

ORIGINAL



0000132039

COMPLAINANT Albert L. Smith COMPLAINT NUMBER 96217

ADDRESS 437 N. Sleepy Hollow Dr. Payson, AZ (Beaver Valley)

480-444-0246

NAME OF RESPONSIBLE PARTY Albert L. Smith

PHONE (WORK) 602-329-1997

NAME OF UTILITY Beaver Valley Water Co. W-02015A-11-0416

ACCOUNT NUMBER 1940

GROUND(S) FOR COMPLAINT: (COMPLETE STATEMENT OF THE GROUNDS FOR COMPLAINT. INDICATING DATE(S) OF COMMISSION/OMISSION OR ACTS OR THINGS COMPLAINED OF.) (USE ADDITIONAL PAGE IF NECESSARY.)

My complaint is that Beaver Valley Water Co. failed to comply with Rule # R14-2-405-6 on 5/5/2011. In a letter the ACC sent to Mr. Davoren dated Sept 8, 2011 stated, that the water co is required to read the meter when new service is established, which Mr. Davoren admitted NOT doing. This resulted in an overcharge on my first water bill of 36,620 gal when in fact it should have been approx 400 gal. My attempt to resolve the problem was met with remarks like "pay the bill or I'll shut off your water".

Beaver Valley Water Co. also failed to comply with Rules # R14-2-408 and Rule # R14-2-409 when Mr. Davoren sent me a letter stating he would no longer read my meter nor bill me for water. Two months went by and I have not received a bill for those months. A letter was sent to Beaver Valley Water Co. from the ACC on Oct 27, 2011 explaining that he is required to do so. At this point in time, I still have not received either of those bills.

NATURE OF RELIEF SOUGHT: (USE ADDITIONAL PAGE IF NECESSARY.)

I only ask that Beaver Valley Water Co. correct my first month's bill to reflect the correct amount of water use (approx 400 gal) as per reading taken 5/5/2011. Also that Beaver Valley Water Co. furnish me with the two missing bills so I can pay them.

\* Please send all mailings to:

2613 N. McAllister Ave. Tempe, AZ 85281

Arizona Corporation Commission

DOCKETED

NOV 18 2011

RECEIVED 2011 NOV 18 A 9:52 AZ CORP COMMISSION DOCKET CONTROL

SIGNATURE OF COMPLAINANT OR ATTORNEY

Albert L Smith

DOCKETED BY [signature]

1<sup>ST</sup> Bill  
for May 2011

PHOENIX AZ 850  
**BEAVER VALLEY WATER CO.**

P.O. BOX 421  
PAYSON, AZ. 85547

Billing Date	Due Date	Account Number
6/7/2011	6/22/2011	1940

<b>Service Adr:</b> 2-64		
<b>From:</b>	8/2/2004	185630
<b>To:</b>	6/7/2011	222650
<b>Consumption:</b>		37020

Previous Balance	\$0.00
Late Payment Fee	\$0.00
residential	\$237.62
ACTIVATION	\$35.00

Total Taxes	\$18.21
<b>Total Amount Due</b>	<b>\$290.83</b>

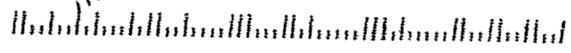


Please Return This Portion With Payment

Billing Date	Account Number	Amount Due
6/7/2011	1940	\$290.83

**SMITH, ALBERT**  
2613 N. McALLISTER AVE.  
TEMPE, AZ. 85218

pu  
6/21/11  
CL  
6/21/11 1634  
\$225.83  
in dispute



EBORAH J. WARD  
ALBERT L SMITH  
HC 3, BOX 656  
PAYSON, AZ 85541-9757

91-527 2015  
1221  
0484559380

1634

Date 6-27-11

Pay to the Order of Beaver Valley Water Co \$ 65.<sup>00</sup>/<sub>100</sub>

Sixty Five and 00/100 Dollars

 Security Features included on this check.

