

ORIGINAL



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E-01750A-09-0149

Katherine Nutt

From: Roger Chantel [rogerchantel@frontiernet.net]  
Sent: Sunday, April 03, 2011 7:55 PM  
To: Kennedy-Web  
Subject: ? HELP

February 7, 2010

Roger Chantel  
1001 E. Hwy. 66  
Kingman, AZ 89401

Arizona Corporation Commission

DOCKETED

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ARIZONA CORPORATION COMMISSION  
DOCKET CONTROL

Arizona Corporation Commission

ATTN. Ernest G. Johnson, Commissioners Kristin K. Mayes, William Mundell, Mike Gleason, Jeff Hatch-Miller & Gary Pierce legal department and employee of ACC.

Re: Docket No. E01750A-09-0149

This is an update on the above Docket No. to the Commissioners and the staff of the Arizona Corporation Commission legal department.

The Docket No. on file is a very simple one. It's about a utility that you have licensed and is supposed to operate under the rules of the State of Arizona. I have sent you a letter outlining some of the rules and regulations. (Copy included) I have sent requests to the Board of Directors of Mohave Electric Cooperative to remove the unsafe poles and lines. (Letter included) My attorney has sent letters to MEC's attorney. (Contact my Attorney) This is a simliar letter requesting MEC to remove the unsafe lines that exist on this property. This letter includes a permission and consent to enter form. This letter included a map should MEC service right a way and where the poles are that need to be removed. There is no dispute about MEC having permission to enter my property to remove the unsafe lines and poles. I am including a letter sent by MEC's attorneys Larry Udall, Michael A. Curtis, for the firm. If you will review the first paragraph you will notice that he refers to MEC trespassing on my property. If you would review my letter to the Board of Directors and the one sent to you, you will find that my main concern is the unsafe poles and lines on my property. My concern is the unsafe conditions. It should be noticed that these lines and poles that I have requested removal of, are abandoned and are not being used. When you look at the words generated by Mr. Udall, Michael A. Curtis, for the firm, it clearly appears that they are advising their client to violate the laws of the State of Arizona. If you put all the words in context it's clear they are

outright lying to public officials and the courts of the State of Arizona. They make the statement, **“it is expensive for MEC to handle the removal of poles in a piece-meal fashion; all poles must be removed at one time.”** Then they go on to say if I will pay them the money they claim I owe them they will leave the service lines and poles. The action they have taken in this case is clear that they have done a number of frivolous filings to build legal cost. The ACC has rules and regulations in place under its **Certificate of Convenience and Necessity for Electric Utilities to issue an order of compliance.** The ideas behind these rules and regulations are that the state uses its powers to provide and protect a service area that only that utility can provide service in. This prevents other utilities from servicing that area. In exchange for that right the utility will provide service to all people in the service area that was granted by the State of Arizona. The action of MEC’s legal counsel and the Board of Directors seem to have abandoned their licensing agreement under the Convenience and Necessity agreements. By claiming that they will not remove the unsafe, unused lines and poles unless they can remove my service lines and cancel the right of way that services my place of residence is evidence that they are only supplying electricity to people they choose to service. *That means that business and residential services will not have avoid electrical provider.* If you look at the other rules and regulations that I have supplied you, you will see that they intend to disregard and ignore rules and regulations about supplying electricity to people that have a medical need. The last sentence in Mr. Udall and Michael A. Curtis’ letter, dated March 11, 2011, shows us that they are using the above contract that the State of Arizona has entered into with MEC by saying we are the only electrical power provider in this area. They are saying if I pay them the amount of money they want they will leave my service lines. They stated to my attorney that they wanted me to pay approximately \$19,000 to remove the three poles and lines. The ACC can check with other utility providers and I am sure they will see that the actual cost is somewhere between \$3000 and \$5000. Their action is clear and direct that they are going to pick and choose who they want to supply electricity to in the future. If all the utilities take this attitude the ACC could have some major problems in the future. This is not the first time that this legal firm has tried to use its legal licensing authority to extort money from the general public. In Mohave Superior Court Case No. CV-2009-58 they submitted a bill to the court and claimed that they were entitled to approximately \$20,000 in fees. The court reviewed their claims and determined that they over charged this action by 75%. The Judge only awarded them 25% of their claim. This legal firm has not learned its lesson of overcharging of claims. Its time for the Attorney General’s office, all elected officials and state employees, and the Arizona State Bar Association to work at bring morals and integrity back into our system. All the ACC has to do is issue an order to remove the unsafe unused lines and poles. If they fail to remove them within ten days a \$100,000 fine will be levied and will increase by \$10,000 per day for every day the unsafe and unused lines and poles are on this property.

