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ARIZONA CORP. COMM
400 W CONGRESS STE 218 TUCSON AZ 85704
Docket No. E-04204A-08-0589

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

4 October 2010

**MOTION TO DISQUALIFY MR. JASON D. GELLMAN
AS AN ATTORNEY TO REPRESENT UNS ELECTRIC IN THIS MATTER**

In the present matter, Mr. Jason D. Gellman signed the UNS Electric's Motions to Dismiss with Prejudice and to Stay the Procedural Schedule (12 April 2010) and the UNS Electric's response of 22 September 2010 filings, as the attorney for UNS Electric.

Mr. Gellman was member the Corporation Commission's Legal Staff in 2005 and was the Commission's attorney in the reopened Decision No. 60211 (Docket E- 01032A-99-0401) hearings. Mr. Gellman represented the Commission in these UNS Electric's Santa Cruz County reliability hearings. He also filed the Staff's Briefs. Decision No. 60211 was an important Decision in the 2005 hearing and is an important Decision in the present matter.

The Arizona Administrative Code in §R14-3-104.G states:

"G. Former employees. No former employee of the Commission shall appear at any time after severing his employment with the Commission as a witness on behalf of other parties in a formal proceeding wherein he previously took an active part in the investigation or preparation as a representative of the Commission, except with the written permission of the Commission."

Due to this clear conflict of interest, it is requested Mr. Jason D. Gellman be withdrawn from this matter and that UNS Electric and Roshka DeWulf & Patton, PLC, be admonished for knowingly violating this rule for former a Commission employee.

Respectfully submitted on this 4th day of October 2010.

Arizona Corporation Commission

DOCKETED

OCT 5 2010

DOCKETED BY [Signature]

MARSHALL MAGRUDER

By [Signature]

Marshall Magruder
PO Box 1267
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(520) 398-8587

1
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