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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

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AZ CORP COMMISSION
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IN THE MATTER OF THE COMPLAINT
OF THE BUREAU OF INDIAN AFFAIRS,
UNITED STATES OF AMERICA,
AGAINST MOHAVE ELECTRIC
COOPERATIVE, INC. AS TO SERVICES
TO THE HAVASUPAI AND
HUALAPAI INDIAN RESERVATIONS

DOCKET NO. E-01750A-05-0579

BUREAU OF INDIAN AFFAIRS
RESPONSE TO MOTION FOR AN
EXTENSION OF COMPLIANCE
DEADLINES

In Decision No. 72043, dated December 10, 2010, the ACC set deadlines for Mohave Electric Cooperative, Inc. ("Mohave") to undertake certain actions. Complainant Bureau of Indian Affairs ("BIA") responds to Mohave's motion to extend those deadlines.

1. Mohave Should Begin Reading Meters Along the Line

The ACC ordered Mohave to begin reading meters along the line within ten days. Mohave claims some vague "access risk" prevents it from reading the meters. In the past, Mohave has insinuated that the tribes and the BIA have prevented Mohave from accessing the line under threat of arrest. The BIA is unaware of any such incidents. The BIA has asked Mohave to provide specific examples of where Mohave has been denied access to the line so that the BIA could address the issue, but Mohave has never provided an example.¹

¹ After the November 2008 hearing, Mohave realized that the first two customers along the line were within its CCN and that it therefore should not have discontinued service to them. Mohave then attempted to build a new line to serve those two accounts. Mohave, however, did not obtain a right of way from the Hualapai tribe and, as a result, the tribe told Mohave's workers to cease construction of the new line until they obtained the proper authorization. That lone incident, however, had nothing to do with Mohave's ability to access the 70-mile line that is the subject of this dispute.

1 Of note, for more than three years, Mohave has performed repairs on the line
2 under the operations protocol. Mohave has never claimed that any of its workers were
3 ever denied access to the line over the past three years. Now, however, Mohave claims
4 it cannot access the line to read meters.

5 Mohave has accessed the line, can access the line, and should begin reading the
6 meters along the line. No extension is warranted or necessary.

7 **2. Mohave Should Begin Providing Operation and Maintenance on the Line**

8 The ACC ordered Mohave to begin providing O&M on the line within ten days.
9 Mohave wants to continue the operations protocol while the parties attempt to amicably
10 resolve this matter. While the BIA also hopes to resolve this matter, there is no
11 logistical reason why Mohave cannot begin providing O&M on the line. The operations
12 protocol was intended to be a temporary measure to address electrical outages along
13 the line, but it does not provide any routine maintenance of the line to prevent these
14 outages. Also, Mohave's responses under the protocol have not always been timely or
15 reliable, leaving its customers to endure the outage and to compromise their health and
16 safety for several days at times. As discussed, Mohave can access the line and has
17 been performing repairs on it. Mohave should begin providing O&M as ordered.

18 **3. Mohave Needs to Re-Install a Meter at Long Mesa**

19 The ACC ordered Mohave to re-install a meter at Long Mesa within ten days.
20 After the ACC issued Decision No. 72043, Mohave represented to the BIA that it would
21 take some time to obtain the necessary equipment for the Long Mesa meter. As a
22 courtesy, the BIA informed Mohave that it did not object to a reasonable delay to re-
23 install the Long Mesa meter. If Mohave begins reading the meters along the line, then
24 the BIA does not object to an additional short continuance to obtain and install the
25 necessary equipment. Otherwise, Mohave should install the Long Mesa meter as
26 ordered.
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2 Respectfully submitted this 9th day of February, 2011.

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