



ORIGINAL

**INTERVENTION**  
DEPARTMENT OF THE ARMY  
UNITED STATES ARMY LEGAL SERVICES AGENCY  
9275 GUNSTON ROAD  
FORT BELVOIR, VIRGINIA 22060-5546



0000142143

By \_\_\_\_\_

REPLY TO  
ATTENTION OF  
Regulatory Law Office

February 6, 2013

Subject: In The Matter Of The Tucson Electric Power Company Application For Approval Of Its 2013 Renewable Energy Standard Tariff Implementation Plan.  
Arizona Corporation Commission Docket No. E-01933A-12-0296.

**VIA FEDERAL EXPRESS**  
Chairman and Commissioners  
ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, Arizona 85007-2927

Dear Commissioners:

Please find attached hereto the U.S. Department of Defense and all other Federal Executive Agencies' (DoD) Motion for Leave to Intervene in the above captioned matter.

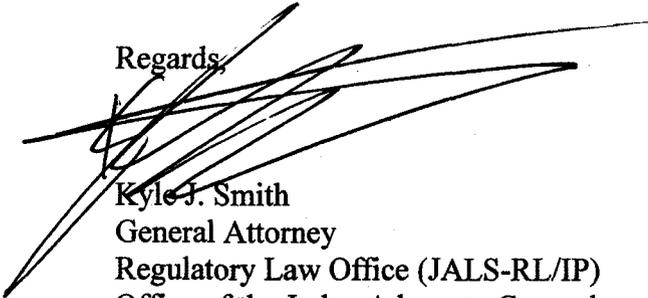
Thank you in advance for your attention to these important issues. Please call if there are any problems with this request or if any further action is needed. I can be reached at (703) 693-1274 or by E-mail at [kyle.j.smith124.civ@mail.mil](mailto:kyle.j.smith124.civ@mail.mil).

Arizona Corporation Commission  
**DOCKETED**

FEB 07 2013

DOCKETED BY 

Regards,



Kyle J. Smith  
General Attorney  
Regulatory Law Office (JALS-RL/IP)  
Office of the Judge Advocate General  
U. S. Army Legal Services Agency  
9275 Gunston Road  
Fort Belvoir, VA 22060-5546

Enclosure

AZ CORP COMMISSION  
DOCKET CONTROL

Cc: See Service List

2013 FEB -7 A 11:26

RECEIVED

**BEFORE THE ARIZONA CORPORATION COMMISSION**

**COMMISSIONERS**

BOB STUMP - Chairman  
GARY PIERCE  
BRENDA BURNS  
BOB BURNS  
SUSAN BITTER SMITH

IN THE MATTER OF THE APPLICATION OF TUCSON ELECTRIC POWER COMPANY FOR APPROVAL OF ITS 2013 RENEWABLE ENERGY STANDARD IMPLEMENTATION PLAN AND DISTRIBUTED ENERGY ADMINISTRATIVE PLAN AND REQUEST FOR RESET OF ITS RENEWABLE ENERGY ADJUSTOR.	<b>DOCKET NO. E-01933A-12-0296</b>
---	------------------------------------

**MOTION FOR LEAVE TO INTERVENE**

The Secretary of Defense, through duly authorized counsel and on behalf of the consumer interests of the United States Department of Defense and all other Federal Executive Agencies (collectively referred to herein as “DoD”), hereby petitions the Arizona Corporation Commission (“the Commission”) for leave to intervene in the above-captioned proceeding. DoD has a direct and significant interest in this proceeding. This Application to Intervene is filed pursuant to Rule 14-3-105 of the Commission’s Rules of Practice and Procedure. In support of this Application, DoD states as follows:

I

That it is duly authorized by law to make and file this Motion.

II

That DoD will be represented by, with all documents served upon and all communications referred to, its duly authorized attorney, a U. S. Department of Defense employee:

Kyle J. Smith, Esq.  
General Attorney  
Regulatory Law Office (JALS-RL/IP)  
U. S. Army Legal Services Agency (USALSA)  
9275 Gunston Road  
Fort Belvoir, VA 22060-5546  
Telephone: (703) 693-1274  
Fax: (703) 806-0123  
kyle.j.smith124.civ@mail.mil

### III

That the United States maintains certain military installations and civilian agency activities within the State of Arizona, a number of which obtain electric service from Tucson Electric Power (TEP) company. DoD has numerous Congressional and Executive mandates and goals for producing or procuring renewable energy. In fact, many of these military installations and civilian agencies have developed or are developing renewable energy projects. On July 2, 2012, TEP filed with the Commission for approval of its 2013 Renewable Energy Standard Implementation Plan, seeking in part to institute a "Track and Record" provision described therein. In this instant proceeding is to establish procedures and a hearing to consider "Track and Record" (as well as alternatives thereto) and the exclusion of retail sales to its largest customers (3MW or greater in demand) from its overall retail sales calculation under A.A.C. R14-2-1804.

