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UNITED STATES ARMY LEGAL SERVICES AGENCY
9275 GUNSTON ROAD
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REPLY TO
ATTENTION OF
Regulatory Law Office

February 21, 2013

2013 FEB 22 6:11:17
AZ CORP
DOCKET CORP

Subject: In The Matter Of The Tucson Electric Power Company Application For Approval Of Its 2013 Renewable Energy Standard Tariff Implementation Plan.

Arizona Corporation Commission Docket No. E-01933A-12-0296.

VIA FEDERAL EXPRESS
Chairman and Commissioners
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007-2927

E-01345A-10-0394
E-01345A-12-0290
E-04204A-12-0297

Dear Commissioners:

Please find attached hereto the U.S. Department of Defense and all other Federal Executive Agencies' (DoD) Notice of Unavailability and Motion for Continuance of Pre-Hearing Conference and Hearing in the above captioned matter.

Thank you in advance for your attention to this important issue. Please call if there are any problems with this request or if any further action is needed. I can be reached at (703) 693-1274 or by E-mail at kyle.j.smith124.civ@mail.mil.

Arizona Corporation Commission
DOCKETED

FEB 22 2013

DOCKETED BY
JSM

Regards,

Kyle J. Smith
General Attorney
Regulatory Law Office (JALS-RL/IP)
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U. S. Army Legal Services Agency
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Enclosure

Cc: See Service List

BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

BOB STUMP - Chairman
GARY PIERCE
BRENDA BURNS
BOB BURNS
SUSAN BITTER SMITH

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|---|------------------------------------|
| IN THE MATTER OF ARIZONA PUBLIC SERVICE COMPANY REQUEST FOR APPROVAL OF UPDATED GREEN POWER RATE SCHEDULE GPS-1, GPS-2, AND GPS-3. | DOCKET NO. E-01345A-10-0394 |
| IN THE MATTER OF THE APPLICATION OF ARIZONA PUBLIC SERVICE COMPANY FOR APPROVAL OF ITS 2013 RENEWABLE ENERGY STANDARD IMPLEMENTATION FOR RESET OF RENEWABLE ENERGY ADJUSTOR. | DOCKET NO. E-01345A-12-0290 |
| IN THE MATTER OF THE APPLICATION OF TUCSON ELECTRIC POWER COMPANY FOR APPROVAL OF ITS 2013 RENEWABLE ENERGY STANDARD IMPLEMENTATION PLAN AND DISTRIBUTED ENERGY ADMINISTRATIVE PLAN AND REQUEST FOR RESET OF ITS RENEWABLE ENERGY ADJUSTOR. | DOCKET NO. E-01933A-12-0296 |
| IN THE MATTER OF THE APPLICATION OF UNS ELECTIC, INC. FOR APPROVAL OF ITS 2013 RENEWABLE ENERGY STANDARD IMPLEMENTATION PLAN AND DISTRIBUTED ENERGY ADMINISTRATIVE PLAN AND REQUEST FOR RESET OF ITS RENEWABLE ENERGY ADJUSTOR. | DOCKET NO. E-04204A-12-0297 |

NOTICE OF UNAVAILABILITY AND MOTION FOR CONTINUANCE OF PRE-HEARING CONFERENCE AND HEARING

The United States Department of Defense and all other Federal Executive Agencies (collectively referred to herein as "DoD"), pursuant to R14-3-209, Arizona Corporation Commission Rules of Practice and Procedure, hereby files this, its Notice of Unavailability and Motion for Continuance of Pre-Hearing Conference and Hearing, to reschedule to a later date after March 29, 2013. In support of this Application, DoD states as follows:

Procedural History

1. On February 14, 2013, a procedural conference was conducted in Docket Nos. E-01345A-10 et al. and E-01933A-12-0296 to discuss procedures to govern the Hearing directed by Decision Nos. 73636, 63637, and 73638.

2. At the procedural conference, statements were made by the various Parties on what procedures should be implemented.

3. In addition, DoD's Motion for Leave to Intervene was considered and granted at the February 14, 2013 procedural conference.

4. Comments were not requested from the Parties regarding scheduling of dates, and undersigned counsel understood that all dates stated for any hearing in this matter were in June of 2013, or after.

5. The Honorable Administrative Law Judge Teena Jibilian issued the February 15, 2013 Procedural Order Consolidating Dockets Setting Hearing the following day, which sets the Pre-Hearing Conference for May 23, 2013 and the Hearing for May 29, 2013.

