



0000093717

ORIGINAL

BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

2 **COMMISSIONERS**
3 KRISTIN K. MAYES- Chairman
4 GARY PIERCE
5 PAUL NEWMAN
6 SANDRA D. KENNEDY
7 BOB STUMP

2009 FEB 13 A 10: 11

AZ CORP COMMISSION
DOCKET CONTROL

DOCKETED

FEB 13 2009

DOCKETED BY

8 IN THE MATTER OF THE COMMISSION ON ITS
9 OWN MOTION INVESTIGATING THE FAILURE
10 OF NUMEROUS UTILITIES TO FILE ANNUAL
11 REPORTS FOR CALENDAR YEAR 2007

DOCKET NO. C-00000A-09-0060

**COMPLAINT AND PETITION
FOR AN ORDER TO SHOW CAUSE**

12 Staff of the Utilities Division ("Staff") of the Arizona Corporation Commission
13 ("Commission") hereby brings this Complaint and Petition for Order to Show Cause against the
14 following respondents:

DOCKET NO	COMPANY NAME
T-03711A	AIRNEX COMMUNICATIONS, INC.
T-03227A	AMERICOM TECHNOLOGIES, INC. dba NETWORK UTILIZATION SERVICES
T-03014A	CANDACE ADAIR dba ADAIR COMMUNICATIONS
W-02034A	CIENEGA WATER COMPANY, INC.
T-04258A	COGNIGEN NETWORKS, INC.
W-01558A	CROWN KING WATER COMPANY INC.
W-01351A	ELFRIDA DOMESTIC WATER USERS ASSOCIATION
T-20444A	EMPIRE PAYPHONES, INC.
T-02995A	GASLIGHT THEATRE
SW-02326A	GREENEHAVEN SEWER COMPANY, INC.
W-02325A	GREENEHAVEN WATER COMPANY, INC.
W-01896A	HOLIDAY ENTERPRISES INCORPORATED dba HOLIDAY WATER COMPANY
T-03712A	JOHN WISER dba CACTEL
W-01557A	LAKE VERDE WATER COMPANY
T-03132A	LDC TELECOMMUNICATIONS, INC.
W-01961A	LUCKY HILLS WATER COMPANY
T-04119A	MGEN SERVICES CORP.
W-02164A	MORRISTOWN WATER COMPANY
W-04069A	OATMAN WATER COMPANY, L.L.C.
T-02960A	PAYPHONES PLUS INC.
W-01774A	PICACHO WATER IMPROVEMENT
W-02800A	Q MOUNTAIN WATER INC.

28

1	W-02280A	SOUTH RAINBOW VALLEY WATER COOP.
	SW-02390A	SOUTHLAND SANITATION, CO.
2	T-02771A	SOUTHSIDE LIQUORS
	W-01407A	STRAWBERRY WATER COMPANY
3	W-02386A	SUN LEISURE ESTATES UTILITIES COMPANY, INC.
	WS-04247A	SUNRISE UTILITIES, L.L.C.
4	T-04124A	TELLISS, LLC
	W-02168A	TRUXTON CANYON WATER COMPANY, INC.
5	T-04212A	VALUTEL COMMUNICATIONS, INC. dba VALUTEL COMMUNICATIONS
6		
7	W-01983A	VOYAGER AT WHITE MOUNTAIN LAKES WATER COMPANY, INC.
8	W-02104A	VOYAGER WATER COMPANY
	T-03141A	VYCERA COMMUNICATIONS, INC.
9	T-04307A	WESTEL, INC.
	W-04161A	WHITE HORSE RANCH OWNERS ASSOCIATION, INC.
10	T-02834A	WILDCAT WASH WELL, LTD.
11	W-01084A	WILLIAM P. FARR dba SALOME WATER COMPANY
12	W-02173A	WILLOW LAKES PROPERTY OWNERS ASSOCIATION, INC.

13 Staff, for its Complaint, alleges as follows:

14 **I**

15 The Commission is an agency of the State of Arizona, existing by virtue of Article 15 of
16 the Arizona Constitution.

17 **II**

18 Respondents are public service corporations as defined by Article 15, Section 2 of the
19 Arizona Constitution, and were issued Certificates of Convenience and Necessity in accordance
20 with Arizona Revised Statutes Section 40-281.

21 **III**

22 As public service corporations, respondents are subject to the jurisdiction of the
23 Commission with regard to the matters herein alleged.

24 **IV**

25 This Complaint is initiated and authorized pursuant to Arizona Revised Statutes, Sections
26 40-202, 40-204, 40-425, 40-426, and Arizona Administrative Code R14-2-411.D.4, R14-2-
27 510.G.4, R14-2-610.D.4., R14-2-907.A., R14-2-1011.A., and R14-2-1115.F.

