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BEFORE THE ARIZONA CORPORATION COMMISSION

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2011 SEP 27 A 11:44

AZ CORP COMMISSION  
DOCKET CONTROL

Arizona Corporation Commission

DOCKETED

SEP 27 2011

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IN THE MATTER OF THE FORMAL  
COMPLAINT OF SWING FIRST GOLF LLC  
AGAINST JOHNSON UTILITIES LLC

DOCKET NO. WS-02987A-08-0049

WITHDRAWAL OF COMPLAINT

1 In 2008, Johnson Utilities, LLC ("Johnson") sued Swing First Golf LLC ("Swing First")  
2 in Maricopa Superior Court concerning alleged amounts owed by Swing First for irrigation  
3 service.<sup>1</sup> Trial is currently set for March 13, 2012, concerning this claim, other Johnson claims,  
4 and various Swing First counterclaims.

5 In its September 21, 2011, omnibus pleading in this docket, Johnson urged Swing First to  
6 withdraw its complaint, agreeing with Swing First that "there is no reason to waste the  
7 Commission's resources on a moot case." Johnson also stated "that it will not disconnect utility  
8 service to [Swing First] for non-payment of the disputed portions of its bills while the Superior  
9 Court Case is pending."

10 Given that both parties agree that the above-captioned matter is moot and that the  
11 Commission's resources should not be wasted, Swing First hereby withdraws its complaint, with  
12 prejudice, and asks that this docket be closed. Swing First also withdraws any pending motions.

13 RESPECTFULLY SUBMITTED on September 27, 2011.

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<sup>1</sup> In the matter of Johnson Utilities L.L.C. v. Swing First Golf, L.L.C. (Maricopa County Superior Court Docket No. CV 2008-000141).

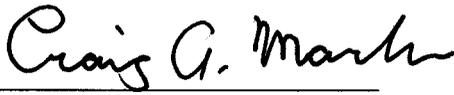
1 **Original and 13 copies filed**  
2 on September 27, 2011, to:

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

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9 **Copies of the foregoing e-mailed**  
10 on September 27, 2011, to:

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