

ORIGINAL

Docket No. WS-20794A-11-0140, WS-20794A-11-0279 & SW-20851A-12-0226

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AZ CORP COMMISSION
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May 14, 2013

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Docket Control Center
Arizona Corporation Commission
1200 W. Washington Street
Phoenix, Arizona 85007

RE: AMENDING MOTION REQUESTING APPROVAL FOR VIDEO CONFERENCING FOR WITNESSES

DII-Emerald Springs, LLC ("DII") is requesting permission to present One (1) witness via audio-video conferencing at the hearing scheduled to start on July 23, 2013 at 10:00 a.m.

The witness name is: Robert (Bob) Watson, former president of the HOA Board since inception to approximate 2004-2005.

Mr. Watson will testify as to the relationship the HOA had with Mr. Thompson; as he was the person in charge of the HOA at that time. He will also testify as to his experience dealing with DII while he was the president of the HOA Board.

Mr. Watson testimony is important as he was the person dealing with Mr. Thompson on the day to day issues. In fact, all the recent HOA board members are new to the community and none of them have ever dealt with Mr. Thompson in the past. In addition, Mr. Watson could not be intimidated by the HOA board members as he does not have any interest in Emerald Springs any longer.

Mr. Watson will be testifying from his office located in Cornelius, NC.

Mr. Watson is self employed and leaving NC to come to Phoenix will cause hardship on him as he will missed at least 3-4 days of work.

DII can't see any reason why allowing Mr. Watson to testify via videoconferencing could harm anyone participating in this hearing.

Mr. Watson will be testifying from his office via Skype and will be calling in on the phone. If there is internet connection and a way to project the image to the monitors or a projector, the video conferencing is easy to do. No specialized equipment is required... Most likely the hearing room is already equipped with these features. In the event the hearing room is not equipped to project the image, then please allow the witness to testify via telephone only.

DII will coordinate with Staff to know the options available. If there are any expenses related to this request, DII will pay for them.

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Due to medical conditions; the second witness will not be able to participate.

This motion has been served via email to the following:

HOA attorney – Julie A. LaBenz at jlabenz@johnchurchill.com

Robhana attorney - Steve Wene at swene@law-msh.com

Doyle R Thompson at dcopperstate@hotmail.com

ACC – Legal Division Scott Hesla at shesla@azcc.gov

ACC – Utilities Division Vicki Wallace at vwallace@azcc.gov

RESPECTFULLY SUBMITTED, this 14th day of May, 2013.

A handwritten signature in black ink, appearing to read 'Henry Melendez', with a long horizontal flourish extending to the right.

DII-Emerald Springs, LLC
Henry Melendez, President