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5/20/2013

Arizona Corporation Commission
BY: **DOCKETED**

AZ CORP COMMISSION Re: W-02015A-11-0416
DOCKET CONTROL Response

JUN 07 2013

Jodi A Jerich
Executive director,

DOCKETED BY

I received your letter of the 16th. I was, to say the least, stunned at what I read. **These were not alleged allegations I cited, these are my real experiences and** according to your letter you dismiss the strong arm tactics that occurred and condone what is still occurring (as relating to "staff" conduct). Seems it would be impossible for **anyone** to successfully do an investigation on my "alleged" complaints without including me! Remarkable! I have some questions about their antics over the years. With only one side represented and nobody to refute them, of course the conclusion is predictable. Very fair. Sheila, Al, and Connie are free to continue their deceit without rebuttal.

In your words, you recommended the complaint against BVWC be dismissed as all Mr Smith's evidence was rebutted. By advice from staff Mr Smith has since dismissed his complaint. Yet you find "no merit" in my concerns of continued ill treatment by "staff". With all due respect, I have to question the validity and candor of your conclusion. I'd be willing to bet the farm "staff", nor any ALJ has strong armed APS in the same manner with successful results. This would only happen to a small utility unable to contract an \$800hr attorney.

OK. If the lesson to be learned is not to protect the utility and take whatever the ACC or customer wishes upon me (including ACC withholding funds rightfully due the utility), without dissent, I got it. But I would say; I was foolish to have expected any kind of responsible result especially when the agency secretly investigates itself.

While I appreciate your response, questions remain unanswered. With regards to their "integrity and professionalism" (per your letter)... (1) is it customary for staff and ALJ to assist customers in their complaint against a utility (undeniable, still happening). (2) Is the ALJ acting appropriately after the complaint was dismissed by Mr Smith 4 months ago(undeniable, still happening)? (3) Should the ALJ refuse to decide whether or not to accept Smith's withdrawal (statement from legal dept.) for the past 4 months intentionally withholding utility funds? None of my questions have been addressed.

These are not "alleged" complaints. These are tactics currently taking place and of course your investigators describe this as professionalism. These are yes or no questions nobody with "integrity and professionalism" will answer...yes or no. The premise of the questions are factual and undeniable. There is no question these things are happening to date despite the findings of the "one sided" internal investigation and despite how "seriously" the Commission takes such allegations against its "staff". Would you be satisfied with the progress? Can anyone believe multiple usage claims by Mr Smith when Mr Smith claims to have taken a start read? A forged letter pretending to be his contractor? No credibility what so ever. "Staff" integrity and professionalism? Sheila Steoller (consumer services) started this whole debacle with her lies. She completely ignored my original response to the complaint. In order to assist Mr Smith, Sheila made up her own story, and now "Staff" is falling all over themselves to cover for her and assist Mr Smith. Please read my response and see how it compares to Sheila's

conclusion. When I questioned Sheila as to how she could have arrived at the conclusion she did, she actually started crying and told me that she didn't write the letter I received. Sheila said the Executive Director wrote the letter and she just signed it, told me I would have to talk to Al, and then hung up. Does that make sense to you? The Exec. Dir supposedly wrote the letter but I would have to talk to Al? After talking with the, then, Executive Director, I found Sheila lied about that, too. It didn't happen. This was Sheila's conclusion and nobody else (except maybe Al and Connie) had a hand in it. Sheila wrote her own conclusion. The level of "integrity and professionalism" that Sheila, Connie and Al (in consumer services) have displayed over a 2 yr period is, quite frankly, flushable despite the conclusion of the lopsided internal investigation.

We have an ALJ assisting Mr Smith. No consequences for a forged letter Mr Smith composed and submitted as evidence pretending to be his contractor. He allowed Mr Smith a chance to revise his complaint so that Mr Smith would not have to defend all his prevarications that were pointed out in the original. 120 days after Mr Smith dismisses his complaint the ALJ refuses to do the right thing (or anything for that matter). All accepted as "professional" and "taken seriously" by ACC. Hard to argue that kind of logic.

As much as I would like to see the integrity and professionalism of "staff" in action, after 2 yrs, and now especially after receiving your letter, I have come to realize it is simply not to be, as "staff" definitions and my definitions of those two words are not remotely related. And therefore should expect neither of them. Except perhaps a "dumbed down" definition (if there is such a thing) accepted and revered by only the ACC and "staff". Of course your letter did state... integrity and professionalism **"expected"** of state employees. I guess that says it all.

One last question; If "staff" is **"expected"** to assist customers in their complaint against a utility, why is there not someone in your agency to represent the utility and help protect it from the heavy handed tactics of Consumer Services and this particular ALJ? While according to your letter, you and ACC investigators deem this behavior appropriate and now "expected", I am confident small utility owners who are unable to afford to defend themselves properly would not agree.

Thanks for your letter. I get it now. I've been writing letters describing ACC "professionalism" to the wrong agency(s) if from the commissioners, down to the lowly Sheila Stoeller, think this has been handled honestly.

Thanks for standing firm on your original opinion. You were very helpful. But since this has become an endless parade of correspondence over the years with no end in sight, I think my time and "expected" future letter writing efforts would be better served in a different arena.

If the commissioners agree this is "expected" integrity and professionalism, it is time for a change. And I'll be doing my part.


M Davoreff
BVWC