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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

DOCKETED

AUG 4 2010

COMMISSIONERS

KRISTIN K. MAYES, Chairman 2010 AUG -4 A 9: 55
GARY PIERCE
PAUL NEWMAN
SANDRA D. KENNEDY
BOB STUMP

ACCORP COMMISSION
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IN THE MATTER OF THE FORMAL
COMPLAINT OF GARY R. BAHR AND LARRY
C. ROWLEY,

DOCKET NO. W-03293A-10-0273

COMPLAINANTS,

vs.

THIM UTILITY CO.,

RESPONDENT.

PROCEDURAL ORDER

BY THE COMMISSION:

On July 2, 2010, Gary R. Bahr and Larry C. Rowley ("Complainants") filed with the Arizona Corporation Commission ("Commission") a Complaint ("Complaint") against Thim Utility Co. ("Respondent").

On July 15, 2010, the Respondent filed its Response to the Complaint, and stated, "Thim Utility Co....request[s] that this matter be closed by the ACC without a hearing...."

A Procedural Conference is necessary in order to determine a schedule for possible additional filings, oral argument and/or hearing.¹ In the interest of administrative efficiency, the Procedural Conference in this matter will be set concurrently with the Procedural Conference set in the other complaint dockets referenced in Footnote 2, below.

¹ In addition to filing the instant Complaint against this Respondent, the Complainants also filed complaints against other entities alleging the same set of facts. (Docket Nos. T-01051B-10-0052, E-01461A-10-0073 and T-20449A-10-0081.) Those entities responded to the respective complaints and each filed a motion to dismiss the complaint against them. On June 9, 2010, Procedural Orders were filed in each of the other complaint matters setting oral argument on each motion to dismiss for July 1, 2010. (The oral arguments originally had been scheduled for June 29, 2010, but were changed to July 1, 2010, due to a scheduling conflict.) The matters convened at the date and time set, but the Complainants did not appear. As such, the matters will be rescheduled for oral argument. The date and time for the oral arguments will be determined at the Procedural Conference herein noticed.

1 IT IS THEREFORE ORDERED that a **telephonic procedural conference for the purpose**
2 **of scheduling oral argument for the Respondent's request to dismiss** shall be held on **September**
3 **17, 2010, at 10:00 a.m.**, or as soon thereafter as is practicable, and that all parties shall contact the
4 Hearing Division on **September 10, 2010, at 602-542-4250 for further information regarding the**
5 **call-in phone number.** Parties may also attend in person at the Commission's Tucson offices, Room
6 218, 400 West Congress.

7 IT IS FURTHER ORDERED that **the Complainants may file a Reply to the request to**
8 **dismiss in this matter if the Complainants wish to do so.** If the Complainants choose to file a
9 Reply, such Reply, including the original and 13 copies, must be filed with the Commission's Docket
10 Control, 1200 West Washington Street, Phoenix, Arizona, 85007, or at the Commissions' Tucson
11 office, 400 West Congress, Tucson, Arizona, 85701, and the Respondent must forward an additional
12 copy to the Respondent.

13 IT IS FURTHER ORDERED that the Procedural Conference in this matter will be held
14 concurrently with the Procedural Conference scheduled in Docket Nos. T-01051B-10-0052, E-
15 01461A-10-0073, and T-20449A-10-0081. In addition to scheduling oral arguments, the parties
16 should be prepared to discuss the possible consolidation of all dockets.

17 IT IS FURTHER ORDERED that **if the Complainants fail to appear at this Procedural**
18 **Conference without just cause, the Complaint shall be dismissed.**

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

22 ...

23 ...

24 ...

25 ...

26 ...

27 ...

28 ...

1 IT IS FURTHER ORDERED that that the Presiding Administrative Law Judge may rescind,
2 alter, amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or
3 by ruling at hearing.

4 DATED this 2d day of August, 2010.

5
6 
7 BELINDA A. MARTIN
8 ADMINISTRATIVE LAW JUDGE

9 Copies of the foregoing mailed
10 this 2d day of August, 2010 to:

11 **VIA U.S. MAIL AND CERTIFIED MAIL TO:**

12 Gary R. Bahr
13 Larry C. Rowley
14 15150 West Ajo Way, #458
15 Tucson, AZ 85735

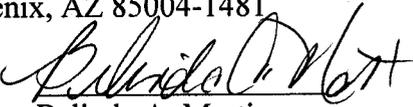
16 **VIA U.S. MAIL TO:**

17 Robin Thim, President
18 THIM UTILITY CO.
19 P. O. Box 13145
20 Tucson, AZ 85732

21 Janice Alward, Chief Counsel
22 Legal Division
23 ARIZONA CORPORATION COMMISSION
24 1200 W. Washington Street
25 Phoenix, AZ 85007

26 Steven M. Olea, Director
27 Utilities Division
28 ARIZONA CORPORATION COMMISSION
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By: 
Belinda A. Martin