

ORIGINAL



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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

DOCKETED

AUG 30 2012

DOCKETED BY [Signature]

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ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

COMMISSIONERS

- GARY PIERCE, CHAIRMAN
- PAUL NEWMAN
- SANDRA D. KENNEDY
- BOB STUMP
- BRENDA BURNS

IN THE MATTER OF THE FORMAL
 COMPLAINT AGAISNT MOHAVE
 ELECTRIC COOPERATIVE, INC.
 FILED BY ROGER AND DARLENE
 CHANTEL

DOCKET NO. E-01750A-09-0149

CHANTEL'S RESPONSE TO MOHAVE
 ELECTRIC COOPERATIVE'S
 RESPONSE TO COMPLAINANT'S
 AUGUST LETTERS

Roger and Darlene Chantel hereby respond to Mohave Electric
 Cooperative's (MEC) response to Complainant's August Letters.

RIGHT OF WAY ISSUE

This issue, in this complaint, started out with very simple
 requests. The beginning of this dispute started in 2005 when I,
 the Complainant, sent MEC a simple request to verify the
 location of their alleged right of way over my property. MEC
 was unresponsive and did not put forth any effort to cooperate
 in supplying me with this information. I informed the
 Commissioners and Staff of the Arizona Corporation Commission
 about MEC's non response and failure to make an effort to
 cooperate in resolving any issues that might exist. As you can
 see this conflict has been going on for about 7 years. The
 conflict is about MEC's right to use my property to transmit
 high voltage electricity across my property, reinstatement of
 Complainant's electricity and filing application with A.C.C. for
 abandonment of lines and poles.

MEC's attorneys, Michael A. Curtis and Larry K. Udall, are
 knowledgeable and always have known that MEC was negligent in
 the placement of their high voltage transmission line on my

1 property. The MEC management signed a right of way agreement
2 with the Bureau of Land Management (BLM) in 2004 stating that
3 their lines were in the right of way that the BLM had given to
4 them in Contract AZA 32288. Copy of the right a way agreement
5 signed in 2004 is included as Exhibit A. It is my understanding
6 that the BLM has determined that MEC's high voltage transmission
7 lines are not in the right of way that the BLM issued to MEC.
8 From the letter I received from the BLM it appears that MEC is
9 supposed to give BLM a map showing how much of their lines are
10 outside of the right of way that has been issued to them. The
11 facts exist that if they do not have a right of way for their
12 lines and poles on Federal land they do not have a right way on
13 my property. The State of Arizona owns the land to the west of
14 my property and to my knowledge MEC has not informed any State
15 Officials that they have their high voltage transmission lines
16 outside of the contracted right of way that MEC signed with the
17 State of Arizona in 2008.

18 A licensed Arizona Surveyor mapped the location of the
19 contracted right of ways that MEC entered into in 2004 with the
20 BLM and with the State of Arizona in 2008 and placed these
21 locations on a result of survey map. EXHIBIT B. The surveyor
22 marked the line as the middle of the 20 foot right of way
23 labeled as AZA-32288, which was plotted from PHX 096238 right of
24 way. The surveyor shows the existence of poles and lines that
25 MEC is transmitting high voltage electricity through. This
26 result of survey clearly shows that MEC was negligent in the
27 placement of their high voltage transmission lines and poles.
28 In the left center of this map, this surveyor maps the recorded
29 16 foot right of way that was given to MEC as a service right of
30 way. It clearly shows that MEC is again acting without regard
31 for personal property rights by placing their poles and lines
32 outside of the recorded right of way that they had been granted.

1
2 **MEC DISCONNECTED THE COMPLAINANT'S ELECTRIC ON THE**
3 **PRETENCE THAT THE COMPLAINANT CREATED A SAFETY**
4 **VIOLATION.**

5
6 If the Commission would take a few moments to review MEC's
7 filing it would find that most of MEC's filing refers to an
8 unconventional 6200 square foot structure. MEC makes claims
9 that this structure is under their High Voltage Transmission
10 lines. They state to the Commission that MEC's lines are too
11 close to the structure and are not in compliance with National
12 Electric Safety Code ("NESC"). They are saying that the NESC
13 codes allow a building to exist under these lines. Having a
14 structure under MEC's lines is not a valid reason for moving
15 their lines. Why are these lines too close to this structure?
16 Whose fault is it that they are too close to this structure?
17 The reason these lines are too close to this structure is not
18 because the structure exists as claimed by MEC. The reason is
19 certified by a licensed surveyor in **Exhibit B**. On the bottom of
20 this result of survey map it shows that MEC's lines over this
21 structure is about 700 feet from pole to pole. This caused
22 large sag that is causing the pole on the west side to bend and
23 it is getting weaker as time passes. This survey shows that
24 this pole has about a two and one half foot bend in it at the
25 time of the survey. If this pole was not leaning and was
26 straight, the lines would not be sagging and there would be no
27 violation of the NESC. These lines are unsafe and are not being
28 used and are abandoned. Under A.A.C. R14-2-208 A and R14-2-202
29 B, MEC should file for an abandonment of these lines that are no
30 longer being used. It should be noted that Complainant
31 suggested a fix to the problem. It was to bring these lines
32 into compliance with present day standards and codes that are
outlined in A.A.C. R14-2-208 F. The fix was to put a single

1 pole in the middle of the 700 foot span, which would have
2 brought the lines into compliance with present day codes. If
3 MEC would have made this simple fix it would have raised the
4 lines high enough to bring their lines into compliance with
5 NESC. Why would MEC not address this simple fix? Three
6 possible reasons:

7 1. MEC does not have a right of way to have their high
8 voltage transmission lines located on this property.
9 These two attorneys created a scheme that the lines
10 should be moved because of a clearance violation.
11 MEC has never presented to the Commission a
12 reasonable set of facts why they would spend so much
13 money to move these lines when one pole could have
14 been added, which would have raised the lines and
15 there would not have been any violation. The only
16 conclusion one can draw is that the attorneys made
17 the decision to move the lines to cover up the facts
18 that MEC did not have any type of permission to be on
19 the Complainant's property. Most attorneys follow
20 the Model Rules For Profession Conduct set by the
21 courts. This code requires attorneys to look for and
22 offer a reasonable solution to a problem. This code
23 prevents attorneys from misusing the laws of the
24 state to generate fees. It is evident that these
25 attorneys are involved frivolous filings with the
26 Commission and the court for the purpose of
27 generating fees for themselves.

