

OPEN MEETING ITEM

ORIGINAL



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BEFORE THE ARIZONA CORPORATION COMMISSION

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

2010 SEP 30 P 3:33
AZ CORP COMMISSION
DOCKET CONTROL

Arizona Corporation Commission
DOCKETED
SEP 30 2010

DOCKETED BY

IN THE MATTER OF THE COMMISSION
ON ITS OWN MOTION INVESTIGATING
THE FAILURE OF NUMEROUS UTILITIES
TO FILE ANNUAL REPORTS FOR
CALENDAR YEAR 2008.

DOCKET NO. C-00000A-10-0393
**COMPLAINT AND PETITION FOR
FOR AN ORDER TO SHOW CAUSE**

Staff of the Utilities Division ("Staff") of the Arizona Corporation Commission ("Commission") hereby brings this Complaint and Petition for Order to Show Cause against the following respondents:

DOCKET NO	COMPANY NAME
W-02250A	ARIZONA WINDSONG REALTY, INC.
T-03123A	ARNAN LLC
W-02015A	BEAVER VALLEY WATER COMPANY
W-02026A	BIDEGAIN WATER COMPANY
T-04290A	CCG COMMUNICATIONS, LLC
W-02034A	CIENEGA WATER COMPANY, INC.
T-04201A	CITYNET ARIZONA, LLC
W-01558A	CROWN KING WATER COMPANY, INC.
W-01351A	ELFRIDA DOMESTIC WATER USERS ASSOCIATION
T-03822A	FREEDOMSTARR COMMUNICATIONS, INC.
T-20428A	GLOBAL TOUCH TELECOM, INC.
W-04120A	GRAND CANYON CAVERNS AND INN, LLC
W-02271A	GREEN ACRES WATER COMPANY
T-03717A	GTC TELECOM
W-01896A	HOLIDAY ENTERPRISES INCORPORATED
W-02077A	HOPEVILLE WATER COMPANY, INC.
T-03328A	JAMES JAY FRITTON
W-04249A	JAKES'S CORNER WATER SYSTEM
W-04286A	ARROYO WATER CO.
T-03743A	LOS RAPIDOS, INC.

1	W-01961A	LUCKY HILLS WATER COMPANY
2	W-02368A	MIRABELL WATER COMPANY, INC.
3	W-01849A	MOBILE WATER COMPANY
4	W-02164A	MORRISTOWN WATER COMPANY
5	T-02946A	NATIONAL PUBLIC PHONE CO.
6	W-04069A	OATMAN WATER COMPANY, L.L.C.
7	W-02464A	PUESTA DEL SOL WATER COMPANY
8	W-02800A	Q MOUNTAIN WATER INC.
9	T-02954A	R.L. COMMUNICATIONS, INC.
10	T-02953A	AMERICAN GENERAL PAYPHONE
11	W-02280A	SOUTH RAINBOW VALLEY WATER COOP.
12	W-01407A	STRAWBERRY WATER COMPANY
13	W-01344A	TACNA WATER COMPANY
14	W-01983A	VOYAGER AT WHITE MOUNTAIN LAKES WATER CO, INC.
15	W-01084A	WILLIAM P. FARR dba SALOME WATER COMPANY

16 Staff, for its Complaint, alleges as follows:

17 **I**

18 The Commission is an agency of the State of Arizona, existing by virtue of Article 15 of
19 the Arizona Constitution.

20 **II**

21 Respondents are public service corporations as defined by Article 15, Section 2 of the
22 Arizona Constitution, and were issued Certificates of Convenience and Necessity in accordance
23 with Arizona Revised Statutes Section 40-281.

24 **III**

25 As public service corporations, respondents are subject to the jurisdiction of the
26 Commission with regard to the matters herein alleged.

27 **IV**

28 This Complaint is initiated and authorized pursuant to Arizona Revised Statutes, Sections
40-202, 40-204, 40-425, 40-426, and Arizona Administrative Code R14-2-411.D.4, R14-2-
510.G.4, R14-2-610.D.4., R14-2-907.A., R14-2-1011.A., and R14-2-1115.F.

