

ORIGINAL



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J. Stephen Gehring, Private Citizen
8157 W. Deadeye Rd.
Payson, Arizona [PZ 85541]
(928) 474-9859
Utility Account No. 58130-16615
In Propria Persona

Before the Arizona Corporation Commission

J. Stephen Gehring, Private Citizen,
Injured Party,
Complainant,
vs.
PAYSON WATER CO. INC.
Respondents.

DOCKET NO. W-03514A-10-0329

STATUS REPORT

Arizona Corporation Commission
DOCKETED
APR 11 2011

DOCKETED BY

Pursuant to the decision of December 22, 2010 this status report is filed in the above-captioned matter. The Complainant hereby submits his updated Status Report on settlement discussions with Mr. Hardcastle and Payson Water Co., Inc. The Complainant received a "letter of Apology" from Mr. Hardcastle which did not contain a draft of any stipulation to withdraw the complaint. The Complainant waited for the draft stipulation which never came. Attached please find Exhibit A, the Complainant's response letter. The Complainant feels that Mr. Hardcastle should reconsider and recompose his letter of apology after giving due consideration to the Complainant's response and this time be realistic. The Complainant wants to settle this matter as soon as possible for it has dragged on a long time.

DATED this 6th day of April, 2011

J. Stephen Gehring

ORIGINAL and 13 copies filed this 6th day of April 2011.

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

DOCKET CONTROL
ARIZONA CORPORATION COMMISSION

2011 APR 11 P 3:30

COPY of the foregoing mailed this 6th day of April, 2011 to:

Steve Olea, Director

RECEIVED

Utilities Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

Dwight D. Nodes
Chief Assistant Administrative Law Judge
Hearing Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

Janice Alward, Chief Counsel
Legal Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

COPY of the foregoing mailed this 6th day of April, 2011 to:

Patrick J. Black
FENNEMORE CRAIG, P. C.
Attorneys for Payson Water Co., Inc.
3003 N. Central Ave., Suite 2600
Phoenix, Az 85012-2913

By:


J. Stephen Gehring

EXHIBIT A

J. Stephen Gehring
HOUSTON MESA GENERAL STORE & FUEL WOODS
8157 W. Deadeye Rd.
Payson, Arizona 85541
Telephone: (928) 474-9859
FAX No. 928-474-9799

Patrick J. Black
FENNEMORE CRAIG, P. C.
3003 N. Central Ave., Suite 2600
Phoenix, Az 85012-2913

April 4, 2011

RE: ACC Complaint: Docket No. W-03514A-10-0329

Dear Mr. Black:

My, apologizes for taking so long to respond to your filings with the ACC and Mr. Hardcastle's "Letter of Apology" dated February 22, 2011 and which I received on or about February 25th and 26th respectively and which did not include "a draft Stipulation that withdraws the complaint."

I have a real problem with accepting this "shallow apology" because it is oriented towards a political influence of the ACC and rhetoric that is unacceptable.

I have read Mr. Hardcastle "Letter of Apology" over, several times and given it due consideration. It is lacking in several points including but not limited to sincerity, honesty, truth and honor for the following reasons:

1. The Curtailment Plan/Tariff in place at the time of the Incident(s) at issue on and prior to August 3, 2009 (in the above referenced Complaint) was not in any way, shape or form enforced in a manner that "seeks to protect all Customers." Rather it was enforced to target specific customers at the whim and instruction of management as policy. That policy was thoroughly and intentionally designed and constructed to be abusive in nature by Brooke Utilities, Inc./Payson Water Company Management and Employees and oriented to beating customers into submission to the will of the corporation. That is a provable fact beyond any reasonable doubt. White washing it doesn't work for me. As an old paralegal I find it hard to see any sincerity in this false front apology. I mean, I have been "B S'd" before, but this takes the cake.

2. I do not need a lecture or education in the Curtailment Plan, for I know it and have studied it well, the Management and Employees of Brooke Utilities Inc./Payson Water Company need the education in the Plan and concerning limits, restrictions and attributes of the Curtailment Plan and the legal authority behind it. Remember, "Curtailment" means to "cut back," not cut off and it certainly does not mean that the company can do as it desires to force its customers to comply with the whim of the company?

3. The Complainant clearly and factually cut back his water usage, that is a fact beyond reproach, but due to the design of the system he became a victim of air, malfunctioning meters that register air, the top end of a closed system and the abuse of Management and Employees who did not understand the Curtailment Plan or any aspect of it and did abuse it and misapply it for the benefit of the company and not the customer.

