

ORIGINAL

FORMAL COMPLAINT

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COMPANY NAME: UniSource Energy Corp. DBA (if applicable): DOCKET NUMBER(s): E-04230A-04-0185

INSTRUCTIONS: Please choose the item that best describes the nature of the case/filing.

UTILITIES - NEW APPLICATION

- New CC&N, Extension of CC&N, Deletion of CC&N, Cancellation of CC&N, Tariff (NEW), Miscellaneous - Specify, Interconnection Agreement, Rates, Financing, Formal Complaint

UTILITIES - REVISIONS/AMENDMENTS/COMPLIANCE

Application Decision No: Docket No: Tariff Promotional: Compliance:

Arizona Corporation Commission DOCKETED

MAR 10 2004

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MISCELLANEOUS FILINGS

- Affidavit (Publication, Public Notice), Request/Motion, Comments, Exception, Exhibit(s), Miscellaneous - Specify, Motion to Intervene, Notice of Errata, Testimony, Response / Reply, Witness List

Date

Print name of the person who signed the document (i.e. Contact Person, Respondent, Attorney, Applicant, etc.)

ARIZONA CORPORATION COMMISSION  
FORMAL COMPLAINT FORM

ORIGINAL

FORMAL COMPLAINT

E-04230A-04-0185

COMPLAINT <b>OVERCHARGING</b>	COMPLAINT NUMEBR <b>29871</b>	DATE <b>3/1/04</b>
ADDRESS <b>2155 MOYO DR. #1 LAKE HAVASU CITY</b>	PHONE (HOME) <b>(928) 854-4039</b>	
NAME OF RESPONSIBLE PARTY <b>J.D. BRISTOW</b>	PHONE (WORK)	
NAME OF UTILITY <b>UNISOURCE ENERGY</b>	ACCOUNT NUMBER	
GROUNDS FOR COMPLAINT: (COMPLETE STATEMENT OF THE GROUNDS FOR COMPLAINT. INDICATING DATE(S) OF COMMISSION/ OMISSION OR ACTS OR THINGS COMPLAINED OF.) (USE ADDITIONAL PAGE IF NECESSARY.)		

**— SEE ATTACHED DOCUMENTS —**

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Arizona Corporation Commission  
**DOCKETED**

**MAR 10 2004**

DOCKETED BY **CK**

NATURE OF RELIEF SOUGHT: (USE ADDITIONAL PAGE IF NECESSARY.)

**— SEE ATTACHED DOCUMENTS —**

SIGNATURE OF COMPLAINANT OR ATTORNEY



ARIZONA CORPORATION COMMISSION  
FORMAL COMPLAINT FORM

NATURE OF RELIEF SOUGHT: (CONTINUED)

— SEE ATTACHED DOCUMENTS —

## Corporation Commission - Rules of Practice and Procedure

C. Other appearances. Notwithstanding the provisions of subsections R14-3-105(A) and R14-3-105(B), any consumer or prospective consumer may appear at any proceeding and make a statement on his own behalf, at a time designated by the Commission or presiding officer. A person so appearing shall not be deemed a party to the proceedings.

When two or more interested persons under this rule have substantially like interests and positions, the presiding officer may declare them a class of interested persons for purposes of the hearing. The members of the class shall designate to be spokesman for the class one of their number, or his attorney, or such greater of their number, or attorneys, as the presiding officer shall determine. More than one class may be established for a hearing.

## Historical Note

Former Section R14-3-105 repealed, new Section R14-3-105 adopted effective December 17, 1975 (Supp. 75-2).

R14-3-106. Formal documents, requirement and timeliness, motions, informal complaints and protests