V

Investigation by the Staff reveals that Respondents have violated Arizona Revised Statutes
and Commission Rules. Staff alleges the following in support of this claim:

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- A. Pursuant to Arizona Revised Statutes Section 40-204 and Arizona Administrative Code R14-2-411.D.4, R14-2-510.G.4, R14-2-610.D.4., R14-2-907.A., R14-2-1011.A., and R14-2-1115.F., all public service corporations in Arizona are required to file an annual report on or before April 15 of each year.
- B. Despite repeated attempts by the Staff to persuade Respondents to file such reports, Respondents have failed to do so for calendar year 2008 and are thus in violation of Arizona Revised Statutes Section 40-204 and Arizona Administrative Code, R14-2-411.D.4, R14-2-510.G.4, R14-2-610.D.4., R14-2-907.A., R14-2-1011.A., and R14-2-1115.F.
- C. Pursuant to Arizona Revised Statutes Section 40-204, Respondents are in contempt of the Commission for their failure to comply with the aforementioned rules and requirements of the Commission.

VI

The violations of Respondents to the aforementioned rules and requirements, as alleged herein, constitutes grounds to assess a civil penalty against Respondents pursuant to Arizona Revised Statutes Section 40-424 and 40-425, in an amount not less than \$100 nor more than \$5,000 for each violation, and/or revoke respondents certificate of convenience and necessity.

RESPECTFULLY SUBMITTED this 30th day of September, 2010.



Charles H. Hains
Attorney, Legal Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007
(602) 542-3402

The original and thirteen (13) copies of the foregoing were filed this 30th day of September, 2010 with:

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

SERVICE LIST FOR: Various Regulated Utility Companies
DOCKET NO. C-00000A-10-0393

Copy of the foregoing mailed this
30th day of September, 2010 to:

Arizona Windsong Realty, Inc.
PO Box 261
Sanders, AZ 86512

Global Touch Telecom, Inc.
11845 W. Olympic Blvd., Ste. 600
Los Angeles, CA 90064

Arnan LLC
3910 N. Grand Ave.
Phoenix, AZ 85019

Grand Canyon Caverns and Inn, LLC
PO Box 180
Peach Springs, AZ 86434

Beaver Valley Water Company
PO Box 421
Payson, AZ 85547

Green Acres Water Company
2891 Patricia Lane
Yuma, AZ 85364

Bidegain Water Company
PO Box 538
Kearny, AZ 85237

GTC Telecom
3151 Airway Ave., Ste. KP-103
Costa Mesa, CA 92626

CCG Communications, LLC
6 Technology Park Dr.
Westford, MA 01886

Holiday Enterprises Incorporated
Holiday Water Company
PO Box 309
Tombstone, AZ 85638

Cienega Water Company, Inc.
PO Box 3518
Parker, AZ 85344

Hopeville Water Company, Inc.
1415 S. Palo Verde Rd.
Buckeye, AZ 85326

CityNet Arizona, LLC
5540 N. 7th St., Ste. B
Phoenix, AZ 85014

James Jay Fritton
7515 N. Rasmussen Ave.
Tucson, AZ 85741

Crown King Water Company, Inc.
4918 W. Park View Lane
Glendale, AZ 85310

Kacy J. Parker
Jakes's Corner Water System
HC6 Box 1048 H
Payson, AZ 85541

Elfrida Domestic Water Users Association
PO Box 591
Elfrida, AZ 85610

Kacy Parker
Arroyo Water Co.
HC6 Box 1048 L
Payson, AZ 85541

Freedomstarr Communications, Inc.
7985 Santa Monica Blvd., Ste. 109 #7
West Hollywood, CA 90046

