

BEFORE THE ARIZONA CORPORATION COMMISSION

BEFORE THE ARIZONA CORPORATION COMMISSION

IN THE MATTER OF THE COMMISSION)
ON ITS OWN MOTION INVESTIGATING) DOCKET NO.
THE FAILURE OF NUMEROUS) T-000000A-00-0968
UTILITIES TO FILE ANNUAL)
REPORTS.)

IN THE MATTER OF THE COMMISSION)
ON ITS OWN MOTION INVESTIGATING) DOCKET NO.
THE FAILURE OF NUMEROUS) T-000000A-00-0968
UTILITIES TO FILE ANNUAL)
REPORTS.)

At: Phoenix, Arizona
Date: September 25, 2001
Filed: OCT 16 2001

At: Phoenix, Arizona
Date: September 25, 2001
Filed: OCT 16 2001



REPORTER'S TRANSCRIPT OF PROCEEDINGS

REPORTER'S TRANSCRIPT OF PROCEEDINGS

ARIZONA REPORTING SERVICE, INC.
Court Reporting
Suite Three
2627 North Third Street
Phoenix, Arizona 85004-1103
By: DAWNA J. BOSWELL, RPR
Certified Court Reporter
Certificate No. 50326

ARIZONA REPORTING SERVICE, INC.
Court Reporting
Suite Three
2627 North Third Street
Phoenix, Arizona 85004-1103
By: DAWNA J. BOSWELL, RPR
Certified Court Reporter
Certificate No. 50326

Prepared for:
ACC

Prepared for:
ACC

ORIGINAL

ARIZONA REPORTING SERVICE, INC. (602) 274-9944
Realtime Specialists Phoenix, AZ

ARIZONA REPORTING SERVICE, INC. (602) 274-9944
Realtime Specialists Phoenix, AZ

DOCKETED BY *[Signature]*

Arizona Corporation Commission
DOCKETED

OCT 16 2001

RECEIVED
OCT 16 2001

255 000 0010

2 5 5 0 0 0 0 1 0

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

BEFORE THE ARIZONA CORPORATION COMMISSION

IN THE MATTER OF THE COMMISSION)
ON ITS OWN MOTION INVESTIGATING) DOCKET NO.
THE FAILURE OF NUMEROUS) T-00000A-00-0968
UTILITIES TO FILE ANNUAL)
REPORTS.)

At: Phoenix, Arizona
Date: September 25, 2001
Filed: **OCT 16 2001**

REPORTER'S TRANSCRIPT OF PROCEEDINGS

ARIZONA REPORTING SERVICE, INC.
Court Reporting
Suite Three
2627 North Third Street
Phoenix, Arizona 85004-1103

By: DAWNA J. BOSWELL, RPR
Certified Court Reporter
Certificate No. 50326

Prepared for:

ACC

ORIGINAL

**FOR
INTERNAL
&
INTERAGENCY
USE
ONLY**

Pursuant to the contract with Arizona Reporting Service all transcripts are available electronically for internal agency use only.

Do not copy, forward or transmit outside the Arizona Corporation Commission.

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

INDEX TO EXAMINATIONS

WITNESS	PAGE
PATRICK WILLIAMS	
Direct Examination by Mr. Williams	5
Examination by ALJ Stern	8

INDEX TO EXHIBITS

NO.	DESCRIPTION	IDENTIFIED	ADMITTED
S-1	Complaint and Order to Show Cause	6	8
S-2	Comments and Corporate Status for 1999 OSC, T-00000A-00-0968, September 12, 2001	7	8

1 BE IT REMEMBERED that the above-entitled
2 and numbered matter came on regularly to be heard
3 before the Arizona Corporation Commission, in
4 Conference Room 1 of said Commission, 1200 West
5 Washington Street, Phoenix, Arizona, commencing at
6 9:32 a.m. on the 25th day of September, 2001.

7

8 BEFORE: MARC E. STERN, Administrative Law Judge

9

10 APPEARANCES:

11

12 DEVINTI WILLIAMS, Staff Attorney, Legal
13 Division, on behalf of Arizona Corporation
14 Commission Staff;

13

14

 DAWNA J. BOSWELL
 CCR No. 50326

15

16

17

18

19

20

21

22

23

24

25

1 ALJ STERN: Let's go on the record in the
2 Matter of the Commission On Its Own Motion
3 Investigating the Failure of Numerous Utilities to
4 File Annual Reports for the year 1999, in Docket
5 Number T-03109A-00-0968.

6 My name is Marc Stern, and I will preside
7 over this proceeding this morning and render a
8 recommended opinion and order to the Commissioners
9 for final disposition.

10 At this time, we will take appearances
11 noting for the record that only Staff is present,
12 and with counsel. There are no members of the
13 public present. There are no respondents present.
14 So for Staff at this time --

15 MR. DEVINTI WILLIAMS: Devinti Williams
16 representing Arizona Corporation Commission Staff.

17 ALJ STERN: Okay. And do you have any
18 opening comments?

19 MR. DEVINTI WILLIAMS: We waive opening,
20 Your Honor.

21 ALJ STERN: Okay. Do you want to call any
22 witnesses today?

23 MR. DEVINTI WILLIAMS: Staff calls
24 Mr. Patrick Williams.

25 ALJ STERN: Okay. Mr. Williams, do you

1 want to come up and be sworn.

