

ORIGINAL

OPEN MEETING AGENDA ITEM



0000141537

January 18, 2013

To: Arizona Corporation Commission

Docket # W-02015A-11-0416

I am filing an exception to Judge Stern's recommendation that my claim be dismissed. The reason is more than a preponderance of evidence was, in fact, established to support my claim.

My claim was that BVWC failed to take a beginning reading when they turned my water on at Lot 64 in May 2011. This was supported by a thorough investigation performed by the Arizona Corp. Commission, as stated in their letter dated Sept. 8, 2011 to BVWC, in which they found that a meter reading from BVWC archives (2004) was used as a beginning read. This caused the overcharge. Also, a signed, notarized letter from Mr. Todd Plues was offered as evidence that during a one year period he and his wife had rented my trailer and as part of that rental agreement, ALL utilities had been put in their names (Electric, water, phone). Mr. Davoren conceded to that fact. This explains the amount of missing water.

Since this last hearing, BVWC sent per a personal letter dated Aug. 17, 2012, and at the bottom he stated "As this is a personal communication, I may or may not copy ACC. I have conceded and BVWC proper has no interest in this matter." Since this letter, BVWC has credited the amount past due of \$278.30 on my bill dated 12/5/12.

Again, I feel both the ACC investigators and myself have shown by a preponderance that my claim is valid.

Albert L. Smith
Albert L. Smith

2013 JAN 22 PM 10 15
DOCKETED

Arizona Corporation Commission
DOCKETED

JAN 22 2013

DOCKETED *AS*

Al,

You must have missed the facts in my response. There's a surprise.
You must have missed the part (on purpose?) where it says Todd's letter was correct
"However he excluded one important part". For whatever reason you depend on half truths.

What you call "belittling", I call "exposing". It takes more to expose liars and cheats than just stating facts. Take your first formal complaint for example. It took 31/2 pages to "expose" all **your** prevarications contained in a 1 page complaint It takes more to "expose" stupidity at the state level in the form of Sheila Stoeller and her supervisor. As for "running down your witnesses", it is necessary to show them as being the cheats they are in order to prove their lack of integrity and their willingness to tell half truths and outright lies. Oddly enough you and your witnesses, well, let's just say "birds of a feather".

Again you find it necessary to lie and say I "testified" to using a reading from the archives. That was Sheila Steoller's lie, not mine, and you know it. I guess you can't help yourself.

You are right. I never had any regard for this past year's antics. As you stated, I requested an end to all the crap in 2011, but was questioned by Eli (dir.of utilities office) as to why I would not defend my position. Just proved I was right when I told Eli the process would be fruitless, time consuming and certainly not unbiased (as evidenced by the ALJ when he saw all your lies in your first formal complaint and gave you a "do over" so you would not have to defend them...gave you a pass on your forged letter too).

And you know golfers...they will bet on anything. This just happened to be the topic of the day.

Your meter was re-gasketed and replaced despite your denial. I take offense when you tell the ACC that I lied about that. Maybe you don't remember and that's fine.

Let's talk more about lies.

I noticed, yet once again, you made no attempt to defend the seven different claims of usage, as in your words were ALL, **"as per reading"**. (By definition there has to be at least 6 lies in there somewhere...all 7 by my count)

Will there be a response forthcoming to the ACC on the seven different claims of usage by in your words "as per reading"? Is the ALJ or "staff" the least bit curious? Nope. You haven't made that attempt (haven't been made) at all in over a year after being questioned by me how this could be and pointing it out numerous times. You couldn't come up with the same number on the same sheet of paper! (The letter written by you pretending to be Harold Plues and the hand written portion actually by Harold). Harold has since decreased his claim of usage. From your forged letter you claimed 400, Harold claimed 350 and now both claim 300. By definition there has to be at least 2 lies in those claims. How does all this happen with your proclaimed "start" read? You claimed 0 as "per reading" (Harold hauled it all, you told Eli) and once 0 "would be fair". Lies considering the read you proclaim?