 Wells Fargo Bank Arizona, N.A.  
115 E. Hwy 260  
Payson, AZ 85541  
www.wellsfargo.com

Memo Acct 1948 2-64

Albert J. Ward

MP

© 1999 WFB, N.A. FRONTIER

over m.v.

Enclosed is the payment for the amount of water I used for this billing cycle (\$30.00), plus the reconnect fee of \$35.00. Any balance has been disputed through the Ariz Corp Commission and you will be receiving notification from them.

Albert LeRoy Smith  
unit 2 lot 64  
437 N. Sleepy Hollow Dr.  
Beaver Valley

THIS IS UNACCEPTABLE  
YOU ARE \$172.00 SHORT  
WE CAN DEAL WITH IT THROUGH  
ACC - THERE WILL BE A DEPOSIT REQUIRED  
ON NEXT BILLING

Payment for  
1<sup>ST</sup> Bill

2nd Bill  
For June 2011

LeRoy

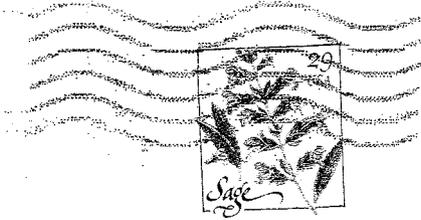
**BEAVER VALLEY WATER CO.**  
P.O. BOX 421  
PAYSON, AZ. 85547 928 474-5759

Billing Date	Due Date	Account Number
7/15/2011	7/30/2011	1940

Service Adr: 2-64  
 From: 6/7/2011 222650  
 To: 7/8/2011 222960  
 Consumption: 310

Amount Past Due \$290.83  
 Late Payment Fee \$0.00  
 residential \$23.33  
 DEPOSIT \$50.00

Total Taxes \$1.79  
**Total Amount Due \$365.95**



Please Return This Portion With Payment

Billing Date	Account Number	Amount Due
7/15/2011	1940	\$365.95

**SMITH, ALBERT**  
**2613 N. McALLISTER AVE.**  
**TEMPE, AZ. 85218**



**DEBORAH J. WARD**  
**ALBERT L. SMITH**  
 HC 3, BOX 656  
 PAYSON, AZ 85541-9757

91-527-2015 1642  
 1221  
 0484559380  
 Date 7-19-11

Pay to the Order of Beaver Valley Water Co \$ 75.12  
Seventy Five and 12/100 Dollars

**WELLS FARGO** Wells Fargo Bank Arizona, N.A.  
 115 E. Hwy 260  
 Payson, AZ 85541  
 www.wellsfargo.com

Memo 1940 2-64 Deborah Ward MP

Unit 2 Lot 64  
 Paid \$75.12  
 Balance in Dispute Thru ACC

DEBORAH J. WARD  
ALBERT L. SMITH  
HC 3, BOX 656  
PAYSON, AZ 85541-9757

91-527 2015  
1221  
0484559380

1642

Date 7-19-11

Pay to the Order of Beaver Valley Water Co \$ 75.00  
Seventy Five and 00/100 Dollars



Wells Fargo Bank Arizona, N.A.  
115 E. Hwy 260  
Payson, AZ 85541  
www.wellsfargo.com

Memo 1980 2-64

*Deborah J. Ward*

© 1999 WELLS FARGO BANK, N.A. PRINTED IN THE U.S.A.

MP

**BEAVER VALLEY WATER CO.**

P.O. BOX 421

PAYSON, AZ. 85547

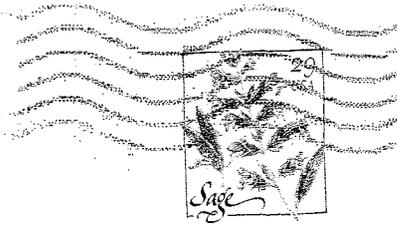
928 474-5759

Billing Date	Due Date	Account Number
7/15/2011	7/30/2011	1940

Service Adr: 2-64		
From:	6/7/2011	222650
To:	7/8/2011	222960
Consumption:		310

Amount Past Due	\$290.83
Late Payment Fee	\$0.00
residential	\$23.33
DEPOSIT	\$50.00