28 2. The two attorneys in this case saw an opportunity to
29 generate large amounts of legal fees that could be
30 charged to the members of Mohave Electric
31 Cooperative. I understand that this is outside of
32 your jurisdiction. This issue falls under the

1 responsibility of the Arizona Bar Association, which
2 handles the self policing of attorneys which are
3 outside of most laws of the state.

4 3. There is a jurisdiction issue that the Commission
5 should consider here. MEC is claiming that the
6 reason for disconnecting of the Chantels electric was
7 because of a violation of NESC. The laws in this
8 authority have been adopted by the Commission and
9 placed in the A.A.C.in R14-2-208 F. The claimed
10 safety violation is outside of the structure and
11 under the jurisdiction of the Commission. In this
12 case the County of Mohave did not have jurisdiction
13 to issue a disconnect of the Chantel's residence.
14 All of the issues that MEC has presented to this
15 Commission regarding Mohave County are a moot issue.
16 The jurisdiction of reinstating electricity falls on
17 the Commission.

18
19 **COMPLAINANT'S RESPONSE TO RESPONDANT'S RULES**
20 **RESTRICTING TERMINATION AND THEIR CLAIMS THAT THEY ARE NOT**
21 **APPLICABLE**

22 The attorneys, Michael A. Curtis and Larry K. Udall, have
23 misrepresented a large number of issues to the Commission and
24 the courts of Arizona. They have gone to such an extreme to
25 misrepresent the facts that they have resorted to lying to this
26 government body. In Mohave Electric Cooperative, Inc.'s
27 response to Complainant's August letters, these attorneys make
28 the statement on page 4 lines 8 & 9 (none having been provided).
29 That is an out and out lie. Medical records were sent to my
30 attorney, which were provided to these two attorneys. Medical
31 records were provided to the Commission and the Mohave Superior
32 Court. There is no dispute as to my medical need for continuous

1 electricity. For clarification I will resubmit these medical
2 records as Exhibit C. Complainant sent a letter, EXHIBIT D, to
3 MEC's Board Members and managing staff, dated January 29, 2009,
4 informing them of my medical condition that requires continuous
5 electric service without disruption. This letter requested that
6 I be placed on MEC's medical list and shows the need for
7 reinstatement of electricity.

8 The Complainant asks this Commission to issue an order
9 under R14-2-211 A 5 & 6 to Mohave Electric Cooperative to
10 reinstate continuous electric service to the residence located
11 at 10001 E. Hwy. 66, Kingman, AZ 86401 and sometimes referred to
12 as 10001 E. Hwy 66, Hackberry, AZ 86411.

13
14 **COMPLAINANT'S RESPONSE TO COMPLY WITH CONDITIONS**
15 **FOR ESTABLISHMENT OF SERVICE**
16 **TO RESOLVE THE ISSUES**
17

18 Let us look at the disconnection of this service. MEC
19 claims that a violation has occurred under NESC. These codes
20 are clearly under the jurisdiction of the A.C.C. R14-2-208 F.
21 This means that the disconnection order should have come from
22 the A.C.C. The reconnect order must come from the A.C.C.
23 Mohave County's jurisdiction only comes into play after the
24 electric passes through the meter. All of MEC's claims that
25 Mohave County has a jurisdiction in this case are moot. Since
26 this is the case we must only deal with issues under A.C.C.
27 jurisdiction. The A.C.C. is the responsible party to issue the
28 reconnection.

29 MEC makes numerous claims in a letter sent to Complainant
30 on August 1, 2012.

- 31 1. They claim that the Complainant must supply
32 easements. Please note in Exhibit B it shows that a

1 service right of way granting MEC access has been
2 recorded as Instrument No. 2001-010401 Book 3682,
3 Page 517 in the Mohave County Recorder office.

4 2. MEC wants the Complainant to pay for the line
5 extension. It should be noted that these lines did
6 not have to be moved. The problem could have been
7 fixed with the placement of one pole. MEC did not
8 offer the Complainant any due process of law. MEC
9 made the decision to move and build new lines around
10 the property because they claimed it was the only way
11 to correct an unsafe condition. There were many
12 other options that could have been considered. The
13 amount of line that is needed to connect my residence
14 is about 65 feet. The cost of this about \$150.00 to
15 \$250.00.

