

TARIQ AHMAD  
PRESIDENT  
PACIFIC ENERGY AND MINING CO.  
3550 Barron Way, Suite 13A  
Reno, NV 89511  
Telephone 775-333-6626  
taroil@yahoo.com

**BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH**

**IN THE MATTER OF PACIFIC ENERGY &  
MINING COMPANY**

**Docket No. 18-2602-01**

**PACIFIC ENERGY & MINING  
COMPANY MOTION TO REMOVE  
COUNSEL FOR DIVISION REQUEST FOR  
SANTIONS**

Pacific Energy & Mining Company (“PEMC”) hereby files this motion requesting that the Commission order the removal of counsel for Division from any and all proceedings in this matter.

This motion is based upon the following:

**FACTS**

On June 25, 2018 the Administrative Law Judge issued Second Amended Scheduling Order Cancelling Hearing date and extending discovery cut-off date:

Additionally, the discovery cut-off date of June 22, 2018 is extended until an alternative hearing date is established. Parties shall propose a mutually agreed-upon hearing date (or dates) in writing to the PSC. The PSC will then schedule this matter for hearing on a date that works for all schedules involved.

PEMC was contacted by counsel for the Division suggesting dates for the hearing. The hearing dates suggested were for October and November. Mr. Green of Pacific Energy was in contact with Divisions counsel by email. See Exhibit 1.

Division attorney did not contact PEMC for alternative dates or even make an attempt to come up with alternative dates.

No new discovery cut-off date has been set. The previous date was vacated. Discovery request have been made by both the Division and PEMC during August 2018.

On August 9<sup>th</sup>, 2018 the commission filed its order. This order set a hearing date for September 25, 2018 and denied PEMC motion to dismiss for lack of jurisdiction.

On August 10, 2018, PEMC filed motions:

Motion to extend time to file a reply to Divisions opposition:

1. Reply to Divisions opposition.
2. Motion to reconsider its order dated August 9, 2018 and set for public hearing  
PEMC motion to dismiss for lack of jurisdiction.

Each of the motions was sent by email to the Commission for filing with a copy to Division counsel.

Thereafter PEMC received an email copy on August 9, 2018 from Divisions counsel stating:

“Early next week can we discuss how we want to reply to his motions. His motion to extend time is, well, untimely. His motion for hearing and oral argument on jurisdiction is unnecessary. I am sure I will think of more eloquent ways to suggest that we say those things.”

See Exhibit 1.

The email was accidentally sent to PEMC as it was meant to be sent to the Commission. Later upon discovering was also sent to PEMC divisions counsel sent an email:

My message was intended only for the Division folks – I did not intend to send it to the Commission or to you. I erroneously hit Reply All to your email containing your motions. I have asked that my Reply All message be deleted. The Commission will not consider my erroneously sent email in making its decisions.

See Exhibit 2.

On August 10, 2018 via email someone acting on behalf of the commission stated:

The Commission understands that this chain of emails sent to us erroneously and it will not be posted to the docket.

Thank you.

See Exhibit 3.

On August 13, 2018 PEMC sent a stipulation to Division’s counsel requesting that the hearing be vacated and new discovery cut-off date be established. See Exhibit 4.

On August 15, 2018 PEMC received an email from Division counsel stating:

At this time the Division is not amenable to entering into the draft stipulation you sent regarding the hearing date and discovery cut-off.

See Exhibit 4.

Thereafter Divisions counsel sent discovery requests to PEMC on August 15, 2018.

PEMC believes that the effort of Divisions counsel in sending the email was to influence the independence of the Administrative Law Judge. This effort was made to provide the Commission reasons by which the Commission should deny PEMC requests. Upon getting caught Division counsel sent an email to PEMC stating that the Commission will not use counsel’s suggestions.<sup>1</sup>

*“The Commission will not consider my erroneously sent email in making its decisions.”*

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<sup>1</sup> There may be more emails and contacts between the Commission and Division counsel which PEMC is not aware of.

The matter has already been prejudiced by the actions of Divisions counsel.

#### CONCLUSION

PEMC request that Administrative Law Judge remove counsel for Division from any and all proceedings in this matter and sanction the same for trying to influence the independence of the Commission.

DATED: August 17, 2018

A handwritten signature in black ink that reads "Tariq Ahmad". The signature is written in a cursive style with a long horizontal stroke at the beginning.