All of the documents on record clearly support the facts that I entered into a contract with the Board of Directors of MEC. They admitted me into the cooperative as a member by issuing me

a membership. I gave them a 16 foot service right of way to place poles and lines on my property for MEC to provide electric to my place of residence. I agreed to pay them a fee for this service. The actions and letters such as the one I have included are evidence that this utility is violating their licensing agreement with the State of Arizona by wanting to remove my service poles and cancel my service right of way. When I complained about their unsafe lines and poles and I presented a simple fix to the problem, which was to add one pole to eliminate the unsafe condition, they created an elaborate scheme that they presented to the ACC. It is clear that they used their special interest groups to persuade some state employees to create reports in their favor.

MEC's legal counsel is clearly creating letters that do not address the issue of removing the unsafe lines that exist on this property. You should be aware that MEC's legal counsel is generating a large amount of unnecessary legal cost in this case. Soon these costs will be beyond MEC's ability to pay because he will claim that this utility is a nonprofit organization. This means that other people and authorities will have to be added to the legal action to pay for all the legal cost they are creating. This case could have been settled without all of these legal costs if the law would not have been overlooked. The facts in existence and the rules, regulations and laws in place clearly show that some action should have occurred before this letter was presented to governing authorities. R14-2-208 A 1, states a utility shall have safe lines, R14-2-208 E, states what the construction standard shall be, R14-2-211 A 3 states that there shall not be a termination of electricity for nonpayment of a bill related to another class of service, R14-2-211 5 b, states a utility shall not terminate residential service where the customer has an inability to pay and life supporting equipment is used in the home that is dependent on utility service for operation of such apparatus, R14-2-211 requires a written termination notice. The safety issue claimed by the utility company no longer exists, yet this utility's legal representative known as CURTIS, GOODWIN, SULLIVAN, UDALL & SCHWAB is advising the board members of MEC to disregard the laws of the State of Arizona.

We have seen in Japan how smoothly things work when utilities comply with the laws of the governing authorities. If our state employees and elected officials don't act now to bring utilities into compliance, if and when we have a disaster we will have chaos in the streets. I am asking the governing authority of the ACC to issue an order to MEC to remove the unsafe poles and lines that have been abandoned and are not going to be use. The letter submitted to you and drafted by MEC's legal counsel clearly shows that CURTIS, GOODWIN, SULLIVAN UDALL & SCHWAR has advise the MEC Board of Directors to not correct the safety issues and not take any action to remove the unsafe abandoned poles and lines. This is clearly a violation of the legal oath taken by each member of the firm to up hold the laws of the State of Arizona. If the ACC does not put a penalty on their order the action of the ACC will be a waste of the publics' employees time which is money that you and I have to pay in wages and benefits. Most of the general public feels that many state employees are failing to do their jobs. It's the general publics' belief that we should borrow the needed money to run the

State from the state employee's retirement fund. The people are looking for accountability and this case truly shows the lack of action of the ACC. My request is simple I am only asking the ACC to issue an order to MEC to remove the unsafe abandoned lines and poles that are on this property.

Sincerely,

Roger Chantel  
Union Carpenter/Visionary

February 7, 2010

Roger Chantel  
1001 E. Hwy. 66  
Kingman, AZ 89401

Arizona Corporation Commission  
ATTN. Ernest G. Johnson, Commissioners Kristin K. Mayes, William Mundell, Mike Gleason, Jeff Hatch-Miller & Gary Pierce legal department and employee of ACC.

Re: Docket No. E01750A-09-0149

I trust by this time the Commissioners and the staff of the Arizona Corporation Commission have had a chance to review the above Docket No.

I pray that all of you are wise enough to see that our world is changing. As a visionary I have tried to be as open as possible and present this conflict in a way that people would be able to understand the problems as they exist. I have made every effort that I know of to resolve this conflict. It appears that we are going to move into the trial process. That means that we are going to have to deposition some Commissioners as well as some Arizona Corporation employees.

