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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

- KRISTIN K. MAYES - CHAIRMAN
- GARY PIERCE
- PAUL NEWMAN
- SANDRA D. KENNEDY
- BOB STUMP

2010 APR 15 P 3: 50

ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

IN THE MATTER OF THE FORMAL)	DOCKET NO. E-04204A-08-0589
COMPLAINT OF MARSHALL MAGRUDER)	
FILED WITH THE ARIZONA CORPORATION)	RESPONSE TO MARSHALL
COMMISSION ON DECEMBER 5, 2008.)	MAGRUDER'S MOTION TO
)	QUASH
)	
)	
)	
)	

UNS Electric, Inc. ("UNS Electric" or "Company") objects to Marshall Magruder's Motion to Quash. To date, including his March 22, 2010 filing, Mr. Magruder has not presented any basis for his standing or authority to pursue the claims in his complaint. It makes no sense to expend resources conducting an evidentiary hearing before determining whether Mr. Magruder has standing or authority to pursue his complaint. Nor does it make sense to conduct an evidentiary hearing when certain threshold legal determinations concerning the impact of Commission decisions need to be determined. Again, Mr. Magruder's March 22 filing did not obviate – and in fact accentuated -- the need for such determinations. Granting the motion to stay to allow the Company's Motion to Dismiss to be resolved serves judicial economy and efficiency.

Although the Company may have been able to raise certain legal arguments earlier, it was unclear what claims Mr. Magruder intended to pursue and what the basis of those claims would be. Mr. Magruder's March 22 filing shed light on just what claims Mr. Magruder was pursuing and what was the basis of those claims. Therefore, the Company's Motion to Dismiss is timely and appropriate.

Arizona Corporation Commission
DOCKETED

APR 15 2010

DOCKETED BY	<i>mn</i>
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1 Original and thirteen copies of the foregoing
2 filed this 15th day of April 2010, with:

3 Docket Control
4 Arizona Corporation Commission
5 1200 West Washington Street
6 Phoenix, Arizona 85007

7 Copies of the foregoing
8 mailed/mailed/faxed this
9 15th day of April 2010, to:

10 Marshall Magruder
11 P. O. Box 1267
12 Tubac, Arizona 85646

13 Jane Rodda, Esq.
14 Administrative Law Judge
15 Arizona Corporations Commission
16 400 West Congress Street
17 Tucson, AZ 85701

18 Janice Alward, Esq.
19 Chief Counsel, Legal Division
20 Arizona Corporation Commission
21 1200 West Washington
22 Phoenix, AZ 85007

23 Steve Olea
24 Director Utilities Division
25 Arizona Corporation Commission
26 1200 West Washington
27 Phoenix, AZ 85007

By 