---

Tariq Ahmad  
President

PROOF OF SERVICE

I certify that I caused a true and correct copy of the foregoing to be served this 17<sup>th</sup> day of August 2018 by email to the following:

Chris Parker, Director Division of Public Utilities  
[chrisparker@utah.gov](mailto:chrisparker@utah.gov)

DPU Data Request  
[DPUdatarequest@utah.gov](mailto:DPUdatarequest@utah.gov)

Patrica E. Schmid  
Justin C. Jetter  
Assistant Attorney Generals  
Counsel for Division of Public Utilities  
[pschmid@agutah.gov](mailto:pschmid@agutah.gov)  
[jjetter@agutah.gov](mailto:jjetter@agutah.gov)

Dated: August 17, 2018



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Tariq Ahmad

EXHIBIT 1

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**Subject:** RE: PEMC Hearing Dates

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**From:** Patricia Schmid (pschmid@agutah.gov)

---

**To:** dfgreen1@dslextreme.com; taroil@yahoo.com;

---

**Date:** Wednesday, July 18, 2018 12:26 PM

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Hello,

Al Zadeh is out of the office this week, so I will check with him next week. Mr. Ahmad, have you had a chance to check your calendar? Also, best wishes for a successful medical procedure.

Thank you,

Trisha

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**From:** Dan Green <dfgreen1@dslextreme.com>  
**Sent:** Friday, July 13, 2018 11:52 AM  
**To:** Tariq Ahmad <taroil@yahoo.com>; Patricia Schmid <pschmid@agutah.gov>  
**Subject:** Re: PEMC Hearing Dates

I have a commitment from Nov 14 through the 21. Thanksgiving is Nov 22.

Dan

**From:** Tariq Ahmad  
**Sent:** Friday, July 13, 2018 9:01 AM  
**To:** Patricia Schmid ; Dan Green  
**Subject:** Re: PEMC Hearing Dates

I reviewed the files I think we are looking at two days, i will check my calendar and that of Dan Green to check availability

**Tariq I. Ahmad SPEC**

**PH 775 333 6626**

**FAX 775 333 0225**

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**From:** Patricia Schmid <[pschmid@agutah.gov](mailto:pschmid@agutah.gov)>  
**To:** Tariq Ahmad <[taroil@yahoo.com](mailto:taroil@yahoo.com)>  
**Sent:** Tuesday, July 10, 2018 11:43 AM  
**Subject:** PEMC Hearing Dates

Hello,

I am unsure of how long your recovery will be, so I propose the following hearing dates. If we anticipate the hearing will be only one day, any day between 10/22-26. If we anticipate the hearing will be two or more days, 11/12-15 or 11/19-21 (or if we think it will only be one day, any one day during that time). Others involved in the hearing have asked that we avoid Thanksgiving week if we can, but realize that may not be possible. Our Division director is out of the country, so I could not check this schedule with him. Any date picked would be subject to his approval of the procedural process and also the availability of the Commission.

Please let me know your thoughts.

Thanks,  
Trisha

Trisha Schmid  
Assistant Attorney General  
160 East 300 South  
P.O. Box 140857  
Salt Lake City, UT 84114-0857  
(801) 366-0380  
[pschmid@agutah.gov](mailto:pschmid@agutah.gov)

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EXHIBIT 2

---

**Subject:** RE: Docket No. 18-2602-01 DPU Response - 06-20-2018

---

**From:** Patricia Schmid (pschmid@agutah.gov)

---

**To:** taroil@yahoo.com; dpudatarequest@utah.gov; psc@utah.gov;

---

**Cc:** azadeh@utah.gov; cshendricks@utah.gov; chrisparker@utah.gov; dfgreen1@dslextreme.com;

---

**Date:** Thursday, August 9, 2018 4:12 PM

---

Early next week can we discuss how we want to reply to his motions. His motion to extend time is, well, untimely. His motion for hearing and oral argument on jurisdiction is unnecessary. I am sure I will think of more eloquent ways to suggest that we say those things.

I was surprised that the Commission order set a hearing date.

