

ORIGINAL



0000068610

BEFORE THE ARIZONA CORPORATION COMMISSION

RECEIVED

COMMISSIONERS

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

2003 OCT 24 P 1:50

AZ CORP COMMISSION  
DOCKETED

IN THE MATTER OF:

DOCKET NO. W-03263A-00-0470

KEVIN GREIF,

Arizona Corporation Commission

**DOCKETED**

Complainant,

OCT 24 2003

vs.

DOCKETED BY *CM*

DIAMOND VALLEY WATER USERS  
CORPORATION,

Respondent.

**PROCEDURAL ORDER**

**BY THE COMMISSION:**

On August 7, 2003, by Procedural Order, a hearing was scheduled in the above-captioned proceeding. This proceeding had originally been part of a larger proceeding involving numerous Complaints against the Respondent, but the other Complaints were resolved and dismissed.

On October 2, 2003, a full public hearing was held before a duly authorized Administrative Law Judge of the Commission at its offices in Phoenix, Arizona. Complainant appeared in propria persona. Respondent did not enter an appearance. At the conclusion of the hearing, the matter was taken under advisement pending submission of a Recommended Opinion and Order to the Commission.

During the hearing, Mr. Greif voiced a number of concerns which he has with respect to the utility and its ownership, particularly with respect its legal status since the utility is being operated by a private management company, Bradshaw Management Corporation ("Bradshaw"), pursuant to Decision No. 63547 (April 4, 2001).<sup>1</sup> The primary concerns of Mr. Grief as a homeowner and customer of the Respondent are the following: the ownership of the utility's assets since the

<sup>1</sup> It appears that Bradshaw addresses only the day-to-day operations of the utility and does not address other issues related to the form or management of the utility's ownership.

1 Respondent's Articles of Incorporation were revoked on April 28, 2002, pursuant to A.R.S. § 10-  
2 1420 (failure to file annual report); what would happen to the customers if Bradshaw terminated its  
3 services; corporation compliance issues; and whether the revenues are being properly spent and  
4 accounted for by Bradshaw.

5 Accordingly, the Commission's Utilities Division ("Staff") should review Decision No.  
6 63457, the management agreement with Bradshaw and the transcript of the proceeding and file a  
7 response to address the concerns voiced by Mr. Greif prior to a recommended Opinion and Order  
8 being prepared.

9 IT IS THEREFORE ORDERED that the Commission's Utilities Divisions shall review  
10 Decision No. 63547, the Bradshaw agreement with Staff and the transcript in the proceeding and file,  
11 within 45 days of this Procedural Order, a response which addresses the questions raised by Mr. Greif  
12 at the hearing on October 2, 2003.

13 Dated this 24<sup>th</sup> day of October, 2003.

14   
15 \_\_\_\_\_  
16 MARC E. STERN  
ADMINISTRATIVE LAW JUDGE

17 Copies of the foregoing mailed/delivered  
18 this 24 day of October, 2003 to:

19 Diamond Valley Water User's Corporation  
4754 East Donna Drive  
Prescott, AZ 86301

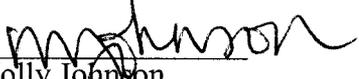
20 Bradshaw Management Corp.  
P.O. Box 20939  
21 Sedona, AZ 86341

22 Kevin Greif  
1140 N. Opal Drive  
23 Prescott, AZ 86303

24 Christopher Kempley, Chief Counsel  
Legal Division  
25 ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
26 Phoenix, AZ 85007

27 ...  
28 ...

1 Ernest G. Johnson, Director  
2 Utilities Division  
3 ARIZONA CORPORATION COMMISSION  
4 1200 West Washington Street  
5 Phoenix, AZ 85007

6 By:   
7 Molly Johnson  
8 Secretary to Marc E. Stern  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28