- A. Formal documents. Formal documents include applications, complaints, answers, motions, replies and protests.
- B. Verification. Applications, complaints and answers need not be verified unless required by law.
- C. Form. Formal documents shall be typewritten, reproduced or printed, properly captioned and signed by an appropriate authorized individual, officer or attorney. Formal documents shall state the name and address of each party thereto and shall clearly identify the proceedings by docket number and title.
- D. Defective filing. No case need be set for hearing wherein any data required by statute or by General Order of this Commission has not been furnished by applicant.
- E. Amendments to formal documents. The Commission or presiding officer, in his discretion, may allow any formal document to be amended or corrected. Formal documents will be liberally construed and defects which do not affect substantial rights of the parties will be disregarded. The Commission or presiding officer shall cause parties or formal documents to be redesignated whenever necessary in accordance with these rules.
- F. Applications. A request for a right, authority or other affirmative relief (other than by complaint or counterclaim) or a request for leave to intervene shall be designated an "Application". The application shall set forth the name and post office address of the applicant and shall contain the facts upon which the application is based, with such exhibits as may be required or deemed appropriate by the applicant.
- G. Application for rehearing. A request for rehearing, filed either under R14-3-111 or R14-3-112, shall be designated as an "Application for Rehearing". Applications filed under R14-3-111 shall be governed by the provisions of that rule and A.R.S. § 40-253. Applications filed under R14-3-112 shall be governed by that rule.
- H. Answers. Answers to complaints are required and must be filed within 20 days after the date on which the complaint is served by the Commission, unless otherwise ordered by the Commission. All answers shall be full and complete and shall admit or deny specifically and in detail each allegation of the complaint to which such answer is directed. The answer shall include a motion to dismiss if a party desires to challenge the sufficiency of the complaint.
- I. Protests. Unless otherwise provided by special order of the Commission, a person who may be adversely affected by an application shall have the right to file a written protest with the Commission or be heard orally as a protestant at a public hearing.

J. Response to application when required by Commission. After the filing of an Application, the Commission in its discretion may make any public service corporation or other person subject to its jurisdiction, a party to the proceedings and may require such person or corporation to respond to the allegations of the Application.

K. Motions. Motions shall conform insofar as practicable with the Rules of Civil Procedure for the Superior Court of the state of Arizona.

L. Formal complaints. Complaints shall be in writing and shall contain the name and address of the complainant, the name of the person or company against whom complaint is made, a complete statement of the grounds for said complaint, indicating the date or dates of the commission or omission of the acts or things complained of, and the nature of the relief sought by the complainant. The complaint shall be signed by the complainant, or by one of the complainants if there be more than one, or by an officer of the complainant if the complainant be a corporation, association or other organization, or for the complainant by an agent or attorney. If the complainant has an attorney, his name and address shall appear in the complaint and he shall sign the complaint.

M. Informal complaints

1. Informal complaints may be made by letter or other writing. No particular form is required; however, the writing must clearly state the matters complained of and must satisfactorily identify the party complained against. It need not be verified but must be signed by the complainant or attorney and show the address of the complainant and his attorney if he has one.
2. Informal complaints may be handled by the Commission or staff, by correspondence or otherwise, with the parties affected in an endeavor to bring about a speedy adjustment of the complaint without formal hearing. Informal procedure is recommended in all cases except those which clearly cannot be adjusted informally. Proceedings on informal complaints will be conducted without prejudice to the complainant's right to file and prosecute a formal complaint if the matter cannot be properly adjusted informally, in which event the proceeding on the informal docket will be discontinued. A formal complaint must thereafter be filed if a hearing is desired.

## Historical Note

Former Section R14-3-106 repealed, new Section R14-3-106 adopted effective December 17, 1975 (Supp. 75-2). Amended effective March 13, 1979 (Supp. 79-2).

R14-3-107. Filing and service of formal documents

- A. Formal documents. An original and three legible copies of all formal documents shall be filed with the Commission. One copy shall be served on any person who is already a party to the proceeding. In addition, the Commission may direct that a copy of any such documents shall be made available by the party filing same to any person whom the Commission may specify.
- B. Manner of service. Except as provided in R14-3-103(B) or unless otherwise ordered by the Commission or otherwise provided by law, all notices, orders to show cause, opinions and orders required to be served by the Commission and all documents filed by any party may be served by mail, and service thereof shall be deemed complete when a true copy of such paper or document, properly addressed and stamped, is deposited in the United States mail with first class postage prepaid.
- C. Proof of service. There shall appear on all documents required to be served by a party an acknowledgement of service or the following certificate:

I hereby certify that I have this day served the foregoing documents on all parties of record in this proceeding (by delivering a copy thereof in person to \_\_\_\_\_)

(By mailing a copy thereof, properly addressed with first class postage prepaid to \_\_\_\_\_).

