

ORIGINAL
BEFORE THE ARIZONA CORPORATIC



0000120673

Arizona Corporation Commission

DOCKETED

DEC 10 2010

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AZ CORP COMMISSION
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IN THE MATTER OF: GEORGE BIEN-WILLNER for GLENDALE & 27 TH INVESTMENTS, LLC COMPLAINANT, v. QWEST CORPORATION, RESPONDENT.) DOCKET NO. T-01051B-10-0200)) RESPONSE OF GLENDALE & 27TH) INVESTMENTS LLC TO ARIZONA) CORPORATION COMMISSION) STAFF'S MOTION TO FOREGO STAFF) PARTICIPATION IN INFORMAL) MEDIATION
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Glendale & 27th Investments LLC ("Glendale") responds to the Arizona Corporation Commission Staff's Motion to Forego Staff Participation In Informal Mediation as follows:

The Administrative Law Judge ("ALJ") specifically ordered the parties to engage in informal proceedings to be conducted by the Commission Staff ("Staff") in its Procedural Order ("Order") of November 4, 2010 in response to Glendale's request that such a hearing be set in accordance with its entitlement under R14-2-510.C.2. More specifically, the ALJ ordered the informal proceeding in an effort not only to clarify the issues, but to determine if settlement of the issues is possible (the latter of which is conspicuously deleted from the Staff's motion). In addition to those objectives, R14-2-510 specifically requires adherence to the following rules:

- a. Each party may be represented by legal counsel, if desired.
- b. All such informal hearings may be recorded or held in the presence of a stenographer.
- c. All parties will have the opportunity to present written oral evidentiary material to support the positions of the individual parties.

- 1 d. All parties and the Commission's representative shall be given
2 the opportunity for cross-examination of the various parties.
3 e. The Commission's representative will render a written decision
4 to all parties within five working days after the date of the
5 informal hearing. Such written decision of the arbitrator is not
6 binding on any of the parties and the parties will still have the
7 right to make a formal complaint to the Commission.

8 By precluding Glendale from this opportunity to date, Glendale has been deprived of
9 the mandated opportunities directed by R14-2-510, specifically the opportunity to record the
10 assertions of the parties and the opportunity to cross-exam the various parties. These two
11 entitlements alone are designed to afford an Arizona utility customer the opportunity to seek
12 out the truth and promote its position without the complications and expense of more formal
13 litigation.

14 The Staff inappropriately relies on its assertion that Glendale's principal "is a
15 successful businessman who has substantial experience with Commission proceedings." Not
16 only is this assertion irrelevant, but it is an attempt to taint Mr. Bien-Willner, whose very
17 limited experience in asserting his rights pales to the magnitude of expertise and experience that
18 can be attributed to Qwest Corporation ("Qwest"). Certainly, pursuant to its obligation to
19 maintain impartiality, the Staff should be required to enumerate the informal and formal
20 complaints submitted to the Arizona Corporation Commission involving Qwest and to render
21 an opinion of Qwest as a business entity in order to complete and balance the record in this
22 case.

23 Based upon the above and the actual language set forth in the Staff's motion, it is clear
24 that the Staff has adopted a position in this case which is so biased that it seeks to reverse the
25 very orders of this Tribunal, which orders were rendered in accordance with the law and for the
26 purpose of affording the customer a fair opportunity to protect its rights. Accordingly, the
27 Staff's motion should be denied and the Staff ordered to supply the ALJ and the parties with
28 the same information regarding Qwest's history and participation in Commission proceedings,
as well as the Staff's opinion of Qwest, as the Staff has already openly asserted in the second
paragraph of Section II of its motion.

1 RESPECTFULLY SUBMITTED this 10th day of December, 2010.

2
3 By 

4 Glendale & 27th Investment LLC, an Arizona limited
5 liability Company by George Bien-Willner, as manager
6 3641 N. 39th Avenue
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7 Original and thirteen (13) copies
8 of the foregoing filed this 10th day of
December 2010 with:

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

11 Copies of the foregoing mailed this
12 10th day of December 2010 to:

13 Kimberly A. Ruht
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14 Arizona Corporation Commission
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15 Phoenix, Arizona 85007

16 Norman G. Curtright
Associate General Counsel
17 Qwest Corporation
20 East Thomas Road, 16th Floor
18 Phoenix, Arizona 85012-3114

19 Copy of the foregoing hand-delivered
20 this 10th day of December 2010 to:

21 Connie Walczak
Utilities Division
Arizona Corporation Commission
22 1200 West Washington
Phoenix, Arizona 85007

23
24
25 By 
George Bien-Willner
26
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