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P 1 of 7

July 9, 2014

Glynn Ross

405 S. Ponderosa

2014 JUL 11 P 12:49

Arizona Corporation Commissions

Payson Arizona

AT CORP COMMISSION DOCKET CONTROL 85541

1200 W. Washington Street

808-896-5231

Phoenix Arizona 85007

Appeal and Request for Re- hearing of Decision #74567 of the Arizona Corporate Commission

ORIGINAL

Before the Arizona Corporation Commission

IN THE MATTER OF THE APPLICATION OF PAYSON 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

DOCET NO: W-03514A-13-0111

Arizona Corporation Commission DOCKETED

JUL 11 2014

DOCKETED BY [Signature]

IN THE MATTER OF THE APPLICATION OF PAYSON 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.

DOCKET NO: W-03514A-13-0142

APPEAL AND REQUEST FOR RE- HEARING OF DECISION # 74567 (PHASE 2) AND RE-OPEN AND REVIEW YOUR DECISION OF #74175 (PHASE # 1)

DECLARATION OF A. GLYNN ROSS

Adrian Glynn Ross is a Rate Payer and property owner in Gisela, Arizona. I am also an Intervener in the above captioned matter. As a Rate Payer of the Gisela, Arizona Community Account No70260-31072, I have been legally approved and recognized as Intervener in these proceedings.

I appeal and take exception to the above Decision and request a re- hearing thereof

This ACC has deliberately held a blind Eye to this poorly managed Water Company and allowed them to engage in financial manipulation that makes them suspected of Criminal wrong doings after many Bogus Records were revealed to the Arizona Corporation (AC C) both directly as well as through its Staff by this Intervener and others. Instead of correcting the matter, This ACC just led with a Blind Eye. In fact this Commission has attempted to silence some of the more Vocal Critics violating their 1st amendment Rights under free speech (Page 53 line 16 ("the threat of Penalties") (see ACC Decision June 20 2014)

I will address some of the individually wrong doings and Bogus Records after I cover and partially rebut the ACC remarks covered on this page 53.\, which is obviously to persuade some of us not to continue to exercise our right to criticize our Government when we feel their actions, or lack thereof is unjust and improper as well as protecting a Criminal activity,

First let me tell you this, I had four brothers, three of which served in Korea in the US Military. One came home in a box; all we have now is his name on a wall at the Payson Memorial. ("Calvin Lloyd Ross, Korea") We all served honorably. I served (9) years in Naval Aviation. We all Five served in the name of protecting Freedom. When I see the corruption in the US government I will speak out. Don't ever think your threat of Sanction will quiet me. Not now, not ever.

First this Country was founded on Individual rights as well as groups speaking out against Corrupt and Disillusioned Government individuals and agencies. Your threatening remarks contained in the ACC Decision of June 20, 2014 are parallel to that of Lois Lerner of the IRS. Your insinuation that my remarks somehow violates the Arizona Superior Court Rules may subject me to further sanction by this Commission, if I continue to speak out, is more than just a threat, It is an ignorant statement, one that would be made by a Dictator. One that is hungry with Power and Control. Your misinterpretation of my somehow being in violation of the Rules of the Superior Court are as out of place as your lack of intent in seeking the Truth of the Evidence in this Case, which would lead to uncover the wrongdoing, fraud and criminal activities of the Company, "Brooks/ Payson Water Company. Your acceptance of such has led you and your fellow Commissioners to a wrong decision and Determination in this case. Your Decision not to have a proper Audit and Review of Company record has placed both the ACC and its Staff as suspect, rightfully so. Now you threaten our 1st amendment rights for speaking out and attempt to divert the attention from the suspect of Criminal Activities as well as shift the blame from a disillusioned Staff to out spoken Critics.

The records in this case reflect absolute support of the ACC Staff's continued favorable support toward Brooks / Payson Water Company from start to finish in these matters.

