

ORIGINAL



0000135305

J. Stephen Gehring, Private Citizen
Bobby & Lois Jones, Private Citizens
C/O: 8157 W. Deadeye Rd.
Payson, Arizona 85541
Telephone: (928) 474-9859
In Propria Persona

RECEIVED

2012 MAR 21 P 12:49

ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

Before the Arizona Corporation Commission

J. Stephen Gehring, Bobby Jones, Lois
Jones Private Citizens, Injured Parties,
Complainants,
vs.
PAYSON WATER CO. INC./BROOKE
UTILITIES INC.
Respondents.

DOCKET NO. W-03514A-12-0008

NOTICE OF SERVICE OF PROCESS
AND
AFFIDAVIT OF SERVICE
OF PROCESS

NOW COMES, the Complainants J. Stephen Gehring, Bobby Jones and Lois Jones, to give notice of Service of Process on Payson Water Co. Inc/Brooke Utilities and Robert T. Hardcastle on March 20th, 2012 .

Respectfully submitted this 20th day of March, 2012

Arizona Corporation Commission
DOCKETED

MAR 21 2012

DOCKETED BY

J. Stephen Gehring, in Propria Persona

Bobby Jones, in Propria Persona

Lois Jones, in Propria Persona

CERTIFICATE OF SERVICE

The Original and 13 copies of the foregoing were mailed this 20th day March, 2012 to:

DOCKET CONTROL
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

Copies of the foregoing were mailed this 20th day March, 2012 to the following:

Bobby and Lois Jones
7325 N. Caballero Rd.
Payson, Az. 85541

Robert T. Hardcastle
P. O. Box 82218
Bakersfield, Ca. 93380

By: J.S.G.

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 **COMMISSIONERS**

3 GARY PIERCE- Chairman
4 BOB STUMP
5 SANDRA D. KENNEDY
6 PAUL NEWMAN
7 BRENDA BURNS

8 IN THE MATTER OF

9 J. Stephen Gehring, Bobby Jones, Lois Jones
10 Private Citizens, injured parties,

11 **Complainants,**

12 vs.

13 PAYSON WATER CO. INC./BROOKE
14 UTILITIES INC.

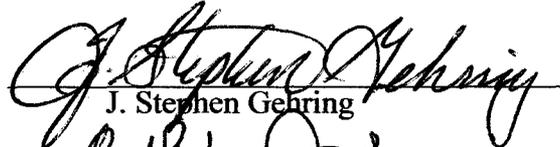
15 **Respondents.**

DOCKET NO. W-03514A-12-0008

**APPLICATION FOR ADMINISTRATIVE
SUBPOENA DUCES TECUM**

16 Complainant's J. Stephen Gehring, Bobby Jones and Lois Jones requests the issuance of a
17 subpoena duces tecum to Robert T Hardcastle of the Payson Water Co. Inc./Brooke Utilities Inc.,
18 pursuant to A.R.S. §§ 40-241, 40-244, A.A.C. R14-3-109, and Ariz. R. Civ. P. 30 and 45 in
19 connection with the administrative hearing in the above-captioned action.

20 DATED this 9th day of March, 2012.

21 
22 J. Stephen Gehring
23 
24 Bobby Jones
25 
26 Lois Jones

27 8157 W. Deadeye Rd.
28 Payson, Arizona 85541
Telephone: (928) 474-9859
FAX: (928) 474-9799
E-mail: stonemason9859@yahoo.com

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 **COMMISSIONERS**

3 GARY PIERCE- Chairman
4 BOB STUMP
5 SANDRA D. KENNEDY
6 PAUL NEWMAN
7 BRENDA BURNS

8 IN THE MATTER OF

DOCKET NO. W-03514A-12-0008

9 J. Stephen Gehring, Bobby Jones, Lois Jones
10 Private Citizens, injured parties,

**ADMINISTRATIVE
SUBPOENA DUCES TECUM**

11 Complainants,

12 vs.

