

ORIGINAL

J. Alan Smith, Private Citizen
8166 Barranca Rd.
Payson, Arizona 85541
(928) 951-2083
In Propria Persona



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AZ CORP COMMISSION
DOCKET CONTROL

Before the Arizona Corporation Commission

2012 AUG 7 AM 8 02

Arizona Corporation Commission
DOCKETED
AUG 07 2012

DOCKETED BY *JM*

COMMISSIONERS

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

J. Alan Smith, Injured Party
Complainant,

vs.

PAYSON WATER CO. INC./BROOKE
UTILITIES INC.
Respondents.

DOCKET NO. W-03514A-12-0007

**MOTION TO CONTINUE HEARING
ON THE COMPLAINT**

NOW COMES, the Complainant J. Alan Smith, pursuant to R14-3-109 (O) and (Q) to Motion the Commission and the Administrative Law Judge to continue the date scheduled for hearing on the Complaint for and additional Sixty (60) to Ninety (90) Days for the following reasons:

1. Complainant has consulted with Attorney Michael Harper and desires to retain his services to represent him further in these proceedings.
2. Attorney Harper has advised the Complainant that he will need 60 to 90 days to review the Docket and all of the pleadings, disclosures, Data Requests, Subpoenas and other documentation associated with these proceedings.
3. Witness Jim Pearson has repeatedly refused without justifiable cause or excuse to comply with the Subpoenas issued by the Commission and received by him requesting specific documentation, records and to appear at the hearing currently scheduled for August 7, 2012 at 10:00 a.m. Mr. Pearson is a key witness on the Augmentation Issues mentioned in Appendix B of the Complaint.
4. Respondent Hardcastle has refused to properly comply with Complainant's Data Requests and refuses to produce the BUI Hauling Logs and Pearson Invoices as requested.
5. Respondent Hardcastle has submitted falsified documentation into these proceedings that alleges to be testimony and interview of an out of state witness that has no notarized affidavit attached to it and that obviously appears to be falsified and misleading.

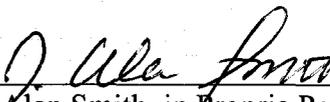
The Complainant is currently not fully prepared for the Hearing on the Complaint scheduled for August 7, 2012 at 10:00 a. m. while in fact there remain numerous Discovery and Disclosure issues unresolved.

The Complainant requires disclosure of documentation that he is being arbitrarily denied because of undue influences exercised on witness Jim Pearson by the Respondent Hardcastle.

The documentation and corporate records requested are extremely relevant, material and directly related to the issues before the Commission, the Water Augmentation Period and the long trail of misrepresentations made by the Respondents to the Commission, the Complainant, Customers and others throughout the 2011 Augmentation Period.

The Complainant for all of the reasons, stated herein and above requests of the Commission and the Administrative Law Judge to continue these proceedings to allow for Attorney Harper to file his Notice of Appearance on behalf of the Complainant and grant him 60 to 90 days to review all of the record prior to the conduct of a hearing in these matters.

Respectfully submitted this 7th day of June, 2012



J. Alan Smith, in Propria Person

CERTIFICATE OF SERVICE

The Original and 13 copies of the foregoing Motion have been mailed this 7th day August, 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 7th day July, 2012 to the following:

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

By: J.A.S.