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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

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

2014 JAN - 7 A 11: 54

Arizona Corporation Commission

DOCKETED

ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

JAN 07 2014

ORIGINAL

DOCKETED BY

IN THE MATTER OF THE COMMISSION'S
INQUIRY INTO POTENTIAL IMPACTS TO THE
CURRENT UTILITY MODEL RESULTING FROM
INNOVATION AND TECHNOLOGICAL
DEVELOPMENTS IN GENERATION AND
DELIVERY OF ENERGY.

DOCKET NO. E-00000J-13-0375

PROCEDURAL ORDER AND
NOTIFICATION OF
INTERVENTION

BY THE COMMISSION:

The Arizona Corporation Commission ("Commission") opened the above-captioned docket on November 4, 2013.

On December 18, 2013, Clean Power Arizona ("Clean Power"), an Arizona non-profit corporation, and its president, Dillon Holmes, filed a Motion to Intervene.

Clean Power and Mr. Homes state that their missions are to educate concerning reaching a sustainable and healthy energy economy and that they, and the parties they aim to educate, are directly and substantially affected by the issues to be addressed in this Docket.

No party objected to their requests to intervene, however, it does not appear from the record that Clean Power is represented by an attorney in this matter. Pursuant to Arizona Supreme Court Rule 31(d)(28), a non-profit organization may be represented before the Commission by a corporate officer, employee, or a member who is not an active member of the state bar, if (1) the non-profit organization has specifically authorized the officer, employee, or member to represent it in the particular matter; (2) such representation is not the person's primary duty to the non-profit organization, but is secondary or incidental to such person's duties relating to the management or operation of the non-profit organization; and (3) the person is not receiving separate or additional compensation (other than reimbursement for costs) for such representation. Arizona Supreme Court

1 Rule 31(d)(28) further states that the Commission or presiding officer may require counsel in lieu of
2 lay representation whenever it is determined that lay representation is interfering with the orderly
3 progress of the proceeding, imposing undue burdens on the other parties, or causing harm to the
4 parties represented.

5 If Clean Power wishes to be represented by a qualified lay representative in lieu of
6 representation by counsel in this matter, it must docket a specific authorization, such as a board
7 resolution, for a specific lay person meeting the requirements of Arizona Supreme Court Rule
8 31(d)(28) to represent them in this matter. Without such authorization, the Commission may not,
9 pursuant to Arizona Supreme Court Rule 31(d)(28), allow a lay person to appear and represent a
10 corporation in this proceeding. Alternatively, Clean Power may obtain counsel for representation.
11 There is no impediment to granting Mr. Holmes' request to intervene as an individual acting on his
12 own behalf.¹

13 On December 20, 2013, Direct Energy Services, LLC ("Direct Energy") and Noble Americas
14 Energy Solutions LLC ("Noble Solutions") filed Applications for Leave to Intervene.

15 Direct Energy and Noble Solutions were participants in the Commission's recently concluded
16 generic docket inquiring into the subject of retail electric competition (Docket No, E-00000J-13-
17 0375) and state they could be directly and substantially affected by Commission action in this
18 Docket. Both entities are represented by an attorney. No party objected to their interventions.

19 On December 24, 2013, Arizona Public Service Company ("APS") filed a Motion to
20 Intervene. APS is a public service corporation providing electric service within Arizona, and states
21 that it is directly and substantially affected by the issues to be addressed in this proceeding. No party
22 objected to its intervention.

23 IT IS THEREFORE ORDERED that APS', Dillon Holmes', Direct Energy's and Noble
24 Solutions' requests to intervene are granted.

25 IT IS FURTHER ORDERED that Clean Power's request to intervene will be considered upon
26 the submittal of evidence that the corporation is represented by an attorney or the Board of Directors
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28 ¹ Mr. Holmes would appear to be qualified officer to represent Clean Power once authorization has been filed.

1 has authorized an officer or employee to represent it in this Docket.

2 DATED this 6th day of January, 2014.

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JANE L. RODDA
ADMINISTRATIVE LAW JUDGE

7 Copies of the foregoing mailed
8 this 6th day of January, 2014 to:

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19 By: 
20 Jane L. Rodda

21 * Has requested to be included on service list, but has not requested intervention.
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