V

1 Investigation by the Staff reveals that Respondents have violated Arizona Revised Statutes
2 and Commission Rules. Staff alleges the following in support of this claim:
3

- 4 A. Pursuant to Arizona Revised Statutes Section 40-204 and Arizona
5 Administrative Code R14-2-411.D.4, R14-2-510.G.4, R14-2-610.D.4., R14-2-
6 907.A., R14-2-1011.A., and R14-2-1115.F., all public service corporations in
7 Arizona are required to file an annual report on or before April 15 of each
8 year.
9 B. Despite repeated attempts by the Staff to persuade Respondents to file such
10 reports, Respondents have failed to do so for calendar year 2006 and are thus
11 in violation of Arizona Revised Statutes Section 40-204 and Arizona
12 Administrative Code, R14-2-411.D.4, R14-2-510.G.4, R14-2-610.D.4., R14-2-
13 907.A., R14-2-1011.A., and R14-2-1115.F.
14 C. Pursuant to Arizona Revised Statutes Section 40-204, Respondents are in
15 contempt of the Commission for their failure to comply with the
16 aforementioned rules and requirements of the Commission.

VI

17 The violations of Respondents to the aforementioned rules and requirements, as alleged
18 herein, constitutes grounds to assess a civil penalty against Respondents pursuant to Arizona
19 Revised Statutes Section 40-424 and 40-425, in an amount not less than \$100 nor more than
20 \$5,000 for each violation, and/or revoke respondents certificate of convenience and necessity.

21 RESPECTFULLY SUBMITTED this 13th day of February, 2009.

22 

23 Nancy Scott
24 Attorney, Legal Division
25 Arizona Corporation Commission
26 1200 West Washington Street
27 Phoenix, Arizona 85007
28 (602) 542-6020

29 The original and eighteen (18) copies
30 of the foregoing were filed this
31 13th day of February, 2009, with:

32 Docket Control
33 Arizona Corporation Commission
34 1200 West Washington Street
35 Phoenix, Arizona 85007

1 Copies of the foregoing mailed this
 2 13th day of February, 2009, to:

3 Airnex Communications, Inc.
 4 3180 Crow Canyon Pl., Ste. 109
 5 San Ramon, CA 94583

Greenehaven Water Company, Inc.
 PO Box 5122
 Page, AZ 86040

6 Americom Technologies, Inc.
 7 Network Utilization Services
 8 PO Box 990-165
 9 Boston, MA 02199

Holiday Enterprises Incorporated
 Holiday Water Company
 PO Box 309
 Tombstone, AZ 85638

10 Candace Adair
 11 Adair Communications
 12 4218 W. Flower St.
 13 Phoenix, AZ 85019-4135

John Wiser
 Cactel
 2027 Del Oro Lane
 Yuma, AZ 85364

14 Cienega Water Company, Inc.
 15 PO Box 3518
 16 Parker, AZ 85344

Lake Verde Water Company
 PO Box 2777
 Camp Verde, AZ 86322

17 Cognigen Networks, Inc.
 18 6405 218th St SW., Ste. 305
 19 Mountlake Terrace, WA 98043-2180

LDC Telecommunications, Inc.
 c/o InterControllers
 10012 N. Dale Mabry Hwy., Ste. 215
 Tampa, FL 33618