16 3. Regarding "Paying outstanding amounts due and paying
17 deposits", the amount that MEC claims is due is for
18 the construction of a new line that they made the
19 decision to build. The Complainant was not offered
20 any form of due process. The Complainant did not
21 sign any contracts to pay for MEC's building of a new
22 line. MEC assumed all of the cost and responsibility
23 of the construction of these new lines and then makes
24 ludicrous and unfounded claims that the Complainant
25 is responsible for the construction of these new
26 lines. What falls under the jurisdiction of the
27 A.C.C. is R14-2-211 **TERMINATION OF SERVICE** A, 3;
28 "Nonpayment of a bill related to another class of
29 service." The class of service that the Complainant
30 received from MEC was a monthly distribution of
31 electricity. MEC sent the Complainant a monthly bill
32 for the amount of electricity used. The Complainant

1 responded by paying the amount on this monthly bill.
2 This was Complainant's class standing with MEC. The
3 outstanding amounts due, claimed by MEC, is outside
4 of the Complainant's class billing structure and is
5 not for the same class of utility service. This
6 alleged amount due was created without Complainant's
7 permission and is used for all members of MEC. It
8 should be clear to everyone that the Complainant did
9 not approve of the large expense that occurred when
10 MEC decided to build a new high voltage transmission
11 line around the property. This new high voltage
12 transmission line is used by all of the members.
13 This clearly puts this bill in a different class.
14 R14-2-11 (3) states, "Nonpayment of a bill related to
15 another class of service." This means that this
16 bill, by law, is not grounds for the Commission to
17 deny reinstatement of Complainant's electricity.
18

19 **ACTION ON COMPLAINANT'S COMPLAINT WAS**
20 **STAYED AT HIS REQUEST**

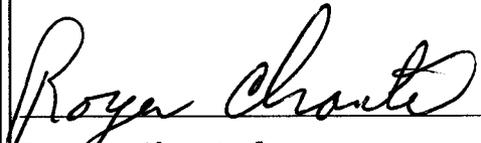
21 MEC is correct in that the complaint was stayed. The
22 reason for the stay was that a large number of issues were
23 outside of the jurisdiction of the A.C.C. The issue of
24 requiring MEC to reinstate Complainant's electricity falls under
25 the jurisdiction of the A.C.C.
26

27 **SUMMARY**
28

29 The Respondents have made a number of false and frivolous
30 claims to defend their unethical and malicious acts against the
31 Complainant. The attorneys in this case have violated the Model
32 Rules For Professional Conduct, with the intention of increasing

1 fees. These attorneys have made no reasonable effort to resolve
2 any issues in this case. The Complainant has submitted
3 documented evidence that the A.C.C. is the authority that should
4 issue an order to Mohave Electric Cooperative, INC. to reinstate
5 the Complainant's electricity.

6
7 DATED this 30th day of August, 2012

8
9
10 
11 Roger Chantel


Darlene Chantel

EXHIBIT "A"

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
RIGHT-OF-WAY GRANT/TEMPORARY USE PERMIT

SERIAL NUMBER AZA-32288

1. A right-of-way is hereby granted pursuant to Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761).

2. Nature of Interest:

a. By this instrument, the holder:

Mohave Electric Cooperative
Post Office Box 1045
Bullhead City, AZ 86430

receives a right to construct, operate, maintain, and terminate a 14.4 kv overhead electric line with associated guy anchors, on public lands described as follows:

Gila and Salt River Meridian

T. 15N., R. 12W.,
sec 14 W $\frac{1}{2}$ NW $\frac{1}{4}$;
sec 32 NW $\frac{1}{4}$,SW $\frac{1}{4}$ NE $\frac{1}{4}$,SE $\frac{1}{4}$;
T. 15N., R. 13W.,
sec 24 E $\frac{1}{2}$ NW $\frac{1}{4}$;
T. 16N., R. 13W.,
sec 04 E $\frac{1}{2}$ NE $\frac{1}{4}$;
T. 16 $\frac{1}{2}$ N., R. 13W.,
sec 21 lot 3;
sec 21 SW $\frac{1}{4}$ SE $\frac{1}{4}$;
sec 28 SW $\frac{1}{4}$ NE $\frac{1}{4}$,N $\frac{1}{2}$ SE $\frac{1}{4}$;
sec 33 E $\frac{1}{2}$ NE $\frac{1}{4}$,E $\frac{1}{2}$ SE $\frac{1}{4}$;
T. 17N., R. 13W.,
sec 10 W $\frac{1}{2}$ NW $\frac{1}{4}$;
sec 15 W $\frac{1}{2}$ E $\frac{1}{2}$;
sec 26 W $\frac{1}{2}$ NW $\frac{1}{4}$,NW $\frac{1}{4}$ SW $\frac{1}{4}$;
sec 35 E $\frac{1}{2}$ W $\frac{1}{2}$;

T. 18N., R. 13W.,
sec 34 SE $\frac{1}{4}$ SE $\frac{1}{4}$;
sec 35 W $\frac{1}{2}$ NW $\frac{1}{4}$;
T. 23N., R. 13W.,
sec 20 SE $\frac{1}{4}$;
sec 26 SW $\frac{1}{4}$,E $\frac{1}{2}$ NW $\frac{1}{4}$,NW $\frac{1}{4}$ NE $\frac{1}{4}$;
T. 23N., R. 14W.,
sec 04 N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$;
sec 10 NE $\frac{1}{4}$.

- b. The permit area granted herein is 20 feet wide, 59,136 feet long for a 14.4 kV electrical power pole. The total right-of-way contains 27.15 acres, more or less.
- c. This instrument shall terminate on 30 years from its effective date unless prior thereto, it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or any applicable federal law or regulation.
- d. Notwithstanding the early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, its successors, or assignees, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the prior termination, of the grant.

3. Rental:

For and in consideration of the rights granted, the holder agrees to pay the Bureau of Land Management fair market value rental as determined by the authorized officer unless specifically exempted from such payment by regulation. Provided, however, that the rental may be adjusted by the authorized officer, whenever necessary, to reflect changes in the fair market rental value as determined by the application of sound business management principles, and so far as practicable and feasible, in accordance with comparable commercial practices.

