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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

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ARIZONA CORPORATION COMMISSION
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DOCKETED BY

LYNN A. WHEELER,
Complainant,

vs.

ARIZONA PUBLIC SERVICE COMPANY,
Respondent

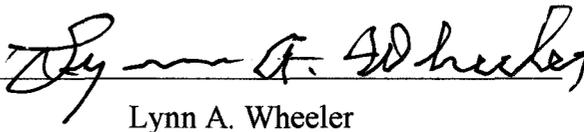
DOCKET NO. E-01345A-10-0201
**REQUEST FOR EXPANSION OF
DISCOVERY PERIOD AND FILING
OF WRITTEN REJOINDER
TESTIMONY**

Lynn A. Wheeler (“Complainant”), hereby files the following request for Administrative Law Judge (“ALJ”) Yvette B. Kinsey’s consideration. This pleading is in response to the telephonic Procedural Conference conducted on April 15, 2011. During the Conference, ALJ Kinsey gave instruction to the Complainant: “I’m going to give you some time to digest what we’ve talked about today, and maybe review the transcript when it comes out, and see if you can possibly pursue any of the other avenues that we have talked about already.” (Page 26, Lines 12-16 of the Transcription)

The Complainant has received, reviewed and considered the transcription of the Procedural Conference. There were several subjects and issues raised that warrant additional exploration. In addition, the Respondent has provided the name of the district service person that was discussed during the telephone conference as well as the voltage of the electric service being provided to the General Service Customer in question. Request ALJ Kinsey allow an expansion of time to permit the Discovery process to continue. The tentative plan is to ask a series of questions of the district service person and then follow up with a subpoena and deposition. Simultaneously, the Respondent will be asked a fifth series of questions and possibly a sixth series of questions depending on the result of the fifth set.

1 In addition, the Complainant requests ALJ Kinsey direct Respondent to file a written
2 Rejoinder Testimony. During the telephonic Procedural Conference, ALJ Kinsey directed the
3 Respondent to include an analysis of tests that were previously performed: "And one of the
4 thing that I wanted your rejoinder testimony to include was an analysis -- Mr. Wheeler raised in
5 his Surrebuttal testimony the tests that were conducted on June 21st through the 27th of '06, and
6 then there was another set of tests that were conducted August 9th through 13, '07, and that's
7 located at page 11 of Mr. Wheeler's Surrebuttal testimony. I would like the company to provide
8 an analysis of those tests that were taken, if you have them, and some additional testimony on
9 that." (Page 23, Lines 3-12 of the Transcription) Having the Respondent provide their
10 Rejoinder testimony at the Formal Hearing would not allow the Complainant an opportunity
11 dissect and consider the analysis and testimony the Respondent will provide. The Complainant
12 would be disadvantaged with this process.

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16 RESPECTFULLY SUBMITTED this 11th day of May 2011

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19 By: 
20 Lynn A. Wheeler

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23
24 ORIGINAL and thirteen (13) copies
25 of the foregoing filed this 11th day of
26 May, 2011, with:

27
28 Docket Control
29 ARIZONA CORPORATION COMMISSION
30 1200 West Washington Street
31 Phoenix, Arizona 85007.

32
33 COPY of the foregoing emailed, mailed or
34 hand-delivered this 11th day of May, 2011, to:
35

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