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ARIZONA CORPORATION COMMISSION

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Gary Pierce  
Chairman

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AZ CORP COMMISSION  
DOCKET CONTROL

January 14, 2011

Via Email and U.S. Mail

Re: Request of FRV Tucson Solar, L.L.C. ("FRV") for a Conditional Use Permit

Dear Chairman Valadez and Supervisors,

Thank you for the opportunity to comment on the above referenced item on your January 18, 2011 meeting agenda. I write to inform you of recent actions taken by the Arizona Corporation Commission ("Commission") regarding FRV's Marana photovoltaic project ("Marana PV Project").

By way of background, on April 1, 2010 the Commission considered an application by Tucson Electric Power ("TEP") to approve a purchased power agreement ("PPA") with FRV for power produced by the Marana PV Project as consistent with TEP's energy portfolio. Rick Westfall, a neighboring landowner to the Marana PV Project, appeared before the Commission to express his concern about the amount of notice, information and input he received about the proposed project. The commissioners voted to approve TEP's application—Decision No. 71640—after TEP committed to work with Mr. Westfall and to encourage FRV to employ appropriate mitigation measures to minimize negative impacts to his property.

After receiving complaints from Mr. Westfall and other neighboring landowners, all five Commissioners voted, on January 4, 2011, to reopen Decision No. 71640 to consider whether TEP had fulfilled its commitment to Mr. Westfall. The Commission considered this matter during its regularly scheduled open meeting earlier this week. We heard from TEP, FRV, Mr. Westfall and several other neighboring property owners regarding the matter. Ultimately, no motion was made to rescind Decision No. 71640, and it is my personal belief that TEP—the entity the Commission regulates—kept its commitments to encourage the use of reasonable mitigation efforts.

I found it interesting that although some of the neighboring property owners oppose the Marana PV Project outright, others support it. All of the neighbors, however, oppose the use of a chain-link fence instead of a block screening wall to surround the project. During our meeting, I personally encouraged FRV to accommodate the request to use a block screening wall. It is my belief that solar projects, like the Marana PV Project, can be beneficial to Arizona's economy and communities if we ask them to be good neighbors.

Sincerely,

Gary Pierce

Arizona Corporation Commission

DOCKETED

JAN 14 2011

DOCKETED BY

cc. Chairman Ramon Valadez  
Supervisor Ann Day  
Supervisor Sharon Bronson  
Supervisor Ray Carroll  
Supervisor Richard Elias

Christopher Avery, Chief Water Counsel, City of Tucson  
Tim Lasocki, Vice President, Fotowatio Renewable Ventures, Inc.  
Rick Westfall  
Michael Patten  
Philip Dion, Vice President, Tucson Electric Power