Regards,

Mike

*AS THIS IS A PERSONAL COMMUNICATION - I MAY OR MAY NOT
COPY ACC, - I HAVE CONCEDED AND BUWR PROPERLY HAS
NO INTEREST IN THIS MATTER*

COMMISSIONERS
GARY PIERCE - Chairman
BOB STUMP
SANDRA D. KENNEDY
PAUL NEWMAN
BRENDA BURNS



ERNEST G. JOHNSON
Executive Director

ARIZONA CORPORATION COMMISSION

September 8, 2011

Mr. Michael Davoren
Beaver Valley Water Company
P.O. Box 421
Payson, AZ 85547

Dear Mr. Davoren:

Regarding complaint number 96217 filed against Beaver Valley Water Company by Mr. Albert Smith, the Arizona Corporation Commission has completed its investigation into the matter and reached the following conclusion.

In May 2011, Mr. Smith requested to have service connected to his property at 437 N Sleepy Hollow Drive, formerly Unit 2, Lot 64. The last service to this location had been terminated in 2004. When a new service is connected, the Company should accept an application, install a meter, or turn on a meter and obtain an opening meter read that will be the beginning read for the new service.

This was not done in this case. Staff and Mr. Smith were advised that a previous meter read from Company archives (2004) was used as the beginning read. Even if service had been disconnected as recently as the previous month, a beginning meter read would need to be obtained for a new service, which this was. Mr. Smith was correctly charged a connection fee for this new service. Without a beginning read, Mr. Smith should be billed the monthly service charge of \$16.00, plus a connection fee and a deposit if required by the Company's tariffs or ACC rules. When the Company obtained the first read, the Company could begin billing water usage per their tariff.

Resolution: Without an opening meter read, no usage shall be billed. Once the meter is read, usage billing should begin based on a beginning and ending meter-read for that billing period. It appears that the first monthly billing needs to be corrected to reflect zero usage. All following months were billed correctly (less the water costs for the first month).

If you have questions regarding the conclusions in this letter, please feel free to contact me.

Sincerely,

Sheila Stoeller
Consumer Services
Utilities Division
Arizona Corporation Commission

cc: Albert Smith

COMMISSIONERS
GARY PIERCE - Chairman
BOB STUMP
SANDRA D. KENNEDY
PAUL NEWMAN
BRENDA BURNS



ERNEST G. JOHNSON
Executive Director

ARIZONA CORPORATION COMMISSION

October 27, 2011

*Copy of
letter for
your file.*

Mr. Michael Davoren
Beaver Valley Water Company
P.O. Box 421
Payson, AZ 85547

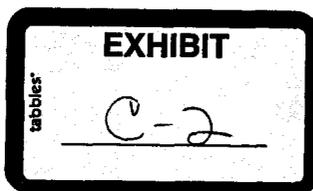
Dear Mr. Davoren,

This letter is in confirmation of the conversation you and Elijah Abinah had on October 19, 2011, regarding Mr. Albert Smith's account, no. 1940, at 437 N. Sleepy Hollow Drive, Payson, AZ. At your request, it was determined that Mr. Smith will be responsible for his September and October 2011 bills in addition to all future bills. A September and October bill with actual meter reads, usage and charges will be provided to Mr. Smith by the Company in accordance with A.A.C. R14-2-409 Billing and Collection. Please refrain from adding comments to or redacting any portion his bills. These and all future bills should be issued in the same manner and will follow R14-2-408 Meter Reading and R14-2-409 Billing and Collection rules and regulations.

Pursuant to the rules, you must issue a monthly bill to your end users and the end users are required to pay their bills. You made it clear in the October 19th conversation that Mr. Smith's balance prior to his September bill will be set at zero and the Company will continue with regular billing of his services.

During a later conversation you advised the Company will not bill Mr. Smith for his water service. As a public service corporation under the jurisdiction of the Arizona Corporation Commission, one of the Company's obligations is to adhere to Commission's rules, regulations, Statutes and Commission Orders. Should you fail to follow the Commission rules, regulations, Statutes and Commission Orders regarding provisioning of water services to Beaver Valley Water customers, including, reading the meter, billing the customer and accepting customer payments, an Order to Show Cause may be filed due to these violations.

If you have any further questions, please do not hesitate to call me at 602-542-0291.