13 PAYSON WATER CO. INC./BROOKE
14 UTILITIES INC.

15 Respondents.

16 **TO: Robert T. Harcastle**
17 **Brooke Utilities, Inc./Payson Water Co. Inc.**
18 P. O. Box 82218
19 Bakersfield, CA. 93380

20 YOU ARE HEREBY COMMANDED, pursuant to A.R.S. §§ 40-241, 40-244, A.A.C. R14-3-
21 109 and Ariz. R. Civ. P. 30 and 45 to produce and provide copy no later than Ten Days (10) after
22 receipt of the Subpoena the following documentation to the Complainants; J. Stephen Gehring,
23 Bobby Jones and Lois Jones; at 8157 W. Deadeye Rd., Payson, Arizona 85541 in connection with the
24 administrative proceedings in the above-captioned action and as follows:

- 25 1. The total water consumption/usage by all Customers of the Payson Water Co. Inc.
26 (PWC)/Brooke Utilities Inc.(BUI), Mesa del Caballo System (fully consistent with
27 PWC/BUI Meter readings and billing periods) for the following Billing periods: a) April to
28 May 2011; b) May to June 2011; c) June to July 2011; d) July to August 2011; e) August to
September 2011; and f) September to October 2011.
2. Un-edited and un-altered any and all copies of the Books, papers, documents or other tangible
things, Accounts, Water Hauling Invoices, Bills of Lading, Waybills, and other documents
submitted to Payson Water Co. Inc./Brooke Utilities Inc. by Pearson Water and/or Martin's
Trucking Service for the hauling of water to the Mesa del Caballo and East Verde Park Water

1 Systems as so evidenced in PWC's/BUI's Water Augmentation Charges and Calculations for
2 the periods of May 1, 2011 through October 31, 2011 billing periods and as those other
3 Water Hauling Invoices, Bills of Lading, Waybills and other documents associated therewith
4 and described herein, including but not limited to the following:

5 a. **Invoice No. 8803** alleged for the period 6/7/11 to 6/8/11 and dated 6/13/11 and any
6 Trucking Contractor records associated with this invoice;

7 b. **Invoice No. 8804** alleged for the period 6/19/11 to 6/20/11 and dated 6/21/11 and any
8 Trucking Contractor records associated with this invoice;

9 c. **Invoice No. 8807** alleged for the period 6/24/11 to 6/24/11 and dated 6/30/11 and any
10 Trucking Contractor records associated with this invoice;

11 d. **Invoice No. 8808** alleged for the period 7/3/11 to 7/3/11 and dated 7/7/11 and any Trucking
12 Contractor records associated with this invoice;

13 e. **Invoice No. 8811** alleged for the period 6/7/11 to 6/8/11 and dated 7/14/11 and any
14 Trucking Contractor records associated with this invoice;

15 f. **Invoice No. 8812** alleged for the period 6/29/11 to 6/30/11 and dated 7/14/11 and any
16 Trucking Contractor records associated with this invoice;

17 g. Any and all Invoice alleged for the period 8/4/11 to 8/5/11 and the period 8/11/11 to
18 8/12/11 and any Trucking Contractor records associated with these invoices;

19 h. Any and all other Invoices alleged for the period 8/13/11 to 9/30/11 and any Trucking
20 Contractor records associated with these invoice periods.

21 3. The total amount of water sold to Payson Water Co. Inc./Brooke Utilities Inc., by the Town of
22 Payson Water Department for hauling to the Mesa del Caballo System and its Customers for
23 the Billing periods a) April to May 2011; b) May to June 2011; c) June to July 2011; d) July
24 to August 2011; e) August to September 2011 and f) September to October 2011.

25 4. The location of where any amount of water was acquired, purchased and hauled from any
26 source other than the Town of Payson and hauled to the East Verde Park Water System and its
27 Customers for the Billing periods a) April to May 2011; b) May to June 2011; c) June to July

1 2011; d) July to August 2011; e) August to September 2011 and f) September to October
2 2011;

- 3
- 4 5. Provide a list of all wells (by their well registration numbers) owned by Brookes Utilities Inc.,
5 Payson Water Co. and United Utilities and their exact physical locations within the Mesa del
6 Caballo System, and the production of those wells per monthly bases for the years 2009, 2010
7 and 2011;
- 8 6. Provide a list of all Wells (by their well registration numbers and physical locations) that
9 participate in Water Sharing Agreements with Brooke Utilities Inc./Payson Water Co. Inc.
10 within the Mesa del Caballo System, and the production of those wells per monthly bases for
11 the years 2009, 2010 and 2011.

