FORMAL COMPLAINT

ORIGINAL

0000129724

BEFORE THE ARIZONA CORPORATION COMMISSION

FORMAL DOCKETED COMPLAINT
AGAINST TUCSON ELECTRIC POWER

DOCKETED

SEP 15 2011

DOCKETED BY nl

RECEIVED

2011 SEP 15 P 2: 00

AZ CORP COMMISSION
DOCKET CONTROL

CUSTOMER: RAYE STILES
ADDRESS: 2018 N. Tucker Dr.
Tucson, AZ 85716
Account Address: 734 E. Roger Road #201
Tucson, AZ 85716

E-01933A-11-0350

I am requesting that this be handled as a formal, numbered, docketed complaint. After speaking with TEP and their counsel, and based upon their subsequent unlawful actions, I do not wish to go through the informal process, as it would be futile to do so. I am requesting a hearing at which evidence will be presented and witnesses will be called.

PERTINENT BACKGROUND

On January 28, 2008, I moved from 734 E. Roger Rd., #201. I advised TEP that I was moving and the date which I was leaving the premises. At 11:00 am on that date the owners forcibly took control and possession of the premises. On that same date I went to my mother's apartment as she was in the hospital at that time. My possesions were taken by truck to be stored at the mover's premises. I submitted a change of address to a post office box since I did not have a residence of my own at that time.

On January 28, 2008, my son located a residence in which he wanted to live and invited me to move in with him. I moved into the house with him. He took care of all of the arrangements, and obtained all utilities in his name, including cable. He applied for gas service as well. At the time of application, the gas company

advised him that he had an outstanding bill from a prior residence. He made arrangements to pay that old bill and paid it off. TEP did not address any outstanding debt with my son at the time of his application for service.

On numerous occasions, I contacted TEP pursuant to my son's request and made payment arrangements for him. TEP reps , including Lindsey Shehe knew just who I was and that I was living on the premises. At no time did TEP make any attempt to contact me regarding my bill and the previous address. In 2011, my son advised TEP for the umpteenth time that they were allowed to speak with me regarding the bill at the Tucker Street address. However, in 2011, TEP stated that they would need that in writing. TEP forwarded a document for signature, but we decided that the language on the document did not agree with what we were both told: that they merely needed his permission in writing to speak with me about the bill.

The issues of this complaint are as follows:

I.
DECEPTIVE BUSINESS PRACTICES

TEP, in order to add a party to an account, pretends to need signed permission in order to speak to a third party regarding a customer's account. However, this is merely a ploy for the purpose of adding another party to the account. If that third party signs the document, they become a responsible party. TEP should have a which clearly states that the signature is for contact purposes only instead of one that surreptitiously assigns responsibility to a third party.

II .
UNLAWFUL DEBT COLLECTION

In 2011, TEP forwarded a letter addressed to my son and myself, advising us that they were adding amounts for outstanding bills for the two of us to the current account.

They also advised me that they were adding my name to the account. We disputed this action, as TEP has no authority to make either of us responsible for the other's debts, whether those debts are disputed or not.

I never resided at the Kelso address, and the Roger Rd. address was my account for nine years. At no time did my son have any responsibility for that account.

TEP incorporated my Roger Rd. account into my son's account and attempted to collect it via his current account.

Only after numerous conversations, which should not have had to happen in the first place, did TEP remove my name from my son's account based upon my demand that they do so.

III.
UNWARRANTED INVASION OF PRIVACY & HARASSMENT

TEP contacted our landlord. They assert it was to verify whether or not I was residing at the Tucker Road address. This was not necessary since TEP knew I was living at the premises, and I never denied doing so. This was a breach of my privacy, and made it appear as if I were hiding from them. I gave them a forwarding address, and I have never failed to file a forwarding address with the United States Postal Service of which there is a permanent record. I feel as though my character was maligned by TEP. They had no right to contact the landlord, but should have sent any request for information to me via mail, or simply called me on the telephone since they had my telephone number on their records.

IV.
FRAUDULENT DEBT COLLECTION PRACTICES

After a review of my credit report in August, 2011, I read that TEP had charged off the debt in June, 2011. However, it appears as if they have added into my son's account anyway as a delinquent amount that has nothing to do with this account. This makes the bill, on its face, a fraudulent document. It was

charged off not only with TEP but with the collection agency to which they had assigned the debt. So the debt now appears twice on my credit report which is a violation of the Federal Fair Credit Reporting ACT.

TEP cannot write off a debt for tax purposes then attempt to collect it in a deceitful manner.

V.
DISPUTED DEBT

When I moved from the Roger Road address, TEP did not change the account into the landlord's name until ten days later. I disputed the ten days charge, and suggested that they remove the ten days after a comparison with the usual amount of my bill, and that a tax adjustment should be made as well. TEP responded that they would do so. However, what they did was to charge the debt off, then add it to my son's account. This is not an acceptable method for handling a disputed debt.

VI.
RETALIATION FOR FILING BANKRUPTCY

According to Lindsey Shehee, she threatened that if I went to the Arizona Corporation Commission, she would assert that I had a history of "non-payment" of my bills. She then went on to reference the party who was handling the bankruptcy which I filed in 2002, (a time when she was just coming on board). He was keeping separate the discharged bankruptcy from the current bill. She also boasted that the Corporation Commission would "back her up". However, she had no right to throw up my legitimate bankruptcy and a debt which was fully and lawfully discharged. A discharge is much different than non-payment. I was insulted by her statement.

VII.
Customer Service Complaints

When I attempted to take the issue of Ms. Shehee's insulting statements to her supervisor, she instructed the receptionist to refuse to allow me to speak with a higher person than herself. In any organization, every person has a supervisor, and her unprofessional, insulting and degrading comment deserved review by her supervisor.

The attorney who is handling this also refused to allow me to speak with his supervisor, which is a violation of the State Bar's Rules of Professional Conduct.

VIII.
REQUESTED REMEDIES

1. TEP should be fined for these actions and all customers should be given credits to their accounts based upon TEP's failure to abide by the laws of this state and of this country.

2. TEP should be audited by this Commission and the Arizona Attorney General.

3. I am requesting that applicable issues in this complaint be referred to the Arizona Attorney General for investigation as to whether or not the people of the state of Arizona have been criminally violated by Tucson Electric Power.

4. I am requesting an apology from Lindsey Sheehee for her unsupported and insulting comments, and, an apology from whoever is her supervisor for allowing her such latitude which prevents customers from lodging complaints against her.

5. I am seeking damages in an amount unspecified at this time.

DATED this the 9th day of September, 2011.

Respectfully Submitted,

Raye Ellen Stiles