It is obvious this commission has become too close to the very establishment^{IT} was elected to Regulate. Causing much Public Discontent while ignoring more important responsibilities in which they were elected. Case in point, "Water Company Fraud that Caused the Foreclosure of some 30 homes plus the 10 additional home forced sales in the Mesa del Cabo The scam and device initially used by the water Company was perpetuated by staff going along with the Fraudulent water hauling and supposed cost thereof, when records needs show otherwise. The causing the \$88,000 dollars water in just (3) Months

Hauling fraud caused the Cost of water to become greater than some Mortgage Payments. When a complaint was filed before this Commission and an attempt was made to Subpoena the Records the ACC Staff was in a total Disarray and virtually sat on the Subpoena for two years "See my previous documents submitted to this Commission on June 5, 2014 on these inactions by this commission. This left over 100 displaced Children without homes while this Commission once again led with a blind Eye.

Some of the Proof of Fraud and Deception I have addressed herein was previously submitted by this Intervener ("Exception to the recommendation of Administrative law Judge") documents on June 5, 2014.

Administrative Law Judge Nodes failed to enforce the Subpoena for nearly (2) years Knowing the evidence brought forth would uncover and Prove the Fraud in the water hauling and Justification for the Carc^x gan Pipeline.

When Cancelled Checks paid out to Brooks Water Company were brought forward as evidence showing a great deal of Water Rate Payers monthly payment were never placed in "Brooks" Water Company account, but were "Fraudulently Skimmed Off" and deposited directly into an account of Jaco Oil Company. This Commission once again had Blind Eye.

When it was shown that the Water Well data used in some cases to show a deficient water production and supposedly showing the need to Haul Water. It was once again found false data from some Water Wells used, were not even in our County This Commission once again Led a Blind Eye

When it was shown that wells pumped much more water then what was sold and left no need for the Fraudulent Charges for water hauling in Mesa del Cabo, this Commission once again led with a Blind Eye.

When it was reviled that the \$352,000 dollars was unexplainably missing. And could not be properly explained, the Water Company justified its removal, as a Stock Holders Dividend Payment, This was done without the knowledge or

approval of this Commission. When this was revealed by some of the Interveners to the Commission at open hearings, once again the ACC Led with a Blind Eye.

Then the ACC accepted this now poor financial wealth of the Company as the need for an emergency rate hearings, Giving them greater latitude over the Hearings under Administrative Rules.

When it was time for these Interveners to Subpoena Brooks Water Company Officials and Financial Records, Suddenly the Brooks Water Company supposedly sold out to one of its officials, again never seeking approval of the sale of the ACC during these rate increase hearing. It was once again led by this Commission with a Blind Eye.

Evan though this Intervener revealed that in times past of the ACC Records reveal all sales of a water company required the ACC approval and the allowance of public comment. The Company took the position and the ACC Staff supported , the new Water Company did not buy the Company "They just Bought the stock;, even though this supposedly insulated the Past Brooks Water Co. Officials from testifying or coming forth with Financial records. Once again the Commission led with a Blind Eye. Where were the records, approval of ACC Stock sales and proper license ? what about corporate minutes or supporting Records of such transactions.

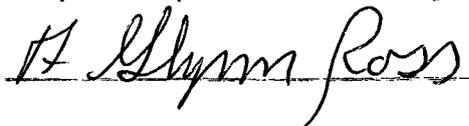
When it was alleged by the Company and Staffer Crystal Brown that the Company officials had subsidized the Gisela Rate Payers for repair and general operations, Was that a deliberate Lie ? or was the Staff so misinformed from not looking at the Company Records. The fact of the matter is, a flood some (2) years earlier caused federal insurance "FEMA" to pay hundreds of thousands of Dollars on totally rebuilding new pumps, Water storage pipes and fences. This Commission once again led with e Blind Eye.

The ACC Staff has engaged in Many Procedural Errors lack of proper Audits and the Lack enforcement of proper notices in both Phase #1 and #2 hearings, Rather

than correct the staff mistakes and move on they have bought the Company's improper reasoning and excuses. It was revealed during the Hearing, Testimony of an official of the Company that the Company Kept two sets of financial Records "Books" and under Examination of Crystal Brown Ms. Brown testified ^{that} ~~with~~ the Company did not have Computerized Accounting records as they were to Cumbersome and Expensive.