12 Pursuant to ACC Decision No. 67821 Brooke Utilities Inc./Payson Water Co. Inc. is/are required
13 to comply with the following:

14 “Monies collected under this tariff shall be deposited into a separate interest bearing trust
15 account and used solely for the purposes of paying for importing of water to the Company
16 (such as hauling water or connecting to and buying water from another water system).”

17 “That the Company submit a report to the Utilities Division Compliance Section, beginning
18 October 15, 2005, and on May 15 and October 15 of each year thereafter, that includes a
19 running account of (up to the last day of the previous Month) the following information;”

- 20 a. The name of each customer that has paid the fine;
21 b. The amount of the fine paid by each customer;
22 c. The amount of money used from the account to pay for importing water; and,
23 d. The balance in the account;

- 24 7. YOU ARE COMMANDED to produce and provide copy no later than Ten Days (10) after
25 receipt of the Subpoena the following documentation to the Complainants: Copy of all reports
26 required by ACC Decision No. 67821 and to have been submitted to the Utilities Division
27 Compliance Section by the Company for the following periods and to include the information
28 required above:

27 Persons with a disability may request a reasonable accommodation such as a sign language
28 interpreter, as well as request this document in an alternative format, by contacting Shaylin A. Bernal,
Executive Assistant to the Executive Director, voice phone number 602-542-3931, e-mail
sabernal@azcc.gov. Requests should be made as early as possible to allow time to arrange the
accommodation.

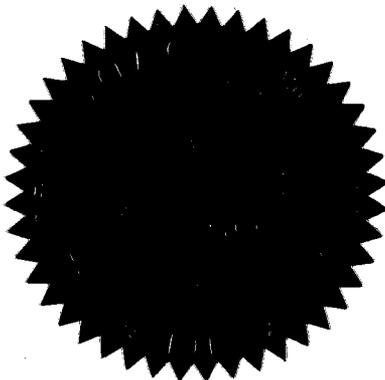
- 1
2 a) May 15 and October 15 2009;
3 b) May 15 and October 15 2010;
4 c) May 15 and October 15, 2011; and,
5 d) In whose name the interest bearing trust account is.

6 YOU HAVE BEEN SUBPOENED BY:

7 J. Stephen Gehring
8 Bobby Jones
9 Lois Jones
10 8157 W. Deadeye Rd.
11 Payson, Arizona 85541
12 Telephone: (928) 474-9859

13 DISOBEDIENCE OF THIS SUBPOENA constitutes contempt of the Arizona Corporation
14 Commission and may subject you to further proceedings and penalties under law, pursuant to A.R.S.
15 § 40-424.

16 Given under by hand the seal of the Arizona Corporation Commission this 9th day
17 of March, 2012.



23
24
25
26

Ernest G. Johnson, Executive Director
Arizona Corporation Commission

28 Persons with a disability may request a reasonable accommodation such as a sign language interpreter, as well as request this document in an alternative format, by contacting Shaylin A. Bernal, Executive Assistant to the Executive Director, voice phone number 602-542-3931, e-mail sabernal@azcc.gov. Requests should be made as early as possible to allow time to arrange the accommodation.



Gila County Constable's Office
 Colt White, Constable
 108 W Main St, Payson, AZ 85541
 (928) 474-3844

CERTIFICATE OF SERVICE

J. Stephen Gehring /Bobby Jones, Lois
 Jones, Private Citizens

Plaintiff/Petitioner

Court

Payson Water Co. Inc/Brooke Utilities Inc.,
 Robert T. Hardcastle

W-03514A-120008

Defendant/Respondent

Case Number

STATE OF ARIZONA, GILA COUNTY

I, Colt White, Constable of the Payson Regional Justice Court, hereby certify that I received
 the within the foregoing:

Application For Administrative Subpoena Duces Tecum

on the 14 day of March, 2012 at 8:30 AM I hereby certify that

I served the same on the 20 day of March, 2012 at 8:33 AM

To be served on: Payson Water Co. Inc/Brooke Utilities Inc., Robert T. Hardcastle

