

ORIGINAL



0000035295

19

RECEIVED

2005 NOV 22 P 3:52

AZ CORP COMMISSION
DOCUMENT CONTROL
ARIZONA CORPORATION COMMISSION

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

ROGER CHANTEL,
Complainant,
vs.
MOHAVE ELECTRIC COOPERATIVE,
INC., Represented By Michael A.
Curtis and Larry K. Udall,
Respondents

Case No.: DOCKET No. E-01750A-04-0929

MOTION TO DISMISS PRE-HEARING
FOR ORAL ARGUMENT ON MOTION FOR
SUMMARY JUDGMENT

The Complainant requests the dismissal of the Pre-Hearing for Oral Argument on the following facts and common sense theories of law. The Respondents and Michael A. Curtis and Larry K. Udall, have made many false claims regarding Complainant's profession and have made numerous claims that these filings are about how much money Complainant is going to make by putting electricity to the property located on El Norte. The fact is, if it were about money, Complainant would make more money by paying Mohave Electric Cooperative, hereinafter known as MEC, the little amount they have requested and move forward with the idea of selling real estate.

1 These proceedings are hearings conducted by employees of the
2 Arizona Corporation Commission. These employees are given a
3 public responsibly to come up with a solution to the
4 Complainant's request for service in compliance with the law.
5 In Respondents REPLY TO COMPLIANANT'S RESPONSE TO RESPONDENT'S
6 MOTION FOR SUMMARY JUDGEMENT, Michael A. Curtis and Larry K.
7 Udall address two areas of law that don't have any relevancy to
8 the issues of Complainant not receiving electrical service in
9 accordance to the rules and regulations on file with the Arizona
10 Corporation Commission. Michael A. Curtis and Larry K. Udall
11 presented, in their responding briefs, that the Complainant is
12 not a permanent consumer. One would have to be illusionary to
13 make a determination that the Complainant would put so much time
14 and effort into filing so many requests with the Commission just
15 to receive temporary service. **COMPLAINANT IS REQUESTING**
16 **PERMANENT SERVICE IN ACCORDANCE TO THE LAWS ON FILE WITH THE**
17 **ARIZONA CORPORATION COMMISSON.**

18 In Michael A. Curtis and Larry K. Udall's response for summary
19 judgment on page 3 line 1, 2, 3 they state, "The electric
20 service requests for which Complainant brings his current
21 complaint are **unrelated** to the service he requested in E-01750A-
22 03-0373. This statement alone is grounds for not granting a
23 summary judgment. How then can a summary judgment be granted if
24 indeed the applicants are not the same?

1 In Complainant's response, it claims that Administrative Law
2 Judges have limited jurisdiction. The Respondent claims that
3 limited jurisdiction has no relevance at the time of the filing
4 of their responding brief. The only new legal issue raised is
5 the one about Administrative Law Judges having limited
6 jurisdiction. Respondents have had a chance to present legal
7 argument in their response.

8 Complainant has briefed the hearing officer on the issues of
9 limited jurisdiction. Complainant has also presented evidence
10 that the hearing officer has as much or more to gain in the
11 decisions that she makes as the Complainant and the Respondent.
12 If a pre-hearing for oral argument is conducted it will cause
13 emotional reactions and could develop evidence of involvement by
14 the hearing officer and her superiors, which can only lead to a
15 prejudice and bias decision. Limited jurisdiction for
16 Administrative Law Judges appears to be a new area of law for
17 this Hearing Officer. The State's policy is that professional
18 people that play a role as important as a Hearing Officer of the
19 Arizona Corporation Commission should supply documentation that
20 they have been educated on the issues of a Hearing Officer's
21 limitation of jurisdiction. The only way that this oral
22 argument would have any meaning to the general public, elected
23 officials, investigating officers and the Complainant is for the
24 Hearing Officer to present documentation and evidence that she
25 has taken certified classes on the subject of limited

1 jurisdiction. When a simple request for electric service turns
2 into a full blown request for federal agencies to examine this
3 case on jurisdiction issues, lobbying activist activity, MEC's
4 records and the Commission's records regarding the handling of
5 complaints, it can only mean there must be some major outside
6 influences. All issues of law seem to have been fully briefed.
7 A Pre-Hearing for Oral Argument would constitute moving into the
8 practice of "black law". Complainant is a believer in God and
9 the powers that surround Him. Under Complainant's rights
10 granted by the First Amendment in the Constitution of the United
11 States, Complainant's Constitutional rights would be violated if
12 he supported the Administrative Law Judge's movement into the
13 area of black law.