Speaking out in these matters with absolutely no follow up or concerns by this Commission. This commission was elected to their offices to protect the public as well as to show fairness to the company. This ACC is supposed to be the public watch dogs, a regulator. Elected to oversee hundreds of utility companies, such as Brooks / Payson Water Company. (PWC) Seeking fairness in costs to Rate Payers, in doing so they have the responsibility to have the Companies "Utilities to provide Proper financial accounting records of Costs of fair market values of their plants as well as the Day to day cost of operations, This can only be done by a careful independent Audit either by the ACC Staff or a creditable, Unbiased accounting firm. The Company has the responsibility to keep and provide financial accounting and be prepared to answer of questions by the ACC and public as well as the Rate payers at Public Hearings. " Hearing that are held only after proper Legal Notification , in accordance with the Arizona State Laws and administrative rules of the ACC in such a case as this.

Respectfully submitted this 10th the day of July 2014

 _____

By A Glynn Ross Intervener, Gisela Rate Payer

Original and 13 copies

Of the forgoing were filed

This 10th day of July 2014 to Docket Control

Jay Shapiro (Attorney for Payson Water Company, Inc.)
Fennemore Craig P.C. 2394 E, Camelback Road, Suite 600
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Emergency Rate Hike 2010

ACC-Administrative law

- **Brooke Utilities ask for an emergency rate hike to protect its investment and investors from bankruptcy.**
- **What this means is Water Co get's to charge its customers more money without the ACC giving a full audit of the books and records.**
- **Customers do not get all facts before the rates increase.**

2009 Water Hauling evidence to show ACC Water Co was ~~going~~ going bankrupt

- This evidence to show severe loss of revenue is hauling water from Starlight Pines, Tonto Creek, Gisela and Indian Creek to the MDC and East Verde Park system's
- ACC accountant Darak E Eaddy in 2010 checks cost for hauling water in 2009.
- That rate was \$33.68 per thousand gallons when water was hauled in 2009.

MDC Community via Randy Norman meet with Robert T Hardcastle.

- Some members of the community start a private water committee to address the issues of drought and water hauling.
- This is a private club has no legal authority to represent entire community before the ACC grants the emergency rate hikes purposed for 2011.
- Randy Norman testifies before the ACC Commissioners MDC Customers are willing to pay a rate hike to haul water in 2011.

Emergency Rate Hike Company Staff report 2010 tells company

- The maximum volumetric rate the Company could charge its customers to haul water is \$33.68 per thousand gallons in 2011 based on the following:
- Truck rate \$150 per hour 6,500 gallon load
- 1.2 hours per trip
- TOP water purchase 5.99 per thousand
- Wells produce no water

Customers file Complaint's with ACC Summer 2011

- First billing for water hauling June/July 2011
Customers paid Water Co \$16,763.77
- Total 135,400 gallons water hauled
- ACC told community charges were Correct.
- Staff tells 3 customers to file formal complaints and ACC Law Judge Nodes will determine if the charges were correct.

***JANUARY 2012 Motions and
Rulings before Law Judge sets final
hearing on JUNE 2012***

- Robert T Hardcastle files legal argument
- Brooke Utilities is not under the ACC jurisdiction and has nothing to do with this Payson Water Co. is the water provider.
- ACC Law Judge Nodes does not make any legal ruling.
- Water hauling companies refuse to comply with subpoenas and produce documents.

Law Judge Nodes for ACC tells customers ACC does not have legal authority to enforce subpoenas to obtain evidence.