---

**From:** Tariq Ahmad <taroil@yahoo.com>  
**Sent:** Thursday, August 9, 2018 5:09 PM  
**To:** DataRequest DPU <dpudatarequest@utah.gov>; Public Service Commission <psc@utah.gov>  
**Cc:** Al Zadeh <azadeh@utah.gov>; Connie Hendricks <cshendricks@utah.gov>; Parker, Chris <chrisparker@utah.gov>; Patricia Schmid <pschmid@agutah.gov>; Dan Green <dfgreen1@dslextreme.com>  
**Subject:** Re: Docket No. 18-2602-01 DPU Response - 06-20-2018

Attached please find my two motions

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**From:** DataRequest DPU <[dpudatarequest@utah.gov](mailto:dpudatarequest@utah.gov)>  
**To:** Public Service Commission <[psc@utah.gov](mailto:psc@utah.gov)>  
**Cc:** Al Zadeh <[azadeh@utah.gov](mailto:azadeh@utah.gov)>; Connie Hendricks <[cshendricks@utah.gov](mailto:cshendricks@utah.gov)>; "Parker, Chris" <[chrisparker@utah.gov](mailto:chrisparker@utah.gov)>; Patricia Schmid <[Pschmid@agutah.gov](mailto:Pschmid@agutah.gov)>; Tariq Ahmad <[Taroil@yahoo.com](mailto:Taroil@yahoo.com)>; Dan Green <[dfgreen1@dslextre.me](mailto:dfgreen1@dslextre.me)>  
**Sent:** Wednesday, June 20, 2018 2:07 PM  
**Subject:** Docket No. 18-2602-01 DPU Response - 06-20-2018

---

**Subject:** RE: Docket No. 18-2602-01 DPU Response - 06-20-2018

---

**From:** Patricia Schmid (pschmid@agutah.gov)

---

**To:** taroil@yahoo.com; dpudatarequest@utah.gov; psc@utah.gov;

---

**Cc:** azadeh@utah.gov; cshendricks@utah.gov; chrisparker@utah.gov; dfgreen1@dslextreme.com;

---

**Date:** Thursday, August 9, 2018 4:27 PM

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My message was intended only for the Division folks – I did not intend to send it to the Commission or to you. I erroneously hit Reply All to your email containing your motions. I have asked that my Reply All message be deleted. The Commission will not consider my erroneously sent email in making its decisions.

---

**From:** Tariq Ahmad <taroil@yahoo.com>  
**Sent:** Thursday, August 9, 2018 5:24 PM  
**To:** Patricia Schmid <pschmid@agutah.gov>; DataRequest DPU <dpudatarequest@utah.gov>; Public Service Commission <psc@utah.gov>  
**Cc:** Al Zadeh <azadeh@utah.gov>; Connie Hendricks <cshendricks@utah.gov>; Parker, Chris <chrisparker@utah.gov>; Dan Green <dfgreen1@dslextreme.com>  
**Subject:** Re: Docket No. 18-2602-01 DPU Response - 06-20-2018

Pat

I really did not think we live in Iran where government can make decisions without public hearings.

**Tariq I. Ahmad SPEC**

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**FAX 775 333 0225**

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**From:** Patricia Schmid <[pschmid@agutah.gov](mailto:pschmid@agutah.gov)>  
**To:** Tariq Ahmad <[taroil@yahoo.com](mailto:taroil@yahoo.com)>; DataRequest DPU <[dpudatarequest@utah.gov](mailto:dpudatarequest@utah.gov)>; Public Service Commission <[psc@utah.gov](mailto:psc@utah.gov)>  
**Cc:** Al Zadeh <[azadeh@utah.gov](mailto:azadeh@utah.gov)>; Connie Hendricks <[cshendricks@utah.gov](mailto:cshendricks@utah.gov)>; "Parker, Chris" <[chrisparker@utah.gov](mailto:chrisparker@utah.gov)>; Dan Green <[dfgreen1@dslextreme.com](mailto:dfgreen1@dslextreme.com)>  
**Sent:** Thursday, August 9, 2018 4:12 PM  
**Subject:** RE: Docket No. 18-2602-01 DPU Response - 06-20-2018

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I was surprised that the Commission order set a hearing date.

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**Sent:** Thursday, August 9, 2018 5:09 PM  
**To:** DataRequest DPU <[dpudatarequest@utah.gov](mailto:dpudatarequest@utah.gov)>; Public Service Commission <[psc@utah.gov](mailto:psc@utah.gov)>  
**Cc:** Al Zadeh <[azadeh@utah.gov](mailto:azadeh@utah.gov)>; Connie Hendricks <[cshendricks@utah.gov](mailto:cshendricks@utah.gov)>; Parker, Chris <[chrisparker@utah.gov](mailto:chrisparker@utah.gov)>; Patricia Schmid <[pschmid@agutah.gov](mailto:pschmid@agutah.gov)>; Dan Green <[dfgreen1@dslextreme.com](mailto:dfgreen1@dslextreme.com)>  
**Subject:** Re: Docket No. 18-2602-01 DPU Response - 06-20-2018