1 Mirabell Water Company, Inc.
1037 S. Alvernon, Ste. 250
2 Tucson, AZ 85711

3 Mobile Water Company
4 Attn: Mr. Garth Wieger
6720 N. Scottsdale Rd., Ste. 335
5 Scottsdale, AZ 85253

6 Morristown Water Company
7 PO Box 156
Morristown, AZ 85342

8 National Public Phone Co.
9 8200 E. Pacific Place #409
10 Denver, CO 80231

11 Oatman Water Company, L.L.C.
c/o Wilber G. Anderson
12 1 E. Camelback Rd., Ste. 1100
Phoenix, AZ 85012

13 Puesta Del Sol Water Company
14 3626 Liese Dr.
15 Prescott, AZ 86303

16 Q Mountain Water Inc.
12486 S. Foothills Blvd.
17 Yuma, AZ 85367

18 R.L. Communications, Inc.
19 7355 N. 8th St.
Phoenix, AZ 85020

20 Robert M. Wellings
21 American General Payphone
3116 E. Shea Blvd., Ste. 252
22 Phoenix, AZ 85028

23 South Rainbow Valley Water Coop.
24 27205 S. 170th Ave.
Buckeye, AZ 85326

25 Strawberry Water Company
26 HC 1 Box 817
27 Pine, AZ 85544-9719

28

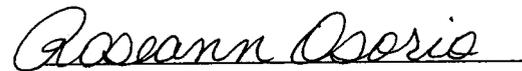
Tacna Water Company
2993 S. Arizona Ave.
Yuma, AZ 85365

Voyager at White Mountain Lakes Water
Company, Inc.
1993 Juniper Ridge Resort
Show Low, AZ 85901

William P. Farr
Salome Water Company
PO Box 550
Salome, AZ 85348

Steven M. Olea
Director, Utilities Division
Arizona Corporation Commission
1200 W. Washington Street
Phoenix, AZ 85007

Janice M. Alward
Chief Counsel, Legal Division
Arizona Corporation Commission
1200 W. Washington Street
Phoenix, AZ 85007



1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 KRISTIN K. MAYES
Chairman

3 GARY PIERCE
Commissioner

4 PAUL NEWMAN
Commissioner

5 SANDRA D. KENNEDY
Commissioner

6 BOB STUMP
Commissioner

7
8 IN THE MATTER OF THE COMMISSION)
9 ON ITS OWN MOTION INVESTIGATING)
10 THE FAILURE OF NUMEROUS)
11 UTILITIES TO FILE ANNUAL REPORTS)
12 FOR CALENDAR YEAR 2008.)

DOCKET NO. C-00000A-10-0393

DECISION NO. _____

ORDER TO SHOW CAUSE

13 Open Meeting
14 October 19 and 20, 2010
Phoenix, Arizona

15 **BY THE COMMISSION:**

16 The Arizona Corporation Commission ("Commission"), hereby issues this Complaint and
17 Order to Show Cause against the following respondents:

DOCKET NO	COMPANY NAME
W-02250A	ARIZONA WINDSONG REALTY, INC.
T-03123A	ARNAN LLC
W-02015A	BEAVER VALLEY WATER COMPANY
W-02026A	BIDEGAIN WATER COMPANY
T-04290A	CCG COMMUNICATIONS, LLC
W-02034A	CIENEGA WATER COMPANY, INC.
T-04201A	CITYNET ARIZONA, LLC
W-01558A	CROWN KING WATER COMPANY, INC.
W-01351A	ELFRIDA DOMESTIC WATER USERS ASSOCIATION
T-03822A	FREEDOMSTARR COMMUNICATIONS, INC.
T-20428A	GLOBAL TOUCH TELECOM, INC.
W-04120A	GRAND CANYON CAVERNS AND INN, LLC
W-02271A	GREEN ACRES WATER COMPANY
T-03717A	GTC TELECOM
W-01896A	HOLIDAY ENTERPRISES INCORPORATED
W-02077A	HOPEVILLE WATER COMPANY, INC.
T-03328A	JAMES JAY FRITTON

1	W-04249A	JAKES'S CORNER WATER SYSTEM
	W-04286A	ARROYO WATER CO.
2	T-03743A	LOS RAPIDOS, INC.
	W-01961A	LUCKY HILLS WATER COMPANY
3	W-02368A	MIRABELL WATER COMPANY, INC.
	W-01849A	MOBILE WATER COMPANY
4	W-02164A	MORRISTOWN WATER COMPANY
	T-02946A	NATIONAL PUBLIC PHONE CO.
5	W-04069A	OATMAN WATER COMPANY, L.L.C.
6	W-02464A	PUESTA DEL SOL WATER COMPANY
	W-02800A	Q MOUNTAIN WATER INC.
7	T-02954A	R.L. COMMUNICATIONS, INC.
	T-02953A	AMERICAN GENERAL PAYPHONE
8	W-02280A	SOUTH RAINBOW VALLEY WATER COOP.
9	W-01407A	STRAWBERRY WATER COMPANY
	W-01344A	TACNA WATER COMPANY
10	W-01983A	VOYAGER AT WHITE MOUNTAIN LAKES WATER CO, INC.
11	W-01084A	WILLIAM P. FARR dba SALOME WATER COMPANY