Dated at \_\_\_\_\_, Arizona,  
this \_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_

\_\_\_\_\_  
(Signature)

#### Historical Note

Former Section R14-3-107 repealed, new Section R14-3-107 adopted effective December 17, 1975 (Supp. 75-2).

#### R14-3-108. Prehearing conference

- A. Procedure. The Commission or presiding officer upon its own motion or upon motion of any party and upon written notice to all parties of record, may direct that a prehearing conference shall be held for the purposes of formulating or simplifying the issues, obtaining admissions of fact and of documents which will avoid unnecessary proof, arranging for the exchange of proposed exhibits or prepared expert testimony, limitation of number of witnesses and consolidation of the examination of witnesses, procedure at the hearing and such other matters which may expedite orderly conduct and disposition of the proceedings or settlements thereof.
- B. Action taken. The action taken at such conference and the agreements made by the parties concerned shall be made a part of the record and, if approved by the parties, such action will control the course of subsequent proceedings, unless modified at the hearing by the presiding officer.
- C. Recessing hearing for conference. In any proceeding the presiding officer, in his discretion, may call all parties together for a conference prior to the taking of testimony, or may recess the hearing for such conference, with the view of carrying out the purpose of this rule. The presiding officer shall state on the record the results of such conference.

#### Historical Note

Former Section R14-3-108 repealed, new Section R14-3-108 adopted effective December 17, 1975 (Supp. 75-2).

#### R14-3-109. Hearings, prehearings, conduct of hearings, procedure, evidence, subpoenas, briefs, arguments, official notice and rulings

- A. Procedure. Hearings will be held before one or more Commissioners, one or more Hearing Officers, or any combination thereof. Notice of the place, date and hour of the hearing will be served by the Commission at least ten days before the time set therefor, unless otherwise provided by law or as ordered by the Commission.
- B. Publication of notice of hearings. Publication of notice of hearings shall be as required by law or as ordered by the Commission in a particular proceeding. If publication is required, affidavit of publication shall be filed with the Arizona Corporation Commission at or prior to the time of initial hearing.
- C. Dismissal of proceeding. The Commission may dismiss the application or complaint with or without prejudice or may recess said hearing for a further period to be set by the Commission. A single Commissioner or a Hearing Officer may adjourn or recess a hearing at any time to submit a recommendation to the Commission to dismiss the proceeding,

or may recess said hearing for a further period to be set by the Commission.

- D. Preliminary procedure. The presiding officer shall call the proceeding for hearing and proceed to take the appearances and act upon any pending motions or applications. The parties may then make opening statements if they desire.
- E. Conduct at hearings. All parties to hearings, their counsel and spectators will conduct themselves in a respectful manner. Smoking shall not be permitted at formal hearings of the Commission.
- F. Testimony under oath. All testimony to be considered by the Commission in formal hearings shall be under oath, except matters of which judicial notice is taken or entered by stipulation.
- G. Order of procedure. Applicants or complainants (each of whom must carry the burden of proof) shall present their evidence and then such parties as may be opposing the application or complaint shall submit their evidence. The presiding officer shall determine the order in which parties shall introduce their evidence. Intervenor shall, insofar as possible, follow the party with respect to whom their interests are most closely identified. If the intervention is not in support of either original party, the presiding officer shall designate at which stage such intervenors shall be heard. Evidence will ordinarily be received in the following order unless otherwise directed by the presiding officer:
- Upon applications
    - Applicant
    - Intervenor or protestants
    - Commission staff
  - Upon formal complaints
    - Complainant
    - Respondent
    - Commission staff
    - Intervenor
  - Upon complaints by Commission
    - Commission staff
    - Respondent
    - Intervenor
- Examination of witnesses shall proceed as follows:
- Direct examination by applicant
  - Cross-examination by each protestant or intervenor
  - Cross-examination by staff
  - Examination by presiding officer of Commissioners
  - Re-direct examination by applicant
  - Re-cross examination as permitted by the presiding officer
  - Examination by presiding officer or Commissioners
  - Opening and closing statements may be allowed

Once a party has rested his case he shall not be allowed to introduce further evidence without consent of the presiding officer.

