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BEFORE THE ARIZONA CORPORATION COMMISSION
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ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

Arizona Corporation Commission

DOCKETED

OCT 20 2010

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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...."

On August 4, 2010, a Procedural Order was issued for the purpose of determining a schedule for possible additional filings, oral argument and/or hearing.¹ In the interest of administrative efficiency, the Procedural Conference was set concurrently with the Procedural Conference set in the other complaint dockets referenced in Footnote 1, below. The Procedural Order also stated that if the Complainants failed to appear at the Procedural Conference without just cause, the Complaint would

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 matters convened at the date and time set, but the Complainants did not appear. As such, Procedural Orders in these matters were issued on August 4, 2010, concurrently with the August 4, 2010, Procedural Order in the instant matter, each setting another Procedural Conference for September 17, 2010. The Procedural Conferences for all matters were heard concurrently.

1 be dismissed.

2 On September 17, 2010, the Procedural Conference convened as scheduled. The Respondent
3 appeared through counsel, but the Complainants failed to appear.

4 The Complainants failed to appear for a Procedural Conference in this matter, as well as the
5 Procedural Conferences and oral arguments in the three related matters. The Complainants were
6 advised in the August 4, 2010, Procedural Order that if they failed to appear at the September 17,
7 2010, Procedural Conference, the Complaint would be dismissed.

8 Accordingly, because of the Complainants' failure to participate, the Complaint should be
9 dismissed.

10 IT IS THEREFORE ORDERED that Docket No. W-03293A-10-0273, In the Matter of the
11 Formal Complaint of Gary R. Bahr and Larry C. Rowley, Complainants, and Thim Utility Co.,
12 Respondent, is hereby dismissed without prejudice.

13 DATED this 18th day of October, 2010.

14 
15 BELINDA A. MARTIN
16 ADMINISTRATIVE LAW JUDGE

17 Copies of the foregoing mailed
18 this 18th day of October, 2010 to:

19 Gary R. Bahr
20 Larry C. Rowley
21 15150 West Ajo Way, #458
22 Tucson, AZ 85735

Steven M. Olea, Director
Utilities Division
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21 Robin Thim, President
22 THIM UTILITY CO.
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