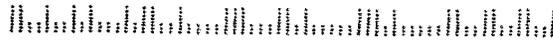
Total Taxes	\$1.79
<b>Total Amount Due</b>	<b>\$365.95</b>



Please Return This Portion With Payment

Billing Date	Account Number	Amount Due
7/15/2011	1940	\$365.95

**SMITH, ALBERT**  
2613 N. McALLISTER AVE.  
TEMPE, AZ. 85218



paid \$75.12  
Balance in dispute thru ACC  
Lot 64-Unit 2

IF YOU DON'T WANT TO PAY YOUR BILL -  
DON'T - BUT DON'T PATRONIZE ME  
BY PAYING WHAT YOU THINK YOU SHOULD  
SHIELA @ ACC STILL HASN'T GIVEN ME  
A BELIEVABLE REASON HOW METER CAN  
CHANGE WITHOUT WATER GOING THROUGH IT.

**BEAVER VALLEY WATER CO.**

P.O. BOX 421

PAYSON, AZ. 85547

928 474-5759

Billing Date	Due Date	Account Number
9/8/2011	9/23/2011	1940

Service Adr: 2-64	
From: 8/5/2011	[REDACTED]
To: 9/8/2011	[REDACTED]
Consumption:	[REDACTED]

Amount Past Due	[REDACTED]
Late Payment Fee residential	\$0.00

Total Taxes	[REDACTED]
Total Amount Due	[REDACTED]

Aug Bill  
4th

I CANNOT PROVE TO ANYONE WHAT THE METER READ IS AND DIDN'T FEEL GOOD ABOUT MAKING ONE UP. DIDN'T WANT TO PUBLISH ANYTHING I CAN'T PROVE

Please Return This Portion With Payment

Billing Date	Account Number	Amount Due
9/8/2011	1940	0

SMITH, ALBERT  
2613 N. McALLISTER AVE.  
TEMPE, AZ. 85218

Aug Bill

4TH Bill

See Copy of mike's Reply

WAS NOT Billed for Sept 2011 As per His Letter.

Mike's Letter

Came with  
4th Bill for Aug. 2011

Albert Smith,

Enclosed find a billing you don't need to pay. According to a letter I received from Sheila Stoeller we have way too many discrepancies in the billing. In a phone conversation with Sheila, which was recorded in full with her knowledge, she states she cannot defend the decision she or whomever made. In a phone conversation today, the 13<sup>th</sup>, she says now that she is backing away from the nonsense she wrote in her resolution. According to Sheila they are apparently going to use a clerical error as an excuse for you not to have to pay your obligations. Entertaining but predictable.

First in her letter she states I do not have an application on file for you. I don't know what difference that makes but I hope the rest of the community doesn't find out. Nobody has ever filled one out and in Sheila's little world they would not be responsible for their debt! It's not a rule but she somehow thinks it's relevant. (I wonder how she thinks I was able to get your billing to you without having your basic info)

Secondly she refers to a "former address" of unit 2 lot 64. She has either been misled or is as ignorant as she pretends to be. Refer to your HOA rules. They are in affect for your unit ...unit 2...you will always be unit 2. But Sheila, according to her letter, obviously thinks this is fictitious, obviously a former address and another clerical error, so to use her warped sense of reasoning the billing is flawed and should be no charge. Let's avoid the obvious....no charge.

Thirdly, her reference to a \$16 monthly service charge truly reflects her ignorance. Nowhere in my tariff does the number appear. So let's forget that piece of stupidity...(no charge).

