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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

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COMMISSIONERS

- MIKE GLEASON, Chairman
- WILLIAM A. MUNDELL
- JEFF HATCH-MILLER
- KRISTIN K. MAYES
- GARY PIERCE

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AZ CORP COMMISSION
DOCKET CONTROL

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IN THE MATTER OF THE COMPLAINT OF
STEVE PRAHIN,

Complainant,

vs.

PAYSON WATER COMPANY,

Respondent.

DOCKET NO. W-03514A-07-0386

PROCEDURAL ORDER

BY THE COMMISSION:

On June 25, 2007, Steve Prahin ("Complainant") filed a formal Complaint against Payson Water Company ("Payson Water" or "Company") which appears to allege that a representative of Payson Water insulted him and that the Company uses "aggressive bullying tactics" in response to customer complaints. The Complainant does not appear to request any specific relief in the Complaint.

On July 16, 2007, Payson Water filed an Answer to the Complaint generally denying the allegations set forth therein, and stating several affirmative defenses. The Answer also requests that the Complaint be dismissed.

On September 14, 2007, a Procedural Order was issued scheduling a procedural conference for October 16, 2007.

The procedural conference was held, as scheduled, on October 16, 2007. During the conference, the Complainant indicated that his concerns are related to the alleged need for additional water and storage capacity, and for improved customer service by Payson Water. The Complainant and Company agreed to arrange a meeting that included members of the community served by Payson Water, with assistance from the Commission's Staff.

On November 6, 2007, Payson Water filed a Joint Notice of Customer Meeting, stating that a

1 meeting had been scheduled for November 10, 2007.

2 On January 11, 2008, Payson Water filed a Motion to Dismiss for Failure to State a Claim.
3 Payson Water cites to a memorandum by Staff describing concerns raised during the November 10,
4 2007, customer meeting. The Staff memorandum indicated that customers sought a new well and/or
5 deepening of the Geronimo Well, as well as increased storage capacity, as a means of avoiding
6 weekend outages. In its Motion, the Company contends that the issue of potential improvements to
7 its storage system was addressed in a prior docket (W-03541A-05-0729), and that dismissal of Mr.
8 Prahin's Complaint would not affect ongoing discussions with customers regarding production and
9 storage capacity issues. Payson Water asserts that there are no allegations that the Company has
10 violated any Arizona laws or Commission rules and, therefore, there is no basis to support the
11 Complaint.

12 On January 25, 2008, the Complainant filed a Response to the Company's Motion. In his
13 Response, the Complainant raises a number of alleged improprieties by Payson Water, including:
14 alleged violation of the 5th Amendment of the United States Constitution; alleged trespass on private
15 land by the Company; a lack of necessary easements in locations where Company facilities are
16 located; alleged lack of required monitoring devices and shut-off valves; and an allegation that the
17 Elusive Acres Well is serving more customers than are authorized. The Complainant also raises
18 issues related to the alleged ownership of the Elusive Acres Well, claiming that legal title of the well
19 has now been conveyed to the property owners of Elusive Acres and Payson Water should turn over
20 ownership to the property owners.

21 IT IS THEREFORE ORDERED a **procedural conference shall be scheduled for May 20,**
22 **2008, at 11:00 a.m.**, at the offices of the Commission, 1200 West Washington, Hearing Room 1,
23 Phoenix, Arizona 85007.

24 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized
25 Communications) applies to this proceeding and shall remain in effect until the Commission's
26 Decision in this matter is final and non-appealable.

27 ...

28 ...

1 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend,
2 or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at
3 hearing.

4 Dated this 5th day of May, 2008.

5
6 
7 _____
8 DWIGHT D. NODES
9 ASSISTANT CHIEF ADMINISTRATIVE LAW JUDGE

10 Copies of the foregoing mailed/delivered
11 this 5th day of May, 2008 to:

12 Steve P. Prahin
13 HC 7, Box 452
14 Payson, AZ 85541

15 Robert Hardcastle, President
16 BROOKE UTILITIES, INC.
17 P.O. Box 82218
18 Bakersfield, CA 93380-2218

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23 Phoenix, AZ 85012

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By: 
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Secretary to Dwight D. Nodes