

ORIGINAL



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1 Roger and Darlene Chantel
2 10001 E. Hwy. 66
3 Kingman, AZ 86401

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2013 SEP -4 A 11: 32

Arizona Corporation Commission

4 BEFORE THE ARIZONA CORPORATION COMMISSION

DOCKETED

5 AZ CORP COMMISSION
6 DOCKET CONTROL

SEP - 4 2013

7 Commissioners
8 BOB STUMP, CHAIRMAN
9 GARY PIERCE
10 BRENDA BURNS
11 BOB BURNS
12 SUSAN BITTER SMITH

DOCKETED BY NR

Docket No. E-01750A-09-0149

13 IN THE MATTER OF THE FORMAL
14 COMPLAINT AGAINST MOHAVE
15 ELECTRIC COOPERATIVE INC. FILED
16 BY ROGER AND DARLENE CHANTEL

MOTION TO ENFORCE ARIZONA
ADMINISTRATIVE CODES R14-211 A
5, 6, R14-2-202 B 1, 2, R14-2-
208 A 1 and F 1

17 COMPLAINANTS petition the Administrative Law Judge, BELINDA
18 A. MARTIN to issue an order to Steven Olea, Director of
19 Utilities of the Arizona Corporation Commission, to:

20 1. Require Mohave Electric Cooperative to reinstate
21 Complainants' electricity under the following Arizona
22 Administrative Codes, R14-2-211 A 5 and 6;

23 2. Require Mohave Electric Cooperative to file an
24 Application for Discontinuance or Abandonment;

25 3) Require Steven Olea to visually inspect the power poles
26 from Mile Marker 66 through Mile Marker 80.

27 Complainants have submitted evidence to this Administrative
28 Law Judge that a test was conducted showing the Complainant,
29 Roger Chantel, has sleep apnea. A copy of the prescription
30 ordering the sleep apnea machine was supplied to this court.
31 Complainants now submit as "Exhibit A" a letter from the
32 Veterans Medical Center stating that the Complainant Roger
Chantel needs continuous electricity to run this breathing
machine. Mohave Electric Cooperative has repeatedly failed to

1 respond to the medical need that has been presented to this
2 authority. In addition, although the original termination of
3 the Complainants' electricity was not based upon their inability
4 to pay, Mohave Electric Cooperative has since repeatedly refused
5 to re-instate the Complainants' electricity until they pay for
6 the entire cost of this ongoing case, which has increased
7 exponentially over the past five years and which the
8 Complainants cannot possibly afford to pay.

9 Mohave Electric Cooperative has admitted to this Review
10 Board that they disconnected the Complainants' electricity.
11 Mohave Electric Cooperative has admitted that the Cooperative is
12 the owner of the high voltage transmission lines that trespass
13 over property occupied by the Complainants. These lines and
14 poles have not been maintained for approximately five years.
15 These high voltage transmission lines have not had any type of
16 electricity transmitted through them in the last five years.
17 The only conclusion one could come to is that this utility has
18 abandoned these lines. Under Arizona Administrative Code R14-2-
19 202 B, Mohave Electric Cooperative must file an Application for
20 Discontinuance or Abandonment. It should be noted that the
21 Complainants submitted a consent form to enter property occupied
22 by the Complainants in order to remove poles and lines. Mohave
23 Electric Cooperative refused to sign the consent form.

24 The Complainants, as well as numerous Arizona citizens who
25 utilize electricity supplied by Mohave Electric Cooperative, are
26 in support of an order to be issued to Steven Olea and his staff
27 to conduct an investigation on the lines and poles that exist
28 between Mile Marker 66 and Mile Marker 80 on Highway 66. The
29 purpose of this investigation would be to determine if the poles
30 are safe and compliant with Arizona Administrative Codes R14-2-
31 208 F 1 and R14-2-208 A 1.

1 Complainants have previously asked Steven Olea to conduct
2 this investigation ("**Exhibit B**") and an Emergency Notice of
3 Action has also been given to Steven Olea regarding the medical
4 need for continuous electricity ("**Exhibit C**"). As of the filing
5 date of this motion, Steven Olea has not responded to these
6 requests. In Mohave Electric Cooperative's reply to, Motion to
7 Reconsider Motion to Dismiss Formal Complaint, they submitted
8 **Exhibit 1** (The Olea Report). This exhibit clearly states that
9 the code issues were determined by Mohave Electric Cooperative.
10 The Arizona Corporation Commission staff did not conduct a
11 detailed investigation of the issues in this complaint. The
12 Olea Report states, "According to MEC, the lines in question
13 were built within code specification in 1949 and remain within
14 tolerances today." These lines are over 60 years old and need
15 to be inspected and maintained according to current safety
16 standards. Steven Olea also admits in this report that his
17 stated conclusions were, "Based upon this limited inquiry,..." The
18 Complainants do not feel that a "limited inquiry" of this
19 important safety issue is sufficient and hereby petition this
20 Court to order Steven Olea to conduct a detailed investigation
21 of the lines and poles along Highway 66 to determine if they are
22 in compliance with R14-2-208 F 1.