4. Terms and Conditions:

- a. This grant or permit is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations part 2800.
- b. Upon grant termination by the authorized officer, all improvements shall be removed from the public lands within 90 days, or otherwise disposed of as provided in paragraph (4)(d) or as directed by the authorized officer.
- c. Each grant issued for a term of 20 years or more shall, at a minimum, be reviewed by the authorized officer at the end of the 20th year and at regular intervals thereafter not to exceed 10 years. Provided, however, that a right-of-way or permit granted herein may be reviewed at any time deemed necessary by the authorized officer.

- e. Failure of the holder to comply with applicable law or any provision of this right-of-way grant or permit shall constitute grounds for suspension or termination thereof.
- f. The holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.
- g. Any Cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the authorized officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the authorized officer after consulting with the holder.
- h. The holder shall conduct all activities associated with the construction, operation, and termination of the right-of-way within the authorized limits of the right-of-way.
- i. Construction sites shall be maintained in a sanitary condition at all times; waste materials at those sites shall be disposed of promptly at an appropriate waste disposal site. "Waste" means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment.
- j. Holder shall remove only the minimum amount of vegetation necessary for the anguring of pole holes. Topsoil shall be conserved during excavation and reused as cover on disturbed areas to facilitate regrowth of vegetation.
- k. Construction holes left open over night shall be covered. Covers shall be secured in place and shall be strong enough to prevent livestock or wildlife from falling through and into a hole.
- l. The power line shall meet minimum standards recommended in "Suggested Practices for Raptor Protection on Power Lines, The State of the Art in 1996" Avian Power Line Interaction committee (APLIC), 1996. Edison Electric Institute/Raptor Research Foundation, Washington D.C.
- m. Keep surface disturbing activities to a minimum. Cross country driving should only be permitted rather than the balding of a road. Plant spacing and slope would allow for cross-country driving.
- n. Avoid running over/crushing plants along the right-of-way. Drive around plants where possible.

IN WITNESS WHEREOF, The undersigned agrees to the terms and conditions of this right-of-way grant or permit.

Thomas Rongtu
(Signature of Holder)

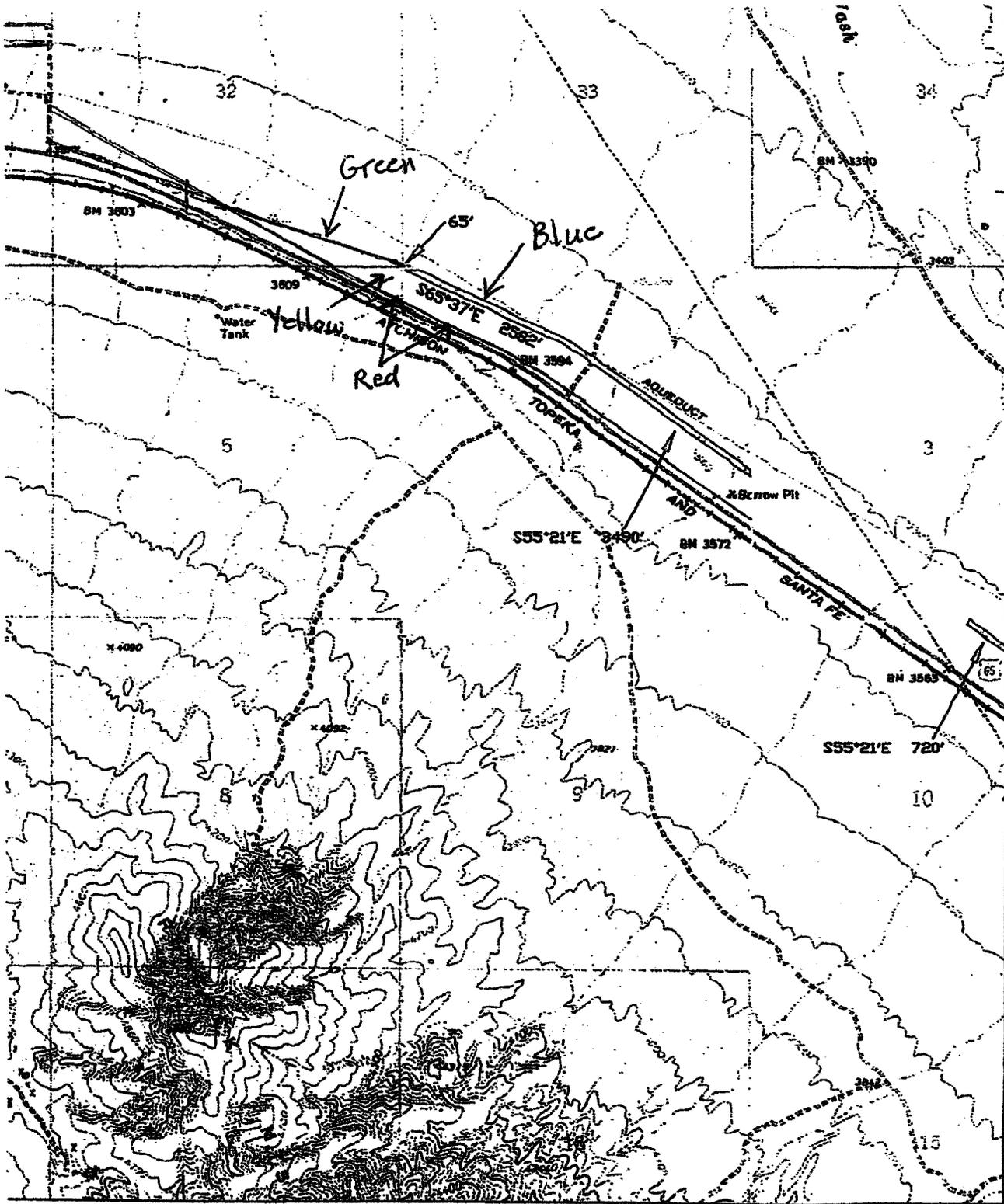
Manager of Operations & Engineering
(Title)

