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AZ CORP COMMISSION
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Arizona Corporation Commission

DOCKETED

DEC 10 2009

5 *Attorneys for Complainants*

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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

8 KRISTIN K. MAYES, CHAIRMAN
9 GARY PIERCE
10 PAUL NEWMAN
11 SANDRA D. KENNEDY
12 BOB STUMP

Docket No. E-01750A-09-0149

12 IN THE MATTER OF THE FORMAL
13 COMPLAINT AGAINST MOHAVE
14 ELECTRIC COOPERATIVE INC. FILED BY
15 ROGER AND DARLENE CHANTEL.

**COMPLAINANTS' MOTION TO
RECESS FORMAL COMPLAINT**

17 Complainants, by and through undersigned counsel and pursuant to ACC R14-3-109(C),
18 hereby move to recess the above referenced Formal Complaint pending the resolution of
19 Complainants' action against Respondent in Mohave County Superior Court.

20 Complainants filed a Verified Complaint against Respondent (the "Superior Court
21 Complaint") on November 20, 2009. Complainants are in the process of serving the Superior
22 Court Complaint on Respondent. The Superior Court Complaint, among other things, seeks to
23 recover damages from Respondent for its alleged breach of contract, to quiet title regarding
24 Complainants' property that Respondent, without any recorded easement or right of way, has
25 placed a power line across, and recover for damages caused by Respondent's torts.

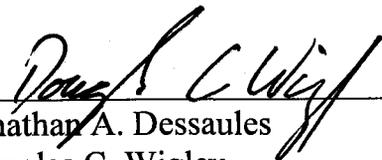
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1 Recessing Complainants' Formal Complaint until the resolution of the Superior Court
2 Complaint is appropriate because the Superior Court Complaint raises issues and seeks relief
3 that cannot be addressed in the ACC. For the sake of judicial efficiency, Complainants' seek to
4 resolve all the Superior Court Complaint issues first. The resolution of these issues in Superior
5 Court may make the Formal Complaint moot.

6 For the foregoing reasons, the ACC should grant Complainants' Motion to Recess
7 Formal Complaint pending the resolution of Complainants' action against Respondent in
8 Mohave County Superior Court.

9 DATED this 9th day of December 2009.

10 DESSAULES LAW GROUP

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12
13 By: 
14 Jonathan A. Dessaules
15 Douglas C. Wigley
16 *Attorneys for Complainants*
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1 PROOF AND CERTIFICATE OF MAILING

2 I hereby certify that on this 10th of December 2009, I caused the foregoing document to
3 be served on the Arizona Corporation Commission by delivering the original and thirteen (13)
4 copies of the above to:

5 Docket Control
6 Arizona Corporation Commission
7 1200 West Washington
8 Phoenix, Arizona 85007

9 COPY of the foregoing mailed
10 this 10th day of December 2009 to:

11 Belinda A. Martin, Administrative Law Judge
12 Arizona Corporation Commission
13 1200 West Washington
14 Phoenix, Arizona 85007

15 Janice Alward, Legal Division
16 Arizona Corporation Commission
17 1200 West Washington
18 Phoenix, Arizona 85007

19 Larry K. Udall
20 Curtis, Goodwin, Sullivan, Udall & Schwab, P.L.C.
21 501 East Thomas Road
22 Phoenix, Arizona 85012-3205
23 (also served by facsimile to (602) 393-1703)

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