### IV

That DoD's existing and planned renewable energy efforts are significantly affected by the instant proceeding. DoD is a customer with a substantial economic interest in this proceeding and would be materially affected by its outcome.

### V

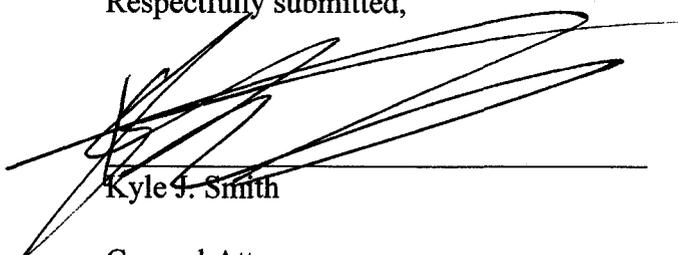
That the interest of DoD is such that it cannot be adequately protected by any other party. DoD is subject to Congressional and Executive mandates and goals for producing or procuring renewable energy that are particular to it. As such, DoD will present evidence that will be of value to the Commission in its determination of the issues.

IV

That DoD's intervention and participation herein will not unreasonably broaden the issues, burden the record, unduly affect the rights of participating parties or unreasonably delay the proceeding.

**WHEREFORE**, DoD, petitions the Commission for leave to intervene in the captioned proceeding as party with full rights to participate in the proceeding, including the right to discovery, to examine witnesses, to file testimony and briefs and to be heard at oral argument.

Respectfully submitted,



Kyle J. Smith

General Attorney  
Regulatory Law Office (JALS-RL/IP)  
Office of the Judge Advocate General  
U. S. Army Legal Services Agency  
9275 Gunston Road  
Fort Belvoir, VA 22060-5546

For  
The United States Department of Defense  
And  
All Other Federal Executive Agencies

**SERVICE LIST**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41

The original and thirteen (13) copies of the foregoing is being transmitted Federal Express overnight delivery this 6<sup>th</sup> day of February 2013 to be received and filed on the 7<sup>th</sup> day of February 2013 with:

Docket Control Division  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, Arizona 85007

A copy of same is being served by e-mail or first class mail this same date to:

Janice Alward, Chief Counsel  
Legal Division  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, Arizona 85007  
[jalward@azcc.gov](mailto:jalward@azcc.gov)

Steven M. Olea, Director  
Utilities Division  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, Arizona 85007  
[solea@azcc.gov](mailto:solea@azcc.gov)

Bradley S. Carroll  
Tucson Electric Power Company  
88 E. Broadway Blvd., MS HQE910  
P.O. Box 711  
Tucson, Arizona 85702  
Attorney for Tucson Electric Power  
[bcarroll@tep.com](mailto:bcarroll@tep.com)

Kevin C. Higgins, Principal  
Energy Strategies, LLC  
215 South State Street  
Suite 200  
Salt Lake City, Utah 84111  
Consultant to Freeport-McMorran

1 and AECC  
2 [KHiggins@Energystrat.com](mailto:KHiggins@Energystrat.com)

3 C. Webb Crockett  
4 Patrick J. Black  
5 FENNEMORE CRAIG, P.C.  
6 3003 North Central Avenue  
7 Suite 2600  
8 Phoenix, Arizona 850 12-29 13  
9 Attorneys for Freeport-McMoRan  
10 and AECC  
11 [wrockett@fclaw.com](mailto:wrockett@fclaw.com)  
12 [pblack@fclaw.com](mailto:pblack@fclaw.com)

13 Court S. Rich  
14 ROSE LAW GROUP, PC  
15 6613 N. Scottsdale Road, Suite 200  
16 Scottsdale, AZ 85250  
17 Attorney for Solar Energy Industries  
18 Association (SEIA)  
19 [crich@roselawaroup.com](mailto:crich@roselawaroup.com)

20 Michael L. Neary  
21 Executive Director  
22 Arizona Solar Energy Industries Association  
23 (AriSEIA)  
24 111 W. Renee Dr.  
25 Phoenix, AZ 85027  
26 [mneary@arizonasolarindustry.org](mailto:mneary@arizonasolarindustry.org)

27 Kevin Koch  
28 P.O. Box 42103  
29 Tucson, AZ 85733

30  
31

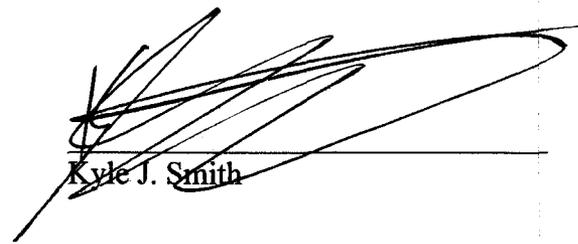
32

33

34

35

36



Kyle J. Smith