- All trucking companies refuse to comply with subpoenas.
- 1 trucking company tells ACC they have no business records and has left the State.
- Brooke Utilities refuses to comply with Subpoenas alters business records to show Payson Water Co
- Water co refuses to turn over all records

*Documents sent to customers by
ACC legal Staff 2012*

- Trucking company was hauling water to East Verde Park from Town of Payson 2011
- Trucking company invoices are misleading and do not record all water purchased
- Trucking company invoices are missing
- These are the records the ACC staff used to tell community hauling charges are correct in 2011 Payson Roundup Newspaper

Summer Well Production 2011

May	1,230,240
June	1,301,540
July	1,189,610
August	1,306,420
Sept	1,077,910
<u>TOTAL</u>	<u>6,105,720</u>

*Community Water use Summer
2011*

May-June	624,064
June-July	1,234,320
July-August	1,324,579
Aug-Sept	1,092,771
Sept-Oct	1,069,560
<u>Total</u>	<u>5,345,294</u>

Total Community Water used
VS

Total Well Production

May 1 Thru Sept 31 2011

Wells Produced 760,426 gallons
More water than Community Used

Total Well Production in gallons

• 6,105,720

Total Community Used in gallons

• 5,345,294

***Maximum Company could
Charge per Thousand gallons
May 1 Thru Sept 31 2011***

Maximum Company Could charge Customers

Total Hauling Cost per thousand Gallons

• \$27.69

Total Cost of Water Purchase

• \$5.99

• Total Water Purchase Plus Haul Charge

• \$33.68

*May 1 Thru Sept 31 2011
Total Money Community Paid
For Hauling 701,000 gallons of
water into community*

\$35,553.69.

**FACT: ACC TOLD
COMMUNITY THESE
CHARGES ARE CORRECT!**

**TOTAL COST COMPANY COULD
CHARGE FOR 701,000 GALLONS
OF WATER 2011**

**• TOTAL COST BASED ON \$33.68 MAX
COMPANY COULD CHARGE THE
COMMUNITY BY ACC MANDATE 2010
\$23,609.68**

**• FACT: WELLS PRODUCED MORE WATER
THAN COMMUNITY USED 2011**

**• FACT: ACC REFUSED TO ENFORCE THE
MANDATE**

June 26 & 27 hearing before ACC

Law Judge 2012

- Law Judge Nodes and legal staff Robin Mitchell tell customers gallons of water missing or diverted does not affect the cost of hauling water in 2011
- Law Judge and Legal Staff do not acknowledge well productions exceeded what community used in 2011
- Law Judge has not made a decision in this case since 2012 state law gives 20 days
- Robert T Hardcastle lies under oath 2012

- **Customers continue to complain to ACC about water hauling cost 2012-2013**
- **ACC tells customers to contact Water Co.**
- **Water Co tells customers ACC has approved all water hauling cost.**
- **Robert T Hardcastle testifies in front of ACC Commissioners why he has not filed a permanent rate hike as ordered in 2010. Commission does not fine for failure to file as ordered in Decision 71902. Claims rate payers have suffered no harm in the Interim**

ADEQ CHARGES NEW OWNERS FOR FAILURE TO REPORT WELLS

- Previous owner Brooke Utilities and Payson Water Co. falsify annual reports by not showing Wells pumping water into system.
- These Wells were from Well Sharing Agreements used to supplement water supply.
- ACC and ADEQ were notified in years prior to 2013 these wells were not properly listed in Company Annual Reports.

*ACC approves temporary
interconnection to end water
hauling into 2014.*

- Customers order by ACC to pay back New Owners of Payson Water Co \$275,000 for a temporary water connection until Cragin Pipeline is completed.
- Customers of Payson Water Co. are facing permanent rate hikes.
- ACC has refused to acknowledge customer complaints and legal cases pending resolution for hauling charges 2011-2013

Robert T Hardcastle sold Brooke Utilities to J.W Water Co 2013

- Customers are not notified of pending sale of Water Co in May 2013
- Payson Water Co continues to show loss for hauling water before selling Water Co.
- New Owners of Payson Water Co. charge customers about \$88,000 dollars for 3 months to haul water into community.
- Well reports continue to show wells produce more water than community uses.