6/9/2004
(Date)

Richard A. Smith
(Signature of Authorized Officer)

Acting Field Manager
(Title)

6/15/04
(Effective Date of Grant)



T24N

T23N

- Actual Location of MEC's lines (Red)
- 2004 Right of way contract w/ BLM (Blue)
- 2008 Right of way contract w/ State (Green)
- Chantel property (Yellow)

11

EXHIBIT "B"

EXHIBIT "C"

DEBENT PULMONARY
SUNIL SANTHANA, M.D., FRCPC
PULMONARY-CRITICAL CARE

3003 HIGHWAY 95, SUITE 101
BULLHEAD CITY, AZ 86442

1401 BAILEY AVENUE
NEEDLES, CA 92363

DEA # BS 5705338 2/2004

(828) 798-8800

(760) 325-8288

UC # 28044(AZ) / A78291(CA)

NAME Charlotee D. Austin AGE _____
ADDRESS _____ DATE 6/18/12

Rx
Dx Sleep Apnea
AHI 2.0 PDI 35
① Resmed BIPAP
machine - IPAP 18 cmH₂O
EPAP 13 cmH₂O

② Resmed Standard Mirage
nasal mask
③ In-line heated Humidifier

DISPENSE AS WRITTEN

REFILL _____ TABLET _____
SUBSTITUTION PERMISSIBLE

Reviewed By
[Signature]

INTEGRA SLEEP SOLUTIONS,LLC.
SLEEP STUDY REPORT
PHYSICIAN'S IMPRESSION

Patient: CHANTEL,DUSTIN **Date of study:** 05/24/02
DOB: 03/09/1947 **MedicalRecord:** 595-66-0743
Referring Physician: LAWRENCE MD, JAMES, **Consulting Physician:** Simon J. Farrow MD

(This report represents the interpreting physician's clinical impression from review of available information about the patient including the actual polysomnogram and quantitative analysis of the polysomnogram as set out in the full report of which the impression forms only a part. It should not be considered to stand alone as the full report.)

The subject of investigation is a 55 year(s) old male who has been referred for evaluation of possible obstructive sleep apnea and trial of treatment if appropriate.

The first part of this recording demonstrated severe obstructive sleep apnea with an overall apnea/hypopnea index of 20, and apnea/hypopnea index of 58 when the patient was supine, respiratory disturbance index of 35 overall and lowest recorded blood oxygen saturation of 85%.

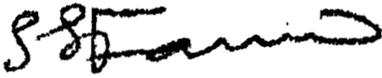
The patient's sleep related ventilation disorder was not adequately controlled at tolerated CPAP pressure. It was well-controlled using BiPAP at 18/13 cm H2O with a ResMed standard Mirage nasal mask and inline heated humidifier.

No disturbances of cardiac rhythm were recorded.

No periodic limb movements of sleep were recorded.

Impression: this recording demonstrates a significant sleep related ventilation disorder which was adequately controlled with BiPAP apparatus and settings as above which are therefore recommended.

780.53-Hypersomnia with sleep apnea



Simon J. Farrow
Certified by the American Board of Sleep Medicine
May 28, 2002

INTEGRA SLEEP SOLUTIONS, LLC

8678 W. Spring Mountain Road, Ste. 106

Las Vegas, NV 89117

Tel: (702) 980-8447

Fax: (702) 304-9223

Overnight Polysomnography with CPAP\BiPAP Titration

Patient Name:	Chantel, Dustin	Date of Study:	05-24-2002
DOB:	03-09-1947	Medical Record:	565-66-0743
Referring Physician:	James Lawrence, MD	Consulting Physician:	Simon Farrow, MD

PROCEDURE: An all-night comprehensive sleep study was performed in which the following medical parameters were recorded using the SANDMAN[®] computerized polygraph. The study was attended by a polysomnography technologist and reviewed by Simon Farrow, MD, *Diplomate, American Board of Sleep Medicine.*

The overnight sleep study recorded:

Central Electroencephalogram (C3 and C4)	Occipital Electroencephalogram (O1 and O2)
Electromyography (chin and anterior tibialis)	Electrocardiogram using Lead II
Abdominal and Thoracic Respiratory Effort	Body Position
Nasal/Oral Airflow	Oxygen Saturation via Pulse Oximetry
Electro-oculogram (LEOG & REOG)	A microphone was used to monitor tracheal sound and snoring.

PATIENT BACKGROUND:

AGE: 55 HEIGHT: 6'0" WEIGHT: 255.0 lbs.

NECK SIZE: 18 inches

MEDICATIONS: None Listed

BECK DEPRESSION INVENTORY: 7 (NORMAL \leq 9)

EPWORTH SLEEPINESS SCALE: 18 (NORMAL \leq 9)

REASON FOR STUDY: Possible Obstructive Sleep Apnea

BLOOD PRESSURE: Start of Study: 136\84 End of Study: 132\80

OVERVIEW: The patient slept with the head of the bed flat utilizing 1 pillow. The sleep onset latency was 6.4 minutes and no REM onset. Obstructive apnea and hypopnea was observed and occurred at an overall rate of 20.0/hour and 58.1/hour in the supine body-position. Apnea, hypopnea, plus snore arousals (RDI) occurred at an overall rate of 34.7/hour and 61.9/hour in the supine position. Light-Loud snoring was noted and disturbed sleep at a rate of 14.7/hour. The lowest recorded oxygen saturation during sleep was 84.5% from a baseline of 96.4%. Mouth breathing was observed. There were no leg movements. There were a total of 2 spontaneous arousals for a total EEG arousal index of 2.7/hour.