Attached please find my two motions

**Tariq I. Ahmad SPEC**  
**PH 775 333 6626**  
**FAX 775 333 0225**

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**From:** DataRequest DPU <[dpudatarequest@utah.gov](mailto:dpudatarequest@utah.gov)>  
**To:** Public Service Commission <[psc@utah.gov](mailto:psc@utah.gov)>  
**Cc:** Al Zadeh <[azadeh@utah.gov](mailto:azadeh@utah.gov)>; Connie Hendricks <[cshendricks@utah.gov](mailto:cshendricks@utah.gov)>; "Parker, Chris" <[chrisparker@utah.gov](mailto:chrisparker@utah.gov)>; Patricia Schmid <[Pschmid@agutah.gov](mailto:Pschmid@agutah.gov)>; Tariq Ahmad <[Taroil@yahoo.com](mailto:Taroil@yahoo.com)>; Dan Green <[dfgreen1@dslextreme.com](mailto:dfgreen1@dslextreme.com)>  
**Sent:** Wednesday, June 20, 2018 2:07 PM  
**Subject:** Docket No. 18-2602-01 DPU Response - 06-20-2018



EXHIBIT 4



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**Subject:** Re: Docket No. 18-2602-01 DPU Response - 06-20-2018

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**From:** PublicService Commission (psc@utah.gov)

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**To:** pschmid@agutah.gov;

---

**Cc:** taroil@yahoo.com; dpudatarequest@utah.gov; azadeh@utah.gov; cshendricks@utah.gov; chrisparker@utah.gov; dfgreen1@dslextreme.com;

---

**Date:** Friday, August 10, 2018 7:06 AM

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The Commission understands that this chain of emails sent to us erroneously and it will not be posted to the docket.

Thank you.

On Thu, Aug 9, 2018 at 5:27 PM, Patricia Schmid <pschmid@agutah.gov> wrote:

My message was intended only for the Division folks – I did not intend to send it to the Commission or to you. I erroneously hit Reply All to your email containing your motions. I have asked that my Reply All message be deleted. The Commission will not consider my erroneously sent email in making its decisions.

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**Sent:** Thursday, August 9, 2018 5:24 PM

**To:** Patricia Schmid <pschmid@agutah.gov>; DataRequest DPU <dpudatarequest@utah.gov>; Public Service Commission <psc@utah.gov>

**Cc:** Al Zadeh <azadeh@utah.gov>; Connie Hendricks <cshendricks@utah.gov>; Parker, Chris <chrisparker@utah.gov>; Dan Green <dfgreen1@dslextreme.com>

**Subject:** Re: Docket No. 18-2602-01 DPU Response - 06-20-2018

Pat

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**Tariq I. Ahmad SPEC**

**PH 775 333 6626**

**FAX 775 333 0225**

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---

**From:** Patricia Schmid <[pschmid@agutah.gov](mailto:pschmid@agutah.gov)>  
**To:** Tariq Ahmad <[taroil@yahoo.com](mailto:taroil@yahoo.com)>; DataRequest DPU <[dpudatarequest@utah.gov](mailto:dpudatarequest@utah.gov)>; Public Service Commission <[psc@utah.gov](mailto:psc@utah.gov)>  
**Cc:** Al Zadeh <[azadeh@utah.gov](mailto:azadeh@utah.gov)>; Connie Hendricks <[cshendricks@utah.gov](mailto:cshendricks@utah.gov)>; "Parker, Chris" <[chrisparker@utah.gov](mailto:chrisparker@utah.gov)>; Dan Green <[dfgreen1@dslextreme.com](mailto:dfgreen1@dslextreme.com)>  
**Sent:** Thursday, August 9, 2018 4:12 PM  
**Subject:** RE: Docket No. 18-2602-01 DPU Response - 06-20-2018

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I was surprised that the Commission order set a hearing date.

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**From:** Tariq Ahmad <[taroil@yahoo.com](mailto:taroil@yahoo.com)>  
**Sent:** Thursday, August 9, 2018 5:09 PM  
**To:** DataRequest DPU <[dpudatarequest@utah.gov](mailto:dpudatarequest@utah.gov)>; Public Service Commission <[psc@utah.gov](mailto:psc@utah.gov)>  
**Cc:** Al Zadeh <[azadeh@utah.gov](mailto:azadeh@utah.gov)>; Connie Hendricks <[cshendricks@utah.gov](mailto:cshendricks@utah.gov)>; Parker, Chris <[chrisparker@utah.gov](mailto:chrisparker@utah.gov)>; Patricia Schmid <[pschmid@agutah.gov](mailto:pschmid@agutah.gov)>; Dan Green <[dfgreen1@dslextreme.com](mailto:dfgreen1@dslextreme.com)>  
**Subject:** Re: Docket No. 18-2602-01 DPU Response - 06-20-2018

