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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

2005 NOV 23 P 3:31

JEFF HATCH-MILLER, Chairman
WILLIAM A. MUNDELL
MARC SPITZER
MIKE GLEASON
KRISTIN K. MAYES

AZ CORP COMMISSION
DOCUMENT CONTROL

IN THE MATTER OF:

DOCKET NO. E-01750A-04-0929

ROGER CHANTEL

Complainant,

vs.

MOHAVE ELECTRIC COOPERATIVE,

Respondent.

PROCEDURAL ORDER

BY THE COMMISSION:

On December 27, 2004, a letter from Roger Chantel ("Complainant") was filed with the Arizona Corporation Commission ("Commission") as a formal complaint against Mohave Electric Cooperative ("Complaint"). The Complaint alleges that Mohave Electric Cooperative ("Mohave" or "Respondent") is denying Complainant electric service in association with a line extension request.

On November 9, 2005, a Procedural Order was issued in this matter that outlined the procedural history of this docket, including pleadings filed by Complainant and Respondent, and set a Pre-Hearing Conference for the purpose of taking Oral Argument on the legal issues raised in Respondent's Motion for Summary Judgment, Complainant's Response, and Respondent's Reply. The Pre-Hearing Conference for Oral Argument is set to commence on December 1, 2005, at 2:00 p.m.

On November 22, 2005, Complainant docketed two filings: a Motion to Dismiss Pre-Hearing for Oral Argument on Motion for Summary Judgment and a Motion for Procedural Order.

In its Motion to Dismiss Pre-Hearing for Oral Argument on Motion for Summary Judgment, Complainant "requests that this Hearing Officer/Administrative Law Judge dismiss this Pre-Hearing for Oral Argument and move forward with the briefs and motions that have been submitted." It

1 appears that Complainant may be requesting that the Commission issue a Decision based solely on
2 the pleadings.

3 In its Motion for Procedural Order, Complainant requests the issuance of a Procedural Order
4 requiring Respondent to “supply Complainant with an approved certified copy of the tariffs outlining
5 the special conditions that MEC is requiring Complainant to perform” within ten days of the issuance
6 of the Procedural Order. The Motion for Procedural Order states that if Respondent fails to supply
7 Complainant with its requested copy of the tariffs, that “it should be recommended that the
8 Commission place a \$10,000 fine on MEC [Respondent] until Complainant receives electric service
9 to the property located on El Norte Road in Mohave County, Arizona.”

10 The Oral Argument was scheduled for the purpose of providing an opportunity for
11 Complainant and Respondent to further clarify the positions they have taken in their pleadings. A
12 Telephonic Procedural Conference should be held for the purpose of ascertaining and confirming
13 Complainant’s understanding of the purpose of the scheduled Oral Argument, and of the potential
14 procedural ramifications of not holding an Oral Argument, as requested by Complainant; for the
15 purpose of ascertaining and confirming Complainant’s intent with regard to that request; and for the
16 purpose of allowing Respondent to respond to the Motion to Dismiss Pre-Hearing for Oral Argument
17 on Motion for Summary Judgment. The Telephonic Procedural Conference is also necessary in order
18 to allow Respondent an opportunity to respond to Complainant’s Motion for Procedural Order, and to
19 allow Complainant an opportunity to reply to Respondent’s response.

20 The currently scheduled Oral Argument should be continued in order to allow time for the
21 Telephonic Procedural Conference to be held. The Telephonic Procedural Conference should be held
22 at the originally scheduled time for Oral Argument.

23 Pleadings filed in this and other dockets can be found via the Commission website
24 (www.azcc.gov) using the edocket function.

25 IT IS THEREFORE ORDERED that the **Pre-Hearing Conference** currently scheduled to
26 commence on **December 1, 2005, at 2:00 p.m.**, for the purpose of taking **Oral Argument** on the
27 legal issues raised in Respondent’s Motion for Summary Judgment, Complainant’s Response, and
28

1 Respondent's Reply, is hereby **continued pending the issuance of a subsequent Procedural**
2 **Order.**

3 IT IS FURTHER ORDERED that a **Telephonic Procedural Conference** shall commence at
4 the date and time previously scheduled for Oral Argument, on **December 1, 2005, at 2:00 p.m.**, or as
5 soon as practical thereafter, at the Commission's offices, 1200 W. Washington, Phoenix, Arizona for
6 the purpose of ascertaining and confirming Complainant's understanding of the purpose of the
7 scheduled Oral Argument, and of the potential procedural ramifications of not holding an Oral
8 Argument, as requested by Complainant; for the purpose of ascertaining and confirming
9 Complainant's intent with regard to that request; and for the purpose of allowing Respondent to
10 respond to the Motion to Dismiss Pre-Hearing for Oral Argument on Motion for Summary Judgment;
11 and for the purpose of allowing Respondent to respond to the Motion for Procedural Order, and to
12 allow Complainant an opportunity to reply to Respondent's response.

13 IT IS FURTHER ORDERED that the parties shall participate in the **Telephonic Procedural**
14 **Conference** by calling **(602) 542-9004** at the scheduled time.

15 IT IS FURTHER ORDERED that the **Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized**
16 **Communications)** continues to apply to this proceeding until the Commission's Decision in this
17 **matter is final and non-appealable.**

18 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend or waive
19 any portion of this Procedural Order by subsequent Procedural Order or by ruling at hearing.

20 DATED this 29 day of November, 2005

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23 
TEENA WOLFE
ADMINISTRATIVE LAW JUDGE

24 Copies of the foregoing were mailed
25 this 25 day of November, 2005, to:

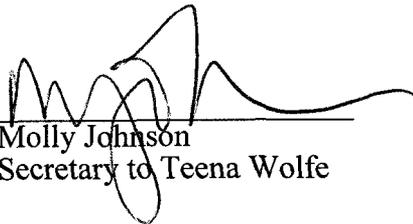
26 Roger Chantel
27 10001 East Hwy. 66
28 Kingman, AZ 86401
VIA FIRST CLASS U.S. MAIL AND CERTIFIED MAIL
RETURN RECEIPT REQUESTED

1 Michael A. Curtis
Larry K. Udall
2 CURTIS, GOODWIN, SULLIVAN, UDALL & SCHWAB, P.L.C.
2712 North 7th Street
Phoenix, AZ 85006-1090
3 **VIA FIRST CLASS U.S. MAIL AND CERTIFIED MAIL**
4 **RETURN RECEIPT REQUESTED**

5 Stephen McArthur, Comptroller
Mohave Electric Cooperative
P.O. Box 1045
6 Bullhead City, AZ 86430
7 **VIA FIRST CLASS U.S. MAIL AND CERTIFIED MAIL**
8 **RETURN RECEIPT REQUESTED**

9 ARIZONA REPORTING SERVICE, INC.
2627 N. Third Street, Ste. Three
Phoenix, AZ 85004-1003

10
11 By:


Molly Johnson
Secretary to Teena Wolfe

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