20 Crown King Water Company, Inc.
 21 4918 W Park View Lane
 22 Glendale, AZ 85310

Lucky Hills Water Company
 PO Box 309
 Tombstone, AZ 85638

23 Elfrida Domestic Water Users Association
 24 PO Box 356
 25 Elfreda, AZ 85610

MGEN Services Corp.
 2510 N. Redhill Ave., Ste. 230
 Santa Ana, CA 92705

26 Empire Payphones, Inc.
 27 1490 Westfork Dr., Ste. G
 28 Lithia Springs, GA 30122

Morristown Water Company
 PO Box 156
 Morristown, AZ 85342

Gaslight Theatre
 7010 E. Broadway
 Tucson, AZ 85710

Oatman Water Company, L.L.C.
 9184 N. 81st St.
 Scottsdale, AZ 85258

Greenehaven Sewer Company, Inc.
 PO Box 5122
 Page, AZ 86040

Payphones Plus Inc.
 1635 E. Redfield Rd.
 Tempe, AZ 85283

1	Picacho Water Improvement	Voyager at White Mountain Lakes Water
2	PO Box 44	Company, Inc.
3	Picacho, AZ 85421	1993 Juniper Ridge Resort
		Show Low, AZ 85901
4	Q Mountain Water Inc.	Voyager Water Company
5	12486 S. Foothills Blvd.	8701 S. Kolb Rd
	Yuma, AZ 85367	Tucson, AZ 85706
6	South Rainbow Valley Water Coop.	Vycera Communications, Inc.
7	27205 S. 170th Ave.	1339 Caminito Laura
	Buckeye, AZ 85326	Encinitas, CA 92024-7003
8	Southland Sanitation, Co.	Westel, Inc.
9	2730 E. Broadway, Ste 135	c/o Nick Tondre
	Tucson, AZ 85716	9606 N. Mopac, St. 700
10	Southside Liquors	Austin, TX 78759
11	619 W. Frito Ave	White Horse Ranch Owners Association, Inc.
12	Mesa, AZ 85210	PO Box 670
		Dewey, AZ 86327-0660
13	Strawberry Water Company	Wildcat Wash Well, Ltd.
14	HC 1 Box 817	5212 E. 8th Street
	Pine, AZ 85544-9719	Tucson, AZ 85711
15	Sun Leisure Estates Utilities Company Inc.	William P. Farr
16	c/o Crites & Associates	Salome Water Company
17	PO Box 5681	PO Box 550
	Yuma, Az 85366	Salome, AZ 85348
18	Sunrise Utilities, L.L.C.	Willow Lakes Property Owners Assn, Inc.
19	PO Box 3630	PO Box 875
	Mesquite, NV 89024	Benson, AZ 85602
20	Telliss, LLC	
21	9093 Technology Dr., Ste. 104	
	Fisher, IN 46038	
22	Truxton Canyon Water Company, Inc.	
23	2409 Ricca Dr	
24	Kingman, AZ 86401	
25	ValuTel Communications, Inc.	
26	ValuTel Communications	
	13809 N. Highway 183, Ste. 705	
27	Austin, TX 78750-1246	
28		

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 KRISTIN K. MAYES
Chairman

3 GARY PIERCE
Commissioner

4 PAUL NEWMAN
Commissioner

5 SANDRA D. KENNEDY
Commissioner

6 BOB STUMP
Commissioner

7
8 IN THE MATTER OF THE COMMISSION)
ON ITS OWN MOTION INVESTIGATING)
9 THE FAILURE OF NUMEROUS)
10 UTILITIES TO FILE ANNUAL REPORTS)
FOR CALENDAR YEAR 2007)

DOCKET NO. C-00000A-09-0060

DECISION NO. _____

ORDER TO SHOW CAUSE

11
12 Open Meeting
13 March 3 and 4, 2009
14 Phoenix, Arizona

15 **BY THE COMMISSION:**

16 The Arizona Corporation Commission ("Commission"), hereby issues this Order to Show
17 Cause against the following respondents:

18

DOCKET NO	COMPANY NAME
T-03711A	AIRNEX COMMUNICATIONS, INC.
T-03227A	AMERICOM TECHNOLOGIES, INC. dba NETWORK UTILIZATION SERVICES
T-03014A	CANDACE ADAIR dba ADAIR COMMUNICATIONS
W-02034A	CIENEGA WATER COMPANY, INC.
T-04258A	COGNIGEN NETWORKS, INC.
W-01558A	CROWN KING WATER COMPANY INC.
W-01351A	ELFRIDA DOMESTIC WATER USERS ASSOCIATION
T-20444A	EMPIRE PAYPHONES, INC.
T-02995A	GASLIGHT THEATRE
SW-02326A	GREENEHAVEN SEWER COMPANY, INC.
W-02325A	GREENEHAVEN WATER COMPANY, INC.
W-01896A	HOLIDAY ENTERPRISES INCORPORATED dba HOLIDAY WATER COMPANY
T-03712A	JOHN WISER dba CACTEL
W-01557A	LAKE VERDE WATER COMPANY