- H. Consolidation. The Commission or the presiding officer may consolidate two or more proceedings in one hearing when it appears that the issues are substantially the same and that the rights of the parties will not be prejudiced by such procedure. At such consolidated hearing the presiding officer shall determine the order in which all the parties shall introduce their evidence and which party or parties shall open and close.
- I. Limiting number of witnesses. To avoid unnecessary cumulative evidence, the presiding officer may limit the number of witnesses or the time for testimony upon a particular issue.
- J. Stipulations. With the approval of the presiding officer, the parties may stipulate as to any fact at issue, either by written stipulation introduced in evidence as an exhibit or by oral statement shown upon the record and such stipulation shall be

## Grounds for complaint overview

This complaint was a basic over-billing problem that has now become a complex, twisted mess created and compounded by the Arizona Corporation Commission. Although I can no longer afford to pay these incredibly unreasonable rates for the extortion of my utilities, I will continue to fight for my rights. Of the many possible reasons why my utility bills have nearly exceeded my rent, one fact remains; I have done nothing to warrant these bills, especially the one I'm disputing here in a monumental act of futility. The two other seemingly unrelated matters that are contributing factors in this complaint are recognized as separate issues and are being presented to other venues less likely to disregard them, as the ACC most certainly would. Mrs. Janie Woller blatantly failed to consider my informal complaint and had no intention of giving it a second thought. She cited that UniSource energy was in compliance with their procedures, but refused to recognize the procedures they weren't compliant of and the likelihood this billing was incorrect above and beyond it's unreason ability. I was under the impression that the ACC worked for the citizens of Arizona, Mrs. Woller and a couple of others within the Commission quickly and thoroughly set me straight regarding this fallacy and I am well aware what the outcome of this "Formal Complaint" will prove to be. I am seriously peeved about the amount of time and money I was conned into wasting, just to have this whole thing flagrantly thrown in my face and downplayed as if it didn't matter. I'm here to tell you, it **does** matter. Everything that's been done to us in Havasu matters, The fact that the ACC would sell out their constituents for greed, matters!

GROUNDS FOR COMPLAINT :

Before UniSource took over Citizen's Electric, my average utility bill for the summer months were around \$130.00, give or take \$20.00 dollars. UniSource sent me their first bill dated, 8/8/2003, for the enormous amount of \$182.53. This is an unreasonable amount of money to spend on a single room apartment with nothing more than a water heater, air conditioner, computer, and a few fluorescent lights. However, thanks to the Arizona Corporation Commission's traitorous affirmation to allow UniSource to raise the existing cost of utilities by 22%, this has become reality. For a community that has only showed economic growth measured by the construction of new homes without an increase in workers wages for the last ten years, this act has been devastating, and to many of us, life threatening.

This type of "pay up or be shut off" ultimatum can only be classified as extortion, what other choice is there but to pay? My next bill, dated 9/11/2003, for the amount of \$239.43 was where I have to draw the line, this bill cannot be accurate even with the allotted 22% extortion rate. I told UniSource that the bill was way out of bounds and I disputed the amount. I submitted a check for the amount of \$130.00, a figure that couldn't be disputed. UniSource replaced my meter with a "double-socket" meter. The original meter was beaten from its metal box frame with a large hammer and felt like a small earthquake to my neighbors and to myself, all the way from three doors down. I don't know to what effect that could alter a relatively delicate instrument such as an electrical meter, but I do know it jarred the building pretty good. I also don't know what the reading was on the meter at the time they did this, I was not permitted the opportunity to read it. Paula Baxtor from UniSource took it upon herself to inform me that my next bill was anticipated to be comparable to the one I was disputing. She made this claim by referencing the five days my meter was used before it was removed. Since she bothered to even mention this, I told her that was not correct and that it should be somewhere around \$180.00, just like the bill I was disputing should be with the new extortion rate. Although the meter was supposedly being checked for accuracy, she had determined my next bill by referencing the meter in question. I don't suppose you find that the least bit curious. Of course, I knew the meter was going to test accurate, regardless of the actual findings.

I don't see how UniSource is allowed to test their own meters without supervision. It's ridiculous to consider that a money hungry company like UniSource is going to honestly report the results of any meter not conforming to the legal standards if it doesn't benefit themselves. Who would think up such a thing? What other company involving weights and measures is allowed to test their own equipment without supervision? Gas stations don't do it, truck scales and grocery scales don't either, what makes the utility companies so special?

