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STATE BAR  
of ARIZONA



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Arizona Corporation Commission  
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AUG 05 2003



July 31, 2003

001063

Mr. J. William Moore  
1144 E Jefferson St  
Phoenix, AZ 85034-0001

E-01345A-03-0437

**RE: Pro Hac Vice Application – Michael L. Kurtz**

Dear Mr. Moore:

Enclosed is the State Bar of Arizona *pro hac vice* Notice, original verified application and original Certificate of Good Standing(s), pursuant to Ariz.R.S.Ct., 33(d) *Admission Pro Hac Vice*.

Pursuant to Rule 33(d) 3(b), a copy of each order granting or denying the motion as entered by the court, board or administrative agency shall be mailed by local counsel to the State Bar of Arizona attention Membership Records.

If you have any questions or need further information, please contact Membership Records at (602) 340-7239 or via e-mail at [Membership@staff.azbar.org](mailto:Membership@staff.azbar.org).

Sincerely,

Marie Ruch  
Membership Records

Enclosures

**TO PRINT**



For Official Use Only  
App# 1000512  
Pro Hac ID # P148508

**NONRESIDENT ATTORNEY  
PRO HAC VICE APPLICATION**

Name: Michael L. Kurtz

Residence Address: 39 Reily; Cincinnati, Ohio 45215

Office Address: 36 East Seventh Street; Suite 2110; Cincinnati, Ohio 45202

Telephone: (513) 421-2255 Fax: (513) 421-2764

Title of cause or case where applicant seeks to appear: Please See "Attachment A"

Docket Number: E-01345A-03-0437

Court, Board, or Administrative Agency: Arizona Corporation Commission

Party on whose behalf applicant seeks to appear: The Kroger Company

Courts to Which Applicant Has Been Admitted:	Date of Admission:	Bar Number:
<u>Ohio</u>	<u>4/28/1986</u>	<u>0033350</u>
<u>Kentucky</u>	<u>11/1/1992</u>	<u>84607</u>
<u>Pennsylvania</u>	<u>3/1994</u>	<u>71687</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

Applicant is a member in good standing in such courts.

Applicant is not currently disbarred or suspended in any court.

Applicant  is /  is not (**select one**) currently subject to any pending disciplinary proceeding or investigation by any court, agency or organization authorized to discipline attorneys at law.

Jurisdiction(s) Where Discipline Matter Pending:	Nature of Matter Under Investigation:	Name / Address of Disciplinary Authority:
_____	_____	_____
_____	_____	_____
_____	_____	_____

Applicant  has /  has not (**select one**) been disciplined by any court, agency or organization authorized to discipline attorneys at law.

In the preceding three (3) years, applicant has filed applications to appear as counsel under Rule 33, Arizona Rules of Supreme Court in the following:

Title of Matter:	Docket #:	Court or Agency:	Application Granted? (Y/N)
<u>Please See "Attachment B"</u>	_____	_____	<u>N/A</u>
_____	_____	_____	<u>N/A</u>
_____	_____	_____	<u>N/A</u>
_____	_____	_____	<u>N/A</u>

Name of local counsel: J. William Moore

State Bar of Arizona Number: 1063

Address: 1144 East Jefferson Street; Phoenix, AZ 85034

Telephone: (602) 254-6044 Fax: (602) 253-4572

Name(s) of each party in this cause and name and address of all counsel of record:

Party:	Counsel of Record:	Address:
<u>Arizona Public</u>	<u>Jeffrey B. Guldner</u>	<u>400 East Van Buren</u>
<u>Service Company</u>	<u>Faraz Sanei</u>	<u>Phoenix, Arizona 85004-2202</u>
	<u>Snell &amp; Wilmer L.L.P.</u>	

Applicant is including with this application a nonrefundable application fee, payable to the State Bar of Arizona, in the amount of \$348.50.

This case or cause  is /  is not (**select one**) a related or consolidated matter for which applicant has previously applied to appear pro hac vice in Arizona. If this matter is a related or consolidated with any previous application, applicant certifies the following:

Applicant certifies the following:

1. Applicant shall be subject to the jurisdiction of the courts and agencies of the State of Arizona and to the State Bar of Arizona with respect to the law of this state governing the conduct of attorneys to the same extent as an active member of the State Bar of Arizona, as provided in Rule 46(b) Rules of the Supreme Court.
2. Applicant will review and comply with appropriate rules of procedure as required in the underlying cause.
3. Applicant understands and shall comply with the standards of conduct required of members of the State Bar of Arizona.