Good Cause for Continuance

6. For good cause for the continuance, DoD states:

a) This matter is of significant importance to DoD as a large customer with substantial existing and planned renewable energy facilities in Arizona. As such the outcome of this matter will significantly affect DoD.

b) At no time during the February 14, 2013 procedural conference in this matter were statements made that the Pre-Hearing Conference and Hearing could or would take place in May of 2013. Statements regarding scheduling

indicated that any hearing would take place in or after June of 2013. As such, undersigned counsel had no reason to anticipate any conflict with any other matter.

- c) On February 13, 2013, undersigned counsel participated in a procedural conference for a matter pending before the Washington Utilities and Transportation Commission, Docket No. UT-121994. At the procedural conference in Docket No. UT-121994, it was determined that the only time available for the hearing in that matter is May 23 and May 28 – 29, 2013. In fact, prior to the procedural conference, numerous attempts were made between the parties to schedule the Hearing in Docket No. UT-121994 at a different date, but to no avail.
- d) On February 15, 2014, the Honorable Administrative Law Judge Gregory J. Kopta issued the Prehearing Conference Order; Notice of Hearing, which sets the Hearing in Docket No. UT-121994 for May 23 and May 28 – 29, 2013 in Olympia, Washington, which directly conflicts with the Pre-Hearing Conference and Hearing in this matter.

7. Due to the above described scheduling conflict between this matter and the matter pending in Washington State, with no alternative dates available for the Washington State matter, counsel for DoD is unavailable on the dates scheduled for the Pre-Hearing Conference and Hearing in this matter.

8. Counsel for DoD is available anytime on or after May 30, 2013, but would request the Pre-Hearing Conference and Hearing in this matter be continued to sometime in

June of 2013 to allow sufficient time to prepare between the two currently conflicting matters.

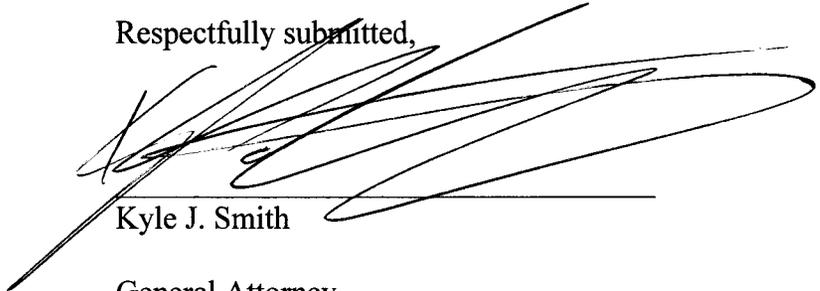
9. Due to the lack of any discussion at the procedural conference of the Pre-Hearing Conference and Hearing in this matter taking place in May of 2013, coupled with the issuance of the Orders in the two currently conflicting matters being issued on the same day, undersigned counsel was unaware of any conflict until the February 15, 2013 Procedural Order Consolidating Dockets and Setting Hearing was received on February 20, 2013.

10. If no continuance is granted, DoD's ability to participate in this matter of significant importance to it will be severely unfairly prejudiced.

11. DoD is more than willing to work with all Parties to determine mutually agreeable alternative dates for the Pre-Hearing Conference and Hearing shortly after May 29, 2013, so as to minimize any delay to these proceedings while allowing DoD to meaningfully participate.

WHEREFORE, DoD provides its counsel's notice of unavailability and respectfully requests that this Motion be granted, resulting in the continuance and rescheduling of the Pre-Hearing Conference and Hearing in this matter to a date after May 29, 2013.

Respectfully submitted,

A large, stylized handwritten signature in black ink, appearing to read 'K. J. Smith', is written over a horizontal line. The signature is highly cursive and extends significantly above and below the line.

Kyle J. Smith

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For
The United States Department of Defense
And
All Other Federal Executive Agencies

SERVICE LIST

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The original and thirteen (13) copies of the foregoing is being transmitted Federal Express overnight delivery this 21st day of February 2013 to be received and filed on the 22nd day of February 2013 with:

Docket Control Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

A copy of same is being served by e-mail or first class mail this same date to:

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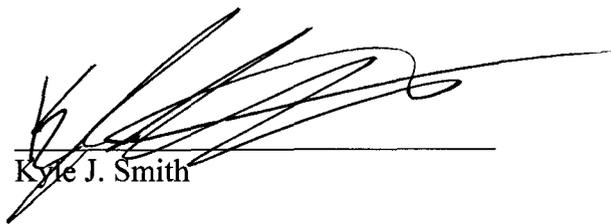
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