19
20
21
22
23
24
25
26
27
28

1	T-03132A	LDC TELECOMMUNICATIONS, INC.
2	W-01961A	LUCKY HILLS WATER COMPANY
3	T-04119A	MGEN SERVICES CORP.
4	W-02164A	MORRISTOWN WATER COMPANY
5	W-04069A	OATMAN WATER COMPANY, L.L.C.
6	T-02960A	PAYPHONES PLUS INC.
7	W-01774A	PICACHO WATER IMPROVEMENT
8	W-02800A	Q MOUNTAIN WATER INC.
9	W-02280A	SOUTH RAINBOW VALLEY WATER COOP.
10	SW-02390A	SOUTHLAND SANITATION, CO.
11	T-02771A	SOUTHSIDE LIQUORS
12	W-01407A	STRAWBERRY WATER COMPANY
13	W-02386A	SUN LEISURE ESTATES UTILITIES COMPANY, INC.
14	WS-04247A	SUNRISE UTILITIES, L.L.C.
15	T-04124A	TELLISS, LLC
16	W-02168A	TRUXTON CANYON WATER COMPANY, INC.
17	T-04212A	VALUTEL COMMUNICATIONS, INC. dba VALUTEL COMMUNICATIONS
18	W-01983A	VOYAGER AT WHITE MOUNTAIN LAKES WATER COMPANY, INC.
19	W-02104A	VOYAGER WATER COMPANY
20	T-03141A	VYCERA COMMUNICATIONS, INC.
21	T-04307A	WESTEL, INC.
22	W-04161A	WHITE HORSE RANCH OWNERS ASSOCIATION, INC.
23	T-02834A	WILDCAT WASH WELL, LTD.
24	W-01084A	WILLIAM P. FARR dba SALOME WATER COMPANY
25	W-02173A	WILLOW LAKES PROPERTY OWNERS ASSOCIATION, INC.

FINDINGS OF FACT

The Commission, for its Complaint, and Order to Show Cause alleges as follows:

1. The Commission is an agency of the State of Arizona, existing by virtue of Article 15 of the Arizona Constitution.
2. Respondents are public service corporations as defined by Article 15, Section 2 of the Arizona Constitution, and were issued Certificates of Convenience and Necessity in accordance with Arizona Revised Statutes Section 40-281.
3. As public service corporations, respondents are subject to the jurisdiction of the Commission with regard to the matters herein alleged.

...

1 4. This Complaint is initiated and authorized pursuant to Arizona Revised Statutes,
2 Sections 40-202, 40-204, 40-425, 40-426, and Arizona Administrative Code R14-2-411.D.4, R14-
3 2-510.G.4, R14-2-610.D.4., R14-2-907.A., R14-2-1011.A., and R14-2-1115.F.

4 5. Investigation by the Commission's Staff ("Staff") reveals and the Commission
5 alleges that Respondents have violated Arizona Revised Statutes and Commission Rules. The
6 Commission alleges the following in support of this claim:

7 A. Pursuant to Arizona Revised Statutes Section 40-204 and Arizona
8 Administrative Code R14-2-411.D.4, R14-2-510.G.4, R14-2-610.D.4., R14-2-
9 907.A., R14-2-1011.A., and R14-2-1115.F., all public service corporations in
Arizona are required to file an annual report on or before April 15 of each year.

10 B. Despite repeated attempts by the Staff to persuade Respondents to file such
11 reports, Respondents have failed to do so and are thus in violation of Arizona
12 Revised Statutes Section 40-204 and Arizona Administrative Code, R14-2-
411.D.4, R14-2-510.G.4, R14-2-610.D.4., R14-2-907.A., R14-2-1011.A., and
R14-2-1115.F.

13 C. Pursuant to Arizona Revised Statutes Section 40-204, Respondents are in
14 contempt of the Commission for their failure to comply with the aforementioned
15 rules and requirements of the Commission.

16 6. The violations of Respondents to the aforementioned rules and requirements, as
17 alleged herein, constitutes grounds to assess a civil penalty against Respondents pursuant to
18 Arizona Revised Statutes Section 40-424 and 40-425, in an amount not less than \$100 nor more
19 than \$5,000 for each violation, and/or revoke respondents certificate of convenience and necessity.

20 CONCLUSIONS OF LAW

21 1. The Respondents are public service corporations within the meaning of Article XV
22 of the Arizona Constitution and is subject to the jurisdiction of the Commission.

23 2. The Commission has jurisdiction over the subject matter of Staff's Complaint and
24 Order to Show Cause.

25 3. Notice of this proceeding has been given in accordance with law.

26 ...
27 ...
28 ...

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
26
27
28

ORDER

IT IS THEREFORE ORDERED that Respondents appear before the Arizona Corporation Commission at a time and place designated by the Commission's Hearing Division and show cause why the Commission should not find Respondents in violation and contempt of Arizona Laws and Commission rules, and show cause why the Commission should not assess against Respondents penalties as provided in Arizona Revised Statutes Sections 40-424 and 40-425, and/or cancel the respondents certificate of convenience and necessity.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY THE ORDER OF THE ARIZONA CORPORATION COMMISSION

CHAIRMAN

COMMISSIONER

COMMISSIONER

COMMISSIONER

COMMISSIONER

IN WITNESS WHEREOF, I, MICHAEL KEARNS, Interim Executive Director of the Arizona Corporation Commission, have hereunto, set my hand and caused the official seal of this Commission to be affixed at the Capitol, in the City of Phoenix, this _____ day of _____, 2009.

