

ORIG



P 1 of 5

A. Glynn Ross

March 10, 2014

405 S. Ponderosa

Arizona Corporation Commissions

Payson Arizona 85541

1200 W. Washington Street

808-896-5231

Phoenix Arizona 85007

ORIGINAL

Post Hearing Briefs. Date, March 10, of 2014

Before the Arizona Corporation Commission

IN THE MATTER OF THE APPLICATION OF PAYSON

DOCET NO: W-03514A-13-0111

WATER CO., INC., AN ARIZONA CORPORATION FOR

A DETERMINATION OF THE FAIR VALUE OF IT'S

UTILITY PLANTS AND PROPERTY AND FOR INCREASES

IN ITS WATER RATES AND CHARGES FOR UTILITY

SERVICE BASED THEREON

Arizona Corporation Commission

DOCKETED

MAR 11 2014

DOCKETED BY [Signature]

IN THE MATTER OF THE APPLICATION OF PAYSON

DOCKET NO: W-03514A-13-0142

WATER COMPANY. INC., AN ARIZONA CORPORATION,

FOR ATHORITY TO: (1) ISSUE EVIDENCE OF

INDEBTEDNESS IN AN AMOUNT NOT TO EXCEED

\$1,238,000 IN CONNECTION WITH INFRASTRUCTURE

IMPROVRMRNTS TO THE UTILITY SYSTEM; AND (2) PLANT

ENCUMBER REAL PROPERTY AND PLANT AS

SECURITY FOR SUCH INDEBTEDNESS.

Briefs

RECEIVED 2014 MAR 11 A 10:49 ARIZONA CORPORATION COMMISSION DOCKET CONTROL

POST HEARING BRIEF

Intervener A. Glynn Ross (Gisela)

Post Hearing Brief and Remarks

P-2 of 5

By A. Glynn Ross March 10, 2014 Intervener (Rate Payer) of Gisela Arizona,

I, A. Glynn Ross make the following observation and statement of facts to the best of my Knowledge, so help me God.

I object to the ACC Staff and Company agreement of the Procedural Order, Consolidation Process, of different Rate Payers, produced following an inadequate notifications to Rate Payers controlled by the ACC Staff, Lack of timely responses, Misleading information as to dates and procedures, This In Its self has been one of the most outstanding wrongdoing to Rate Payers in the history of the Arizona Corporation Commission.

This ACC Staff has "Lost Vision and Purpose" of their responsibilities, they have particularly been set on. Restricting participation, of Rate Payers and Interveners. In Particular, by Law Judge Nodes, who has been un-periled in recent history of the ACC. for his lack of proper rulings and ethical practices or the lack thereof? For example when Law Judge Nodes set specific instructions at the February 14, 2014 Meeting that the last day of the hearings it was originally discussed this meeting was to be restricted to the express purpose of determining revised water hauling and water surcharge rate for East Verde Park, "after Staff has had a chance to revise the rates to discuss just **this topic**" the new purposed hauling rates for Mesa Verde and that the need for other Interveners participation was Mute. Therefor the Staff and Judge Nodes would only be covering that subject matter dealing with Mesa Verde Park. It was advised any other participation may be Futile for other Rate Payers (Interveners) attendance. Then on that day in Question I am now informed at the conclusion of that hearing on Feb 14, 2014 parties were directed to file initial Post Hearing Briefs by no later than March 10, 2014. Judge Nodes previously restrictive comments caused further lack of participation of opposing discussions or questions.

This was the same type of tactics used to limit the fair and just participation during the Phase No. (1) Hearings, Allowing an unfair shield of deception to limit participation by the Public and or Rate Payers.

This ACC staff and Judge Nodes have continually made a mockery of the ACC Judicial System, while they profess to be a Fair and Unbiased under the Laws and Rules covering the ACC. Their actions speak louder than words, totally sidestepping the intent and Responsibility of the ACC Commission.

While the Interveners have sacrificed great time and expenses needed to travel long distances each day to the necessary hearings (Almost 200 miles) in order to continue to confront the ACC Staff and the Water Company Bogus processes and Testimony, It has been difficult enough in its self without the trickery of the ACC Staff and Judge Nodes

The Transcript record of these proceedings will reflect Pretrial Discrimination and Collusion between the ACC Staff and the Brooks Water Company (Now Payson Water Company)

The alleged sale of Brooks Water Company, Right in the middle of these Rate Hearings in Its self was not enough, Judge Nodes continued protective rulings toward the Company, placing his intentions Suspect

To say the least. Judge Nodes knew ahead and supported the exemption of subpoenaed witnesses and discovery which were now further exempt from testifying "Because his position "Discovery of the past Company personal and records were no longer pertinent" in the New Water Company's Rate Hearing Case," After all they were with the old Company which no longer has an interest, Really? Or is this just one more Scam and Device to avoid proper Questioning under Oath by concerned Interveners and or Rate Payers?

