



0000155124

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

RECEIVED

2014 AUG -1 A 11:51

4 **BEFORE THE ARIZONA CORPORATION COMMISSION**

AZ CORP COMMISSION
DOCKET CONTROL

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

ORIGINAL

Docket No. E-01750A-09-0149

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

COMPLAINANTS' RESPONSE TO
RESPONDENT'S BRIEF

COMPLAINANTS,

Arizona Corporation Commission
DOCKETED

14 MOHAVE ELECTRIC COOPERATIVE
15 INC.

AUG 01 2014

RESPONDENT.

DOCKETED BY 

19 The Complainants filed an informal complaint with the
20 public entity known as the Arizona Corporation Commission (ACC)
21 in the summer of 2008. The Complainants upgraded this complaint
22 to a formal complaint in the latter part of 2008.

23 Mohave Electric Cooperative, Inc, (MEC) has been well aware that
24 they did not have the right to transmit high voltage electricity
25 across the area of land they were occupying. The attorneys at
26 the firm, known as Curtis, Goodwin, Sullivan, Udall & Schwab,
27 created a scheme to make claims of equity against the
28 Complainants in these proceedings. A number of these attorneys
29 have enlisted other persons in their scheme to cause physical
30 harm, slander the Complainants' name and create actions that
31 caused Complainants to spend their life savings to retrieve
32

1 their public right to have electricity reinstated and have the
2 unsafe hazardous equipment of MEC removed.

- 3 1. MEC has made false claims that they have a
4 documented right to have their poles, lines and
5 equipment on the property in question.
- 6 2. MEC claimed that the Complainants' use of this
7 property interfered with the safe transmission of
8 electricity.
- 9 3. MEC claimed that a sub-jurisdiction, other than
10 the ACC, has rights and powers to control and
11 determine safety issues on in-state transmission
12 lines.
- 13 4. MEC's attorneys made claims that their client can
14 make equity agreements and demands on the
15 Complainants without their consent, permission or
16 their signature on a contract.

17 In the Respondent's brief the attorney mentions "merits" a
18 number of times. Some of the factual merits are listed below.

19 20 **MERITS**

- 21 1. Safety issue of equipment, lines and poles along Highway
22 66 from mile marker 80 to mile marker 66.
- 23 2. Reinstatement of Complainants' electricity.
- 24 3. Use of property where the Complainants reside to transmit
25 high voltage transmission of electricity for public use
26 without the property owner's permission.
- 27 4. The removal of abandoned unsafe, hazardous equipment,
28 lines and poles that the Respondent owns.
- 29 5. The Complainant's medical need for a public utility to
30 provide continues electricity to Complainant's, Dustin
31 Roger Chantel's, place of residence.

1
2 **MERIT 1:** Some local citizens in the area have a difference of
3 opinion with the report done by the ACC regarding the condition
4 of lines and poles. As stated in the opening brief, this issue
5 should be addressed at a different time in a different
6 complaint.

7 **MERIT 2:** The ACC's report did not address the reconnection of
8 Complainants' electricity. This jurisdiction is well aware that
9 MEC's actions and claims have caused the Complainants to file
10 bankruptcy in Federal Bankruptcy Court in Case No. 0:13-BK-
11 11909-EPB. MEC's attorneys claim the cost is somewhere around
12 \$200,000.

13 **MERIT 3:** The ACC Administrative Staff is aware that MEC does not
14 have the right to transmit high voltage electricity over the
15 property where they claimed an unsafe condition existed. The
16 real reason was to cover up the fact the MEC did not have the
17 right to transmit high voltage electricity over the property
18 where they claimed a line violation occurred. The ACC
19 Administrative Staff included "Results of Survey Map" that shows
20 MEC's dedicated right of way is nowhere near where they had
21 their lines. This map is factual evidence that MEC was not
22 given any rights to place poles, lines or equipment on said
23 property. Since MEC did not have a right to transmit high
24 voltage electricity over said property, they did not have any
25 right to disconnect Complainants' electricity for a violation
26 they themselves committed. The legal pleadings that are being
27 presented to this jurisdiction are part of these attorneys and
28 their client's scheme to cover up the documented fact that they
29 owe rent for using said property.