Robert T. Hardcastle

President, Brooke Utilities, Inc.
Bakersfield, California Area Utilities

Join LinkedIn and access Robert T. Hardcastle's full profile.

As a LinkedIn member, you'll join 175 million other professionals who are sharing connections, ideas, and opportunities. And it's free! You'll also be able to:

- See who you and **Robert T. Hardcastle** know in common
- Get introduced to **Robert T. Hardcastle**
- Contact **Robert T. Hardcastle** directly

Robert T. Hardcastle's Overview

Current **Corporate Officer, Secretary at Lightstorm, S.A.**
Partner and President at Brooke Utilities, Inc.

Past General Manager at Wholesale Fuels, Inc.
Special Projects Manager at Jaco Oil Company
President at Bottom Line Management Technologies

Education California Pacific School of Law
Claremont Graduate University
California State University - Bakersfield
see all

Connections **140** connections

Robert T. Hardcastle's Experience

Corporate Officer, Secretary **Lightstorm, S.A.**

July 2004 – Present (8 years 4 months) San Jose, Costa Rica

With a corporate colleague established, organized, staffed, and trained new employees providing shared : customers in the United States. Located office space and started business from scratch in foreign country successfully operate and provide financial and customer services in support of United States parent. Func ongoing enterprise.

Partner and President **Brooke Utilities, Inc.**

January 1994 – Present (18 years 10 months)

Responsible for five water companies and more than 23 water systems throughout rural Arizona serving r regulatory proceedings and compliance matters of numerous regulatory agencies. Started in business with acquired assets through a bankruptcy auction. The next day we were in the water utility business. Since then sold others. Remain a company officer throughout this period. Serving customers approximately 300 millic

General Manager

Wholesale Fuels, Inc.

January 2003 – March 2005 (2 years 3 months) Bakersfield, CA

After departure of former General Manager from a sister subsidiary of the same corporate parent I was as to existing and ongoing utilities responsibilities. Approximately 100 employees. Began with no knowledge product and service, served on national manufacturing boards, internally reorganized and restructured company almost \$1M in profits from several internal departments. In March 2005 left position to resume utilities duties

Special Projects Manager

Jaco Oil Company

January 1993 – December 1993 (1 year) Bakersfield, California Area

Originally engaged as a financial analyst developing operational budgets for subsidiary companies and in the interim Human Resources Department Manager. A 90 days assignment developed into another 90 days remain employed at the Company in various other capacities.

President

Bottom Line Management Technologies

June 1984 – December 1993 (9 years 7 months) Monterey, CA

Provided financial and management consulting services to troubled companies in the construction, consumer distribution industries. Operated on a national basis with clients in more than twenty states and international Navy's Pacific Fleet reorganizing segments of the distribution and supply chain.

Robert T. Hardcastle's Languages

- English(Native or bilingual proficiency)
- Spanish(Limited working proficiency)

Robert T. Hardcastle's Skills & Expertise

MS Office (all programs advanced) MS SharePoint MS Project - Masters Certification Production
 Leadership Contract Negotiation Project Management Social Media Business Strategy
 Program Management Budgets Customer Service Process Improvement Negotiation
 Change Management Team Building

[View All \(30\) Skills](#)

Robert T. Hardcastle's Courses

Partner and President

Brooke Utilities, Inc.

- Masters Certification - MS Project

Robert T. Hardcastle's Projects

SharePoint 2007 to 2010 Migration

March 2010 to May 2012

Team Members: Robert T. Hardcastle, and 5-6 other members

Joined Company's SharePoint implementation Team to fully develop SharePoint 2007 and implement migration developing the Governance Plan, mission statement, setting goals and objectives, and writing RFP for contract after project failed to get necessary management traction.

