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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

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2009 JUN 11 P 2: 33

JUN 11 2009

ARIZONA CORP COMMISSION
DOCKET CONTROL

DOCKETED BY

IN THE MATTER OF THE FORMAL
COMPLAINT OF MARSHALL MAGRUDER
FILED WITH THE ARIZONA CORPORATION
COMMISSION ON DECEMBER 5, 2008.

DOCKET NO. E-04204A-08-0589

STATUS UPDATE AND REQUEST FOR
CONTINUANCE

On December 5, 2008, Marshall Magruder filed before the Arizona Corporation Commission ("Commission") a Formal Complaint against UNS Electric, Inc. ("UNSE"), which alleged violations of several Commission decisions.

On December 29, 2008, UNSE filed its Response to the Complaint.

On February 18, 2009, the Commission Hearing Division issued a Procedural Order setting forth the procedural framework for this matter.

A procedural conference was held in this matter on March 2, 2009, at which the parties attempted to narrow down the specific issues within the complaint.

Thereafter, on March 16, 2009, the Hearing Division issued a Procedural Order directing Commission Utilities Division Staff to meet with the parties in an attempt to resolve the dispute, after which Staff would file a report of its findings and recommendations.

On Friday June 5, 2009, the Staff initiated a conference call with Mr. Magruder and counsel for UNSE, Ms. Michelle Livengood and Mr. Mike Patten. The parties discussed all of the issues in the Complaint at length, and decided upon a course of action to address discovery.

The parties have agreed to have Mr. Magruder meet with a representative from UNSE. The two will travel to a pair of mutually agreed-upon sites within the UNSE service territory and will conduct the investigation necessary to alleviate the concerns expressed in the Complaint. Upon completion of the meeting and documentation of the results, there will be a second conference with

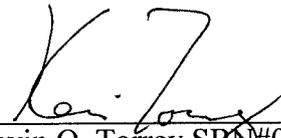
1 Staff to determine an appropriate resolution based upon those findings. The parties have already
2 proposed potential resolutions contingent upon discovery results.

3 Staff is confident that once the meeting between Mr. Magruder and UNSE has been
4 completed that a mutually acceptable solution will be quickly forthcoming.

5 At the close of the teleconference, the parties agreed that Staff counsel would make the
6 instant filing. Staff avows that both Mr. Magruder and UNSE have consented to this filing and agree
7 with the substance of these representations.

8 WHEREFORE, in order to provide enough time to conduct the meeting and a second
9 telephonic conference, Staff requests that the Hearing Division schedule a follow-up status
10 conference in approximately 30 days. The purpose of the status conference will be to inform the
11 Hearing Division as to the results of the meeting and to decide upon the appropriate course going
12 forward.

13 RESPECTFULLY SUBMITTED this 11th day of June, 2009.

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16 _____
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20 Original and thirteen (13) copies
21 of the foregoing were filed this
22 11th day of June, 2009 with:

22 Docket Control
23 Arizona Corporation Commission
24 1200 West Washington Street
25 Phoenix, Arizona 85007

25 Copy of the foregoing mailed this
26 11th day of June, 2009 to:

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