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BEFORE THE ARIZONA CORPORATION COMMISSION

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2013 SEP 24 P 1:43

AZ CORP COMMISSION
BUCKET CONTROL

THOMAS PATZKE,

Complainant,

vs.

TUCSON ELECTRIC POWER COMPANY,

Respondent

DOCKET NO. E-01933A-12-0416

**NOTICE OF FILING ERRATA
TO MOTION TO DISMISS AND
REQUEST TO VACATE
HEARING DATE**

On September 23, 2013 Tucson Electric Power Company ("TEP"), through its undersigned counsel, filed a motion to dismiss with prejudice the complaint in this Docket. TEP files this Notice of Errata and attaches the Settlement Agreement that should have been filed together with the Motion to Dismiss and Request to Vacate the Hearing Date.

RESPECTFULLY SUBMITTED this 24th day of September, 2013

Arizona Corporation Commission

DOCKETED

SEP 24 2013

DOCKETED BY

TUCSON ELECTRIC POWER COMPANY

By

Kimberly A. Ruht
Tucson Electric Power Company
88 E. Broadway Blvd.
Tucson, Arizona, 85702

and

Jason D. Gellman
Roshka, DeWulf & Patten, PLC
400 East Van Buren Street, Suite 800
Phoenix, Arizona 85004
Attorneys for Tucson Electric Power Company

1 Original and 13 copies of the foregoing
filed this 24th day of September 2013 to:

2 Docket Control
3 Arizona Corporation Commission
1200 West Washington Street
4 Phoenix, Arizona 85007

5 Copy of the foregoing hand-delivered/mailed
this 24th day of September 2013 to:

6 Belinda Martin
7 Hearing Division
Arizona Corporation Commission
8 400 West Congress Suite # 221
Tucson, AZ 85701-1347

9
10 Steven M. Olea, Director
Utilities Division
11 Arizona Corporation Commission
12 1200 West Washington Street
Phoenix, Arizona 85007

13 Wesley Van Cleve
14 Legal Division
Arizona Corporation Commission
15 1200 West Washington Street
Phoenix, Arizona 85007

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17 Thomas Patzke
12951 N. Tailwind Drive
Oro Valley, Arizona 85755

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SETTLEMENT AGREEMENT
DOCKET NO. E-01933A-12-0416
THOMAS PATZKE V. TUCSON ELECTRIC POWER COMPANY

The purpose of this Settlement Agreement ("Agreement") is to settle all issues related to Docket No. E-04204A-12-0416 in Thomas Patzke v. Tucson Electric Power Company. This Agreement is entered into by the following entities:

Tucson Electric Power Company ("TEP" or "Company")
Thomas Patzke

These entities shall be referred to collectively as "Signatories;" a single entity shall be referred to individually as a "Signatory."

RELEASE AND SETTLEMENT AGREEMENT

This Settlement Agreement is entered into by and between Thomas Patzke and Tucson Electric Power Company (hereinafter referred to as "TEP" or "Company") and collectively referred to as the "Signatories."

RECITALS

A. On September 24, 2012, Mr. Patzke filed a Formal Complaint ("Complaint") in Docket No. E-01933A-12-0416 with the Arizona Corporation Commission ("ACC") against TEP, alleging that TEP owed him additional \$4,256.00 in Up Front Incentives ("UFI") for a 18.33 megawatt residential solar system.

B. TEP and Thomas Patzke wish to settle the claim brought in the above-referenced docket, and any and all claims and disputes, known and unknown, between the Signatories .

AGREEMENT

Now, therefore, the Signatories agree as follows:

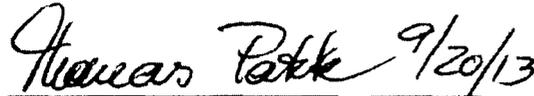
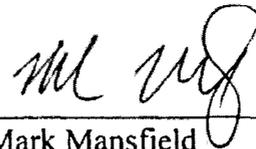
1. Financial Settlement. TEP agrees to pay Thomas Patzke the sum of \$3,000.00 ("Financial Settlement"). TEP shall deliver a check in the amount of \$3,000.00 payable to Thomas Patzke through certified mail. The Financial Settlement will be paid not later

than 14 days after either the Administrative Law Judge assigned to this docket dismisses the Complaint with Prejudice, or until the ACC issues a written decision that either approves the Settlement Agreement or dismisses the Complaint with Prejudice.

2. General Release of Claims. Thomas Patzke agrees to dismiss his Complaint before the ACC and agrees to the execution of a Joint Motion to Dismiss with Prejudice to be submitted to the Administrative Law Judge. This agreement includes, but is not limited to, the release and dismissal of any and all claims for additional UFI incentive payments associated with the 18.33 megawatt residential solar system installed on Mr. Patzke residence and UFI Renewable Energy Credit Purchase Agreement entered into on July 20, 2011 between Mr. Patzke and TEP. Mr. Patzke acknowledges that TEP would not have consented to the payment of the Financial Settlement were it not for his agreement to the release provision, and that any breach of this provision will frustrate the underlying purpose of this Settlement Agreement. Mr. Patzke further acknowledges that the ACC approving the Settlement Agreement effectively constitutes the entire resolution of this matter and has the same effect as a dismissal with prejudice.

3. No Admission of Liability. The Signatories agree that by entering in this Settlement Agreement, TEP is not admitting any wrong doing. The Signatories understand and agree that the Settlement Agreement is being entered into in an effort to resolve a dispute between the parties and to avoid any further dispute, discussion or action concerning the matters related thereto.

4. Complete Agreement. This Settlement Agreement sets forth the entire agreement between TEP and Thomas Patzke and supersedes any and all prior and contemporaneous oral or written agreement or understandings among the Signatories. No representation, promise, inducement or stay of intention has been made by TEP that is not embodied in this Settlement Agreement. This Settlement Agreement cannot be amended, modified or supplemented in any respect except by a subsequent written agreement by the parties or by Order of the ACC.

	9/20/13		9/23/13
Thomas Patzke	Date	Mark Mansfield Tucson Electric Power Company Vice President - Generation	Date