2

3

PATRICK WILLIAMS,

4 called as a witness on behalf of the Staff, having

5 been first duly sworn by the Certified Court

6 Reporter, was examined and testified as follows:

7

8

DIRECT EXAMINATION

9

10 Q. (BY MR. WILLIAMS) Would you please state
11 your name and business address for the record?

12 A. Patrick Williams, 1200 West Washington
13 Street, Phoenix, Arizona.

14 Q. Mr. Williams, by whom are you employed?

15 A. I'm employed by the Utilities Division of
16 the Corporation Commission.

17 Q. What is your capacity with the Arizona
18 Corporation Commission?

19 A. I am the manager of compliance and
20 enforcement.

21 Q. Would you please describe your job
22 responsibilities in your capacity.

23 A. Yes. I monitor the items for compliance
24 with Commission rules, orders, and statutes.

25 Q. In your capacity, did you have an

1 opportunity to review utilities records to
2 determine if companies had filed their annual
3 reports for 1999?

4 A. Yes, under my direction, we investigated
5 these utilities.

6 Q. And in response to what you found, did you
7 have an Order to Show Cause drafted?

8 A. Yes.

9 Q. Mr. Williams, you have before you what has
10 been marked as Exhibit S-1. Would you identify
11 that for the record, please.

12 A. Yes. S-1 is a signed Complaint and Order
13 to Show Cause by the Arizona Corporation
14 Commission.

15 Q. And this was drafted by your direction?

16 A. That's correct.

17 Q. Do you have any changes or amendments to
18 make to it at this time?

19 A. No. I believe we've made some as we've
20 gone along as utilities have filed, however.

21 Q. So then all of your recommendations remain
22 the same?

23 A. That's correct.

24 Q. Mr. Williams, have you made efforts to
25 resolve this issue with the companies that are

1 listed in this Order to Show Cause?

2 A. Yes, we have.

3 Q. Mr. Williams, you have before you what has
4 been marked as Exhibit S-2. Would you identify
5 that for the record.

6 A. Yes. S-2 is a document prepared under my
7 direction that gives the status of each of the
8 utilities remaining under the Order to Show Cause
9 and what attempts Staff made to contact them to
10 have them file.

11 Q. Is there anything else you wish to add to
12 your testimony today?

13 A. Yes. Just to give you a small
14 chronological history of what transpired, we sent
15 out delinquent notices on July 14, 2000, to each of
16 the utilities that did not file. We followed that
17 up in September of 2000 with personal phone calls
18 to each of the utilities. We made follow-up phone
19 calls in October of 2000, and then for those
20 utilities that had not filed, we prepared the Order
21 to Show Cause shortly after that.

22 Q. Do you have anything further to add?

23 A. No.

24 MR. DEVINTI WILLIAMS: Your Honor, at this
25 time, I have no further questions of my witness.

1 either we got no responses from or we have been
2 unable to contact them because they haven't kept us
3 current on addresses, et cetera?

4 A. If it's appropriate, to revoke their
5 certificates under this Complaint and Order to Show
6 Cause and/or assess the appropriate fines.

7 Q. And/or assess fines?

8 A. Yes.

9 Q. Okay. And there are some companies we were
10 unable to reach at all, is that correct?

11 A. By letter or by phone, yes.

12 Q. And I will note for the record even the
13 procedural order which we sent out scheduling the
14 prehearing in this matter and the hearing, we
15 received back approximately 30 to 50 of the
16 procedural orders from the postal authorities
17 indicating no forwarding address on file or
18 incorrect address or some such notation so that the
19 postal service wouldn't deliver the procedural
20 orders.

21 Also I have a grouping of memorandums from
22 Staff to dismiss against certain companies who
23 apparently have filed their annual reports. Could,
24 before we adjourn this proceeding, could I just ask
25 Staff to check the ones that I have so that we get

1 the dismissals entered against the proper ones? Is
2 that okay?

3 A. Or we can provide you with a list in the
4 docket after the proceeding as to the companies
5 that still remain.

6 Q. Of the ones, well, I want to know the ones
7 specifically, just in the event I didn't get one of
8 these staff memorandums from Docket Control of the
9 ones that have been dismissed and their reason,
10 just a summary. Is that possible, Mr. Williams?

11 A. Yes.

12 Q. Okay. Staff will provide that, indicating
13 which ones have filed annual reports. I see one
14 here, it's late, Juniper, we revoked their
15 certificate in May of this year on another OSC?

16 A. Would you like that as a late-filed
17 exhibit?

18 Q. That will be fine. It will be marked
19 late-filed Exhibit S-3 and will be admitted. Do
20 you think you can get it in within a week?

21 A. We can have it within a couple of days.

22 Q. Okay. That way I'll be sure I'm current.
23 I just don't know if we've missed a few of these.

24 A. All right.

25 ALJ STERN: So with that, we'll take the

1 matter under advisement and issue a recommended
2 opinion and order shortly.

3 Thank you.

4 (The hearing concluded at 9:40 a.m.)

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

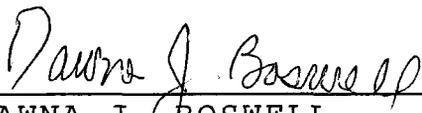
24

25

1 STATE OF ARIZONA)
 2) ss.
 3 COUNTY OF MARICOPA)
 4
 5
 6

7 I, DAWNA J. BOSWELL, Certified Court
 8 Reporter No. 50326 for the State of Arizona, do
 9 hereby certify that the foregoing printed pages
 10 constitute a full, true and accurate transcript of
 11 the proceedings had in the foregoing matter, all
 12 done to the best of my skill and ability.

13
 14 WITNESS my hand this 15th day of October,
 15 2001.

16
 17 
 18 _____
 DAWNA J. BOSWELL
 Certified Court Reporter
 Certificate No. 50326

19
 20
 21
 22
 23
 24
 25