As I predicted, the following bill was in fact, closer to the number I said it should've been all along. It came in at \$177.97 for 10/27/2003. At the same time, UniSource sends me a termination threat to pay the remaining \$109.43, stating that their meter tested to within the 3% limit allowed by law, and that I had five days in which to pay or my service would be terminated and a reconnection fee applied. ( You really do have to admire the thoughtfulness of these people in reminding everyone of the punishment they'll receive by not doing as they're told, when they're told to do it. )

I had already submitted several letters to the ACC regarding UniSource, but never received any response. So, when I filed my complaint with the ACC telling them of my dispute, I was a bit surprised when a Richard Martinez responded, telling me that my complaint had already been under review by Mrs. Janie Woller. I didn't understand how my complaint was under review since I was just submitting it. So, I wrote to Mrs. Woller and asked if she had contacted UniSource to confirm the dispute, so as not to give them cause to send me anymore termination threats. On 11/20/2003, she finally replied, but failed to respond to my questions. She did however, tell me that UniSource had done everything the way they should have, and that I needed to pay the amount disputed. I told her she obviously wasn't looking at all I was showing her, explaining what UniSource was doing and how this spike in charges doesn't correlate with my billing history or my actual usage. On 11/24/03, she wrote to tell me she was setting up a mediation and wanted me to give her a date when I could be available and I responded promptly. A couple of days later, I receive another letter from her saying that I was responsible for the amount owed. Why did she ask for my availability if she wasn't going to include me in this supposed "mediation?" UniSource was now sending more termination threats for the remaining \$109.43, and they were arriving the day AFTER the termination date posted on the notice, despite being required to give a five-day notice and the fact that I had made them aware the remaining amount was still under dispute. ( Since Janie Woller refused to do it )

I complained to the Governor's office and requested to speak with someone competent, but they sent Janie Woller instead. Mrs. Woller drove over 200 miles to my home to supposedly discuss this matter more thoroughly. But when she arrived, there was little discussion. In fact, she was extremely persistent in her desire to make me pay. She said she felt my pain and understood the frustration that I was having with UniSource. By then, the causes of my frustration had expanded to include herself and the ACC. She again demanded that I pay UniSource and wanted to know when and how I was going to accomplish this. She refused to let me handle it myself and became very agitated when I told her she needn't concern herself with my financial transactions. She claimed that she didn't want to see my service shut off. ( If that were true, my rates wouldn't have gone up 22%! ) She then called Paula Baxtor at UniSource and they discussed the matter with far too much familiarity. It seems they were in contact with one another the whole time, both coordinating against me. I wasn't aware that was an ACC job profile.

The arrogance and carelessness by which Janie Woller operates rivals only that of UniSource. This whole process was merely a predetermined ploy and distraction. Adding insult to my injury, is the way I've been treated throughout this whole ordeal by the lack of professionalism. At one point, Mrs. Woller blocked my e-mails. When she came to my apartment, I told her my letters were being returned to me for more than a week, she just said she sometimes had mail that wouldn't go out either. I finally sent her mail from a different IP address and of course, it suddenly worked again. In her final letter, she boasted of resolving several issues I had, including the fact that I was receiving termination threats meant for my co-signer. How she figures that helps me in any way, shape or form is beyond logic. Anything else I had mentioned merely reinforced my accusations about the legality of what UniSource was doing and proved they're inability to be trusted. Surely, it doesn't take a genius to discern the pointlessness of having my co-signers mail diverted or the double-socket meter removed.

The 22% extorted rate hike was a needless, blatantly obvious act of corporate greed. Property values have dropped and potential home buyers now look elsewhere. Many families have not been able to adjust to the new rate and have been forced to leave Lake Havasu, my parents are among them. The average Joe can no longer make ends meet. You've effectively forced people such as myself, into the street without any recourse. I for one, take this personally to the highest extreme imaginable. You've altered my ability to survive and I see that as a threat to my very life. How many jobs do you expect people to work just to be able to pay their utility bills? Like I said; wages here haven't risen in a decade and won't be rising anytime soon, especially now! How can the ACC be allowed to make decisions affecting the lives of tens of thousands of people so negatively, all with such careless abandonment?