Actually served on: David Edsil Allred

Relationship: Payson Superintendent

Location Served: 108 W. Main Street Payson, AZ 85541

Fees:

Service: \$16.00

Mileage: \$16.00

Extra Mileage: \$0.00

Other Costs: \$8.00

Total: \$40.00

Paid: \$40.00

Comments:

Personally served David Allred at the Payson
 Regional Constable's Office

Served For:

J. Stephen Gehring
 8157 W. Deadeye Road
 Payson, AZ 85541
 (928) 474-9859

by: Monica House, Clerk of the
 Colt White, Constable Constable

J. Stephen Gehring
8157 W. Deadeye Rd.
Payson, Arizona 85541
Telephone: (928) 474-9859

AFFIDAVIT

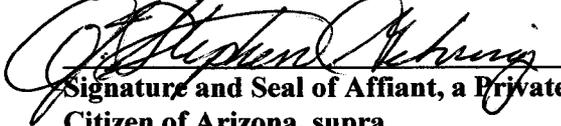
State of Arizona)
) **Subscribed Sworn Sealed**
County of Gila)

Now comes J. Stephen Gehring, a Private Citizen of Arizona, proceeding in Propria Persona, Sui Juris et de jure, summo jure jus regium and “without prejudice” to any of My unalienable Rights; that I do hereby solemnly affirm under oath that I am the Affiant stated herein, having personal knowledge of the facts herein stated, and now deposes and says:

- 1) That at approximately 10:50 a. m. Tuesday, March 20, 2012 I received confirmation of the Service of Process of a Subpoena Duces Tecum on Payson Water Co. Inc/ Brooke Utilities Inc. and Mr. Robert T. Hardcastle; and further,
- 2) That I did Fax to Mr. Robert T. Hardcastle, President and CEO of Payson Water Co. Inc/Brooke Utilities Inc. {Fax No. (781) 823-3070 See: attached Fax Log and Fax Cover Sheet} a complete copy thereof on Tuesday, March 20, 2012 at approximately 12:30 p. m.; and further,
- 3) That on March 20th I did mail one copy (Certified Mail) of said Subpoena Duces Tecum to Mr. Robert T. Hardcastle at P. O. Box 82218, Bakersfield CA. 93380.

Further, Affiant Sayeth Naught.

Signed and Sworn to with reservation of all My Unalienable Rights

 seal
Signature and Seal of Affiant, a Private
Citizen of Arizona, supra

3/20/2012
Date of Signature

Subscribed and sworn to before me, a Notary Public, this 20 day of March, 2012.

Seal of Notary:




Signature of Notary

FAX COVER SHEET

FAX TO: **Robert T. Hardcastle**
President CEO
Payson Water Co. Inc./Brooke Utilities Inc.
1011 So. Stover Rd.
Payson, Az. 85541
P. O. Box 82218
Bakersfield, CA 93380
FAX NO. (781) 823-3070
Telephone: (661) 633-7526

FAX FROM: **J. Stephen Gehring, Bobby & Lois Jones**
C/O: 8157 W. Deadeye Rd.
Payson, Arizona 85541
FAX NO. (928) 474-9799
Telephone: (928) 474-9859

RE: Service of Process Subpoena Duces Tecum

PAGES: 7

DATE: March 20, 2012

Sent

Date	Duration	Name	Fax Number	Pages	Status
3/20/2012 12:20 PM	2:47		17818233070	7	Completed
3/20/2012 12:15 PM	0:00		17818233070	0	Canceled
3/20/2012 12:12 PM	0:00		178182330701	0	Canceled
3/20/2012 12:08 PM	0:00		17818233070	0	Power Failure
3/18/2012 5:51 PM	1:53		16025424870	4	Completed
3/16/2012 10:23 AM	0:32		16233224943	1	Completed
2/2/2012 3:00 PM	1:48		16022777312	4	Completed
2/2/2012 2:44 PM	0:00		16022777292	0	Error: No answer
11/9/2011 12:10 PM	1:13		18665419181	3	Completed
11/4/2011 3:30 PM	0:27		12106921887	1	Completed