIVE CLOSURE**

The Utilities Division Staff ("Staff") of the Arizona Corporation Commission ("Commission") hereby responds to the Solar Alliance's Notice of Intention ("Notice"), which was filed on October 5, 2010. Under the circumstances described in the Solar Alliance's Notice, Staff recommends administrative closure of this docket (No. E-20633A-08-0513). This closure should be without prejudice to allow the Solar Alliance to refile in the future if it desires.

In its Notice, the Solar Alliance states that it does not intend to pursue its application at this time; instead, it plans to file comments in Docket No. E-00000A-10-0368, a docket recently opened by the Commission in order to gather information concerning third party transactions for distributed solar generation in commercial and residential settings. This Commission - initiated docket (No. E-00000A-10-0368) is generic, *i.e.*, it is not intended to adjudicate the status of any specific entity proposing to provide distributed solar generation.

The Solar Alliance's application is also generic, as it does not set forth any actual entity that proposes to provide distributed solar generation. Instead, it sets forth a hypothetical set of facts and asks the Commission to evaluate (and adjudicate) whether a hypothetical entity operating under that hypothetical set of facts is a public service corporation. Staff continues to have concerns about whether the fact-specific issues surrounding status as a public service corporation are best evaluated in a generic proceeding. But aside from that concern, Staff suggests that it is not

1 necessary for the Commission to simultaneously maintain *two* generic dockets that appear to
2 address similar issues, especially in light of the Solar Alliance's intention to forego pursuit of its
3 application at this time.

4 Under these circumstances, Staff suggests that it would be appropriate to administratively
5 close the Solar Alliance's application (Docket No. E-20633A-08-0513) without prejudice to the
6 Solar Alliance's ability to refile in the future.

7 RESPECTFULLY SUBMITTED this 19th day of November, 2010.

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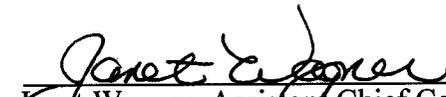
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