FINDINGS OF FACT

The Commission, for its Complaint, and Order to Show Cause alleges as follows:

- 15 1. The Commission is an agency of the State of Arizona, existing by virtue of Article 15
16 of the Arizona Constitution.
- 17 2. Respondents are public service corporations as defined by Article 15, Section 2 of
18 the Arizona Constitution, and were issued Certificates of Convenience and Necessity in
19 accordance with Arizona Revised Statutes Section 40-281.
- 20 3. As public service corporations, respondents are subject to the jurisdiction of the
21 Commission with regard to the matters herein alleged.
- 22 4. This Complaint and Order to Show Cause is initiated and authorized pursuant to
23 Arizona Revised Statutes, Sections 40-202, 40-204, 40-425, 40-426, and Arizona Administrative
24 Code R14-2-411.D.4, R14-2-510.G.4, R14-2-610.D.4., R14-2-907.A., R14-2-1011.A., and R14-2-
25 1115.F.
- 26 5. Investigation by the Commission's Staff ("Staff") reveals and the Commission
27 alleges that Respondents have violated Arizona Revised Statutes and Commission Rules. The
28 Commission alleges the following in support of this claim:

1 A. Pursuant to Arizona Revised Statutes Section 40-204 and Arizona Administrative
2 Code R14-2-411.D.4, R14-2-510.G.4, R14-2-610.D.4., R14-2-907.A., R14-2-
3 1011.A., and R14-2-1115.F., all public service corporations in Arizona are required
4 to file an annual report on or before April 15 of each year.

5 B. Despite repeated attempts by the Staff to persuade Respondents to file such reports,
6 Respondents have failed to do so and are thus in violation of Arizona Revised
7 Statutes Section 40-204 and Arizona Administrative Code, R14-2-411.D.4, R14-2-
8 510.G.4, R14-2-610.D.4., R14-2-907.A., R14-2-1011.A., and R14-2-1115.F.

9 C. Pursuant to Arizona Revised Statutes Section 40-204, Respondents are in contempt of
10 the Commission for their failure to comply with the aforementioned rules and
11 requirements of the Commission.

12 6. The violations of Respondents to the aforementioned rules and requirements, as
13 alleged herein, constitutes grounds to assess a civil penalty against Respondents pursuant to
14 Arizona Revised Statutes Section 40-424 and 40-425, in an amount not less than \$100 nor more
15 than \$5,000 for each violation, and/or revoke respondents certificate of convenience and necessity.

16 CONCLUSIONS OF LAW

17 1. The Respondents are public service corporations within the meaning of Article XV
18 of the Arizona Constitution and is subject to the jurisdiction of the Commission.

19 2. The Commission has jurisdiction over the subject matter of Staff's Complaint and
20 Order to Show Cause.

21 3. Notice of this proceeding has been given in accordance with law.

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ORDER

1 IT IS THEREFORE ORDERED that Respondents appear before the Arizona Corporation
 2 Commission at a time and place designated by the Commission's Hearing Division and show
 3 cause why the Commission should not find Respondents in violation and contempt of Arizona
 4 Laws and Commission rules, and show cause why the Commission should not assess against
 5 Respondents penalties as provided in Arizona Revised Statutes Sections 40-424 and 40-425,
 6 and/or cancel the respondents certificate of convenience and necessity.
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8 IT IS FURTHER ORDERED that this Decision shall become effective immediately.

9 **BY THE ORDER OF THE ARIZONA CORPORATION COMMISSION**

10
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12 CHAIRMAN

COMMISSIONER

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15 COMMISSIONER

COMMISSIONER

COMMISSIONER

16 IN WITNESS WHEREOF, I, ERNEST G. JOHNSON,
 17 Executive Director of the Arizona Corporation Commission,
 18 have hereunto, set my hand and caused the official seal of
 19 this Commission to be affixed at the Capitol, in the City of
 20 Phoenix, this _____ day of _____, 2010.

