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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

DOCKETED

DEC 22 2010

COMMISSIONERS

KRISTIN K. MAYES, Chairman  
GARY PIERCE  
PAUL NEWMAN  
SANDRA D. KENNEDY  
BOB STUMP

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AZ CORP COMMISSION  
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VIKTOR PETER POLIVKA ,	)	DOCKET NO. E-01933A-10-0340
	)	
COMPLAINMANT	)	
	)	MOTION FOR SUMMARY
vs.	)	DEFAULT JUDGEMENT FOR
	)	OFF GRID RESIDENTIAL SOLAR
TUCSON ELECTRIC POWER COMPANY,	)	SYSTEM
	)	
RESPONDENT.	)	

Hereby, Viktor Peter Polivka, Complainant is submitting this motion for a summary judgment, based on the fact that Tucson Electric Power Company , Respondent failed to respond in a timely matter Judges Martin order -- Procedural Conference Transcript, dated 11/10/2010, pp 5, line 22 , to provide information, under the discovery rules, motion filed by Complainant September 20<sup>th</sup>.2010

As of this filing date, forty days have now elapsed, well above the statutory prescribed time allowed, and this information is indeed required by Complainant so as he may develop his required filing for witness list by February 17, 2011, as ordered. This information is readily available, since TEP, the Respondent has a signed contract and an incentive payment was made by TEP to the prospective witness/customer for his/hers Residential Renewable Solar Energy, Battery back up System.

The onset date for this claim is February 22, 2010.,the date of filing of the UFI Application. In Good Faith, the Complainant Prays, this motion is granted as per Arizona statutes.

RESPECTFULLY SUBMITTED, this 21<sup>st</sup> day of December 2010

By [Signature]  
Viktor Peter Polivka, Pro-Se Complainant