Sincerely,

Connie Walczak
Connie Walczak
Manager Consumer Services
Utilities Division

Cc: Albert Smith

6/30/2012

To Acc

I TODD PLUES STATE THAT I AND MY EX-WIFE LIVED ON THE PROPERTY 437 N. SLEEPY HOLLOW DRIVE DURING THE TIME OF OR ABOUT JUNE OF 2005 TILL THE YEAR OF 2006. AT WHICH TIME ALL UTILITIES INCLUDING ELECTRICAL, PHONE AND WATER WERE UNDER MY AND MY EX-WIFE'S RESPONSIBILITY, WE WERE BILLED BY BEAVER VALLEY WATER COMPANY AND ALL BILLS WERE PAID IN FULL. UPON MOVED TO NEW HOME WATER WAS SHUT OFF PER OUR REQUEST.

IF ANY MORE INFORMATION IS NEEDED YOU CAN CONTACT ME AT.

928-978-3302

OR MAIL P.O. BOX 3211, TAYSON AZ, 85541

X Todd M. Plues

TODD M. PLUES

STATE OF ARIZONA } ss.
COUNTY OF GILA

This instrument was acknowledged before me this 30 day of June, 2012, by TODD PLUES in witness whereof I herewith set my hand and official seal.

John Raven NOTARY PUBLIC



JOHN RAVEN
Notary Public
Gila County, Arizona
My Comm. Expires 10-13-14

BEAVER VALLEY WATER CO.

P.O. BOX 421
PAYSON, AZ. 85547

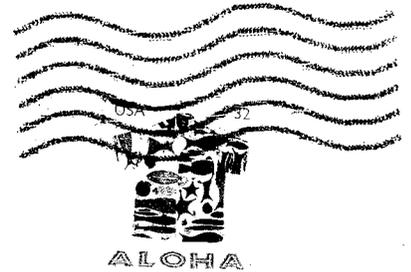
928 474-5759

Billing Date	Due Date	Account Number
1/4/2013	1/19/2013	1940

Service Acd: 2-64		
From:	12/5/2012	242980
To:	1/3/2013	244260
Consumption:		1280

Previous Balance	\$0.00
Late Payment Fee	\$0.00
3/4" METER	\$37.86
CREDIT	(\$37.86)

Total Taxes	\$2.75
Total Amount Due	\$2.75



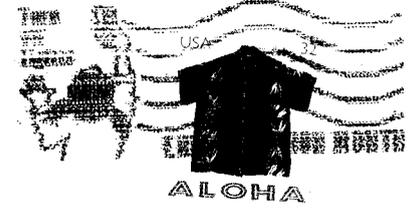
Please Return This Portion With Payment

Billing Date	Account Number	Amount Due
1/4/2013	1940	\$2.75

SMITH, ALBERT
2613 N. McALLISTER AVE.
TEMPE, AZ. 85218



BEAVER VALLEY WATER CO.
 P.O. BOX 421
 PAYSON, AZ. 85547 928 474-5759



Billing Date	Due Date	Account Number
11/5/2012	11/20/2012	1940

Service Adr: 2-64		
From:	10/3/2012	239540
To:	11/5/2012	241340
Consumption:		1800

Amount Past Due	\$278.30
Late Payment Fee	\$0.00
3/4" METER	\$39.68

Total Taxes	\$2.88
Total Amount Due	\$320.86

Please Return This Portion With Payment

Billing Date	Account Number	Amount Due
11/5/2012	1940	\$320.86

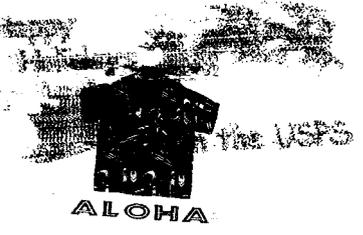
SMITH, ALBERT
2613 N. McALLISTER AVE.
TEMPE, AZ. 85218

*pd
 OK 12/5
 11/11/12
 4/2/16
 USA
 PAM*



*6554
 2012*

BEAVER VALLEY WATER CO.
 P.O. BOX 421
 PAYSON, AZ. 85547 928 474-5759



Billing Date	Due Date	Account Number
12/5/2012	12/20/2012	1940

Service Adr: 2-64		
From:	11/5/2012	241340
To:	12/5/2012	242980
Consumption:		1640

Amount Past Due	\$278.30
Late Payment Fee	\$0.00
3/4" METER	\$39.12
CREDIT	(\$320.25)

Total Taxes	\$2.83
Account Balance	\$0.00

Please Return This Portion With Payment

Billing Date	Account Number	Amount Due
12/5/2012	1940	None

SMITH, ALBERT
2613 N. McALLISTER AVE.
TEMPE, AZ. 85218

