

ORIGINAL



0000118352

RECEIVED

1 Jonathan A. Dessaulles, State Bar No. 019439  
 2 Douglas C. Wigley, State Bar No. 027223  
 2 DESSAULES LAW GROUP  
 2700 North Central Avenue, Suite 1250  
 3 Phoenix, Arizona 85004  
 4 Tel. 602.274.5400  
 4 Fax 602.274.5401

2010 SEP 30 P 4: 26

ARIZONA CORPORATION COMMISSION  
DOCKET CONTROL

5 *Attorneys for Complainants*

BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

COMMISSIONERS

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

DOCKETED

SEP 30 2010

DOCKETED BY

NR

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

Docket No. E-01750A-09-0149

COMPLAINANTS' QUARTERLY  
STATUS UPDATE

17 Complainants, by and through undersigned counsel and pursuant to the Arizona  
 18 Corporation Commission's December 22, 2009 Procedural Order, hereby file the following  
 19 quarterly status update to the Commission regarding the status of Complainants' Superior Court  
 20 action against Respondent Mohave Electric Cooperative, Inc. (Superior Court of Arizona in and  
 21 for Mohave County, Case No. CV2009-02574).

22 Complainants' case in Superior Court is still pending. Complainants filed a Verified  
 23 Complaint against Respondent (the "Superior Court Complaint") on November 20, 2009. On or  
 24 about January 8, 2010, Respondent filed a motion to dismiss the Superior Court Complaint.  
 25 Complainants timely responded in opposition to the motion to dismiss on or about February 1,  
 26 2010, and Respondent replied in support of its motion on or about February 16, 2010. On

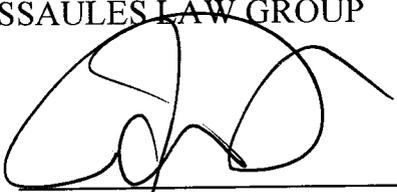
1 March 4, 2010, the Superior Court held oral argument regarding the motion to dismiss. Based  
2 on the pleadings and oral argument, the Honorable Lee F. Jantzen of the Mohave County  
3 Superior Court, on May 3, 2010, denied Respondent's motion to dismiss.

4 The parties are still conducting discovery. After stipulating to certain conditions and  
5 terms, the parties resolved their discovery dispute regarding the scope of Respondent's desired  
6 entry upon land and inspection of the structure at issue in the case. Respondent conducted its  
7 inspection on August 13, 2010. Respondent also deposed Complainant Dustin R. Chantel on  
8 August 17, 2010. Complainant has recently requested that Respondent disclose any and all  
9 documentation relating to insurance coverage Respondent may have covering the claims  
10 brought by Claimants. Additionally, Claimants expect to receive additional document  
11 disclosures from Respondent that was not initially disclosed.

12 On September 20, 2010, Respondent filed a "Notice of Inappropriate Conduct and  
13 Motion for Instructions and Sanctions; Motion to Expedite Oral Argument and Ruling." In this  
14 pleading, Respondent seeks. Among other things, the Court's intervention to restrain  
15 Complainant Dustin R. Chantel from any further alleged improper communications directly  
16 from Mr. Chantel to other electric cooperatives in Arizona. Complainants are in the process of  
17 responding to the Motion.

18 DATED this 30 day of September 2010.

19 DESSAULES LAW GROUP

20  
21  
22 By: 

23 Jonathan A. Dessaulles  
24 Douglas C. Wigley  
25 *Attorneys for Complainants*  
26

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

PROOF AND CERTIFICATE OF MAILING

I hereby certify that on this 30<sup>th</sup> of September 2010, I caused the foregoing document to be served on the Arizona Corporation Commission by delivering the original and thirteen (13) copies of the above to:

Docket Control  
Arizona Corporation Commission  
1200 West Washington  
Phoenix, Arizona 85007

COPY of the foregoing mailed  
this 30<sup>th</sup> day of September 2010 to:

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

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

Larry K. Udall  
Curtis, Goodwin, Sullivan,  
Udall & Schwab, P.L.C.  
501 East Thomas Road  
Phoenix, Arizona 85012-3205

