

OPEN MEETING AGENDA ITEM



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ORIGINAL

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AZ CORP COMMISSION  
DOCKET CONTROL

Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, Arizona 85007

Attn: Docket Control (14 Copies with one copy for ALJ Rodda)

RE: ACC Docket Nos.  
E-04204A-06-0783 (UNSE Rate Case),

Arizona Corporation Commission

*[Handwritten signature]*

OCT 7 2009

*[Handwritten initials]*

**Subject: Second Request to Change the Date of a Procedural Conference**

On 15 September 2009, Senior Administrative Law Judge Jane Rodda filed a Procedural Order rescheduling a Procedural Conference in these matters from 13 October 2009 to 0900 on 5 November 2009. I greatly appreciate Judge Rodda making this change.

Unfortunately, this date conflicts with another event that requires my presence in New Orleans. I am the Vice President of the B-26 Martin Marauder Historical Society, headquartered in Tucson with its International Archive at the Pima Air & Space Museum. We are having our annual Board of Directors Meeting and Reunion from 3 to 7 November in New Orleans. As the Vice President of an organization dedicated to preservation of the memories of some 225,000 personnel between 1939 and 1946 who build, maintained and flew this medium-bomber in the U.S. Army Air Force, Royal Air Force, Free French Air Force, and South African Air Force, in the Aleutians, Australia, New Guinea, Guadalcanal, New Catalonia, Antilles, the North African countries, United Kingdom, France, Italy, Corsica, and Germany and many Battles including Midway, Sicily, Southern France, and on D-Day at Normandy and the Balkan Air Force operations, with each combat unit earning at least one Presidential Unit Citation. This reunion is being hosted by the World War II Museum (formerly the D-Day Museum) during its re-opening on 6 November after a \$100 million expansion.

Both Tom Hanks and Tom Brokaw will be addressing our members, the only World War II veterans group invited. Also, the MHS President is trying to resign due to his being 90; however, my goal is to continue keeping "first generation" leaders as long as possible, therefore, attendance at the Board Meeting on 3 November is important. We have been planning this reunion for over the last two years.

Summary: I really can't miss this reunion and feel I could not fully participate via a telephone while out-of-state.

Further, based on recent discussions with Mr. Dion, TEP Vice-President who is now managing the company's side of this matter, the Data Request Set One I submitted on 31 August 2009 was not forwarded to him after Ms Livengood had resigned her position earlier that month and no response has been provided. Mr. Dion has told me that a response is forthcoming.

I had proposed having an earlier Procedural Conference to discuss this response that should help clarify various issues for all parties.

In my original request for a date change, I will be out of state starting 30 September. Last week on Monday I was called to Virginia. On Wednesday, my mother passed away. I've obtained permission from the Superintendent for her burial at the Arlington National Cemetery with my youngest brother, her son, who was killed in 1968 in Vietnam. That service will take place on 22 October thus necessitating us to drive from Tubac to Portland, Oregon, to Virginia and back to Arizona before I fly to New Orleans. My wife has not flown for many years. We enjoy driving.

I prefer participation in Procedural Conferences in person because of improved interactions between parties thus making any date between now and 8 November rather challenging.

Therefore, I would respectfully request delaying the 5 November 2009 Procedural Conference at least a week.

I have no known out-of-state events after 8 November, thus all dates afterword are available, preferably at least a week or so after receipt of the UNS Electric responses to my Data Request Set One as the response should be received long before 8 November.

Sincerely,



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CC:

Mr. Michael W. Patten, Roshka, DeWulf & Patten, One Arizona Center, 400 East Van Buren Street, Phoenix, Arizona 85004

Mr. Dion, UNS Electric, One South Church Street, Tucson, Arizona 85702

Mr. Dan Pozefsky, Chief Counsel, Residential Utility Consumer Office, 1110 West Washington Street, Suite 200, Phoenix, Arizona 85007