21
22 _____
 23 ERNEST G. JOHNSON
 EXECUTIVE DIRECTOR

24 DISSENT: _____

25
26 DISSENT: _____

1 SERVICE LIST FOR: Various Regulated Utility Companies
DOCKET NO. C-00000A-10-0393

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Arizona Windsong Realty, Inc.
PO Box 261
Sanders, AZ 86512

Arnan LLC
3910 N. Grand Ave.
Phoenix, AZ 85019

Beaver Valley Water Company
PO Box 421
Payson, AZ 85547

Bidegain Water Company
PO Box 538
Kearny, AZ 85237

CCG Communications, LLC
6 Technology Park Dr.
Westford, MA 01886

Cienega Water Company, Inc.
PO Box 3518
Parker, AZ 85344

CityNet Arizona, LLC
5540 N. 7th St., Ste. B
Phoenix, AZ 85014

Crown King Water Company, Inc.
4918 W. Park View Lane
Glendale, AZ 85310

Elfrida Domestic Water Users Association
PO Box 591
Elfrida, AZ 85610

Freedomstarr Communications, Inc.
7985 Santa Monica Blvd., Ste. 109 #7
West Hollywood, CA 90046

Global Touch Telecom, Inc.
11845 W. Olympic Blvd., Ste. 600
Los Angeles, CA 90064

Grand Canyon Caverns and Inn, LLC
PO Box 180
Peach Springs, AZ 86434

Green Acres Water Company
2891 Patricia Lane
Yuma, AZ 85364

GTC Telecom
3151 Airway Ave., Ste. KP-103
Costa Mesa, CA 92626

Holiday Enterprises Incorporated
Holiday Water Company
PO Box 309
Tombstone, AZ 85638

Hopeville Water Company, Inc.
1415 S. Palo Verde Rd.
Buckeye, AZ 85326

James Jay Fritton
7515 N. Rasmussen Ave.
Tucson, AZ 85741

Kacy J. Parker
Jakes's Corner Water System
HC6 Box 1048 H
Payson, AZ 85541

Kacy Parker
Arroyo Water Co.
HC6 Box 1048 L
Payson, AZ 85541

Los Rapidos, Inc.
Crucero
35 N. Terrace Ave.
Nogales, AZ 85621

Lucky Hills Water Company
PO Box 309
Tombstone, AZ 85638

1	Mirabell Water Company, Inc. 1037 S. Alvernon, Ste. 250 Tucson, AZ 85711	Tacna Water Company 2993 S. Arizona Ave. Yuma, AZ 85365
2		
3	Mobile Water Company Attn: Mr. Garth Wieger 6720 N. Scottsdale Rd., Ste. 335 Scottsdale, AZ 85253	Voyager at White Mountain Lakes Water Company, Inc. 1993 Juniper Ridge Resort Show Low, AZ 85901
4		
5		
6	Morristown Water Company PO Box 156 Morristown, AZ 85342	William P. Farr Salome Water Company PO Box 550 Salome, AZ 85348
7		
8	National Public Phone Co. 8200 E. Pacific Place #409 Denver, CO 80231	Steven M. Olea Director, Utilities Division Arizona Corporation Commission 1200 W. Washington Street Phoenix, AZ 85007
9		
10	Oatman Water Company, L.L.C. c/o Wilber G. Anderson 1 E. Camelback Rd., Ste. 1100 Phoenix, AZ 85012	
11		
12	Puesta Del Sol Water Company 3626 Liese Dr. Prescott, AZ 86303	Janice M. Alward Chief Counsel, Legal Division Arizona Corporation Commission 1200 W. Washington Street Phoenix, AZ 85007
13		
14	Q Mountain Water Inc. 12486 S. Foothills Blvd. Yuma, AZ 85367	
15		
16	R.L. Communications, Inc. 7355 N. 8 th St. Phoenix, AZ 85020	
17		
18	Robert M. Wellings American General Payphone 3116 E. Shea Blvd., Ste. 252 Phoenix, AZ 85028	
19		
20	South Rainbow Valley Water Coop. 27205 S. 170 th Ave. Buckeye, AZ 85326	
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22	Strawberry Water Company HC 1 Box 817 Pine, AZ 85544-9719	
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