Forth, apparently no weight is lent to any response I make or evidence provided by the utility to the ACC and no proof is required by the customer, simply hearsay is acceptable. I certainly cannot prove that the meter was even read this month. So that means when you complain to them again this month or next or next or, well you get it, (and I am certain you will... now or in the future) they will probably just powder your backside... again... and not make you pay anyway. So let's avoid the inevitable and just say usage is 0. And since the monthly charge in Sheila's little mind is \$16 when it's not, we should avoid that argument too as to prevent her from actually completing a task successfully... no monthly service charge.

I really don't need or want your money. I just thought I'd play your silly game to see if the ACC was going to be as predictable as I told Sheila they would be when this first came up. Even with my experience of the ACC selective enforcement practices, they far exceeded my expectations this time. In fact I told Sheila the very first day that you didn't have to meet your obligations with this utility, now or ever, just to avoid your antics in the future. But she wouldn't hear of it. Then says you don't have to pay anyway. Fantastic waste of 3 months!

Now that I think of it, after my conversation with Sheila this morning and using her unquestionable logic you don't owe this utility anything with all the alleged clerical errors on your bill. Looks like the problem is solved!!

Apparently the Director of utilities agrees with you (according to Sheila) and I must commend you on your conservation measures. An entire cement house, an entire cement garage, cement floors throughout and didn't use any water. Unheard of. Great job!! This has never happened before anywhere on this planet and a terrific model for the world to learn from. And a very good use of ACC common sense.

I have taken you off the billing list and will not be sending a bill in the future. Using Sheila Stoeller and ACC logic I am confident if you can build a house as described with no water, water usage should be nil when you move in as well.

Have a nice life.

Regards,(or is it “;” or “:”...you gotta hate clerical errors)

Mike

I am composing a letter to the Commissioners describing Sheila's reluctance to properly handle this situation so obviously the entire billing since May is being disputed. Company will also be testing its meter so entire billing is subject to change. Don't send any money

OCT 15, 2011

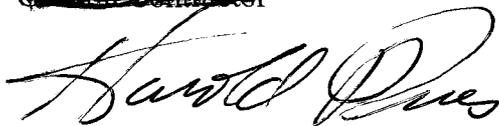
My name is Harold Plues, <sup>Supervisor</sup> ~~general contractor~~ on Albert Smith and Debbie Ward's home currently under construction at 437 N. Sleepy Hollow Dr. in Beaver Valley. As the general contractor, my job is to oversee all aspects of the construction on their lot.

Mr. Smith had requested that the water be turned on as of May 5, 2011 at the request of one of my workers. Prior to the water being turned on, I had arranged to have all water used at the job site hauled in and stored in three 55 gal. drums. After the Beaver Valley Water Co. turned on the water, approximately 300 gals were used between May 5, 2011 and June 7, 2011. There was nothing in the construction phase that would have required large amounts of water to be used. During the beginning stage of the building, prior to the water being turned on, a wet spot appeared inside the footings. This had to be covered with dirt before the slab could be poured for the floor of the home. I assumed it was seepage from the old water line that had been connected to the trailer previously on the lot.

I know of no way that the volume of water Mr. Smith said he was billed for could have been used on this job in this time frame. None of my workers nor myself ever left hoses running or used large quantities of water to perform our jobs. I know Mr. Smith took a reading of the meter the day the water was turned on, but I don't know about the water company. The amount of water in question between May 5, 2011 and June 7, 2011 would have brought my construction to a halt on this lot, which is only 70 feet by 96 feet.

Harold Plues

~~General Contractor~~



We used 40 BAGS OF MORTAR FOR LAYING UP BLOCKWORK IT TAKES 5 GAL PER BAG FOR MIXING THAT TOOK 200 GAL. CLEANING MIXER ABOUT 10-15 GAL A DAY THAT WAS ABOUT 150 AND 50 GAL TO WET FLOOR FOR COMP. SO THERE WAS APPROX 400 GAL USED OF WHICH I HAULED ABOUT 150 TO JOB BEFORE METER WAS ~~INSTALLED~~ TURNED ON.