NATURE OF RELIEF SOUGHT :

I want the energy utility competition we were promised. I want to be compensated for the money and thirty - some - odd hours I've wasted, time I can't afford, trying to show reason to people who seemingly have none. I want to pay my utility bills without having to beg, borrow and steal to do it. I want to have the freedom not to be over-burdened by extortion, unreasonable rates, fraudulent business practices, and political corruption. I want to be able to cook a meal without paying more for the electricity to cook it than the ingredients themselves cost. I want UniSource to be put on a shorter leash and their actions actually regulated instead of conforming the regulations to their actions. Most importantly, I want the ACC to do the job it's commissioned to do, to protect the citizens of Arizona from the very things that UniSource is doing right now. Nothing on this list is too much to ask for, so why is it?

PERSONAL NOTE :

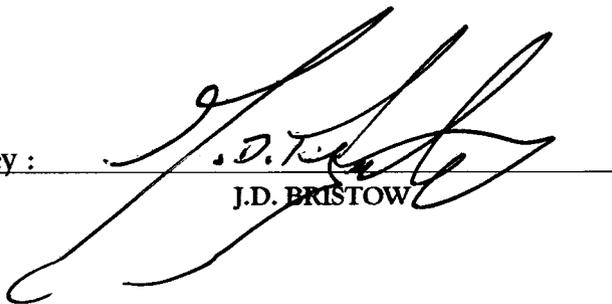
With the help of Janie Woller, this process has long since become counter-productive. I haven't the resources to continue jumping through the many hoops you keep putting in front of me just to be lied to and betrayed. The ACC's decision making process is undoubtedly flawed and if this matter can't be seen for what it is, then it's obviously not being look at. If multiple copies of this complaint are required, I would ask that you make them. I can no longer afford the demands you've made throughout this costly dispute. I don't get paid to fill out forms and write complaints and I've spent all I can spend. The ACC is supposed to protect us from these abuses of power, without an effort on your part to assist me, your position lacks justification.

We are a nation supposedly fighting "terrorism," and here you are, creating it for us under the guise of paying a debt we don't even owe and UniSource has no intention of paying. You're supposed to protect us from unreasonable rates. Since when is 22% considered reasonable? Do you want to pay it? Serious flaws exist in your powers of reasoning if you think it's acceptable for someone's entire salary to be expended on rent and utilities. Rent is already exceeding three-quarters of a persons salary, how do you expect people to live? We don't make the kind of money you do. A good portion of our salaries goes to paying salaries such as yours, then you go and take another bite out of us in "assessment fees?" What's been assessed? How is anything assessed when you refuse to look at the problem ?

We don't get raises or benefits or even decent working conditions, we don't have medical and dental or the luxury of sick leave. Anyone who has money in Havasu brought it with them from somewhere else. Nobody makes money here but the business owners. And the only reason for their limited success is the lack of regulations binding them to the proper work ethics that caused them to fail in other parts of the country. Havasu is like a third world nation to business owners, a place where they don't have to pay their employees a livable wage or worry about safety standards and work ethics. Somehow, they're allowed to interpret the "right to work" as being a license to do as they please without intervention from Comrade Uncle Sam. They mostly pay by piece work, creating shoddy work conditions and poor craftsmanship, but that alleviates any financial risk to themselves of having to pay an hourly wage when the summer workload diminishes. Generally, those few who actually make \$10.00 an hour, are denied a 40 hour work week, so regardless of hourly wage, everyone makes pretty much the same poverty level income. Where is this money supposed to come from to pay these utility bills?

While we're being forced to pay for a so-called debt we don't even owe, UniSource will receive an astronomical profit margin from their sale of the plant. This so-called debt would be a drop in the bucket in comparison. If it was real, and they were actually going to pay it, they could easily have done so with that money and still been able to give you your cut, there was never a need to raise our rates, other than greed. The fact that you receive payment from them via our pockets no longer makes you impartial to their antics, Mrs. Woller proved that very adamantly in her dealings with me. This wouldn't appear to be an incredibly intelligent move on the part of anyone seeking to establish or advance their political careers through the ACC. Everything I've been put through during this meaningless dispute process has been documented and publicly displayed in the newspapers and I have an interview with a syndicated writer coming up, so just because you won't give me justice, or protect us from unreasonable rates, doesn't mean I'm not going to fight for it anyway.

Signature of complainant or attorney :

  
J.D. BRISTOW