MICHAEL P. KEARNS
INTERIM EXECUTIVE DIRECTOR

DISSENT: _____

DISSENT: _____

EGJ:KDB:lmh\

Decision No. _____

1	SERVICE LIST FOR: Various Regulated Utility Companies	
2	DOCKET NO. C-00000A-09-0060	
3	Airnex Communications, Inc.	Greenehaven Water Company, Inc.
4	3180 Crow Canyon Pl., Ste. 109	PO Box 5122
5	San Ramon, CA 94583	Page, AZ 86040
6	Americom Technologies, Inc.	Holiday Enterprises Incorporated
7	Network Utilization Services	Holiday Water Company
8	PO Box 990-165	PO Box 309
9	Boston, MA 02199	Tombstone, AZ 85638
10	Candace Adair	John Wiser
11	Adair Communications	Cactel
12	4218 W. Flower St.	2027 Del Oro Lane
13	Phoenix, AZ 85019-4135	Yuma, AZ 85364
14	Cienega Water Company, Inc.	Lake Verde Water Company
15	PO Box 3518	PO Box 2777
16	Parker, AZ 85344	Camp Verde, AZ 86322
17	Cognigen Networks, Inc.	LDC Telecommunications, Inc.
18	6405 218 th St SW., Ste. 305	c/o InterControllers
19	Mountlake Terrace, WA 98043-2180	10012 N. Dale Mabry Hwy., Ste. 215
20		Tampa, FL 33618
21	Crown King Water Company, Inc.	Lucky Hills Water Company
22	4918 W Park View Lane	PO Box 309
23	Glendale, AZ 85310	Tombstone, AZ 85638
24	Elfrida Domestic Water Users Association	MGEN Services Corp.
25	PO Box 356	2510 N. Redhill Ave., Ste. 230
26	Elfreda, AZ 85610	Santa Ana, CA 92705
27	Empire Payphones, Inc.	Morristown Water Company
28	1490 Westfork Dr., Ste. G	PO Box 156
	Lithia Springs, GA 30122	Morristown, AZ 85342
	Gaslight Theatre	Oatman Water Company, L.L.C.
	7010 E. Broadway	9184 N. 81 st St.
	Tucson, AZ 85710	Scottsdale, AZ 85258
	Greenehaven Sewer Company, Inc.	Payphones Plus Inc.
	PO Box 5122	1635 E. Redfield Rd.
	Page, AZ 86040	Tempe, AZ 85283

1	Picacho Water Improvement PO Box 44	Voyager at White Mountain Lakes Water Company, Inc. 1993 Juniper Ridge Resort Show Low, AZ 85901
2	Picacho, AZ 85421	
3	Q Mountain Water Inc.	Voyager Water Company
4	12486 S. Foothills Blvd.	8701 S. Kolb Rd
5	Yuma, AZ 85367	Tucson, AZ 85706
6	South Rainbow Valley Water Coop.	Vycera Communications, Inc.
7	27205 S. 170 th Ave.	1339 Caminito Laura
8	Buckeye, AZ 85326	Encinitas, CA 92024-7003
9	Southland Sanitation, Co.	Westel, Inc.
10	2730 E. Broadway, Ste 135	c/o Nick Tondre
11	Tucson, AZ 85716	9606 N. Mopac, St. 700
12	Southside Liquors	Austin, TX 78759
13	619 W. Frito Ave	White Horse Ranch Owners Association, Inc.
14	Mesa, AZ 85210	PO Box 670
15	Strawberry Water Company	Dewey, AZ 86327-0660
16	HC 1 Box 817	Wildcat Wash Well, Ltd.
17	Pine, AZ 85544-9719	5212 E. 8 th Street
18	Sun Leisure Estates Utilities Company Inc.	Tucson, AZ 85711
19	c/o Crites & Associates	William P. Farr
20	PO Box 5681	Salome Water Company
21	Yuma, Az 85366	PO Box 550
22	Sunrise Utilities, L.L.C.	Salome, AZ 85348
23	PO Box 3630	Willow Lakes Property Owners Association, Inc.
24	Mesquite, NV 89024	PO Box 875
25	Telliss, LLC	Benson, AZ 85602
26	9093 Technology Dr., Ste. 104	
27	Fisher, IN 46038	
28	Truxton Canyon Water Company, Inc.	
	2409 Ricca Dr	
	Kingman, AZ 86401	
	ValuTel Communications, Inc.	
	ValuTel Communications	
	13809 N. Highway 183, Ste. 705	
	Austin, TX 78750-1246	