**COMMISSIONERS**  
GARY PIERCE - Chairman  
BOB STUMP  
SANDRA D. KENNEDY  
PAUL NEWMAN  
BRENDA BURNS



ERNEST G. JOHNSON  
Executive Director

ARIZONA CORPORATION COMMISSION

October 27, 2011

*Copy of  
letter for  
your file.*

Mr. Michael Davoren  
Beaver Valley Water Company  
P.O. Box 421  
Payson, AZ 85547

Dear Mr. Davoren,

This letter is in confirmation of the conversation you and Elijah Abinah had on October 19, 2011, regarding Mr. Albert Smith's account, no. 1940, at 437 N. Sleepy Hollow Drive, Payson, AZ. At your request, it was determined that Mr. Smith will be responsible for his September and October 2011 bills in addition to all future bills. A September and October bill with actual meter reads, usage and charges will be provided to Mr. Smith by the Company in accordance with A.A.C. R14-2-409 Billing and Collection. Please refrain from adding comments to or redacting any portion his bills. These and all future bills should be issued in the same manner and will follow R14-2-408 Meter Reading and R14-2-409 Billing and Collection rules and regulations.

Pursuant to the rules, you must issue a monthly bill to your end users and the end users are required to pay their bills. You made it clear in the October 19<sup>th</sup> conversation that Mr. Smith's balance prior to his September bill will be set at zero and the Company will continue with regular billing of his services.

During a later conversation you advised the Company will not bill Mr. Smith for his water service. As a public service corporation under the jurisdiction of the Arizona Corporation Commission, one of the Company's obligations is to adhere to Commission's rules, regulations, Statutes and Commission Orders. Should you fail to follow the Commission rules, regulations, Statutes and Commission Orders regarding provisioning of water services to Beaver Valley Water customers, including, reading the meter, billing the customer and accepting customer payments, an Order to Show Cause may be filed due to these violations.

If you have any further questions, please do not hesitate to call me at 602-542-0291.

Sincerely,

Connie Walczak  
Manager Consumer Services  
Utilities Division

Cc: Albert Smith

*ACC's  
Decision on  
over charge.*

COMMISSIONERS  
GARY PIERCE - Chairman  
BOB STUMP  
SANDRA D. KENNEDY  
PAUL NEWMAN  
BRENDA BURNS



ERNEST G. JOHNSON  
Executive Director

ARIZONA CORPORATION COMMISSION

September 8, 2011

Mr. Michael Davoren  
Beaver Valley Water Company  
P.O. Box 421  
Payson, AZ 85547

Dear Mr. Davoren:

Regarding complaint number 96217 filed against Beaver Valley Water Company by Mr. Albert Smith, the Arizona Corporation Commission has completed its investigation into the matter and reached the following conclusion.

In May 2011, Mr. Smith requested to have service connected to his property at 437 N Sleepy Hollow Drive, formerly Unit 2, Lot 64. The last service to this location had been terminated in 2004. When a new service is connected, the Company should accept an application, install a meter, or turn on a meter and obtain an opening meter read that will be the beginning read for the new service.

This was not done in this case. Staff and Mr. Smith were advised that a previous meter read from Company archives (2004) was used as the beginning read. Even if service had been disconnected as recently as the previous month, a beginning meter read would need to be obtained for a new service, which this was. Mr. Smith was correctly charged a connection fee for this new service. Without a beginning read, Mr. Smith should be billed the monthly service charge of \$16.00, plus a connection fee and a deposit if required by the Company's tariffs or ACC rules. When the Company obtained the first read, the Company could begin billing water usage per their tariff.

Resolution: Without an opening meter read, no usage shall be billed. Once the meter is read, usage billing should begin based on a beginning and ending meter-read for that billing period. It appears that the first monthly billing needs to be corrected to reflect zero usage. All following months were billed correctly (less the water costs for the first month).

If you have questions regarding the conclusions in this letter, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Sheila Stoeller".

Sheila Stoeller  
Consumer Services  
Utilities Division  
Arizona Corporation Commission

cc: Albert Smith