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**BOEHM, KURTZ & LOWRY**

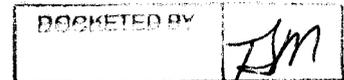
ATTORNEYS AT LAW  
36 EAST SEVENTH STREET  
SUITE 1510  
CINCINNATI, OHIO 45202  
TELEPHONE (513) 421-2255  
TELECOPIER (513) 421-2764



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Via Overnight Mail



September 5, 2012

Arizona Corporation Commission  
Attn: Docket Filing Window  
1200 West Washington Street  
Phoenix, AZ 85007

**Re: Docket No. E-01933A-12-0291**

Dear Sir or Madam:

Attached please find the original and 13 copies of THE KROGER CO.'s FIRST SET OF DATA REQUESTS TO TUCSON ELECTRIC POWER COMPANY to be filed in the above-referenced matter.

All parties of record have been served. Please place this document of file.

Very Truly Yours,

Kurt J. Boehm, Esq.  
Jody M. Kyler, Esq.

**BOEHM, KURTZ & LOWRY**

John William Moore, Jr., (Az. Bar No. 021942)

**COUNSEL FOR THE KROGER CO.**

KJB/kew  
Attachments

Kurt J. Boehm, Esq.  
Jody M. Kyler, Esq.  
BOEHM, KURTZ & LOWRY  
36 East Seventh Street, Suite 1510  
Cincinnati, Ohio 45202  
Ph: 513-421-2255 Fax: 513-421-2764  
E-mail: [kboehm@BKLLawfirm.com](mailto:kboehm@BKLLawfirm.com)

John William Moore, Jr. (Arizona Bar No. 021942)  
7321 North 16<sup>th</sup> Street  
Phoenix, AZ 85020  
Ph: 602-254-6044 Fax: 602-262-2943  
E-mail: [jmoore@mbmlaw.com](mailto:jmoore@mbmlaw.com)  
**COUNSEL FOR THE KROGER CO.**

**BEFORE THE ARIZONA CORPORATION COMMISSION**

COMMISSIONERS:

**GARY PIERCE, CHAIRMAN**  
**BOB STUMP**  
**SANDRA D. KENNEDY**  
**PAUL NEWMAN**  
**BRENDA BURNS**

In The Matter Of The Application Of Tucson Electric Power Company For The Establishment Of Just And Reasonable Rates And Charges Designed To Realize A Reasonable Rate Of Return On The Fair Value Of Its Operations Throughout The State Of Arizona	: : : : : ::	Docket No. E-01933A-12-0291
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**FIRST SET OF DATA REQUESTS OF  
THE KROGER CO.  
TO TUSCON ELECTRIC POWER COMPANY**

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**September 5, 2012**

## DEFINITIONS

1. “Document” means the original and all copies (regardless of origin and whether or not including additional writing thereon or attached thereto) of memoranda, reports, books, manuals, instructions, directives, records, forms, notes, letters, notices, confirmations, telegrams, pamphlets, notations of any sort concerning conversations, telephone calls, meetings or other communications, bulletins, transcripts, diaries, analyses, summaries, correspondence investigations, questionnaires, surveys, worksheets, and all drafts, preliminary versions, alterations, modifications, revisions, changes, amendments and written comments concerning the foregoing, in whatever form, stored or contained in or on whatever medium, including computerized memory or magnetic media.
2. “Study” means any written, recorded, transcribed, taped, filmed, or graphic matter, however produced or reproduced, either formally or informally, a particular issue or situation, in whatever detail, whether or not the consideration of the issue or situation is in a preliminary stage, and whether or not the consideration was discontinued prior to completion.
3. “Person” means any natural person, corporation, professional corporation, partnership, association, joint venture, proprietorship, firm, or the other business enterprise or legal entity.
4. A request to identify a natural person means to state his or her full name and residence address, his or her present last known position and business affiliation at the time in question.
5. A request to identify a document means to state the date or dates, author or originator, subject matter, all addressees and recipients, type of document (e.g., letter, memorandum, telegram, chart, etc.), number of code number thereof or other means of identifying it, and its present location and custodian. If any such document was, but is no longer in the Company’s possession or subject to its control, state what disposition was made of it.
6. A request to identify a person other than a natural person means to state its full name, the address of its principal office, and the type of entity.
7. “And” and “or” should be considered to be both conjunctive and disjunctive, unless specifically stated otherwise.
8. “Each” and “any” should be considered to be both singular and plural, unless specifically stated otherwise.
9. Words in the past tense should be considered to include the present, and words in the present tense include the past, unless specifically stated otherwise.
10. “You” or “your” means the person whose filed testimony is the subject of these interrogatories and, to the extent relevant and necessary to provide full and complete answers to any request, “you” or “your” may be deemed to include any person with information relevant to any interrogatory who is or was employed by or otherwise associated with the witness or who assisted, in any way, in the preparation of the witness’ testimony.
11. Tucson Electric Power Company means any of their officers, directors, employees, or agents who may have knowledge of the particular matter addressed.

