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BEFORE THE ARIZONA CORPORATION COMMISSION

251W

COMMISSIONERS

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

7/11/09 24 11 30 04

DOCKET NO. E-01750A-09-0149

IN THE MATTER OF THE FORMAL  
 COMPLAINT OF ROGER AND DARLENE  
 CHANTEL,  
  
 COMPLAINANTS,  
  
 vs.  
  
 MOHAVE ELECTRIC COOPERATIVE, INC.,  
  
 RESPONDENT.

DOCKET NO. E-01750A-09-0149

SEARCHED  
 SERIALIZED  
 INDEXED  
 FILED  
 JAN 20 2010  
 PHOENIX  
 ARIZONA  
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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 December 10, 2009, the Complainant filed its Motion to Recess Formal Complaint ("Motion").

On December 21, 2009, the Respondent filed its Response to Complainants' Motion to Recess Formal Complaint ("Response").

In their Motion, the Complainants request that its Complaint be stayed pending the outcome of a Complaint filed by the Complainants in Mohave County Superior Court. The Complainant asserts that the stay is necessary because the Complaint before the Superior Court raises issues and seeks relief that cannot be addressed by the Arizona Corporation Commission ("Commission").

The Respondent opposes the stay because the Complainants offer no legitimate reason for recessing the present proceeding, and because the Respondents have not exhausted their remedies

1 before the Commission.

2 Although the Respondent objects to any stay of Commission review of the Complaint, it is the  
3 party bringing the Complaint that desires the delay in these proceedings. Further, there is no harm to  
4 any of the Respondent's customers by allowing the stay and there is no imminent danger which must  
5 be addressed by prompt resolution.

6 Accordingly, the Complainants' Motion shall be granted.

7 IT IS THEREFORE ORDERED that the Complainants' **Motion to Recess Formal**  
8 **Complaint is hereby granted.**

9 IT IS FURTHER ORDERED that the **Complainant shall file quarterly Status Updates**  
10 regarding its complaint filed with the Mohave Superior Court with the Commission's Docket  
11 Control. **The first Status Update shall be filed no later than March 31, 2010.**

12 IT IS FURTHER ORDERED that the **hearing currently scheduled to being January 20,**  
13 **2010, is hereby vacated.**

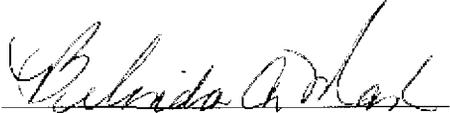
14 IT IS FURTHER ORDERED that the **pre-hearing conference scheduled for January 14,**  
15 **2010, is hereby vacated.**

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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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 22<sup>nd</sup> day of December, 2009.

5  
6   
7 BELINDA A. MARTIN  
8 ADMINISTRATIVE LAW JUDGE

9 Copies of the foregoing mailed  
10 this 22<sup>nd</sup> day of December, 2009 to:

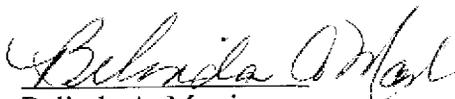
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33 Phoenix, Arizona 85004-1481

34 By:   
35 Belinda A. Martin