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# JOHNSON UTILITIES, L.L.C

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HAND-DELIVERED

Ernest G. Johnson, Executive Director  
ARIZONA CORPORATION COMMISSION  
1200 W. Washington Street  
Phoenix, Arizona 85007

April 8, 2011

WS-02987A-08-0180

**Re: Petition to Amend Decision 71854 Pursuant to A.R.S. § 40-252**

Dear Mr. Johnson:

On April 5, 2011, the Arizona Corporation Commission discussed the above-referenced petition to amend Decision 71854 in an open meeting. The public notice of the open meeting stated that the Commission "may go into Executive Session for consultation with its attorneys in this matter pursuant to ARS §§ 38-431.03.A (3) and (4), which will not be open to the public." The Commission did, in fact, go into executive session and representatives of Johnson Utilities in attendance at the meeting, as well as other members of the public, were asked to leave the room. In addition, members of Utilities Division Staff involved in the underlying rate case also left the room, including Assistant Utilities Division Director Elijah Abinah. However, the Commission's Utilities Division Director Steve Olea did not leave the room during the executive session, even though he was involved on behalf of Staff in the underlying rate case which is the subject of the Petition to Amend Decision 71854. Allowing Mr. Olea to participate in the executive session on behalf of Staff has prejudiced the interests of Johnson Utilities with respect to its Petition to Amend Decision 71854.

Under A.R.S. § 38-431.01(B) and (C), the Commission must take written minutes or make a recording of its public meetings, including executive sessions. Given the harm suffered by Johnson Utilities as a result of Mr. Olea's participation in the executive session on behalf of Staff, Johnson Utilities requests a copy of the written minutes or recording of the executive session so that it may be placed on the same footing as Utilities Division Staff.

Sincerely,

George H. Johnson

JOHNSON UTILITIES, LLC

Arizona Corporation Commission

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