Questionable, missing funds from the Company Treasurer, such as the \$352,206. Is only one such amount that now become so questionable? Yet, could not be accounted for. Until suddenly, there were no longer missing funds. These funds are now identified as having been paid to an alleged Stock Holder as a ("Dividend,") Wow, this is creative thinking. Now all that has to be done is have the Rate Payers replenish the money to the Company through rate increases or have the Company take out a loan and have the Rate payers repay the loan. After all the ACC Staff supports this creative Idea. How could that be wrong?

Why did Judge Nodes not require the proper process of accountability and records from the start? Proper Licensing, dealing with stock sales and securities. Corporations coming under the ACC jurisdiction are supposedly covered by ACC rules. What about Tax Records, Corporate Minutes, as well as the ACC review and demands for accountability,

This creative thinking by the Company's Attorney causes me to now ask why was there never a request to the ACC beforehand of the extraction of these Water Company funds, from the Company Treasurer? After all, if this \$352,206. Now referred to as an alleged Stock Holder dividend payment, were still in the Company treasurer. Of course if that were the case the Company may not have been able to plead for financial help from the Rate Payer. After all the ACC staff says ""The Rate Payers don't have the right to expect to be concerned about the Company's financial health". Really?

I also ask why there was never a request and or pre-notification of the alleged sale of Brooks Utility Water Company, right in the middle of a rate hearing. The only such case in the history of the ACC.

I believe the proper Accountability and handling, or the lack thereof in these hearings by the ACC Staff, has been a crime in itself.

Another questionable example by the ACC Staff is on July 2, 2013 a procedural order was issued setting the Rate Application for hearing beginning Dec 9, 2013, and establishing other procedural filing dates, and the ACC Staffs ordering the Company to mail and publish Notices of the proceeding to customers. It was never verified that the Company followed through with the ACC order. In fact to the contrary, Ample evidence has been submitted before the ACC showing the Brooks Water Company now "Payson Water Company" did not follow these instructions and failed to mail proper Notification to Its Customers, Many customers Swear, no notification was received at all, others produced Noticed placed into a totally unmarked envelope that was not identifiable, taking on the appearances of "Junk Mail"

(See Feb 5, 2014 testimony and Exhibit of (Intervener) Susan Nee , Shows the complete unapproached and inaccuracy of those alleged Public Notices.

Many times when an Intervener (seeking discovery) would ask for documentation or names of persons used to make a determination or recommendation, the alleged "New Company" would simply state those documents were no longer available to them as they were not in their files. They were still in the old Company files, "Brooks Water Company" and no longer accessible.

("Now why do you think an alleged Company sale took place right in the middle of the rate hearings"?) Making important documents and financial records no longer available for examination by the ACC or Interveners? Contrary to A.R.S. and past ACC rules, including, but not necessarily limited to A.R.S. 40-285(A) and R.S.40-302(A) No prior Approval and Disclosure of certain Financial responsibility were to be forth coming.

"At that point I am also reliable informed that Staff Attorney Robin Mitchell during witness examination by interveners, was seen coaching selective witnesses answers while they were being examined, Mrs. Mitchell was seen squinting her eyes and shaking her head either, yes or no, Obviously soliciting a particular answer from the witness that was being examined.

Three independent people in the Audience are willing witnesses to the fact they observed, ACC Attorney Mitchell tampering with the outcome of Witnesses Testimony.

History, Law and intent of this Commission Has always Said "Utilities Must Put the Needs of their Customers first" Transparency in Audits and Financial Records is a Must

November 20, 1997 Commission Records. Commission Chairman, Jim Irvin

Respectfully submitted this Tenth day of March 2014

Glynn Ross Date *3-10-2014*

By Glynn Ross Intervener, Gisela Rate Payer

Original and 13 Copies of the forgoing were filed this 10th day of March 2014

Docket Control Arizona Corporate Commission 1200 W. Washington St. Phoenix Ariz. 8554

Copies were mailed and/or delivered this 10th day March of 2014 to the following.

Jay Shapiro (Attorney for Payson Water Company, Inc.)
Fennemore Craig P.C. 2394 E, Camelback Road, Suite 600
Phoenix Arizona 85016

Robert Hardcastle
3101 State Road
Bakersfield, CA 93308

William Sheppard
6250 North Central Avenue
Phoenix Ariz.85012

Thomas Bremer
6717 E. Turquoise Ave.
Scottsdale, Ariz.85253

J. Stephen Gehring & Richard M. Burt
8157 W. Deadeye Rd.
Payson Ariz. 85541

Suzanne Nee
2051 E. Aspen Drive
Tempe Ariz.85282

Kathleen Reidhead
14406 S. Cholla Canyon Drive
Phoenix Arizona 85044