

J. Stephen Gehring, Private Citizen
Bobby Jones, Private Citizen
Lois Jones, Private Citizen
C/O: 8157 W. Deadeye Rd.
Payson, Arizona [PZ 85541]
(928) 474-9859
FAX: (928) 474-9799
In Propria Persona

ORIGINAL



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AZ CORP COMMISSION
DOCKET CONTROL

Arizona Corporation Commission
DOCKETED

APR - 9 2012



COMMISSIONERS

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

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

**MOTION TO COMPEL
MARTIN ZABALA OF MARTIN'S
TRUCKING SERVICE TO COMPLY
WITH SUBPOENA DECUS TECUM**

NOW COMES, the Complainants J. Stephen Gehring, Bobby Jones and Lois Jones, to Motion the Commission pursuant to Ariz. Rules of Civ. Pro., Rules 37(a), 45(c)(5)(B)(ii)(iii) and 45(f)(g) to issue an Order to Compel Mr. Martin Zabala of Martin's Trucking Service; and Martin's Trucking Service, to Comply with the Subpoena Decus Tecum served upon him/them on March 16th, 2012 at 4:09 p.m.

Mr. Martin Zabala was duly served with the Subpoena Decus Tecum by Laura A. Kay on March 16, 2012 at 4:09 p.m. (Subpoena is issued by Ernest G. Johnson, Executive Director of the Arizona Corporation Commission). Twenty days have passed since Martin's Trucking Service and Martin Zabala received the Subpoena Decus Tecum upon proper service of process. (See: Attached "Certificate of Service" Exhibit A).

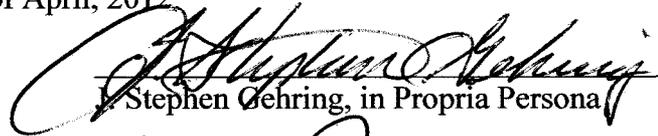
On or about March 20th 2012 Complainants' filed with Docket Control "Notice of Service of Process and Affidavit of Attempted Service of Process."

As of the mailing date of this Motion to Compel, the Complainants have not received one single requested document nor any form of contact from Martin Zabala causing for him/them to be in contempt of the Subpoena.

Complainants hereby move the Commission to find that Mr. Martin Zabala and Martin's Trucking Service are in contempt of the Subpoena by his/their failure and refusal to comply with the Subpoena.

Complainants further request of the Commission to issue an Order to Compel Martin Zabala and Martin's Trucking Service to immediately comply with the Subpoena Decus Tecum without any further delay or excuse or in the alternative to issue a Civil Arrest Warrant for contempt of the Subpoena and for his/their failure and refusal to comply with the Subpoena.

Respectfully submitted this 5th day of April, 2012


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 Motion have been mailed this 5th day April, 2012 to the following:

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

Copies of the foregoing Motion have been mailed this 5th day April, 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

Martin Zabala
Martin's Trucking Service
325 S. Golden Meadows
Williams, Ariz. 86046

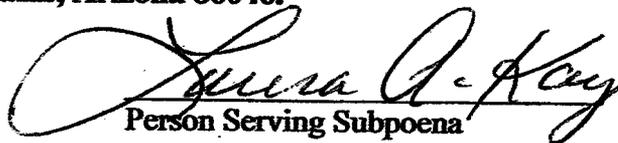
ERNEST G. JOHNSON
EXECUTIVE DIRECTOR
ARIZ. CORP. COMMISSION
1200 W. WASHINGTON ST.
PHOENIX AZ 85007

By: 

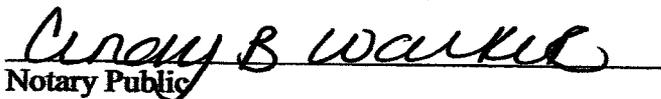
EXHIBIT A

1
2 **CERTIFICATE OF SERVICE**

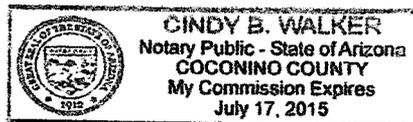
3 The undersigned swears (or affirms) that he is qualified to serve this subpoena and that he did so
4 by showing the original to and informing the witness of its contents and by delivering a copy thereof
5 to him at 4:09 a.m./p.m. on MARCH 16th, 2012 **MARTIN'S TRUCKING SERVICE,**
6 **325 S. Golden Meadows; Williams, Arizona 86046.**

7 
8 Person Serving Subpoena

9 Subscribed and sworn to before me on march 16 _____, 2012

10
11 
12 Notary Public

13 JULY 17, 2015
14 My Commission Expires



27 4
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.