Verification

STATE OF Ohio )  
County of Hamilton ) ss.

I, the Applicant, swear that all statements in the application are true, correct and complete to the best of my knowledge and belief.

Dated: 7/30/03 Applicant's signature Michael Kurtz

SUBSCRIBED AND SWORN TO before me this 30 day of July, 2003 by  
MICHAEL L. KURTZ  
Name of Applicant



Kimberly E. Walton  
KIMBERLY E. WALTON  
Notary Public, State of Ohio  
My Commission Expires 08-28-04

**NOTE – As the application requires original signatures of the applicant and notary, this application cannot be filed electronically. Please submit all documents and fees by mail to:**

State Bar of Arizona  
Pro Hac Vice  
111 West Monroe, Suite 1800  
Phoenix, AZ 85003

For further information, please contact our Membership Records Department at (602) 340-7239

**Attachment A            (Title of case where applicant seeks to appear)**

IN THE MATTER OF THE APPLICATION OF            :  
ARIZONA PUBLIC SERVICE COMPANY FOR            : DOCKET NO. E-01345A-03-0437  
A HEARING TO DETERMINE THE FAIR            :  
VALUE OF THE UTILITY PROPERTY OF THE            :  
COMPANY FOR RATEMAKING PURPOSES,            :  
TO FIX A JUST AND REASONABLE RATE OF            :  
RETURN THEREON, TO APPROVE RATE            :  
SCHEDULES DESIGNED TO DEVELOP SUCH            :  
RETURN, AND FOR APPROVAL OF            :  
PURCHASED POWER CONTRACT            :

**Attachment B****(In the previous three years, applicant has filed applications to appear as counsel under Rule 33, in the following.)**

<b><u>Title of Matter</u></b>	<b><u>Docket #</u></b>	<b><u>Court or Agency</u></b>	<b><u>Application Granted</u></b>
1. Arizona Public Service Company Request For Variance Of Certain Requirements Of A.A.C. R14-2-1606	E-01345A-01-0822	Arizona Corporation Commission	Yes
2. Generic Proceedings Concerning Restructuring	E-00000A-02-0051	Arizona Corporation Commission	Yes
3. Arizona Independent Scheduling Adm.	E-00000A-02-0630	Arizona Corporation Commission	Yes

# The Supreme Court of Ohio

## C E R T I F I C A T E

I, RICHARD A. DOVE, Director of the Attorney Services Division of the Supreme Court of Ohio, do hereby certify that I am the custodian of the records of the Attorney Registration Section of the Supreme Court and that the Attorney Services Division is responsible for reviewing Court records to determine the status of Ohio attorneys. I further certify that, having fulfilled all of the requirements for admission to the practice of law in Ohio,

Michael Lawrence Kurtz

was admitted to the practice of law in Ohio on April 28, 1986; has registered as an active attorney pursuant to the Supreme Court Rules for the Government of the Bar of Ohio; is in good standing with the Supreme Court of Ohio; and is entitled to practice law in this state.

IN TESTIMONY WHEREOF, I have subscribed my name and affixed the seal of the Supreme Court, this 17th day of July, 2003.

RICHARD A. DOVE  
*Director, Attorney Services Division*

  
Susan B. Christoff  
*Attorney Services Counsel*

# KENTUCKY BAR ASSOCIATION

514 WEST MAIN STREET  
FRANKFORT, KENTUCKY 40601-1883  
(502) 564-3795  
FAX (502) 564-3225



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C. A. Woodall, III

July 17, 2003

***THIS IS TO CERTIFY THAT***

***MICHAEL LAWRENCE KURTZ***

*CBLD Center*

*36 East Seventh Street, Suite 2110*

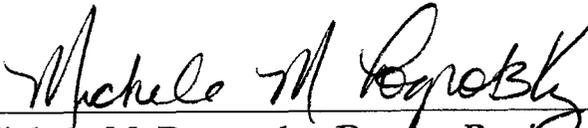
*Cincinnati, Ohio 45202*

***Membership No. 84607***

*is a member in good standing with the Kentucky Bar Association as required by the Rules of the Supreme Court of Kentucky, no record of any complaints or charges of any kind having been preferred against him.*



