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ARIZONA CORPORATION COMMISSION

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

Case No.: E-01750A-04-0929
EXCEPTIONS TO THE RECOMMENDATION
OF BRIAN C. McNEIL

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AZ CORP COMMISSION
DOCUMENT CONTROL

Complainant files this "Exception Brief" on this 4th day of March, 2006. In the brief submitted by Brian C. McNeil he states the recent Arizona Supreme Court opinion in the matter of *Maricopa-Stanfield Irrigation & Drainage District v. Smith*, did establish the fact that the doctrine of *res justicata* was enforceable in the State of Arizona. That is not a disputed issue. The issue presented to Administrative Law Judge, Teena Wolfe, was that the doctrine *res justicata* was outside of her jurisdiction. This above case clearly supports the Complainant's claims that the elected officials, that sit on the Arizona Corporation Commission, do not have the legal jurisdictional authority to make a decision on doctrine and principles of law that are framed in the theory of *res judicata*. Complainant filed legal points and authorities with the Administrative Law Judge stating that this legal principle of

1 res judicata is limited to trial court jurisdiction. Brian C.
2 McNeil demonstrates this by using trial courts points and
3 authorities. Since Brian C. McNeil was not present at the
4 Telephonic Procedural Conference, it appears that he is not
5 aware of the fact that the Administrative Law Judge, Teena
6 Wolfe, was given judicial notice that the Complainant's 14th
7 Amendment Rights would be violated if she submitted a procedural
8 order remanding the granting of a Summary Judgment. In checking
9 the Arizona State Bar Association web site and placing Brain C.
10 McNeil's name in the place for licensed attorneys, the web site
11 indicated that he was not licensed to practice law in the State
12 of Arizona. When an attorney is licensed to practice law they
13 take an oath to preserve and protect the laws of the State of
14 Arizona. Protecting these laws and the citizens' constitutional
15 rights appears to mean nothing the Brain C. McNeil since it
16 appears that he is not a licensed attorney and does not have the
17 right to present this type of document to the above Board of
18 Elected Officials.

19 Brian C. McNeil has misrepresented a number of issues that exist
20 in this case. One of the issues exists in (Exhibit E Page 4, 5
21 and 6, of the order filed by Brian C. McNeil Work Order #2005-
22 111 "AGREEMENT FOR CONSTURCTING ELECTRIC FACTILITIES"), which
23 was signed by the Complainant and sent to Mohave Electric
24 Cooperative. The Complainant's wife included a check for
25 \$409.83, Check Number 2475 and dated March 28, 2005, which was

1 the amount requested by Mohave Electric Cooperative's managing
2 staff. Complainant expected Mohave Electric Cooperative's
3 management to perform on said contract. Mohave Electric
4 Corporative supplied Complainant a second contract (Exhibit E
5 Pages 7, 8, 9, and 10, of the order filed by Brian C. McNeil
6 Work Order # 2005-112 "AGREEMENT FOR CONSTRUCTING ELECTIC
7 FACITITIES"). This contract requested the Complainant to send an
8 additional \$9,104.38 before Mohave Electric Cooperative would
9 provide electric service to the Complainant. This seemed to be
10 an extremely large amount and the Complainant was concerned that
11 he had to sign another contract for the same service. On July 5,
12 2005, Complainant requested Mohave Electric Cooperative to send
13 him a copy of the tariffs requiring him to pay said amount.

14 (Exhibit "A") Complainant made his request under R14-2-207 (A)
15 (4), which states, **"Where the utility requires an applicant to**
16 **advance funds for a line extension, the utility shall furnish**
17 **the applicant with a copy of the line extension tariff of the**
18 **appropriate utility prior to the applicant's acceptance of the**
19 **utility's extension agreement".** Complainant has not received a

20 copy of the tariffs requiring any of the conditions, listed
21 below, that were to be met. In Mohave Electric Cooperative's
22 letter, dated February 2, 2005, Mr. Williams stated that the
23 Complainant had to have the following minimum requirements:

- 24 1. An electric meter pole
- 25 2. A septic tank or sewer hook-up
3. A 400 square foot minimum built foundation with footings,--
(Exhibit D in order filed by Brian C. McNeil)

1 Brian C. McNeil stated in his brief that on April 12, 1982 the
2 Arizona Corporation Commission issued Tariff Approval No. 52951.
3 Brian C. McNeil states on page 16 lines 13 and 14 of his brief
4 that he attached a copy and labeled it "Exhibit A and
5 incorporated it herein by reference". Please note, my copy of
6 this brief drafted by Brian C. McNeil did not include a copy of
7 the Tariffs that the Arizona Corporation Commission supposedly
8 approved on April 12, 1982. "Exhibit A" has only 8 pages and
9 they seem to be all there, but the tariffs were not in it.
10 Honest qualified licensed attorneys do not mislead elected
11 officials with false claims. My copy did not have an origination
12 signature on it either. Maybe the elected Commission Members
13 can show me where the above special conditions are mentioned in
14 the tariffs that were approved on April 12, 1982.
15 Brian C. McNeil also stated in his brief that on December 5,
16 1994 the Arizona Corporation Commission issued Decision No.
17 58886. If you were to review this decision, it appears that this
18 Decision focused on and is directed to underground subdivisions,
19 which has no relevance in this complaint. Brian C. McNeil cites
20 Mohave Electric Cooperative's rules and regulations Section 106,
21 H. If you were to read this section you would find it is
22 ambiguous and unclear as to what a "permanent nature" is. It
23 would seem logically clear and legally correct that if Mohave
24 Electric Cooperative's management invoked these rules on
25 citizens of the state that the citizens could request the rules

1 of the state be invoked on Mohave Electric Cooperative's
2 management.

3 **REQUESTS**

4 COMPLAINANT REQUESTS this Commission to order the Respondent to
5 comply to R14-2-207(A)(4), which states, **"Where the utility**
6 **requires an applicant to advance funds for a line extension, the**
7 **utility shall furnish the applicant with a copy of the line**
8 **extension tariff of the appropriate utility prior to the**
9 **applicant's acceptance of the utility's extension agreement"**.

10 Complainant petitions this governing body for an order to have
11 the Respondent's supply a certified copy of their tariffs
12 outlining the "special conditions" that Mohave Electric
13 Cooperative's managing staff is requiring the Complainant to
14 perform before they will supply electric service to the area
15 mentioned in the above contracts and also a certified copy of
16 the Board of Directors' Resolution that grants management the
17 right to impose said "special conditions" on members of Mohave
18 Electric Cooperative.

19 **THE READERS OF THIS BRIEF SHOULD BE AWARE THAT THE ORDER THAT**
20 **HAS BEEN SUBMITTED TO THE COMPLAINANT HAS NO ORIGINATION**
21 **SIGNATURE AND THE ORIGINATOR APPEARS TO BE BRIAN C. MCNEIL.**

22 COMPLAINANT FURTHER REQUESTS that this Commission disregard the
23 Conclusion of Law and the Orders that have been submitted by
24 Brian C. McNeil on the grounds that he is not a current
25 registered attorney with the Arizona State Bar Association and

1 that he has no vested rights to draw legal conclusions of law
2 and submit legal defined orders to Arizona Elected Bodies.

3 COMPLAINANT FURTHER REQUESTS that the Motion for Summary
4 Judgment be denied.

5 COMPLAINANT FURTHER REQUESTS a "Default Judgment" be filed if
6 the Respondent fails to provide the following documents at the
7 scheduled hearing: A certified copy of the resolution granting
8 management the right to impose "special conditions" on the
9 members of Mohave Electric Cooperative and a certified copy of
10 the tariffs outlining the "special conditions" that the
11 management is imposing on the Complainant as a condition to
12 receive electric service.

13 COMPLAINANT FURTHER REQUESTS that a fine of \$10,000.00 per day
14 be levied against the Respondent until Complainant receives the
15 requested electrical service.

16 COMPLAINANT FURTHER REQUESTS that if the Respondent fails to
17 file a certified copy of the above documents, that a one time
18 fine of \$20,000.00 be levied against the Respondent.