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**Tariq I. Ahmad SPEC**

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**From:** DataRequest DPU <[dpudatarequest@utah.gov](mailto:dpudatarequest@utah.gov)>

**To:** Public Service Commission <[psc@utah.gov](mailto:psc@utah.gov)>

**Cc:** Al Zadeh <[azadeh@utah.gov](mailto:azadeh@utah.gov)>; Connie Hendricks <[cshendricks@utah.gov](mailto:cshendricks@utah.gov)>; "Parker, Chris" <[chrisparker@utah.gov](mailto:chrisparker@utah.gov)>; Patricia Schmid <[Pschmid@agutah.gov](mailto:Pschmid@agutah.gov)>; Tariq Ahmad <[Taroil@yahoo.com](mailto:Taroil@yahoo.com)>; Dan Green <[dfgreen1@dslexreme.com](mailto:dfgreen1@dslexreme.com)>

**Sent:** Wednesday, June 20, 2018 2:07 PM

**Subject:** Docket No. 18-2602-01 DPU Response - 06-20-2018

EXHIBIT 5

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**Subject:** Scheduled dates

---

**From:** Tariq Ahmad (taroil@yahoo.com)

---

**To:** pschmid@agutah.gov;

---

**Cc:** dfgreen1@dslextreme.com; psc@utah.gov;

---

**Date:** Monday, August 13, 2018 8:22 AM

---

Dear Ms. Schmid:

Pursuant to your email dated July 10, 2018, and the commission's order dated June 25, 2018. The discovery cutoff date was vacated and new dates were to be determined. You had proposed dates in the Months of October and November. Dan Green was not available during the proposed dates in November.

Your last email stated that the commission on its own decision to set a hearing date for September. I am not available on this date. Pursuant to the stipulation we had made pursuant to your email to the Commission on June 22, 2018, I will appreciate if we can come up with a hearing date that we are all available in order to proceed. Furthermore, we also need to come up with discovery cutoff dates.

Thanks

**Tariq I. Ahmad SPEC**

**PH 775 333 6626**

**FAX 775 333 0225**

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EXHIBIT 6

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**Subject:** RE: Hearing dates

---

**From:** Patricia Schmid (pschmid@agutah.gov)

---

**To:** taroil@yahoo.com;

---

**Cc:** dfgreen1@dslextreme.com; terry@spencerandcollier.com;

---

**Date:** Wednesday, August 15, 2018 1:28 PM

---

At this time the Division is not amenable to entering into the draft stipulation you sent regarding the hearing date and discovery cut-off.

---

**From:** Tariq Ahmad <taroil@yahoo.com>  
**Sent:** Tuesday, August 14, 2018 3:10 PM  
**To:** Patricia Schmid <pschmid@agutah.gov>  
**Cc:** Dan Green <dfgreen1@dslextreme.com>; terry@spencerandcollier.com  
**Subject:** Re: Hearing dates

Thanks

**Tariq I. Ahmad SPEC**

**PH 775 333 6626**

**FAX 775 333 0225**

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**From:** Patricia Schmid <[pschmid@agutah.gov](mailto:pschmid@agutah.gov)>  
**To:** Tariq Ahmad <[taroil@yahoo.com](mailto:taroil@yahoo.com)>  
**Cc:** Dan Green <[dfgreen1@dslextreme.com](mailto:dfgreen1@dslextreme.com)>; "[terry@spencerandcollier.com](mailto:terry@spencerandcollier.com)" <[terry@spencerandcollier.com](mailto:terry@spencerandcollier.com)>

**Sent:** Tuesday, August 14, 2018 2:08 PM  
**Subject:** RE: Hearing dates

I am otherwise engaged but should be able to contact you tomorrow.

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**From:** Tariq Ahmad <[taroil@yahoo.com](mailto:taroil@yahoo.com)>  
**Sent:** Tuesday, August 14, 2018 2:57 PM  
**To:** Patricia Schmid <[pschmid@agutah.gov](mailto:pschmid@agutah.gov)>  
**Cc:** Dan Green <[dfgreen1@dslextreme.com](mailto:dfgreen1@dslextreme.com)>  
**Subject:** Hearing dates

Patricia

I left you a message yesterday and sent an email, I will appreciate if you would get back to me

**Tariq I. Ahmad SPEC**  
**PH 775 333 6626**  
**FAX 775 333 0225**

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