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BEFORE THE ARIZONA CORPORATION COMMISSION

CARL J. KUNASEK  
CHAIRMAN  
JIM IRVIN  
COMMISSIONER  
WILLIAM A. MUNDELL  
COMMISSIONER

Arizona Corporation Commission

DOCKETED

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AZ CORP COMMISSION  
DOCUMENT CONTROL

IN THE MATTER OF:

ARTHUR ANDERSON L.L.P.,  
Respondent.

DOCKETED BY  
CJP

DOCKET NO. S-03386A-00-000

**MOTION TO VACATE PROTECTIVE  
ORDER**

The Securities Division (the "Division") of the Arizona Corporation Commission (the "Commission") moves to vacate the Hearing Officer's Order Granting Respondent Arthur Andersen L.L.P.'s ("Respondent") Motion for Protective Order issued on November 21, 2000. Because there was no procedural order governing the time for the Division's response, the Division assumed, pursuant to Rule 4(a) of the Uniform Rules of Practice of the Superior Court and Rule 6 of the Rules of Civil Procedure, it would have until November 27, 2000, to file its response. Moreover, as the attached letter indicates, the Division and Respondent have effectively resolved the issues giving rise to Respondent's Motion, thus making the issuance of a protective order unnecessary. For these reasons, the Division

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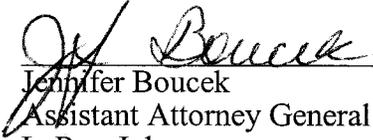
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1 respectfully requests that the Hearing Officer vacate the order granting Respondent's Motion for  
2 Protective Order.

3 Respectfully submitted this the 22<sup>nd</sup> day of November, 2000.

4  
5 BY

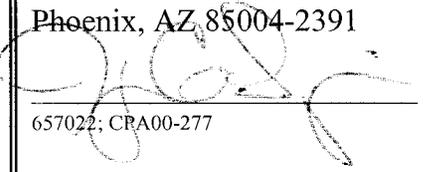
  
Jennifer Boucek  
Assistant Attorney General  
LeRoy Johnson  
Special Assistant Attorney General  
Attorneys For the Securities Division

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8 ORIGINAL AND TEN COPIES of the  
9 foregoing delivered this 22nd day of  
November, 2000, to:

10 Arizona Corporation Commission  
11 Docket Control Center  
12 1200 W. Washington  
Phoenix, AZ 85007-2996

13 COPY of the foregoing mailed this  
14 22nd day of November, 2000, to:

15 Edward Novak  
16 QUARLES & BRADY STREICH LANG LLP  
17 Renaissance One  
Two North Central Ave.  
Phoenix, AZ 85004-2391

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657022; CPA00-277



STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL

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ATTORNEY GENERAL

1275 WEST WASHINGTON, PHOENIX, AZ. 85007-2926

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November 21, 2000

Edward F. Novak, Esq.  
*Quarles & Brady Streich Lang LLP*  
Renaissance One  
Two North Central Ave.  
Phoenix, AZ 85004-2391

**Re: In the Matter of Arthur Andersen, L.L.P., ACC Docket No. S-03386A-00-0000**

Dear Mr. Novak:

This is to confirm our telephone conversation of November 15, 2000, regarding the Motion for Protective Order that you filed in the captioned matter.

As you are aware, Arthur Andersen has produced certain documents relating to the Baptist Foundation of Arizona to the Arizona Attorney General's Office pursuant to a grand jury subpoena. The Securities Division of the Arizona Corporation Commission ("the Division"), in turn, obtained access to those documents through an order issued by the Maricopa County Superior Court. That order releases the documents produced by Arthur Andersen to the Division for certain limited purposes only.

The Division takes the position that the Superior Court order prohibits the Division from publicly disclosing the documents subpoenaed from Arthur Andersen by the grand jury until and unless those documents are made part of the public record through further order of the Court. The Division, of course, reserves the right to secure the release of the subpoenaed documents for use in the captioned administrative proceeding. Moreover, the fact that the Division has not yet sought to make the subpoenaed documents part of the public record does not preclude any other agency of the State from seeking to do so.

Based upon the Division's position with regard to public access to the aforementioned documents, there appears to be little need for the protective order sought by Arthur Andersen in the captioned matter. Therefore, we have agreed that Arthur Andersen will dismiss its Motion for Protective Order upon receipt of written confirmation of the Division's position on the confidentiality of the records subpoenaed from Arthur Andersen. We trust this letter provides the requisite confirmation.

Edward F. Novak, Esq.  
November 21, 2000  
Page 2

Thank you for your cooperation in this matter. If you have any questions, please contact me at (602)542-7721.

Sincerely,



Jennifer Boucek  
Assistant Attorney General  
Consumer Protection & Advocacy Section

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