23 24 **CONCLUSION**

25
26 When an Administrative Law Judge is seeking justice, he/she
27 takes the evidence presented and makes a determination as to
28 whether the evidence applies to the law that should be enforced.
29 It has been brought to this Review Board's attention in the past
30 that there is a need for special action in this complaint. It
31 has been brought to this Review Board's attention that The
32 Complainant has a legitimate medical need for continuous

1 Commissioners
Bob Stump, Chairman
2 Gary Pierce,
Brenda Burns, Bob Burns,
3 Susan Bitter Smith, ~~and~~
~~Tom Horne~~
4 1200 West Washington Street
Phoenix, AZ 85007
5
6 Arizona Attorney General
Cameron H. Holmes, Assistant Attorney General
7 Billie A. Rosen, Assistant Attorney General
1275 West Washington Street
Phoenix Arizona 85007
8
9 Janice K. Brewer
Arizona Governor
Executive Tower
10 1700 West Washington Street
Phoenix, AZ 85007
11
12 Honorable Ken Bennett
Secretary of State
1700 West Washington Street Fl. 7
13 Phoenix AZ 85007-2808
14
15 Curtis, Goodwin, Sullivan,
Udall & Schwab, P.L.C.
501 East Thomas Road
Phoenix, AZ 85012
16

Elizabeth Chantel

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EXHIBIT "A"



**DEPARTMENT OF VETERANS AFFAIRS
Northern Arizona VA Health Care System
500 Hwy 89N, Prescott, Arizona 86313**

In Reply Refer To: **649/00**

August 16, 2013

Re: Mr Dustin R Chantal

To Whom It May Concern:

Mr Chantal is my patient. He requires the use of a CPAP machine which he uses every night for a medical condition. Because of this, he requires continuous electricity access to his home.

Sincerely,

A handwritten signature in black ink, appearing to read "B. Farris".

Brian R Farris, MD

EXHIBIT "B"

NOTICE

A notice is give to Steven M. Olea, Arizona Corporation Commission Utility Director, by Roger Chantel and a number of citizens of the State of Arizona.

This NOTICE requests the Arizona Corporation Commission Utility Director to conduct an inspection of utility lines and poles that are located on or next to Hwy 66. The inspection shall start at Mile Mark 66 and end a Mile Mark 80. The inspection report shall include the distance from pole to pole, size of poles, any evidence of deterioration of the poles, any leaning poles, and any other elements that the inspector may deem unsafe. The inspection shall include both the newly constructed lines and the old abandoned lines between Mile Mark 76 and 77. The inspector shall compare his findings of these two lines and make a comparison with the safe standards set forth in A.A.C. 14-2-208 F 1, which are the laws that protect the citizens of Arizona from being subjected to hazardous high voltage power line conditions.

A copy should be presented to Belinda A. Martin, Administrative Law Judge.

Respectfully Submitted

A handwritten signature in black ink that reads "Roger Chantel". The signature is written in a cursive, flowing style.

Roger Chantel

EXHIBIT "C"

August 13, 2013

EMERGENCY NOTICE OF ACTION

Mohave Electric Cooperative has abandoned a number of poles and lines that are located between mile marker 76 and 77 on Hwy. 66 east of Kingman, AZ. It appears that these poles and lines are not being used nor has any type of maintenance been done on these lines and poles for about five years. One of these poles is leaning to the point that if it breaks it could cause major damage to the wiring in the house in which I reside. I am a disabled veteran and require the need for continuous electricity to power my breathing machine. If I do not have continuous electricity to power my breathing machine I could die. Please understand my persistent efforts to get the issues that are in front of the commission into compliance with the laws. The only way my life can be guaranteed is if all of these laws are strictly adhered to.

I am asking you, and whoever is responsible for issuing orders, to protect the general safety of the citizens and issue an order, under Arizona Administrative Code R14-2-202 B 1 and 2, to Mohave Electric Cooperative to file an Application for Discontinuance or Abandonment.