Bankruptcy Creditor Asset Acquisition Project

June 1993 to October 1995

Team Members: Robert T. Hardcastle

In late 1992 the Company acquired a note through an RTC auction process. In a few months the creditor's default rate of interest. The creditor filed a Chapter 11 petition. After receiving this file in June 1994 chose plan of reorganization, later confirmed by the court instead of the debtors plan, and... more

*L
How with
Responsible
Yield*

Water Utility Asset Acquisition

December 1995 to August 1996

Team Members: Robert T. Hardcastle

Targeted an acquisition candidate in AZ. Bought property tax liens of the debtor and achieved prioritized claims of a large financial institution. Bought the debtors bank debt for a very favorable basis and foreclosed on the water utilities with more than 43 water systems serving nearly 28000 people in five counties.... more

Cogeneration Plant Development Project

September 2002 to April 2004

Team Members: Robert T. Hardcastle, Richard Woodall

Collaborated with a colleague to acquire, develop, and lease a 30000 Kw cogeneration plant with lessee of a large financial institution. Acquired a nearly impossible to locate turbine generator and placed the plant into service with a long term

International Affiliate Development Project

January 2006 to Present

Team Members: Robert T. Hardcastle, Brian Busacca

In 2006 began search for the best international location of a financial shared services facility with customers in multiple countries. Ultimately decided on Costa Rica to establish Lightstorm, S.A. Retained local counsel, accountants. Hired management and staff, developed necessary technology, acquired CRM software for accounting and

Water Utility Divestitures Project

June 2008 to September 2009

Team Members: Robert T. Hardcastle

Closed an eminent domain project to sell more than 3300 water utility customers to a local water improver for approximately \$4M. Restructured the remaining organization to efficiently manage and operate a smaller

Utility Theft Litigation

April 2001 to December 2011

Team Members: Robert T. Hardcastle

Plaintiff in a lengthy, complex litigation project that involved massive utility theft including damages, liquidated damages, and a Court decision, one Supreme Court decision, and a massive superior effort by counsel and client. Final settlement was a satisfactory award to the Company. The case is now the State's leading citation case on... more

Water Utility Asset Condemnation

June 2011 to May 2012

Team Members: Robert T. Hardcastle

Cooperatively worked with a municipality in its acquisition through eminent domain litigation of water utility assets. Valuation driven by market conditions. Partnered with the acquirer in assisting a seamless and beneficial transition of control for hundreds of customers. In the end the transaction was a win-win for all parties... more

Regulatory Complaint Litigation

September 2011 to June 2012

Team Members: Robert T. Hardcastle, David Allred

Represented utility in formal regulatory complaint in pro persona. Litigation involved a multi-faceted consu misrepresentation, regulatory compliance violations, financial irregularities, and other accusations. Decisic

Robert T. Hardcastle's Education

California Pacific School of Law

Law
1992 – 1994

Attended law school not for the purpose of practicing law but to supplement my business background.

Claremont Graduate University

MBA, Business, Finance
1982 – 1984

I was privileged to receive academic instruction from Peter Drucker who also served on my academic revi afternoon informal "thinking sessions" at Peter's house in Claremont. Since graduation I have participated participated in the Kravis Entreprenuerial competition as a mentor in 2010. CGU was a wonderful educati be indebted. I remain close to the faculty advisors and have expressed interest in assisting new graduate every academic quarter.

Activities and Societies: Alumni Association, Kravis Entreprenuerial Competition (mentor), Drucker Mentor

California State University - Bakersfield

B.S., Business management, finance
1972 – 1976

I gained a great undergraduate education based on business, management, finance, and economics. Dea *Activities and Societies:* Marketing Club, Future Financial Leaders Club

Claremont Graduate University - Peter F. Drucker and Masatoshi Ito Graduate School of Ma

Robert T. Hardcastle's Additional Information

Interests: Learning everything there is to know before I get out of this life!
Groups and Associations: Board of Directors Parkdale HOA National Association of Water Companies Water Management Association Common Cause



American Water Works Association



Claremont Graduate University Alumni



Common Cause



Costa Rica Business Group



Freethinkers



HOMEOWNERS ASSOCIATION (Condo & Co-Op HOA)

Liberals and Progressives

RICHARD M. BURT
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