I pointed out in the last letter that the Commissioners and the employees of the ACC had a number of rules, regulations and laws that applied to this complaint that is on file with the ACC. I pointed out that A.C.C. R14-2-208 A,1 requires each utility company (cooperative) shall be responsible for safe transmission and distribution of electricity. One of the duties of each A.C.C. employee is to enforce this rule. If the employees fail to protect these laws it becomes the responsibility of elected officials like the Commissioners and the State Legislators to take action.

Our county is founded on its property rights values. Arizona citizens, as well as every citizen in the United States, have guaranteed property rights to own property. In these rights are rights that a nonprofit corporation cannot take parts of one's property without just compensation. This means if a government agency or employee of a government agency fails to recognize these rights and do not move forward to

protect these rights one can only conclude that these employees and the elected officials are abandoning these rights that the citizens have.

As a member and a customer of MEC, I reported these unsafe line conditions in 2006. There are a large number of A.C.C. rules and regulations that require utilities to correct unsafe line conditions. R14-2-208 F places the line construction under the National Electrical Safety Code. It was stated a number of times in the documents on file in the above Docket No. E01750A-09-0149 that MEC's lines and poles were unsafe and failed to meet the federal standard of distance from pole to pole. The employees of the ACC were aware that MEC did not have a recorder right-of-way to transmit high voltage electricity across this property. When MEC found out that they were required to compensate me for the use of my property, they created a scheme to try to force me into giving them a right-of-way across my property or else pay for the construction of new lines around this property. They first approached ACC employees and persuaded them to create reports and decisions that were in their favor. They then went to the local authority and got that authority to issue an electric disconnect. Then MEC built a new line to service the railroad. MEC disconnected the electricity from one end of my property to the other end, which included my residence. I requested the ACC to order MEC to reconnect the electricity back to my residence off of the new line they put in for the rail road signal station. Steven Olea, the Assistant Utility Director with the ACC, claimed that the new line that was built was a backup line and was unsafe to provide electricity to my residence. It is strange however that this new line was safe enough to provide electricity to the rail road, which transports toxic materials, military supplies and/or people through this area on a daily basis. I could go on and on supplying you with rules and regulations that a number of people, as well as employees of the ACC used to misrepresent the Americans' values and rights. When and if this case gets to trial I truly feel that most of the people that read about it will support the facts that some elected officials and some ACC employees conspired with MEC to use their power in a malicious way and with intent to do harm.

We are at a crossroad in this case. We are trying to determine if employees and elected officials were misinformed or whether they actually participated in what looks like a large conspiracy against the fundamental values and beliefs of the citizens of Arizona. It has been clearly established that there is now no existing safety violation as claimed by MEC to the ACC. MEC's new lines have been completed. I have sent the Board of Directors of MEC a request for the removal of the unsafe poles and lines that have been abandoned on this property and to reconnect electricity to my residence. I have sent the CEO of MEC a letter requesting him to put together a plan for the removal of these unsafe poles and lines that have been abandoned. My attorney has sent MEC's attorney a letter requesting the removal of these unsafe lines and poles also. I have sent letters to ACC elected officials and ACC employees asking them to enforce laws and rules that are on file at the ACC. If no one is willing to follow the laws and take action to correct this unsafe condition, the people can only conclude that our present authority no longer is acting in their best interest.

I have asked the ACC for an order be issued to MEC stating that if MEC fails to acquire a written approved plan from the property owner within ten days of filing of the order in Docket Control, the Commission will fine MEC \$100,000 plus \$5,000 per day until an approved plan is filed with the ACC Docket Control. I believe that most of the people in the State of Arizona and most elected officials would believe that the only reason the Commission would not create this order and file it in Docket Control would be because elected Commissioners and employees are conspiring with MEC to cause harm and damages to fellow citizens. The only reason that I can see why the Commissioners would not file this order is because they are supporting the action of this utility to abuse its power by forcing citizens to pay for something that they are not responsible to pay for.

Like I said I am just trying to find out if the Commission has made some mistakes or if this government agency and the elected officials of this government agency have abandoned the American ways and the values our Country was founded on.

If the Commission has made a mistake, all it has to do is send me a copy of the order.

