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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

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COMMISSIONERS

KRISTIN K. MAYES, CHAIRMAN

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AZ CORP COMMISSION
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PAUL NEWMAN

SANDRA D. KENNEDY

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BOB STUMP

IN THE MATTER OF THE FORMAL COMPLAINT AGAINST MOHAVE ELECTRIC COOPERATIVE, INC. FILED BY ROGER AND DARLENE CHANTEL.

DOCKET NO. E-01750A-09-0149

RESPONDENT'S REPLY TO COMPLAINANTS' RESPONSE TO MOTION TO COMPEL INSPECTION

Mohave Electric Cooperative, Inc. ("Mohave") hereby replies to Complainants' Response to Mohave's Motion to Compel Inspection of the "Artwork" Structure. Complainants' Response reflects a misunderstanding of the broad, sweeping coverage of discovery requests under Rule 26 for relevant issues. The Complainants have alleged to the Arizona Corporation Commission that they constructed an "artwork" structure (incidentally covering more than 6,400 square feet and appearing similar to a military survival bunker) with its only alleged purpose being to protect themselves from Mohave Electric transmission lines. Under this position that the structure was "artwork," the Complainants have contended that they do not have any obligation to comply with Mohave County's ordinances for buildings and they knowingly failed to obtain a Mohave County building permit. Respondent Mohave removed the overhead transmission lines because of the potential liability that existed from what appeared to be an unsound structure with inadequate clearance under industry code.

In their Response, Complainants object to any Mohave County building inspector participating in the inspection and to an inspection of the interior.

1 Based on these simple facts, it is relevant for a building inspector from Mohave
2 County to participate in the inspection (inside and outside) to determine: 1) whether the
3 Chantels should have obtained a building permit for the alleged “artwork” structure and 2)
4 whether the alleged “artwork” is structurally unsound and/or violates any of the myriad of
5 Mohave County’s building codes and standards.

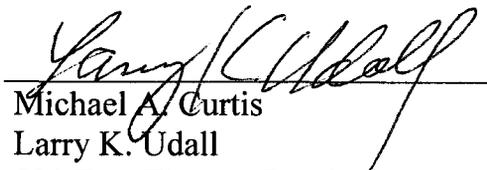
6
7 Additionally, it is relevant for Mohave to inspect the interior of the “artwork”
8 structure to ascertain whether the structure has been designed and used for any purpose other
9 than “artwork.” Mohave anticipates discovering considerable evidence to demonstrate that the
10 structure is unsound and that, in addition to the inadequate clearance between the structure and
11 Mohave’s transmission lines, there will be more evidence to demonstrate that Mohave’s
12 decision to dismantle the transmission line over the “artwork” structure was justified.
13 Moreover, much of what Mohave anticipates discovering will provide tremendous fodder for
14 impeaching and discrediting Complainants’ avowals to this Commission regarding the
15 purpose and nature of the “artwork” structure.

16 In short, Mohave’s request to compel an inspection is justified under Rule 26
17 and the Administrative Law Judge’s (“ALJ”) ruling provides ample protection and limitations
18 for the Complainants. The Complainants’ Response provides no equitable or legal grounds
19 for limiting the inspection to just the exterior of the building by only Mohave personnel.
20 Moreover, given the ALJ’s ruling, the issue is now moot. Respondent will not reply to the
21 Complainants’ Motion for Reconsideration unless instructed to do so by the ALJ pursuant to
22 Rule 7.1(e) of the Arizona Rules of Civil Procedure.

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1 DATED this 3rd day of December, 2009.

2 CURTIS, GOODWIN, SULLIVAN,
3 UDALL & SCHWAB, P.L.C.

4
5 By: 

6 Michael A. Curtis
7 Larry K. Udall
8 501 East Thomas Road
9 Phoenix, Arizona 85012-3205
10 Attorneys for Mohave Electric Cooperative,
11 Inc.

12 PROOF OF AND CERTIFICATE OF MAILING

13 I hereby certify that on this 3rd day of December, 2009, I caused the foregoing
14 document to be served on the Arizona Corporation Commission by delivering the original and
15 thirteen (13) copies of the above to:

16 Docket Control
17 Arizona Corporation Commission
18 1200 West Washington
19 Phoenix, Arizona 85007

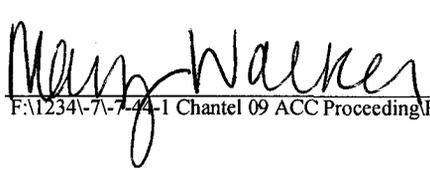
20 COPY of the foregoing hand delivered
21 this 3rd day of December, 2009 to:

22 Belinda A. Martin, Administrative Law Judge
23 Arizona Corporation Commission
24 1200 West Washington
25 Phoenix, Arizona 85007

Janice Alward, Legal Division
Arizona Corporation Commission
1200 West Washington
Phoenix, Arizona 85007

1 Copy of the foregoing mailed
2 this 3rd day of December, 2009 to:

3 Jonathan Dessaules
4 Douglas Wigley
5 Dessaules Law Group
6 2700 North Central Avenue, Suite 1250
7 Phoenix, Arizona 85004

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