14 **CONCLUSION**

15 The Respondents have submitted their briefs in support of a
16 summary judgment. The Complainant has submitted his response in
17 support of denying Respondents' request for summary judgment.
18 The Respondents have filed a written response to the legal
19 issues raised. All parties have been afforded equal opportunity
20 to address the laws at hand. It is a little abnormal for an
21 Administrative Law Judge to start the whole hearing process over
22 when both sides have had equal opportunity to submit their
23 pleadings. The right for each side to present their case has
24 been given to each party. None of the parties request further
25 arguments, in fact it would be an unjust action and a movement

1 from positive law if this motion were not highly considered for
2 approval.

3 Complainant requests that this Hearing Officer/Administrative
4 Law Judge dismiss this Pre-Hearing for Oral Argument and move
5 forward with the briefs and motions that have been submitted.

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

RESPECTFULLY SUBMITTED this 17th day of
November, 2005



**Original and 13 copies of the
Foregoing filed this 18th day of November, 2005 with:**

Docket Control Division
ARIZONA CORPORATION COMMISSION
1200 W. Washington Street
Phoenix, AZ 85007

**Copies of the foregoing mailed this 18th day
of November, 2005 to:**

Christopher Kempley, Chief Counsel
Legal Division
1200 W. Washington Street
Phoenix, AZ 85007

Tim Sabo, Legal Division
Legal Division
1200 W. Washington Street
Phoenix, AZ 85007

Ernest Johnson, Director
Utilities Division
1200 W. Washington Street
Phoenix, AZ 85007

Arizona Reporting Service, Inc.
2627 N. Third Street, Ste. Three
Phoenix, AZ 85004-1003

Curtis, Goodwin, Sullivan,
Udall & Schwab, P.L.C.
2712 North Seventh Street
Phoenix, AZ 85006-1090

RECEIVED

2005 NOV 22 P 3:54

AZ CORP COMMISSION
DOCUMENT CONTROL

ARIZONA CORPORATION COMMISSION

1
2
3
4
5 ROGER CHANTEL,
6 Complainant,
7 vs.
8 MOHAVE ELECTRIC COOPERATIVE,
9 INC., Represented By Michael A.
10 Curtis and Larry K. Udall,
11 Respondents

Case No.: DOCKET No. E-01750A-
04-0929

MOTION FOR A PROCEDURAL ORDER

12
13 Complainant filed a request with Mohave Electric Cooperative,
14 hereinafter known as MEC, almost a year ago for electric service
15 to be provided to property located on El Norte Road in Mohave
16 County, Arizona. Complainant is now filing this request that MEC
17 supply a certified copy of the tariffs they want the Complainant
18 to comply to. The following rules and regulations are the legal
19 procedures that utility companies are required to follow.
20 Respondents have not yet supplied electric service to the
21 property listed above. Respondents claim that some special
22 tariffs and conditions exist and that is why they have not
23 supplied electrical service to this property.
24
25

1 In letters dated February 2, 2005 (labeled as Exhibit 3) and July
2 22, 2005 (labeled Exhibit 1), MEC claimed they have placed
3 special conditions, on customers requesting service, that had to
4 be met before they would proceed with the line extension or line
5 extension credits. They claimed that these special conditions
6 are as follows:

- 7 1. An electric meter pole;
- 8 2. Septic tank or sewer hook-up system;
- 9 3. A 400 square foot minimum building foundation with
10 footings, or a 400 square foot minimum mobile or
11 manufacture home set up permanently off of its axles;
12 (fifth wheels and travel trailers do not qualify).

13 **R14-2-207-A-1** requires Mohave Electric Cooperative to file with
14 the Arizona Corporation Commission any special conditions
15 governing line extensions.

