

ORIGINAL



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TO: Docket Control
Steven M Olea
Connie Walczak
From: Beaver Valley Water Co.

RECEIVED

2013 JUN 26 6:21:13q

RE: RESPONSE TO UPDATE FILED 6-17-13 #W-02015A-11-0416

AZ CORP COMMISSION
DOCKET CONTROL

Connie Walczak's letter prepared for Steven Olea was, as usual, grossly inaccurate. This utility determined since Mr Smith was being assisted by "staff" in his formal complaint and BVWC simply cannot and would not ever be able to collect funds (now 2 years) it would be prudent and less expensive not to bill Mr Smith at all in order to avoid Mr Smith's antics and to avoid the heavy handed tactics of Connie Walczak and "staff" in the future. The Smith debacle wasn't and hasn't been resolved. It was a despicable tactic by "staff" to have Mr Smith to dismiss. "Staff" did not get serious towards BVWC until after the Open Meeting about Mr Smith's billing so there would be the illusion BVWC had withdrawn. "Staff" (Connie) knew of my billing practice concerning Smith in Dec.2012 when his entire billing was credited. Smith's Jan 2013 showed only sales tax and no regular billing. Mr Smith kept that information secret at the Open Meeting as, I'm sure, he was advised. Connie told me "We advised him to dismiss"... shows her involvement. It was only after the Open Meeting the last day in Jan. that Connie went to the legal dept. while knowing about Mr Smith's billing and the reason for 2 months. The next paragraph of Connie's letter describes the Company reversing the credit the company had previously issued. Smith wasn't being billed at all. The company simply resumed billing according to "staff" instructions and the demand from the legal dept, along with request for payment since Mr Smith withdrew his complaint. I did indeed have a discussion with the legal dept about discontinuing Mr Smith's service. Service was never disconnected and billing has been consistent with tariff. Staff never informed BVWC about Mr Smith's most recent claims (April and June). Mr Smith's billing has been consistent with tariff and any complaint by Mr Smith is only seen as another attempt to discredit BVWC and gain favor with ACC. Just one more in an endless parade of Smith's prevarications over the past two years. Connie states that our discussion included the company not agreeing with "staff" on the subject of irregular billing. This discussion took place with Connie and Al sitting in on my conversation with the legal dept. The legal dept assured me of undesirable consequences if I did not resume billing Mr Smith. Connie's statement that the company "would not agree to cease its irregular billing practices" is quite frankly another bold face lie (after 2 years they have abused the definition of prevarication) by Connie in an attempt to assist Mr Smith and discredit BVWC in the eyes of the Commission. And certainly not the terms *anyone* would have demanded of the ACC legal dept. that has threatened taking action. Connie states April 4, 2013, Mr Smith informed Staff "the company was still engaging in irregular billing practices". I was never informed by staff as to this concern despite Connie's claim. What was Connie's conclusion? Did she find any merit in his complaint? Why wasn't BVWC contacted about this abuse?

Arizona Corporation Commission

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JUN 26 2013

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On June 7, 2013, according to Connie, Mr Smith again complained of irregular billing and unfounded "fears" of interrupted service. Did Connie find any discrepancies? If there were any remote possibility of credibility to Smith's claims she would contact me immediately as has been customary. Has Mr Smith's unfounded "fear" been realized or even discussed with BVWC? There has been no mention of the April or June events until now and to date I have not been contacted by "staff" either by phone or written as has been customary when this customer complains. What is "irregular" about Mr Smith's billing? In order to avoid future antics, he wasn't being billed for usage, now he is per ACC demands. Did Connie explain to Mr Smith there is nothing irregular about that?

If Connie claims (as she has written) that I (Michael Davoren) spoke to "staff" each time it shows... yet once again, Connie Walczak's uncompromised willingness to mislead in an attempt to assist Mr Smith. She leads us to believe Mr Smith's recent "fear" was discussed with BVWC. There was never, ever, any discussion in any form of the April or June complaint between me and "staff" as Connie insinuates. And she insinuates the unfounded Smith accusations are still occurring, yet has never contacted the company. Mr Smith dismissed his complaint but doesn't know the status... Join the party.

We've read Connie's update, and I've pointed out the discrepancies. This is the company's version.

UPDATE: It has been more than two years since Mr Smith filed his complaint. The ALJ sees nothing wrong with 7 different usage claims including "0" twice by Mr Smith during the course. All with a proclaimed start read by Mr Smith. By definition there are at least six lies in Smith's usage claims. Current claim is none of the previous 7 and is apparently satisfactory to this ALJ. There are no consequences for Mr Smith entering a letter into evidence that Smith wrote pretending to be his contractor. This particular letter claimed two different usage amounts (350 gal and 450 gal). Neither of which are being claimed today (300gal). This is satisfactory to this particular ALJ. Smith's contractor supplied me with a notarized letter to bring to hearing stating he did not write the "Smith" letter and that he did not agree with what it contained. The ALJ was disinterested. There were no consequences. The ALJ gave Mr Smith a chance to revise his complaint so Mr Smith would not have to defend these lies. Mr Smith to date has not proven his case. The ALJ has been unable to reach an honest conclusion. After receiving the "ROO" and his subsequent withdrawal Mr Smith still wants to "create waves" with unfounded claims of "irregular billing" and Connie Walczak is assisting as she has for the past two years. Jodie Jerich (exec.dir.) has reversed positions since the "ROO" and now, somehow, describes all this (in a letter to BVWC) as desirable integrity and professionalism. In the future when Mr Olea needs or requests an update to file with docket control, I would suggest it come from someone with the credibility and moral values to be accurate. There's just no other way to put it,

BVWC

Copy 13 and original to docket control

Steven M Olea

Connie Walczak

Albert Smith