I am asking every official to please understand that I am only trying to develop an understanding as to how to proceed in this case to bring about the best results for the people. The people in Egypt have reacted to the misuse of government authorities. I pray that our Country doesn't get to that point.

I will be looking for a response from the Commission on this matter.

Sincerely

Roger Chantel  
Union Carpenter/visionary

December 7, 2010

Roger Chantel  
1001 E. Hwy. 66  
Kingman, AZ 89401

Board Members  
of Mohave Electric Cooperative

I filed a complaint with the Arizona Corporation Commission in 2008. Formal complaint was file as Docket No. E-01750A-09-0149. The complaint was about the unsafe lines and poles that exist over and on this property.

Mohave Electric chose to build a new high voltage transmission line around this property. It truly appears that Mohave Electric Cooperative recognized that it did not have a legal right to transmit high voltage electric over this property. It is clear that Mohave Electric Cooperative has stopped transmitting electricity through these lines and has abandoned the unsafe lines and poles that exist on this property.

As a member of Mohave Electric Cooperative, I am **formally submitting a request** to the acting Mohave Electric Cooperative Board Members to submit to me a written plan within 15 days of the date of this letter/email to remove the abandoned unsafe lines and poles that exist on this property. This plan should include the complete removal of all poles and lines that Mohave

Electric Cooperative does not have a recorded right-of-way to on this property. The removal of these lines and poles should be completed within 30 days from the date of this letter.

Respectfully submitted,

Roger Chantel



The Law Offices of  
**CURTIS, GOODWIN, SULLIVAN,  
UDALL & SCHWAB, P.L.C.**

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Michael A. Curtis  
Susan D. Goodwin  
Kelly Y. Schwab  
By: Thomas A. Hines

William E. Sullivan  
Laurie K. Udall  
M. J. K. Williams  
Michelle Becerra  
Maura A. Farham

By: Joseph F. Arnold  
Thomas A. Hines

REC'D - 03/11/2011 12:34:11 PM

CORRESPONDENCE SUBMITTED UNDER RULE 408,  
ARIZONA RULES OF EVIDENCE

March 11, 2011

VIA FACSIMILE, E-MAIL & US MAIL

Jonathan A. Dessantes, Esq.  
Dessantes Law Group  
2700 North Central Avenue, Suite 1150  
Phoenix, Arizona 85004

Re: MEC adv. Chantel: CV2009-02574

Dear Mr. Dessantes:

We are in receipt of your most recent correspondence, which rejects MEC's reasonable proposal for the removal of the utility poles (which your clients have claimed are the basis for a "trespass" on their premises). Your client wants some poles to remain ostensibly for reconnection purposes. Your client was advised many months ago of the costs for restoration of power. That cost cannot be waived and passed on to the other members of MEC who play by the rules.

*In short, your client seeks to prevent Mohave Electric Cooperative ("MEC") from removing all its poles from the Chantel premises while claiming, at the same time, MEC is trespassing by the presence of its poles. MEC would have removed the poles a long time ago but for your clients' conduct. Your firm has been advised that Mr. Chantel previously told MEC personnel to not enter onto his premises after the de-energizing of power lines across his property was effected and rerouted for safety purposes. Now, MEC is anxious to remove all of its poles as a safety measure and to eliminate what your client claims is a trespass. As a precaution (due to your client's past conduct), MEC wants your client to execute the permission/waiver form we prepared before the pole removal occurs.*

Jonathan A. Dessaulles, Esq.  
March 11, 2011  
Page 2

It is expensive for MEC to handle the removal of the poles in a piece-meal fashion; all poles must be removed at one time. MEC must be efficient in its use of its employees' time. Your client's obstinate posture in this matter makes him responsible for any problems that arise from his refusal to let MEC remove all of its poles.

Because your client refuses to allow MEC to remove all of its poles and has not provided to MEC an executed permission form, MEC's present plan for the pole removal on March 16, 2011 is being cancelled. When your client is willing to allow the removal of all poles or is willing to pay for the de-energizing costs stemming from the construction of the survivalist -- artwork structure (which also led to Mohave County instructing MEC to de-energize), the transmission line poles will be removed and the poles for residential connection can remain.

Very truly yours,



Michael K. Curtis  
Larry K. Udall  
For the Firm

LKU/maw

cc: client

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