

**ORIGINAL**



0000135297

Date: March 19, 2010

To: **Docket Control  
Arizona Corporation Commission  
1200 West Washington St.  
Phoenix, AZ 85007**

From: Robert T. Hardcastle  
Payson Water Co., Inc.  
(661) 633-7526

Arizona Corporation Commission  
**DOCKETED**

MAR 21 2012

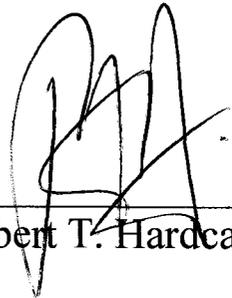
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FOR FILING ORIGINAL AND 13 COPIES INTO:

**DOCKET NO. W-03514A-12-0008**

Gehring et al vs. Payson Water Co.

By:

  
\_\_\_\_\_  
Robert T. Hardcastle

ARIZONA CORPORATION COMMISSION  
DOCKET CONTROL

2012 MAR 21 A 9:38

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BEFORE THE ARIZONA CORPORATION COMMISSION

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Robert T. Hardcastle  
Payson Water Co., Inc.  
P.O. Box 82218  
Bakersfield, CA 93380-2218  
*Representing Itself In Propria Persona*

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2012 MAR 21 A 9:38  
AZ CORP COMMISSION  
DOCKET CONTROL

COMMISSIONERS

Gary Pierce, Chairman  
Paul Newman, Commissioner  
Brenda Burns, Commissioner  
Bob Stump, Commissioner  
Sandra D. Kennedy, Commissioner

IN THE MATTER OF J. STEPHEN ) Docket No. W-03514A-12-0008  
GEHRING, BOBBY JONES, AND LOIS )  
JONES, COMPLAINTANTS ) MOTION TO DELETE  
VS. ) BROOKE UTILITIES, INC.  
PAYSON WATER CO., INC., ) AS A PARTY TO THE  
RESPONDENT ) COMPLAINT

Complainants Gehring and Jones (hereafter "Complainants") have filed a Formal Complaint into Docket No. W-03514A-12-0008 based on previously submitted informal complaints number 2011-98439 and 2011-98782. Complainant's, as part of the Formal Complaint documents submitted in support thereof, have also erroneously included Brooke Utilities, Inc. ("Brooke") as a party to the Formal Complaint.

Brooke Utilities, Inc. is not an Arizona public service corporation pursuant to Article XV and A.R.S. §§ 40-250 and 40-251 and is not regulated by the Arizona Corporation Commission (the "Commission"). Brooke does not provide water service to the Complainant's or any customer within the Mesa del Caballo service area. The service area of the Complainant's has been issued to Payson Water Co., Inc. ("PYWCo") in the form of a Certificate of Convenience and Necessity ("CC&N"). Brooke has never been

1 issued a CC&N by the Commission. Brooke has never argued before the Commission in  
2 support of, or on behalf, of itself being considered a public service corporation within the  
3 definition of those sections set forth above. Brooke functions only as stock holding  
4 company of PYWCo and numerous other Arizona public service corporations.

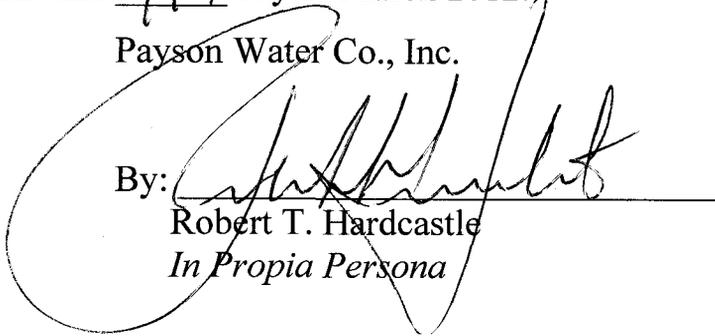
5 Complainant's desperately argue that Brooke is "joined at the hip" with PYWCo. It  
6 is unclear what Complainant means by this reference. Too often Complainant's  
7 unsuccessfully embellish their positions by asserting allegations of wrong doing, fraud,  
8 misrepresentation, and other positions by PYWCo. The assertion that Brooke should be a  
9 party to this Complaint is no different. Brooke operates as a completely separate business  
10 entity from PYWCo, does not file Commission Annual Reports, has separate Board of  
11 Directors, has employees that subsidiary water companies do not have, conducts separate  
12 annual shareholder meetings, and maintains separate books and records. Complainant's  
13 offer no substantive evidence other than too frequently made allegations and innuendo of  
14 any business connection between PYWCo and Brooke. To reiterate, Brooke has no  
15 customers and has never been granted a CC&N by the Commission.

16 Pursuant to PYWCo's filing of its 2010 Annual Reports, and years prior, PYWCo  
17 operates within the definition of R14-2-103 (A)(3)(h) as a Class C public service  
18 corporation water utility with aggregate annual revenues less \$999,000. Measured as a  
19 classified water utility, the Mesa del Caballo water system would be classified as a Class  
20 D public service corporation. Clearly, PYWCo does not meet the criteria of A.R.S. R14-  
21 2-801 (1) as an affiliate and, more specifically, A.R.S. R14-2-802(1) which provides that  
22 "These rules are applicable to all Class A investor-owned utilities under the jurisdiction  
23 of the Commission" (emphasis added). PYWCo is a Class C water utility, not a Class A  
24 water utility.

25 PYWCo respectfully requests the Commission to direct Complainant to amend its  
26 Complaint excluding all references to Brooke as a party thereto and hereafter refrain from  
27 referring to the Respondent's as anything other than PYWCo.

1 RESPECTFULLY SUBMITTED this 16<sup>th</sup> day of March 2012.

2 Payson Water Co., Inc.

3  
4 By: 

5 Robert T. Hardcastle  
6 *In Propria Persona*  
7

8 ORIGINAL and 13 copies filed  
9 this 16<sup>th</sup> day of March, 2012, with:

10  
11 Docket Control  
12 Arizona Corporation Commission  
13 1200 West Washington St.  
14 Phoenix, AZ 85007  
15

16 And copies mailed to the following:

17  
18 Dwight Nodes, Administrative Law Judge  
19 HEARING DIVISION  
20 Arizona Corporation Commission  
21 1200 West Washington St.  
22 Phoenix, AZ 85007  
23

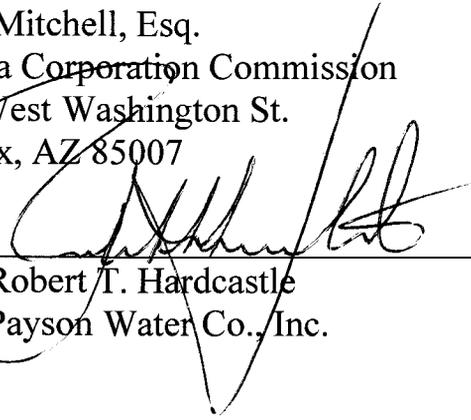
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11  
12 By:   
13 Robert T. Hardcastle  
14 Payson Water Co., Inc.

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