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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

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

2010 DEC -1 A 10: 22

Arizona Corporation Commission

DOCKETED

ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

DEC 1 2010

DOCKETED BY

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

PROCEDURAL ORDER

BY THE COMMISSION:

On October 3, 2008, The Solar Alliance ("Solar Alliance") filed with the Arizona Corporation Commission ("Commission") an application for a declaratory order that providers of certain solar service agreements ("SSAs") would not be public service corporations pursuant to Article 15, Section 2 of the Arizona Constitution ("Application").

Intervention in this matter has been granted to Arizona Public Service Company ("APS"), Western Resource Advocates ("WRA"), Salt River Project Agricultural Improvement and Power District ("SRP"), Trico Electric Cooperative, Inc. ("Trico"), Tucson Electric Power Company ("TEP"), UNS Electric, Inc. ("UNS"), Freeport-McMoRan Copper & Gold, Inc. ("Freeport-McMoRan"), Arizonans for Electric Choice and Competition ("AECC"), Arizona Electric Power Cooperative, Inc. ("AEPKO"), the Residential Utility Consumer Office ("RUCO"), Mohave Electric Cooperative, Inc. ("MEC"), Navopache Electric Cooperative, Inc. ("Navopache"), Sulphur Springs Valley Electric Cooperative, Inc. ("SSVEC"), Sempra Energy Solutions, LLC ("SES"), and the Interstate Renewable Energy Council ("IREC").

On July 6, 2009, a procedural order was issued stating that a hearing on the Application as filed was not appropriate at that time.

On August 3, 2010, IREC filed a Motion to Withdraw from Docket and Motion for Withdrawal of Attorney Kevin T. Fox.

On August 6, 2010, a procedural order was issued granting the request of IREC and its

1 attorney to withdraw from this docket.

2 Because Applicant had requested no further action in this docket, the August 6, 2010
3 procedural order required Applicant to file, within 60 days, a Notice stating its intention in regard to
4 pursuing the Application. The procedural order informed Applicant that if it did not file the Notice,
5 this docket would be administratively closed.

6 On October 5, 2010, Applicant filed its Notice of Intention. Therein, Applicant states that in
7 Decision No. 71795 (July 12, 2010), the Commission answered a subset of the question for which
8 Applicant sought a declaratory order by its application in this docket. Applicant states that Decision
9 No. 71795 leaves open the issue, however, of whether an entity that provides SSAs to for-profit
10 customers is acting as a public service corporation, and that the Commission has opened Docket No.
11 E-00000A-08-0153 to specifically address that issue. Applicant states that it intends to file its
12 comments in that docket shortly, and that given the existence of that new docket, Applicant does not
13 intend to pursue its application in this docket at this time.

14 On November 19, 2010, the Commission's Utilities Division ("Staff") filed a Response to the
15 Solar Alliance's Notice of Intention and a Request for Administrative Closure. Therein, Staff
16 suggests that it is not necessary for the Commission to simultaneously maintain two generic dockets
17 that appear to address similar issues, especially in light of Applicant's stated intention not to pursue
18 its application in this docket at this time. Staff suggests that it would be appropriate to
19 administratively close this docket without prejudice to Applicant's ability to refile in the future.

20 No response has been filed to Staff's November 19, 2010 filing.

21 Because Applicant does not intend to pursue its application in this docket at this time and
22 because Docket No. E-00000A-08-0153 has been opened for the purpose of specifically addressing
23 the remaining issue of interest to the Applicant, this docket should be administratively closed.
24 Applicant is not foreclosed from filing an application in the future.

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1 IT IS THEREFORE ORDERED that this docket shall be, and hereby is, administratively
2 closed.

3 DATED this 1st day of December, 2010.

5
6 
7 TEENA JIBILIAN
ADMINISTRATIVE LAW JUDGE

8 Copies of the foregoing mailed/delivered
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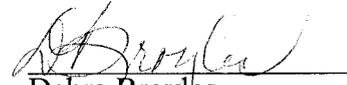
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