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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

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

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 AZ CORP COMMISSION
 DOCKET CONTROL

Arizona Corporation Commission
DOCKETED
 DEC - 8 2009

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MW

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").

Pursuant to a Procedural Order dated July 28, 2009, a hearing in this matter was set for January 20, 2010.

On November 12, 2009, the Respondent filed its Motion to Compel Inspection of Premises ("Motion") pursuant to Rule 37 of the Arizona Rules of Civil Procedure ("Rules"), seeking an Order compelling the Complainants to allow an inspection of both the interior and exterior of the building at issue in this matter (the "Structure"). Respondent also sought permission to be accompanied by a Mohave County building inspector during the inspection of the premises.

On November 25, 2009, a Procedural Order was issued granting Respondent's Motion.

On November 30, 2009, the Complainants filed a Motion for Reconsideration on Respondent's Motion to Compel Inspection of Premises ("Reconsideration Motion"). In their Reconsideration Motion, the Complainants assert that, under the Rules, they should have had until November 26, 2009, to file a Response to the Motion, and as November 26, 2009, is a holiday, the

1 Complainants should have had until November 30, 2009 to reply.¹ Accompanying the
2 Reconsideration Motion was Complainants' Response to the Motion ("Response").

3 On December 3, 2009, the Respondents filed a Reply to Complainants' Response to Motion
4 to Compel Inspection ("Initial Reply"). In its Initial Reply, the Respondent stated that "Respondent
5 will not reply to the Complainants' Motion for Reconsideration unless instructed to do so by the ALJ
6 pursuant to Rule 7.1(e) of the Arizona Rules of Civil Procedure."

7 IT IS THEREFORE ORDERED that, pursuant to Rule 7.1(e), **Respondent shall file its**
8 **Reply to the Complainants' Reconsideration Motion and to the Complainants' Response by**
9 **December 15, 2009.** In its Reply, Respondent should specifically address the portion of
10 Complainants' Response regarding the permissibility of allowing a Mohave County building
11 inspector to attend any inspection of the premises.

12 IT IS FURTHER ORDERED that the Complainants shall not alter or disturb the current
13 condition of the Structure and shall not remove any items currently in the Structure pending
14 Respondent's possible inspection. If the Complainants fail to comply with this requirement, the
15 Complaint may be dismissed after due process.

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

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28 ¹ If the Response was due on November 26, 2009, which is a holiday, then its Response would then have been due on
November 27, 2009, not November 30, 2009. November 27, 2009, is not a recognized holiday.

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 4th day of December, 2009.

5
6 
7 BELINDA A. MARTIN
8 ADMINISTRATIVE LAW JUDGE

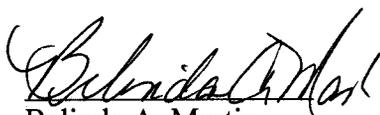
9 Copies of the foregoing mailed
10 this 4th day of December, 2009 to:

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By: 
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