

**ORIGINAL**

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



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Arizona Corporation Commission  
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**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**

**OBJECTION TO RESPONDENTS REPLY  
TO COMPLAINANTS' RESPONSE AND  
OBJECTION TO RESPONDENTS MOTION  
TO STRIKE NON-AFFILIATED PARTIES**

**MOTION TO DENY**

**NOW COMES**, the Complainants J. Stephen Gehring, Bobby Jones and Lois Jones, to object to Respondents' Reply to Complainant's Response to Respondent's Motion to Strike Non-Affiliated Parties; and to Motion the Commission to Deny.

Complainants continue their objection to Respondents' arbitrarily alteration of the "Formal Complaint" as there has been no ruling to allow such a change. The administrative process is not played by personal rules and games but by Rules specified in Ariz. Adm. Code R14-3-106 through 111.

A Corporation cannot proceed in Propria Persona for it is a legal fiction it must be represented for it cannot speak for itself. If, Hardcastle is its "mouthpiece" then he must make that proper representation.

As for the abuse of process Respondent Hardcastle has thoroughly abused this process by his own display of vindictive conduct toward the Complainants and particularly Complainant Gehring whom he has singled out to attack with his barrage of pleadings, insults, innuendos, ranting, misrepresentations and frivolous claims.

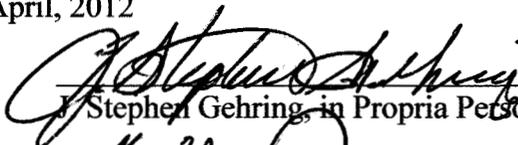
Complainants' object to Respondents' most recent pleading for the following reasons:

1. The Mesa del Caballo Water Committee (MDCWC) is not a named party joined in the Complainant, however, they are major participants with Brooke Utilities (BUI)/Payson Water Co. Inc. (PWC) officers, agents and employees in all the events leading up to ACC Decision No. 71902;
2. The MDCWC are named in the Complaint as a non-ad-hoc group (ad hoc by definition does not apply to them) and unofficial (lacking authority) entity that appointed themselves (without the majority consent of the Property Owners or Customers) to participate in the events leading up to the changes in the Curtailment Plan, (fines, fees, etc.) and the implementation of the Water Augmentation Surcharge in collusion and direct contact with BUI/ PWC officers, agents and employees in a co-ordinate effort to obtain the ultimate outcome of Decision No. 71902;
3. Furthermore, since MDCWC Members stood before the Commission per their request "Letter of Intervention," to enter the Jurisdiction of the Commission, offered and gave testimony and were granted audience under the Jurisdiction of the Commission to participate in the events which resulted in Decision No. 71902 they subjected themselves to the Jurisdiction and Authority of the Commission which they cannot back out of now and accepted full responsibility for their actions and misrepresentations made to the Commission in conjunction with those of the officers, agents and employees of BUI/PWC;
4. Now, the Respondents attempt to exclude the MDCWC by any reference without cause or justification and alleging the Commission has no Jurisdiction over them. The Respondents cannot have it both ways. "The burden is on the defendant to show the nonexistence of jurisdictional facts." **Russell v. Butler (Tex Civ app) 47 S.W. 406; Gilchrist v. Oil Land Co., 21 W. Va. 115;**
5. Many references in Complaint include verifiable facts concerning the conduct and activities of the MDCWC members that Respondents cannot unaffiliated themselves with or deny access to discovery and disclosure;
6. The MDCWC acted: a) in their own self interests in conjunction with the Respondents and not in the interests of the majority of the Customers and Property owners; b) without the knowledge and consent of the majority of the Customers and Property Owners; c) without a Power of Attorney from any Customer or Property Owner to represent them in any proceeding before the Commission; d) to misrepresent in a Commission Rate Hearing case that the MDCWC represented all the Customers and Property Owners in Mesa del Caballo before the Commission when in fact they did not and cannot verify such claim;
7. Respondents admit to their combined activities with the MDCWC to achieve a single goal and those activities are clearly noted and referenced in the ALJ's Recommendations, dated 8/3/2011. It is not wrong or improper to mention the MDCWC and their activities in the Complaint;
8. What is wrong, is for the Respondents to intentionally misrepresent that the MDCWC will not have an opportunity to present documents, references or other evidence in its/their defense as the Complainants will call and if necessary subpoena at least one maybe more of the MDCWC as witness(es) in these proceedings;

9. Respondents for what ever underlying purpose desire to remove the MDCWC, its members and any documentation they possess from the equation without cause or justification by and through their deceptive practices in these proceedings;
10. The Complainants' object to the removal of witnesses and evidence from these proceedings that are vital and necessary to the furtherance of Complaint and which would deny the Complainants the right to interview witnesses and obtain additional valuable documentation and conformation in discovery and disclosure.

**WHEREFORE**, Complainants respectfully request of the Commission and the Administrative Law Judge to Deny Respondents' Motion to Strike Non-Affiliated Parties by their requested modifying or striking references to the MDCWC and any allegations of wrong doing, for the reasons stated herein and above and for the fact of that the MDCWC members and documentation are witnesses and evidence in these proceedings.

**Respectfully submitted** this 7<sup>th</sup> 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 7<sup>th</sup> 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 7<sup>th</sup> 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

By:  \_\_\_\_\_