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ARIZONA CORPORATION COMMISSION
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5 *Attorneys for Complainants*

6 **BEFORE THE ARIZONA CORPORATION COMMISSION**

Arizona Corporation Commission

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

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12 IN THE MATTER OF THE FORMAL
COMPLAINT AGAINST MOHAVE
13 ELECTRIC COOPERATIVE INC. FILED BY
ROGER AND DARLENE CHANTEL.
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Docket No. E-01750A-09-0149

**COMPLAINANTS' QUARTERLY
STATUS UPDATE**

17 Complainants Roger and Darlene Chantel, by and through undersigned counsel and
18 pursuant to the Arizona Corporation Commission's December 22, 2009 Procedural Order,
19 hereby file the following quarterly status update to the Commission regarding the status of
20 Complainants' Superior Court action against Respondent Mohave Electric Cooperative, Inc.
21 (Superior Court of Arizona in and 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 repeatedly requested that Respondent disclose any and all
9 documentation relating to insurance coverage Respondent may have covering the claims
10 brought by Claimants, but Respondent has not produced the insurance coverage documentation.

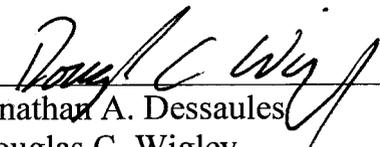
11 On September 20, 2010, Respondent filed a "Notice of Inappropriate Conduct and
12 Motion for Instructions and Sanctions; Motion to Expedite Oral Argument and Ruling." In this
13 pleading, Respondent sought, among other things, the Court's intervention to restrain
14 Complainant Dustin R. Chantel from any further alleged improper communications directly
15 from Mr. Chantel to other electric cooperatives in Arizona. Complainants responded in
16 opposition to the Motion, and after a hearing on December 2, 2010, in which both parties argued
17 their respective positions regarding the Motion, the Court denied the relief sought by the
18 Respondent.

19 Respondent, on or about October 4, 2010, also moved to amend its answer and add a
20 counterclaim against the Complainants for Respondent's alleged costs in de-energizing and
21 moving the power lines located on the Complainants' property. Complainants did not oppose
22 the motion, which the Court granted. Respondent filed its counterclaim on or about December
23 8, 2010, and the Complainants are in the process of answering the counterclaim. On or about
24 December 10, 2010, the Superior Court ordered the parties to submit a joint pre-trial
25 memorandum and proposed scheduling order relating to discovery and disclosure deadlines by
26 March 14, 2011.

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DATED this 28th day of December 2010.

DESSAULES LAW GROUP

By: 
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Douglas C. Wigley
Attorneys for Complainants

