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March 8, 2017

Chairman Tom Forese
Commissioner Bob Burns
Commissioner Doug Little
Commissioner Andy Tobin
Commissioner Boyd Dunn

Arizona Corporation Commission

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Arizona Corporation Commission
1200 W. Washington Street
Phoenix, AZ 85007

Re: Rulemaking Proceeding on the Development of Transparency and
Disclosure Rule, Docket No. RU-00000A-17-0035

Dear Chairman and Commissioners:

This letter is to provide notice that the attached Notice of Dismissal Without Prejudice was filed in Superior Court today. As a result of this filing, the lawsuit styled *APS v. Burns*, Maricopa County No. CV2016-014895 is closed. This closure does not, however, extinguish the underlying subpoena. That subpoena was recently renewed and requires documents to be produced on March 24, 2017. APS and Pinnacle West continue to object to the subpoena and will separately address the renewed subpoena before the compliance deadline.

Sincerely,

Thomas A. Loquvam

Attachment

1 Mary R. O'Grady, 011434
2 Joseph N. Roth, 025725
3 OSBORN MALEDON, P.A.
4 2929 North Central Avenue, 21st Floor
5 Phoenix, Arizona 85012-2793
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9 Matthew E. Price (*Pro Hac Vice* to be filed)
10 JENNER & BLOCK
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14 (202) 639-6873
15 mprice@jenner.com

16 Attorneys for Plaintiffs

17 SUPERIOR COURT OF ARIZONA

18 MARICOPA COUNTY

19 Arizona Public Service Company, an Arizona public
20 service corporation, and Pinnacle West Capital
21 Corporation, an Arizona corporation,

22 Plaintiffs,

23 vs.

24 Commissioner Robert Burns, a member of the
25 Arizona Corporation Commission, in his official
26 capacity,

27 Defendant.

No. CV2016-014895

**NOTICE OF DISMISSAL
WITHOUT PREJUDICE**

(Assigned to the Hon. David Gass)

28 Pursuant to Arizona Rule of Civil Procedure 41(a)(1)(A)(i), Plaintiffs Arizona
Public Service Corporation and Pinnacle West Corporation hereby provide notice
dismissing this action without prejudice. Because Defendant has not filed an answer or
motion for summary judgment, no further action of the Court is necessary to dismiss
this action.

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DATED this 8th day of March, 2017

OSBORN MALEDON, P.A.

By /s/ Mary R. O'Grady
Mary R. O'Grady
Joseph N. Roth
2929 North Central Avenue, 21st Floor
Phoenix, Arizona 85012-2793

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Attorneys for Plaintiffs

E-filed with the Clerk, Maricopa County
Superior Court and copy distributed via
AZTurboCourt this 8th day of March, 2017, to:

Hon. David Gass
Maricopa County Superior Court, ECB-514
101 West Jefferson
Phoenix, Arizona 85003-2243

Copy of the foregoing mailed via U. S. Mail
and via email this 8th day of March, 2016, to:

William A. Richards
Baskin & Richards
2901 N Central Ave Ste 1150
Phoenix AZ 85012
Attorneys for Commissioner Robert Burns

/s/ Peggy L. Nieto