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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

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JUL 28 2009

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COMMISSIONERS

KRISTIN K. MAYES, Chairman
GARY PIERCE
PAUL NEWMAN
SANDRA D. KENNEDY
BOB STUMP

2009 JUL 28 A 11:47

AZ CORP COMMISSION
DOCKET CONTROL

IN THE MATTER OF THE FORMAL
COMPLAINT OF ROGER AND DARLENE
CHANTEL,

DOCKET NO. E-01750A-09-0149

COMPLAINANTS,

vs.

MOHAVE ELECTRIC COOPERATIVE, INC.,

RESPONDENT.

PROCEDURAL ORDER

BY THE COMMISSION:

On March 24, 2009, Roger and Darlene Chantel ("Complainants") filed with the Arizona Corporation Commission ("Commission") a Complaint ("Complaint") against Mohave Electric Cooperative, Inc. ("Respondent").

On April 10, 2009, the Respondent filed its Response to Formal Complaint and Motion to Dismiss Complaint.

On April 17, 2009, the Complainants filed their Response to Mohave Electric's Motion to Dismiss.

On April 23, 2009, a copy of email correspondence from the Complainants to Commissioner Mayes dated April 22, 2009, was filed with Docket Control.

On April 28, 2009, the Respondent filed its Reply to Complainants' Response to Motion to Dismiss.

On May 7, 2009, the Complainants filed supplemental information to their Complaint.

On May 22, 2009, the Respondent filed its Response to Complainants' Supplement to Formal Complaint and Motion to Dismiss Supplement.

In its Motion to Dismiss and subsequent Responses, the Respondent asserted that the

1 Complainants had already had an opportunity to be heard by the Commission by informal complaint,
2 and that the Complainants asserted no facts that were not previously considered. As such, the
3 Respondent request that the Complaint be dismissed.

4 The Complainants claimed that they have presented new evidence that should be considered
5 by the Commission.

6 On July 15, 2009, pursuant to a Procedural Order dated June 17, 2009, a Procedural
7 Conference was held. At that Procedural Conference, the parties were advised that pursuant to
8 Arizona Administrative Code R14-2-212(C)(1)(e), a decision of the Commission's representative in
9 an informal complaint process is not binding on any of the parties and the parties have the right to
10 make a formal complaint to the Commission. Therefore, the **Respondent's Motion to Dismiss was**
11 **denied**. The parties indicated that they desired to set the matter for hearing.

12 IT IS THEREFORE ORDERED that a **hearing shall be held beginning January 20, 2010,**
13 **at 10:00 a.m.**, at the Commission's office, 1200 West Washington Street, Room 1, Phoenix, Arizona.

14 IT IS FURTHER ORDERED that a **telephonic pre-hearing conference** in the above-
15 captioned matter shall be held on **January 14, 2010, at 9:00 a.m.**, or as soon thereafter as is
16 practicable, and that all parties shall contact the Hearing Division no later than **January 7, 2010, at**
17 **602-542-4250 for further information regarding the call-in phone number**. Parties may also
18 attend in person at the Commission's Tucson offices, Room 218, 400 West Congress.

19 IT IS FURTHER ORDERED that **the parties shall file their witness list and exhibits** to be
20 used at hearing by **January 6, 2010, 2009**.

21 IT IS FURTHER ORDERED that all parties must comply with Rules 31 and 38 of the Rules
22 of the Arizona Supreme Court and A.R.S. §40-243 with respect to practice of law and admission *pro*
23 *hac vice*.

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

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

4 DATED this 24th day of July, 2009.

5
6 
7 BELINDA A. MARTIN
8 ADMINISTRATIVE LAW JUDGE

9 Copies of the foregoing mailed
10 this 24th day of July, 2009 to:

11 Jonathan A. Dessales, Esq.
12 DESSAULES LAW GROUP
13 2700 North Central Avenue, Suite 1250
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26 By: 
27 Julio Ibarra
28 Secretary to Belinda A. Martin