INTEGRA SLEEP SOLUTIONS, LLC
 8078 W. Spring Mountain Road, Ste. 108, Las Vegas, NV 89117

Patient Name: Chantal, Destin - Study Date: 05-24-2002 - Medical Record: 505-00-0743

The patient was fitted with a Resmed standard Mirage nasal mask and CPAP was initiated at 4cm.H₂O and titrated to 12cm.H₂O. BiPAP was initiated with IPAP ranges of: 12cm.H₂O - 18cm.H₂O and EPAP ranges of: 7cm.H₂O - 16cm.H₂O. An inline-heated humidifier was utilized during the recording. A chinstrap was not utilized. The sleep onset latency was 0.9 minutes and REM onset latency at 11.5 minutes. While CPAP\BiPAP titration was administered, oxygen saturation during sleep varied from 84.5% to 99.0%. REM (30.3%) rebound occurred during CPAP\BiPAP titration. No apnea or hypopnea was observed with an IPAP of 18cm.H₂O and EPAP of 13cm.H₂O. Snoring was eliminated with a IPAP of 18cm.H₂O. There were no leg movements. There were a total of 40 spontaneous arousals for a total EEG arousal index of 10.6/hour. In the a.m., the patient reported their sleep to be the same as usual. The recording started at 23:32:26 and ended at 05:32:49.

SLEEP ARCHITECTURE:	- DIAGNOSTIC -	- CPAP -
Total Sleep Time (TST):	45.0 minutes	227.4 minutes
Total Time in Bed (TIB):	65.1 minutes	295.3 minutes
Sleep Efficiency:	69.2 percent	77.0 percent
Latency to Sleep Onset:	6.4 minutes	0.9 minutes
Latency to REM Onset:	N.A minutes	11.5 minutes

SLEEP STAGES:	- DIAGNOSTIC -			- CPAP -		
	Minutes	%TST	Normals	Minutes	%TST	Normals
Stage 1:	12.5	27.8	(2%-5%)	36.0	15.8	(2%-5%)
Stage 2:	32.5	72.2	(45%-55%)	121.4	53.4	(45%-55%)
Stage 3:	N.A	0.0	(3%-8%)	1.0	0.4	(3%-8%)
Stage 4:	N.A	0.0	(10%-15%)	N.A	0.0	(10%-15%)
REM Sleep:	N.A	0.0	(20-25%)	69.0	30.3	(20-25%)

AROUSING ACTIVITY:	- DIAGNOSTIC -		- CPAP -	
	Number	# per hour	Number	# per hour
EEG Arousals (Spontaneous):	2	2.7	40	10.6
Respiratory Arousals (Total):	15	20.0	8	2.1
Snoring Arousals:	11	14.7	5	1.3
LEG Movement Arousals:	0	0.0	0	0.0
ARM Movement Arousals:	0	0.0	0	0.0

INTEGRA SLEEP SOLUTIONS, LLC
 8878 W. Spring Mountain Road, Ste. 108, Las Vegas, NV 89117

Patient Name: Chantal, Destin • Study Date: 05-24-2002 • Medical Record: 505-00-0743

DISCUSSION: Prior to CPAP\BiPAP titration, total Non-REM sleep was 45.0 minutes and total REM sleep was N.A minutes. There were 32 stage shifts, N.A REM period(s), and 3 awakenings. The longest of all apneas and hypopneas was 29.0 seconds with a mean of 20.7 seconds.

During CPAP\BiPAP titration, there was 1.6 minutes of sleep spent with the oxygen saturation < 90%. Total Non-REM sleep was 158.4 minutes and total REM sleep was 69.0 minutes. There were 94 stage shifts, 3 REM period(s), and 16 awakenings. The longest of all apneas and hypopneas was 40.8 seconds with a mean of 21.7 seconds.

RESPIRATORY EVENTS:	- DIAGNOSTIC -	- CPAP -
Apneas:	3	8
Central apneas:	0	0
Mixed apneas:	0	0
Obstructive apneas:	3	8
Hypopneas:	12	20
Total Apneas & Hypopneas:	15	28
Apnea Hypopnea Index (AHI):	20.0/hr	7.4/hr
Snoring Arousals:	11	5
Resp. Disturbance Index (RDI):	34.7/hr	8.7/hr

Apneas were scored and defined as a complete cessation of airflow for 10 seconds or greater, with or without arousal activity.

Hypopneas were scored and defined as a decrease in airflow for 10 seconds or greater associated with at least a 4% oxygen desaturation, with or without arousal activity.

