

OPEN MEETING AGENDA ITEM

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ARIZONA CORPORATION COMMISSION

May 16, 2013

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

Arizona Corporation Commission  
**DOCKETED**  
MAY 16 2013  
DOCKETED BY *JM*

Re: Docket No. W-02015A-11-0416

Dear Mr. Davoren:

This letter is in response to your April 16, 2013 complaint that certain members of the Commission Staff acted improperly concerning a customer complaint against your water company related to a billing dispute. I want you to know that the Commission takes such allegations against its Staff seriously.

On behalf of the Commission, I asked the Chief Administrative Law Judge and an Assistant Director of the Utilities Division to investigate the matters alleged in your complaint and to provide the results of their investigations to me. After reviewing the results of these investigations, I find that Staff members conducted themselves in accordance with the conduct required of all state employees as to their integrity and professionalism. Thus, I find no merit to your claims that Commission Staff members acted improperly related to the customer complaint proceedings against your water company.

Sincerely,

*Jodi A. Jerich*  
Jodi A. Jerich  
Executive Director

RECEIVED  
2013 MAY 16 P 1:58  
AZ CORP COMMISSION  
DOCKET CONTROL

Docketed with redacted complaint attached

Copy to Commissioners with unredacted complaint attached

Commissioners,

4/16/13

I filed this complaint in Nov. 2012. I have not received any reply either by phone or in writing. I understand a new executive director is in place and perhaps this complaint was lost in the shuffle.

Since the filing of this complaint with docket control, I have experienced more of the corruption of [REDACTED] and [REDACTED] in your consumer service dept. as follows;

During a phone conversation with [REDACTED] (approx Nov 2012) I was told I could no longer include the disputed amount on Mr [REDACTED] billing. I credited the entire amount so it would not appear.

In Jan 2013, after receiving the recommendation for dismissal, Mr [REDACTED] withdrew his complaint during Open Meeting in Jan.

I then included the disputed amount back to Mr [REDACTED] billing along with a demand for payment.

This prompted another phone call from [REDACTED] (with [REDACTED] on speaker phone). [REDACTED] said "we ([REDACTED] and [REDACTED]) advised him to withdraw" since I apparently wasn't billing the amount anymore (as per [REDACTED] demand). When I asked [REDACTED] why she would give Mr [REDACTED] poor advise (or any advise) she said "We ([REDACTED] and [REDACTED]) didn't know you were going to do that", meaning reinstating the amount. After a year of dispute; what did she think?

My concern is this;

Are [REDACTED] and [REDACTED] at liberty to assist and advise customers in their complaints against a utility? Or are they using their position to strong-arm a small utility? They have attempted the strong-arm method, with [REDACTED] making up his own rules, and [REDACTED] telling me I can't, and she will not, enforce customer related rules (ie; backflow prevention).

They have been using their position to assist Mr [REDACTED] nonsense for 2 years now.

I had an opportunity to have a lively conversation with the legal dept (with [REDACTED] and [REDACTED] in the background) about this matter and the only response for no decision by the ALJ was "The ALJ hasn't decided whether or not to accept Mr [REDACTED] withdrawal" (as per an attorney in legal dept). The ALJ in this matter has allowed a forged letter by Mr [REDACTED] pretending to be his contractor (rebutted by his contractor), has not questioned 7 different usage claims by Mr [REDACTED] (including "0", twice, while building an all concrete and block home) and allowed him a "do over" when Mr [REDACTED] provided his own evidence (by way of attachments to his complaint) showing he was separating himself from the truth on several occasions. (ALJ advised Mr [REDACTED] not include attachs. next time)

It is 3 months since [REDACTED] withdrawal in Jan. If you were to review the transcripts of the hearing I attended, the ALJ said he would continue the case for 10 years if I wouldn't stop defending the utility (arguing, he said) and to date will not acknowledge "Mr [REDACTED] evidence was rebutted" (opinion; Director of Utilities) nor [REDACTED] withdrawal.

Is this going to continue for 10 years as this corrupt ALJ has threatened?

Ongoing for 2 years so far,

  
M Davoren  
BVWC