I, Roger Chantel, am giving you notice that I have a medical need for continuous electricity. My request falls in the described law known as Arizona Administrative Code R14-2-211 A 5 and 6. I am requesting that you give notice to Mohave Electric Cooperative to re-instate the electric service to 10001 E. Hwy 66, Kingman, AZ.

If you would be so kind, please supply a copy of the orders or any communication that you or your staff may have with Mohave Electric Cooperative.

Respectfully submitted,

A handwritten signature in cursive script that reads "Roger Chantel". The signature is written in black ink and is positioned above the printed name.

Roger Chantel

1 Roger and Darlene Chantel
10001 E. Hwy. 66
2 Kingman, AZ 86401

3
4 **BEFORE THE ARIZONA CORPORATION COMMISSION**

5 Commissioners
6 BOB STUMP, CHAIRMAN)
7 GARY PIERCE,)
8 BRENDA BURNS)
BOB BURNS)
9 SUSAN BITTER SMITH)

10 Docket No. E-01750A-09-0149

11 IN THE MATTER OF THE FORMAL)
12 COMPLAINT OF ROGER AND DARLENE)
CHANTEL)

JUDICIAL ORDER

13 COMPLAINANTS,

14 MOHAVE ELECTRIC COOPERATIVE)
15 INC.)

16 RESPONDENT

17
18
19 The Administrative Law Judge has received substantial
20 evidence in support of issuing the following orders. It appears
21 that the issuance of these orders will benefit all or most of
22 the citizens in the State of Arizona.

23 IT IS ORDERED that Steven Olea, Arizona Utilities Director,
24 shall give notice to the utility known as Mohave Electric
25 Cooperative, within ten (10) days of the date of this order, to
26 reinstate Complainants' electricity and Mohave Electric
27 Cooperative shall provide an agreement between themselves and
28 the Complainant to reconnect Complainants' electricity. Mohave
29 Electric Cooperative shall reinstate Complainants' electricity
30 within 20 days after notice has been served. If Mohave Electric
31 Cooperative fails to reinstate Complainants' electricity, a fine
32 of \$5,000 per day shall be paid by Mohave Electric Cooperative
to the Arizona Corporation Commission. Mohave Electric

1 Cooperative shall continue to pay said fine until Complainants'
2 electricity is reinstated.

3 IT IS FURTHER ORDERED that Mohave Electric Cooperative
4 shall file an Application for Discontinuance or Abandonment of
5 power lines that are located between mile marker 76 and 77. The
6 lines acknowledged by Mohave Electric Cooperative as lines that
7 have not had any electrical service to them for approximately
8 five years. This application shall comply with Arizona
9 Administrative Code R14-2-202 B 1, 2. Mohave Electric
10 Cooperative shall submit this application on or before 20 days
11 of the issuance of this order. If Mohave Electric Cooperative
12 fails to submit said application within the specified time, a
13 fine of \$10,000 per day shall be levied against this utility by
14 the Arizona Corporation Commission.

15 IT IS FURTHER ORDERED that Steven Olea shall order his
16 staff to conduct an investigation of lines and poles from mile
17 marker 66 to mile marker 80 along Highway 66 east of Kingman,
18 AZ. The investigation shall document the distance from pole to
19 pole, the size of poles, the structural condition of the poles
20 and the appearance of any unsafe conditions. The results of the
21 investigation shall be compiled into a report using Arizona
22 Administrative Codes R14-2-208 A 1, R14-2-208 E 1 and the
23 National Electric Safety Codes. Any variance from these codes
24 shall be noted in this report.

25 IT IS FURTHER ORDERED that if the parties in this complaint
26 come together and agree to dismiss this complaint the orders
27 issued shall be dismissed.

28
29 DATED this _____ day of _____, 2013

30
31
32 _____
BELINDA A. MARTIN
ADMINISTRATIVE LAW JUDGE

1 Copies of the foregoing mailed
2 this _____ day of _____, 2013

3
4 Roger and Darlene Chantel Janice Alward, Chief Counsel
5 10001 E. Highway 66 Legal Division
6 Kingman AZ 86401 ARIZONA CORPORATION COMMISSION
7 1200 West Washington Street
8 Phoenix, AZ 85007

8 Michael A. Curtis Steven M. Olea, Director
9 Larry K. Udall Utilities Division
10 CURTIS, GOODWIN, SULLIVAN ARIZONA CORPORATION COMMISSION
11 & SCHWAB 1200 West Washington Street
12 501 East Thomas Road Phoenix AZ 85007
13 Phoenix AZ 85012

13 Docket Control
14 Arizona Corporation Commission
15 1200 West Washington Street
16 Phoenix, AZ 85007

17 By: _____
18 Belinda A. Martin