

OPEN MEETING AGENDA ITEM

ORIGINAL



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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS Arizona Corporation Commission
GARY PIERCE, CHAIRMAN
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DOCKETED

2011 JUL -8 P 4: 27

JUL - 8 2011

AZ CORP COMMISSION
DOCKET CONTROL

DOCKETED BY

IN THE MATTER OF THE APPLICATION
OF MOHAVE ELECTRIC COOPERATIVE,
INC. FOR APPROVAL OF A WASTE-TO-
ENERGY FACILITY AS A PILOT
PROGRAM UNDER THE RENEWABLE
ENERGY RULES OR, IN THE
ALTERNATIVE, FOR A LIMITED
WAIVER

DOCKET NO. E-01750A-10-0453

OPPOSITION TO SOLOMON
INDUSTRIES PETITION FOR LEAVE
TO INTERVENE

Mohave Electric Cooperative, Inc. ("MEC"), by and through its undersigned attorneys, files its opposition to the Petition for Leave to Intervene filed on behalf of Solomon Industries, LLC on the grounds it is untimely, fails to set forth adequate justification and would unduly broaden the scope of the proceeding.

The Arizona Corporation Commission permits intervention by "[p]ersons, other than the original parties to the proceedings, who are directly and substantially affected by the proceedings." Such persons must state the basis for the application in writing and such application must be served and filed by an applicant at least five days before the proceeding is called for hearing. Finally, no application for leave to intervene shall be granted where by so doing the issues theretofore presented will be unduly broadened, except upon leave of the Commission. Arizona Administrative Code R14-3-105(A) & (B).

Solomon Industries filed its Petition to Intervene on June 29, 2011. MEC filed the current Application on November 10, 2010. The Staff Report and proposed Order were docketed May 5, 2011. Exceptions were filed on May 27, 2011. The proposed Order was on

1 two duly noticed Open Meeting agendas before the Petition to Intervene was filed. Solomon
2 Industries attempt to secure the status of a party-Intervenor at this late date is untimely.

3 Furthermore, the Motion does not set forth a direct or substantial interest in this
4 proceeding. The sole reason stated for intervention is to request the decision "distinguish the
5 Gas Plasma technology from traditional incineration facilities and not deleteriously impact the
6 status of electricity generated from the syngas output of Gas Plasma units." Petition p.2, l 20 -
7 p. 3, l 1. Neither the Application nor the proposed Order proposes to have any such impact.
8 The application is tied to a specific facility to be developed by a specific entity. Solomon
9 Industries Petition creates an issue where none exists.

10 For the foregoing reasons, MEC respectfully requests that the Petition for Leave
11 to Intervene filed by Solomon Industries, LLC either not be acted upon or be denied.

12 DATED this 8th day of July, 2011.

13 CURTIS, GOODWIN, SULLIVAN,
14 UDALL & SCHWAB, P.L.C.

15
16 By: 
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21 Cooperative, Inc.
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