***BRUCE K. DAVIS***  
***REGISTRAR***

By:   
***Michele M. Pogrosky, Deputy Registrar***



SUSAN STOKLEY CLARY  
Clerk

OFFICE OF THE CLERK  
SUPREME COURT OF KENTUCKY  
ROOM 209, STATE CAPITOL  
700 CAPITAL AVE.  
FRANKFORT, KENTUCKY 40601-3488

Telephone:  
(502) 564-4720  
FAX:  
(502) 564-5491

### CERTIFICATION

I, Susan Stokley Clary, Clerk of the Supreme Court of Kentucky, do hereby certify the records in this office show that Michael Lawrence Kurtz having met the necessary requirements for admission to the Bar, took the oath prescribed by the Constitution of this Commonwealth on November 30, 1992, and thereupon was admitted to practice as an attorney before this and all other courts of the Commonwealth of Kentucky, and certify that Michael Lawrence Kurtz is an attorney at law in good standing, as such, in all the courts of the Commonwealth.

I further certify that the Supreme Court is the Court of highest jurisdiction for the Commonwealth of Kentucky.

Done at the Capitol at Frankfort, Kentucky this 18th day of July, 2003.

SUSAN STOKLEY CLARY  
CLERK

By: *Debra Hill*  
Deputy Clerk



Supreme Court of Pennsylvania

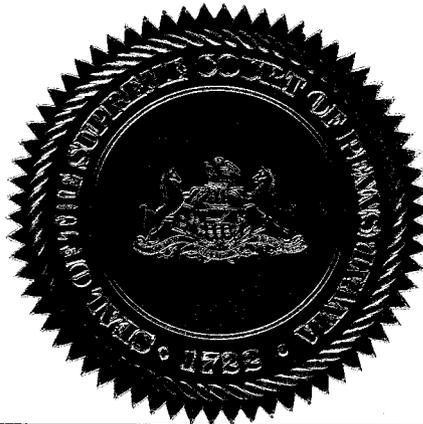
**CERTIFICATE OF GOOD STANDING**

***Michael L. Kurtz, Esq.***

**DATE OF ADMISSION**

***March 31, 1994***

The above named attorney was duly admitted to the bar of the Commonwealth of Pennsylvania, and is now a qualified member in good standing.



**Witness my hand and official seal**

**Dated: July 25, 2003**

*Shirley J. Phipps*

Shirley J. Phipps  
Appellate Court Clerk

1 **Arizona Corporation Commission**

2  
3 In The Matter of: )  
Plaintiff, )

CASE # E 01345A03 0437

4 v. )

SBA App # 1000512

5 )  
6 Defendant, )

**NOTICE OF RECEIPT OF  
COMPLETE APPLICATION**

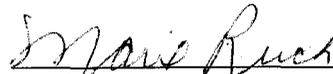
7  
8 NOTICE IS HEREBY given by THE STATE BAR OF ARIZONA that it has  
9 received the verified application and fee from Michael L. Kurtz

10 In addition to this application, applicant has made the following applications to appear  
pro hac vice, pursuant to Rule33 (d), within the previous three (3) years:

Title of Matter	Court/Agency	Date	Granted?	
			yes	<input type="checkbox"/> no
			<input type="checkbox"/> yes	<input type="checkbox"/> no
			<input type="checkbox"/> yes	<input type="checkbox"/> no
			<input type="checkbox"/> yes	<input type="checkbox"/> no

11  
12  
13  
14  
15  
16  
17 Exhibit A, the original verified application and Exhibit B, the original Certificate(s) of  
18 Good Standing are attached hereto.

19 DATED this 31st day of July, 2003

20   
Marie Ruch  
21 Membership Records  
State Bar of Arizona

22 Original Mailed on  
23 July 31st, of 2003 to:  
24 Mr. J. William Moore  
25 1144 E. Jefferson St  
Phoenix, AZ 85034-0001