

ORIGINAL



BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

- BOB STUMP - Chairman
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2013 APR 12 P 3:37

AZ CORP COMMISSION
DOCKET CONTROL

J. ALAN SMITH,

COMPLAINANT,

VS.

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

RESPONDENT.

DOCKET NO. W-03514A-12-0007

STATUS UPDATE

The Utilities Division ("Staff") of the Arizona Corporation Commission ("Commission") files the following update. As was suggested by the Administrative Law Judge during the procedural conference of March 14, 2013, Staff counsel contacted Jim Pearson by telephone on April 1, 2013. Mr. Pearson had called the Consumer Services division and his call was referred to me. Mr. Pearson advised that he felt that he had supplied all the documents in the related Docket No. 12-0008. He also stated that since that time, he has misplaced some of the relevant documents and is undertaking an effort to locate them. He also provided me with a copy of a document which purports to be a facsimile he sent to Mr. Smith. A copy is attached. He was advised to cooperate and contact Mr. Smith or Mr. Smith's attorney.

RESPECTFULLY SUBMITTED this 12th day of April, 2013.

Arizona Corporation Commission
DOCKETED

APR 12 2013

DOCKETED BY *NR*

Robin R. Mitchell
Attorney, Legal Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007
(602) 542-3402

1 Original and thirteen (13) copies
of the foregoing were filed this
2 12th day of April, 2013 with:

3 Docket Control
Arizona Corporation Commission
4 1200 West Washington Street
Phoenix, AZ 85007

5
6 Copies of the foregoing were mailed
this 15th day of April, 2013 to:

7 Jim Pearson
Pearson Transport/Pearson Water
8 P.O. Box 193
1120 Rodeo Rd.
9 Williams, AZ 86046

10 J. Alan Smith
8166 Barranca Road
11 Payson, AZ 85541

12 Michael H. Harper
WALKER & HARPER, P.C.
13 111 W. Cedar Ln., Suite C
Payson, AZ 85541

14 Robert T. Hardcastle
15 BROOKE UTILITIES, INC.
P.O. Box 82218
16 Bakersfield, CA 93380

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FROM JIM PEARSON

TO: WHO IT MAY CONCERN: TO MY KNOWLEDGE ALL PARTIES IN THIS DISPUTE HAVE TRUE COPIES OF ALL MY INVOICES AND LOGS.

YOU ARE COMMANDED to bring with you and produce for inspection and copying the following:

- 1. Any and all copies of the Books, papers, documents or other tangible things, Accounts, Water Hauling Invoices, Water Hauling Logs, Bills of Lading, Waybills, and other documents un-edited and un-altered that have been billed to Brooke Utilities, Inc. and Payson Water Co. Inc. P. O. Box 8218; Bakersfield, CA 93380 according to Invoices issued by Pearson Water Co. for the hauling of water to the Water Systems of Mesa del Caballo, East Verde Park and any other Water System owned and operated by Payson Water Co. during Water Augmentation period May 1, 2011 through October 31, 2011 inclusive of those billing periods and all those Water Hauling Invoices, Water Hauling Logs, Bills of Lading, Waybills and other documents associated therewith and described herein, including but not limited to the following:

a. Invoice Numbers 8803, 8804, 8805, 8806, 8807, 8808, 8809, 8810, 8811, 8812, 8813, 8814, 8815, 8816, 8817, 8818, 8819, 8820, 8821, 8822, 8823, 8824 and 8825 and any and all of the BUI HAULING LOGS and your records associated with these invoices. They shall be copies of the originals un-altered and un-edited in any way;

b. Copy of any contract between Pearson Water Co. and Payson Water Co. or Brooke Utilities Inc. to haul water from any location to any other location and particularly from any location to any of the Water Systems owned and operated by Payson Water Co.

c. Disclose the locations of where any amount of water was acquired and hauled from whether it was the Town of Payson or any other source to the East Verde Park Water System or any other location during the Augmentation Period of May 2011 to October 2011;

YOU HAVE BEEN SUBPOENED BY: J. Alan Smith
8166 Barranca Rd.
Payson, Arizona 85541
Telephone: (928) 951-2083

DISOBEDIENCE OF THIS SUBPOENA constitutes contempt of the Arizona Corporation Commission and may subject you to further proceedings and penalties under law, pursuant to A.R.S. § 40-424.

Persons with a disability may request a reasonable interpreter, as well as request this document in an alternate format. Contact the Executive Assistant to the Executive Director, sabernal@azcc.gov. Requests should be made as an accommodation.

TO
RUBIN
MITCHELL
602-542-4870

a sign language
Shaylin A. Bernal,
542-3931, e-mail
me to arrange the

A
CAN NOT
DATE THESE
VOICES AT
THE TIME
I AM LOOKING

B
HAVE NO
CONTRACT

C
I WATER
IS HAULING
IN
PAYSON -

THE HYDRA
HOME
POT
WATER
S METER
PEARSON