

ORIGINAL

INTERVENTION



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**SIERRA
CLUB**

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March 3, 2017

Via FedEx

Attn: Docket Control
Arizona Corporation Commission
1200 W. Washington
Phoenix, Arizona 85007-2927

Arizona Corporation Commission

DOCKETED

MAR 6 2017

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GB

Re: Docket No. E-00000C-17-0039: Motion To Intervene of Sierra Club

Please find enclosed an original and 3 copies of the above captioned Motion. This filing has been filed with the Commission and served upon parties via U.S. mail.

Please let me know if you have any questions. Thank you.

Respectfully submitted,

/s/ Alexa Zimbalist

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Sierra Club Environmental Law Program
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CA State Bar No. 200824
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Attorney for Sierra Club

Before the Arizona Corporation Commission

COMMISSIONERS

TOM FORESE, CHAIRMAN
DOUG LITTLE
BOYD DENN
ANDY TOBIN
BOB BURNS

In the Matter of the Arizona Corporation
Commission Investigation Concerning the
Future of the Navajo Generating Station.

Docket No. E-00000C-17-0039

**MOTION TO INTERVENE OF SIERRA
CLUB**

1. Sierra Club respectfully requests to participate in the above-referenced general investigation docket concerning the future of Navajo Generating Station.¹ Sierra Club understands that the ACC's investigation on the economics of NGS going forward will involve the interests of numerous and disparate stakeholders, and any final decision will implicate energy costs, customer rates, grid reliability, jobs, Tribal economies, and environmental considerations. It is Sierra Club's view that this investigation should begin with plant economics while weighing other technical, legal and policy considerations. In December 2016, Sierra Club submitted detailed comments on the Department of the Interior's draft environmental impact statement for

¹ Sierra Club makes this request pursuant to R14-3-105 of the Rules of Practice and Procedure of the Arizona Corporation Commission.

the Navajo Generating Station-Kayenta Mine Complex project. Sierra Club's comments requested, among other things, that the Bureau of Reclamation evaluate the future of NGS by determining the least-cost set of energy and capacity options to meet NGS's total customer load (3 million MWh), then employing standard utility planning practices to find the best resource(s) to meet customer needs. Sierra Club anticipates advocating for a similar approach in this proceeding.

2. Sierra Club is a national, non-profit environmental and conservation organization incorporated under the laws of the State of California. The Sierra Club is dedicated to the protection of public health and the environment. Sierra Club moves to intervene in this proceeding on behalf of itself and its approximately 14,000 Sierra Club members who live and purchase electric utility services in Arizona.

3. Sierra Club advances the development of energy conservation and renewable energy policies, which reduce utility bills, and generate renewable energy. Sierra Club's work includes intervening in efficiency, renewable energy and ratemaking dockets at public utility commissions nationwide, submitting comments in numerous state and federal agency energy-related proceedings and rulemakings, attending and speaking at public hearings, speaking to students and civic and other organizations, and holding seminars and symposia – all in support of policies to reduce the impact of climate change and other air pollution by promoting clean energy alternatives and energy efficiency. Sierra Club members have worked tirelessly to protect local citizens from increased rates due to utility investment in aging coal plants such as San Juan Generating Station when local clean energy alternatives, battery storage and energy efficiency measures are possible.

4. Sierra Club's interests are not adequately represented by any other party in this proceeding. Intervention by Sierra Club will not unduly broaden the issues or delay the proceeding.

5. Sierra Club attorney Gloria Smith is an attorney licensed to practice law and is in good standing in the state of California (CA Bar No. 200824). Ms. Smith will separately file an application for admission *pro hac vice* in accordance with Arizona Supreme Court Rule 38(a). Until such application is complete, Ms. Smith requests permission from the Commission to appear *pro hac vice* on a temporary basis pursuant to Supreme Court Rule 38(a)(3). There is good cause to allow temporary admission because it will allow Sierra Club to participate in the proceeding without delay.

6. Sierra Club requests that all pleadings, correspondence, discovery, and other documents be served via electronic mail to the following email addresses:

Gloria Smith (*pro hac vice* pending)
gloria.smith@sierraclub.org

Alexa Zimbalist
alexa.zimbalist@sierraclub.org

7. Sierra Club does not request physical copies of all pleadings, correspondence, discovery or other documents. If these documents cannot be shared by electronic mail, Sierra Club requests they be delivered to the following address:

Gloria Smith
Sierra Club Environmental Law Program
2101 Webster Street, Suite 1300
Oakland, CA 94612

WHEREFORE, Sierra Club respectfully requests that the Commission issue an order granting this motion to intervene in the above-captioned proceeding.

Dated this 3rd day of March, 2017.

/s/ Gloria Smith

Gloria Smith
CA State Bar No. 200824
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Attorney for Sierra Club

Before the Arizona Corporation Commission

In the Matter of the Arizona Corporation
Commission Investigation Concerning the
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Docket No. E-00000C-17-0039

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing Motion to Intervene of Sierra Club via U.S. Mail to all parties of record in this proceeding listed below.

Elijah Abinah
Arizona Corporation Commission
Acting Director - Utilities Division
Phoenix, Arizona 85007

Timothy La Sota
Arizona Corporation Commission
Acting Director- Legal Division
Phoenix, Arizona 85007

Dated at Oakland, California, this 3rd day of March, 2017.

/s/ Alexa Zimbalist

Alexa Zimbalist
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