16 **R14-2-207-A-1, "Line Extensions"**

- 17 1. Each utility shall file, in Docket Control, for Commission
18 approval, a line extension tariff which incorporates the
19 provisions of this rule and specifically defines the
20 conditions governing the line extensions.

21 **R14-2-207-A-4**

- 22 4. Where the utility requires an applicant to advance funds
23 for a line extension, the utility shall furnish the
24 applicant with a copy of the line extension tariff of the
25 appropriate utility prior to the applicant's acceptance of
the utility's extension agreement.

MEC is requiring the advancement of funds for special conditions
that they are imposing on Complainant. Therefore they must
supply a copy of the tariff that imposes these special

1 conditions. The Complainant has repeatedly requested a copy of
2 the tariffs that require Complainant to comply with the above
3 conditions. It appears that the only way the Complainant will
4 receive a copy of the tariffs, outlining these special
5 conditions, is for the Administrative Law Judge to issue a
6 procedural order to MEC to supply a copy of these approved
7 tariffs.

8 The following rules clearly point out procedure and a variety of
9 other information about tariffs and how they are to be submitted
10 to the Arizona Corporation Commission.

11 **R14-2-212-F "Filing of Tariffs"**

- 12 1. Each utility shall file with the Commission, through Docket
13 Control, tariffs which are in compliance with the rules and
14 regulations promulgated by the Arizona Corporation
15 Commission within 120 days of the effective date of such
16 rules.
- 17 2. Each utility shall file with the Commission, through Docket
18 Control, any proposed changes to the tariffs on file with
19 the Commission; such proposed changes shall be accompanied
20 by a statement of justification supporting the proposed
21 tariff change.
- 22 3. Any proposed change to the tariff on file with the
23 Commission shall not be effective until reviewed and
24 approved by the Commission.

25 MEC's representatives repeatedly make claims that they are in
compliance with all of the laws and rules that are on file with
the Arizona Corporation Commission. The issuance of this
procedural order will give MEC an opportunity to prove that
their tariffs are in compliance with Arizona Corporation
Commission's rules and regulations. It should be noted that the
Complainant has made every effort to stay within the
confinements of the Arizona Corporation Commission rules and
regulations. It has been the Respondent's representatives that

1 have moved outside of the Arizona Corporation Commission's
2 standard procedures.

3 It is Complainant's desires, directions and wishes to resolve
4 this complaint in a complete and expedient manner.

5 **SOLUTION**

6 The solution to this complaint lies with the employees of the
7 Arizona Corporation Commission and their willingness to request
8 MEC to comply with the rules and regulations on file.

9 Based on the filing and foregoing, the Complainant urges the
10 employees and the Administrative Law Judge to support the
11 issuance of a Procedural Order requiring MEC to issue the
12 Complainant an approved certified copy of the tariffs outlining
13 the special conditions that MEC is requiring complainant to
14 perform. If MEC fails to supply Complainant with an approved
15 certified copy of the tariffs, that they are imposing on the
16 Complainant, within ten days from said order, it should be
17 recommended that the Commission place a \$10,000 fine on MEC
18 until Complainant receives electric service to the property
19 located on El Norte Road in Mohave County, Arizona. This fine
20 is necessary and is the only way that MEC will morally and
21 ethically respond and comply with Arizona Corporation Commission
22 rules and regulations.

23 RESPECTFULLY SUBMITTED
24 this 17th day of November, 2005



**Original and 13 copies of the
Foregoing filed this 18th day of November, 2005 with:**

Docket Control Division
ARIZONA CORPORATION COMMISSION
1200 W. Washington Street
Phoenix, AZ 85007

**Copies of the foregoing mailed this 18th day
of November, 2005 to:**

Christopher Kempley, Chief Counsel
Legal Division
1200 W. Washington Street
Phoenix, AZ 85007

Tim Sabo, Legal Division
Legal Division
1200 W. Washington Street
Phoenix, AZ 85007

Ernest Johnson, Director
Utilities Division
1200 W. Washington Street
Phoenix, AZ 85007

Arizona Reporting Service, Inc.
2627 N. Third Street, Ste. Three
Phoenix, AZ 85004-1003

Curtis, Goodwin, Sullivan,
Udall & Schwab, P.L.C.
2712 North Seventh Street
Phoenix, AZ 85006-1090