AHI = apneas + hypopneas

RDI = apneas + hypopneas + snore arousals

CPAP/BIPAP TITRATION:

Pressure Level (cm H ₂ O)	TIMES			RESPIRATORY DISTURBANCES								OXIMETRY		
	TKT (min.)	REM (min.)	Non REM (min.)	Apnea Cen.	Apnea Obs.	Apnea Mxd.	Hypopneas	Total Resp. Events	AHI	Snore Arousal	RDI (Resp + Snore)	Max. SpO ₂ % (TKT)	Min. SpO ₂ % (TKT)	Mean SpO ₂ % (TKT)
Cpap Tags														
0	0.6	0.4	0.2	-	-	-	-	-	-	-	-	97.0	88.5	91.5
4	6.1	-	5.2	-	-	-	3	3	34.4	-	34.4	97.0	85.5	93.1
6	65.8	12.5	49.8	-	-	-	2	2	1.9	1	2.9	96.0	83.5	94.3
8	11.5	-	11.5	-	-	-	1	1	5.2	-	5.2	97.0	93.0	95.0
10	17.0	6.6	10.4	-	5	-	-	5	17.6	1	21.1	97.0	88.5	93.8
12	28.5	17.5	9.5	-	-	-	4	4	8.9	2	13.3	99.0	90.5	95.0
BiPAP Tags														
12/7	2.3	-	2.3	-	-	-	3	3	76.9	-	76.9	99.0	91.5	95.4
13/9	2.1	-	2.1	-	-	-	-	-	-	-	-	97.5	92.5	95.4
14/11	10.5	-	10.5	-	3	-	-	3	17.2	-	17.2	97.5	92.5	95.1
16/13	19.7	-	19.7	-	-	-	6	6	18.3	1	21.4	99.0	92.5	95.7
18/16	131.2	32.0	37.2	-	-	-	1	1	0.9	-	0.9	99.0	90.5	95.5

INTEGRA SLEEP SOLUTIONS, LLC
 8978 W. Spring Mountain Road, Ste. 108, Las Vegas, NV 89117

Patient Name: Charrel, Destin • Study Date: 05-24-2002 • Medical Record: 585-88-0743

BODY POSITION:	%TST		AHI		RDI		Minimum SpO ₂	
	Diagnostic	CPAP	Diagnostic	CPAP	Diagnostic	CPAP	Diagnostic	CPAP
Supine:	34.4%	100.0%	58.1/hr	7.4/hr	61.9/hr	8.7/hr	84.5%	84.5%
Left-Side:	0.0%	0.0%	N.A./hr	N.A./hr	N.A./hr	N.A./hr	N.A%	N.A%
Right-Side:	65.6%	0.0%	0.0/hr	N.A./hr	20.3/hr	N.A./hr	90.5%	N.A%
Prone:	0.0%	0.0%	N.A./hr	N.A./hr	N.A./hr	N.A./hr	N.A%	N.A%
Upright:	0.0%	0.0%	N.A./hr	N.A./hr	N.A./hr	N.A./hr	N.A%	N.A%

SLEEP STAGES:	TIME (min.)		AHI		RDI		Minimum SpO ₂	
	Diagnostic	CPAP	Diagnostic	CPAP	Diagnostic	CPAP	Diagnostic	CPAP
REM Sleep:	N.A	69.0	N.A./hr	3.5/hr	N.A./hr	6.1/hr	N.A%	88.5%
Non-REM Sleep:	45.0	158.4	20.0/hr	9.1/hr	34.7/hr	9.8/hr	84.5%	84.5%

OXIMETRY SUMMARY:	- DIAGNOSTIC -				- CPAP -			
	Wake	Non-REM	REM	TST	Wake	Non-REM	REM	TST
Baseline SpO ₂ :	97.1%	96.4%	N.A%	96.4%	97.3%	97.0%	96.0%	96.9%
Minimum SpO ₂ :	91.0%	84.5%	N.A%	84.5%	83.5%	84.5%	83.5%	84.5%
Maximum SpO ₂ :	99.0%	99.0%	N.A%	99.0%	99.0%	99.0%	97.5%	99.0%
Mean SpO ₂ :	95.2%	93.8%	N.A%	93.8%	95.5%	95.0%	94.5%	94.8%
Time spent at < 90% SpO ₂ :	0.0 min.	3.1 min.	N.A	3.1 min.	0.2 min.	1.2 min.	0.4 min.	1.6 min.
			min.					
	TST spent at *		% TST *		TST spent at *		% TST *	
90% - 100% SpO ₂ :	41.9 min.		93.1%		225.8 min.		99.3%	
80% - 89% SpO ₂ :	3.1 min.		6.9%		1.6 min.		0.7%	

* Data in columns totaling less than 100% of TST indicates 'bad data' marked on SpO₂ channel.

CARDIAC EVENTS: Prior to CPAP\BiPAP titration; average heart rate (wake): 72.5 bpm. Mean Heart rate (Non-REM sleep): 70.4 bpm. Minimum heart rate (TST): 64.4 bpm. Maximum heart rate (TST): 78.0 bpm.

During CPAP\BiPAP titration; average heart rate (wake): 70.6 bpm. Mean Heart rate (Non-REM sleep): 71.4 bpm. Mean heart rate (REM sleep): 72.8 bpm. Minimum heart rate (TST): 59.4 bpm. Maximum heart rate (TST): 96.5 bpm.

INTEGRA SLEEP SOLUTIONS, LLC
 8078 W. Spring Mountain Road, Ste. 106, Las Vegas, NV 89117

Patient Name: Chantel, Destin • Study Date: 05-24-2002 • Medical Record: 585-89-0743

MUSCLE MOVEMENT:		- DIAGNOSTIC -		- CPAP -	
		Number	# per hour	Number	# per hour
LEG Movements	Total:	N.A	0.0/hr	N.A	0.0/hr
	Arousals:	N.A	0.0/hr	N.A	0.0/hr
	Non-Arousals:	N.A	0.0/hr	N.A	0.0/hr
ARM Movements	Total:	N.A	0.0/hr	N.A	0.0/hr
	Arousals:	N.A	0.0/hr	N.A	0.0/hr
	Non-Arousals:	N.A	0.0/hr	N.A	0.0/hr

EEG: Prior to CPAP\BIPAP titration, sleep onset latency occurred at 6.4 minutes and no REM onset. There was no Delta and REM sleep. There were 3 wake after sleep onset periods of 8.5, 3.5, and 4.5 minutes, respectively. There were a total of 2 spontaneous arousals for a total EEG arousal index of 2.7/hour.