19
20 Dated this 4th day of March, 2006

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July 5, 2005

Chan-Lan Trust
P. O. Box 4281
Kingman, AZ 86401

Mohave Electric Cooperative
P. O. Box 1045
Bullhead City, AZ 86430

Dear Mr. Williams,

In your letter dated April 1, 2005 you mentioned that I had to sign a contract called Work Order 2005-112 and pay \$9,104.38 before you would start on the line extension that I have requested. In your letter dated February 2, 2005 you mentioned some conditions governing this line extension. I am sure you are familiar with the Arizona Corporation Commission's law of supplying an applicant with a copy of your approved tariffs that specifically define the conditions of a line extension. R14-2-207 (A)(4) states that the utility management personnel is to provide a copy of the approved tariff of the conditions that are required before an applicant is required to sign a contract that requires the advancement of funds.

Would you please send me an approved copy of the tariffs that require the following specific conditions?

1. An electric meter pole
2. A septic tank or sewer hookup
3. A 400 square foot minimum building foundation with footings, or a 400 square foot minimum mobile home or manufactured home set up permanently off of it's axles (fifth wheel's and travel trailers do not qualify)

You should be able to supply me a copy of the above tariffs by July 19, 2005.

Respectfully Submitted,



Roger Chantel

1 Roger Chantel
10001 E. Hwy 66
2 Kingman, AZ 86401

3 I will mail a hard copy of this information, which will include the exhibits.

4 If you need any further information you can call me at (928) 757-9755

5

6 TO TERRY GOODDARD, THE ATTORNEY
7 GENERAL FOR THE STATE OF ARIZONA

Case No.:
COMPLAINT AGAINST BRIAN C. McNEIL FOR
PRACTICING LAW WITHOUT A CURRENT
8 REGISTERED LICENSE WITH THE ARIZONA
9 STATE BAR ASSOCIATION

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12 When I, Roger Chantel, called the Arizona State Bar office to determine
13 if Brian C. McNeil was a current licensed member of the Arizona State Bar,
14 their records show that he is not currently licensed with them. I am
15 requesting the Attorney General's office to make a determination as to
16 whether Brian C. McNeil is currently licensed to practice law in the State of
17 Arizona. If the Attorney General finds that Brian C. McNeil is not a
18 licensed attorney of law, I am requesting that the Attorney General's office
19 notify the Arizona Corporation Commissioners of their findings before the
20 hearing on March 15 or 16, 2006.

21 I am filing a complaint that Brian C. McNeil is practicing law without
22 a license. He is also drafting or causing the drafting of procedural law
23 history, making legal reviews, drawing conclusions of law and creating orders
24 of legal nature and then submitting them to an Elected Body of the State of
25 Arizona for legal consideration in accordance to his opinion. (Copy
enclosed)

1 I have received a number of orders from the Arizona Corporation
2 Commission staff members and they have always had an origination signature on
3 the documents. The document enclosed appears to have been originated by
4 Brian C. McNeil, but does not have an origination signature on it. The copy
5 that I received was not signed, but the original and the copies that were
6 submitted to the Arizona Corporation Commission Docket Control as Docket No.
7 E-01750A-04-0929 and to Michael A. Curtis, Larry K. Udull, and Stephen
8 McArthur may have been signed.

9 I am requesting the Attorney General's office to investigate the
10 possibility that Brian C. McNeil is using his position as Executive Director
11 to discriminate against an employee of the Arizona Corporation Commission
12 known as Teena Wolfe. I believe there is established basis in this complaint
13 and that the Commission should suspend Brian C. McNeil from the Executive
14 Director position without pay until this investigation is completed and
15 disregard all pleadings that Brian C. McNeil has submitted to them.

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17 Respectfully submitted on March 4, 2006

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19 _____
20 Roger Chantel

21 Union Carpenter/Visionary
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The original and thirteen (13) copies of the foregoing filed this 7th day of March, 2006 to:

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

And a copy of the foregoing mailed this 7th day of March, 2006, to:

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Phoenix, Arizona 85007

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



Roger Chantel, Complainant