4. The Complainant in the above referenced proceedings was not in violation of any, of the terms and conditions of the Curtailment Plan then in affect; nor any of the Stages 3, 4, and 5 that were in affect or became in affect at that time. The Complainant is the Victim of a flawed water system and the flawed management thereof. The Complainant has no problem proving that:

a) The water meters used to measure water usage register air as well as water passing threw them and at a rate 3 times the flow of water;

b) The Complainant was completely without water on several dated and documented occasions (particularly the dates at issue) when employees falsely claimed he used anywhere from 500 to 900 gallons of water per day;

c) The Complainant is at the "dead end" of a line that is looped but the valve at the end of that loop has been closed for a very long time cutting off the loop making it a total "dead end" in the system without venting to "blow off the air." Thus the air is forced threw, the Complainant's meter and registers as water usage. There can be no argument or dispute on this issue for it is a fact easily proven;

d) Brooke Utilities Inc./Payson Water Company Management and Employees know for fact that the meters register air and did admit to it;

e) The changing of Stages from stage 3 to stage 5 in less than 12 hours overnight and without proper notice and then cutting off Complainant's water and fining him at a stage 5 level is nothing less than a conspired criminal fraud.

5. The Complainant did not target Mr. Hardcastle or his company(es) for harassment, intimidation, coercion or to intentionally injure him or them;

6. Mr. Hardcastle, his Management and Employees targeted the Complainant to make an example of him, to hold him up in disrepute to his neighbors and the community and did in fact abuse the Curtailment Plan then in effect and on a daily bases per instruction from Management and came onto the Complainant's property to find fault in any way they could and did read his meter every day for three (3) months straight and far in access of ACC Regulation. The Complainant received letters and phone calls of intimidation and coercion which are all documented and yet Mr. Hardcastle says that it is not our practice to harass or intimidate our customers? Yes this reasonable mind and former Paralegal differs on the appropriateness of the Corporations efforts to enforce the Curtailment Plan which was entirely abusive of the terms and conditions of the Plan and specific regulation. The apology offered is more of an insult rather that an apology and has no honor.

In any event this is what the Complainant wants as previously stated in his letter to Mr. Hardcastle.

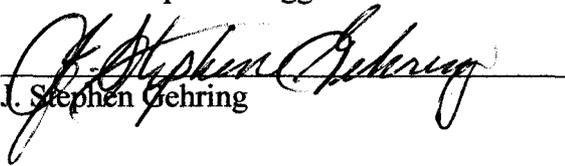
1. The return of the **full amount** of \$600.00 that I was wrongfully charged by the company for reconnection fees plus all interest and late fees (charged by the company) to my account and that I was forced to pay because of the company's misapplication of all payments made between August 2009 and August 2010;
2. A written statement of apology from the Water Company for the misconduct of company employees, who harassed, threatened, intimidated me and abused the then in affect Curtailment Plan to extort excessive reconnection fees and other money from me;

3. In return I will drop the current complaint before the Arizona Corporation Commission.
4. However, I reserve my right to file a civil action to recover property damages and loss of income incurred due to the misconduct and negligence of the company employees.

To date I have not received a draft of the alleged Stipulation that would withdraw the complaint filed and as referenced in the last paragraph of Mr. Hardcastle's alleged letter of apology. It is obvious to me that Mr. Harcastle is merely playing a game to construct a win, win situation for himself and his corporation(s) and that, there be nothing sincere, honest, truthful or honorable about his letter of apology.

I realize that Mr. Hardcastle is consumed with his own self worth. That is his problem and he must deal with it. However, in my own life I, myself, realized many years ago that, I have made mistakes and that I owed a duty and obligation to those whom, I have in past offended to sincerely apologize for my errors and as I have and made things right with them. At least I had the intestinal fortitude and courage to admit my mistakes, assume responsibility for those mistakes and to take the steps necessary to make amends with those whom I have offended. It would appear that Mr. Hardcastle has no such intent.

I believe Mr. Hardcastle is a very proud man who can never admit that he could ever be wrong. Most dictators can't. I am sure Mr. Hardcastle could do better if he had an honest bone of some sort in his body and could possibly swallow his own ego for one moment. Maybe he should try again. I remain open to suggestion.


J. Stephen Gehring