During CPAP\BIPAP titration, REM (30.3%) rebound occurred. There were 2 wake after sleep onset periods of 48.5 and 5.5 minutes, respectively. There were a total of 40 spontaneous arousals for a total EEG arousal index of 10.6/hour.

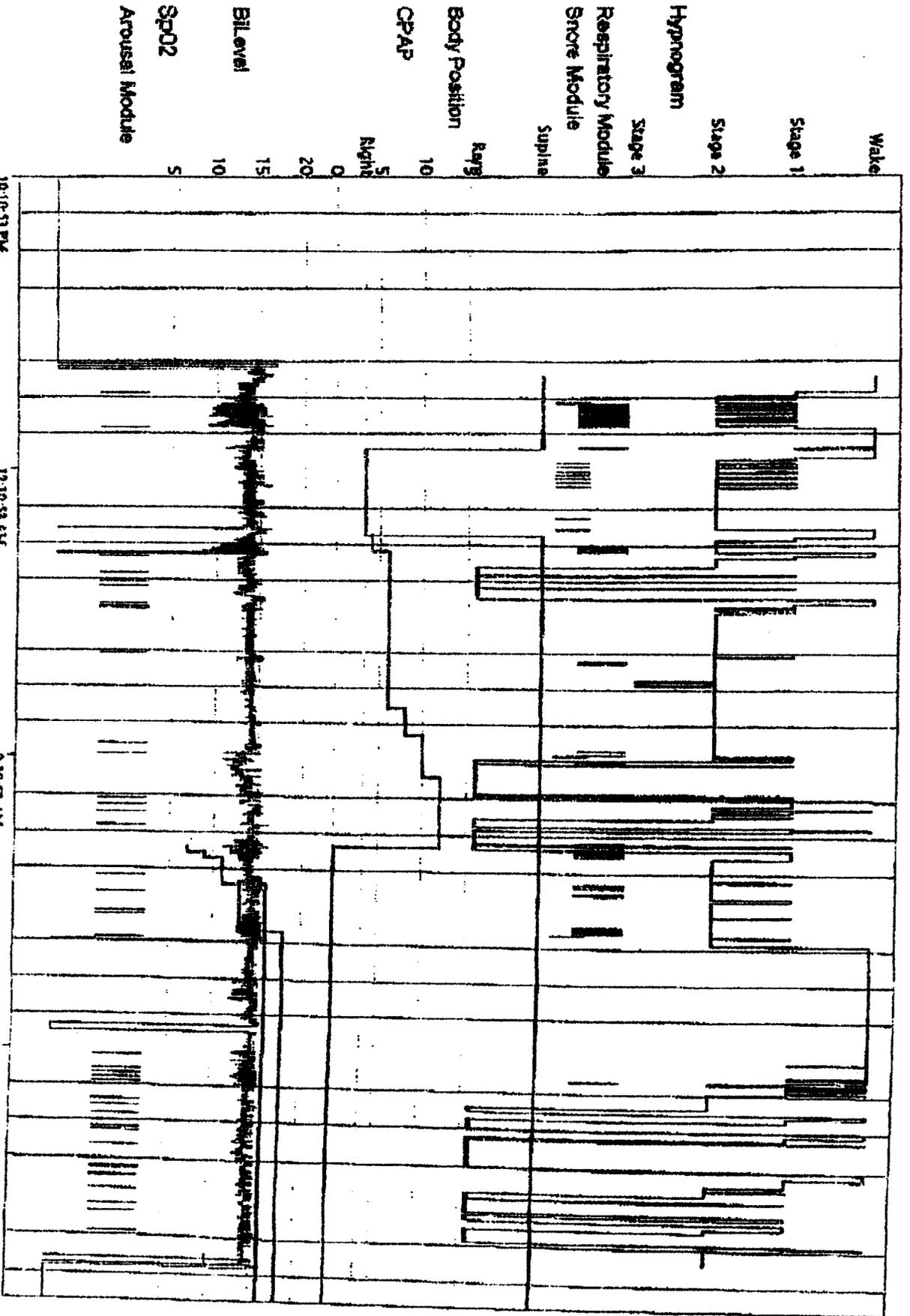


EXHIBIT "D"

January 29, 2009

Roger Chantel
10001 E. Hwy 66
Kingman, AZ 86401

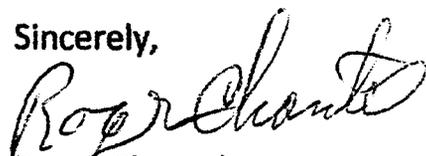
Mohave Electric Cooperative
928 Hancock Road
Bullhead City, AZ 86430

To the Board Members and managing staff of Mohave Electric Cooperative

I, Dustin Roger Chantel (hereinafter referred to as Roger Chantel) request that I be placed on Mohave Electric Cooperative's medical list because I have a medical condition that requires continuous electric service without disruption. I have been diagnosed with Sleep Apnea and the treatment of this condition is the need for a breathing machine which requires continuous electric service. I am supplying you a copy of the prescription of the machine that I am required to use in order to maintain my health.

This is a formal request to reinstate the electricity to my place of residence at 10001 E. Hwy 66 Kingman, AZ 86401. This is a request for reinstatement of my electricity upon the receipt of this letter. YOUR IMMEDIATE ACTION TO THIS MATTER WOULD BE GREATLY APPRECIATED.

Sincerely,


Roger Chantel