## **INSTRUCTIONS**

1. If any matter is evidenced by, referenced to, reflected by, represented by, or recorded in any document, please identify and produce for discovery and inspection each such document.
2. These interrogatories are continuing in nature, and information which the responding party later becomes aware of, or has access to, and which is responsive to any request is to be made available to the Kroger Co., studies, documents, or other subject matter not yet completed that will be relied upon during the course of this case should be so identified and provided as soon as they are completed. The Respondent is obliged to change, supplement and correct all answers to interrogatories to conform to available information, including such information as it first becomes available to the Respondent after the answers hereto are served.
3. Unless otherwise expressly provided, each interrogatory should be construed independently and not with reference to any other interrogatory herein for purpose of limitation.
4. The answers provided should first restate the question asked and also identify the person(s) supplying the information.
5. Please answer each designated part of each information request separately. If you do not have complete information with respect to any interrogatory, so state and give as much information as you do have with respect to the matter inquired about, and identify each person whom you believe may have additional information with respect thereto.
6. In the case of multiple witnesses, each interrogatory should be considered to apply to each witness who will testify to the information requested. Where copies of testimony, transcripts or depositions are requested, each witness should respond individually to the information request.
7. The interrogatories are to be answered under oath by the witness(es) responsible for the answer.

**FIRST SET OF DATA REQUESTS OF  
THE KROGER CO. TO  
TUCSON ELECTRIC POWER COMPANY  
Docket Nos. E-01933A-12-0291**

**Kroger Co. Request No. Q1-1**

Please send our consultant a complete hard copy of TUCSON ELECTRIC POWER COMPANY'S Application and Direct Testimony as well as copies of all past and future data responses provided by TUCSON ELECTRIC POWER COMPANY to data requests submitted by other parties in this case. Please provide your responses to our consultant at the address listed below.

**Kroger Co. Request No. Q1-2**

Please provide an electronic version of all workpapers with formulas intact in excel format and forward to our consultant at the address listed below.

Stephen J. Baron  
J. Kennedy & Associates  
570 Colonial Park Drive, Suite 305  
Roswell, GA 30075  
Ph: 770 992-2027 Fax: 770-992-0806  
E-mail: [sbaron@jkenn.com](mailto:sbaron@jkenn.com)



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Kurt J. Boehm, Esq.  
Jody M. Kyler, Esq.  
BOEHM, KURTZ & LOWRY  
36 East Seventh Street, Suite 1510  
Cincinnati, Ohio 45202  
Ph: 513-421-2255 Fax: 513-421-2764  
e-mail: [kboehm@BKLawfirm.com](mailto:kboehm@BKLawfirm.com)  
[jkyler@BKLawfirm.com](mailto:jkyler@BKLawfirm.com)

John William Moore, Jr. (Arizona Bar No. 021942)  
7321 North 16<sup>th</sup> Street  
Phoenix, AZ 85020  
Ph: 702-743-5431  
e-mail: [jmoore@mbmblaw.com](mailto:jmoore@mbmblaw.com)

**COUNSEL FOR THE KROGER CO.**

**CERTIFICATE OF SERVICE**

I hereby certify that true copy of the foregoing was served by electronic mail (when available) or regular U.S. mail 5<sup>th</sup> day of September, 2012 on the parties listed below.

  
\_\_\_\_\_  
Kurt J. Boehm, Esq.  
Jody M. Kyler, Esq.  
John William Moore., Jr., (Az Bar No. 021942)

Company	Contact	Address
Arizona Public Service Company	Leland Snook	P.O. Box 53999, Mail Station 9708 Phoenix, Arizona 85072
	Thomas Mumaw	P.O. Box 53999, Station 8695 Phoenix, Arizona 85072-3999
	Stephen Baron	570 Colonial Park Dr. Ste 305 Roswell, Georgia 30075
	John Moore, Jr.	7321 N. 16th Street Phoenix, Arizona 85020
	C. Webb Crockett	3003 N. Central Ave. - 2600 Phoenix, Arizona 85012-2913
	Daniel Pozefsky	1110 West Washington, Suite 220 Phoenix, Arizona 85007
	Lawrence Robertson, Jr.	PO Box 1448 Tubac, Arizona 85646
	Michael Patten	Roshka DeWulf & Patten, PLC One Arizona Center 400 E. Van Buren St. - 800 Phoenix, Arizona 85004
	Steve Olea	1200 W. Washington St. Phoenix, Arizona 85007
	Janice Alward	1200 W. Washington Phoenix, Arizona 85007
Arizona Corporation Commission	Lyn Farmer	1200 W. Washington Phoenix, Arizona 85007-2927
	- Bradley Carroll	88 E. Broadway Blvd. MS HQE910 P.O. Box 711 Tucson, Arizona 85702