30 **MERIT 4:** In these merits there are a number of issues that this
31 jurisdiction does not have the right to adjudicate. This
32 jurisdiction does have rights to enforce A.C.C. R14-2-202 B 1&2

1 and reconnect Complainants' electricity. In Respondent's
2 responding brief, it is clear that the Respondent will not
3 remove the lines, poles and hazardous equipment until this
4 authority issues an order for this utility to move forward in
5 fulfilling its duty to act in good faith and be responsible for
6 its actions.

7 **MERIT 5:** The Complainants have submitted documented evidence to
8 the Arizona Corporation Commissioners and the Administrative
9 Staff by providing a Doctor's prescription, sleep study test
10 results and a letter from the Veterans Administration doctor
11 stating that the Complainant needs continuous electricity for
12 the use of his C-Pap machine.

13 Complainants have submitted an emergency request to this
14 authority almost a year ago to have the Complainants'
15 electricity reinstated. This authority seems to have abandoned
16 the citizens' need for reasonably priced utilities by
17 entertaining "Procedural Law" and overlooking U.S. Supreme Court
18 rulings like "*Northern Pipeline Construction v. Marathon Pipe*
19 *Line Company* 459 U.S." This addresses the issue of re judicata
20 as being a MOOT issue in public use cases. The ACC staff seems
21 to be clear in that the issues in this report are a public
22 issue. The reports seem to be clear in that the lines, poles,
23 transformers and other equipment was installed in 1950. This
24 means that these lines, poles, transformers and other equipment
25 are about 64 years old. The public issue here is that they are
26 past the age of being retired or being replaced. The treatment
27 process of the aged poles does not comply with today's
28 environmental standards and the transformers, in most cases,
29 have hazardous materials in them. This report is clear that
30 only a very small portion of these lines, poles and transformers
31 have been up graded to the standards that have been adopted by
32 the ACC over 18 years ago. The issues in and around this case

1 are public issues that may need to be addressed by a citizens'
2 committee for the area.

3
4 REPORT GENERATED BY ADMINISTRATIVE STAFF OF
5 THE ARIZONA CORPORATION COMMISSION

6 The ACC staff points out in this report that MEC
7 disconnected the Complainants' electricity in 2008. The
8 Complainants have filed numerous emergency requests to have
9 their electricity re-instated. This report is clear in the
10 facts that the safety violation has been corrected, if there
11 really was one. The claimed line clearance violation no longer
12 exists. Nowhere in the ACC staff report was there mentioned a
13 legal reason why MEC should not re-instate the electricity to
14 the residence located at 10001 E. Hwy. 66. MEC makes claims
15 that there were hazards and safety issues and claims that A.A.C.
16 R14-2-211 (B) gives them the right to disconnect Complainants'
17 electricity. They are presenting this law in bad faith and with
18 intention to cover up the fact that they did not have the right
19 to use said property. If there ever was a violation it was
20 corrected by MEC when they built the new high voltage
21 transmission line around said property. As mentioned in the ACC
22 staff report, MEC stated that they planned to move all of their
23 lines closer to the road for easier maintenance. This proves
24 that this scheme was put into place in order to make the
25 Complainants pay for this section of rebuilding the new lines.

26 It appears that MEC and its attorneys are using their
27 powers to prevent the provision of electricity for the purpose
28 and intent to cause financial and physical harm to the
29 Complainants. There is no legal reason why the Administrative
30 Staff should not issue an order to MEC to reconnect the
31 Complainants' electricity.
32

1 1. Any utility proposing to discontinue or abandon
2 utility service currently in use by the public shall
3 prior to such action obtain authority therefore from
4 the commission.

5 It is truly a crime when attorneys use their position to
6 mislead governing authorities by reinterpreting "Common
7 Sense Law". These attorneys underlined the words **currently**
8 **in use** and **prior to**. This law is very clear. The
9 Complainants were currently using electricity when MEC
10 disconnected or discontinued use. This rule clearly states
11 that any utility shall obtain authority from the
12 Commission. MEC did not get written authority from the
13 Commission. It should be clear to everyone reading this
14 brief that MEC violated this rule. The violation of this
15 rule gives or mandates the Administrative Staff of the ACC
16 to issue an order to comply with this rule. If one would
17 look at the legal authorities presented by these attorneys
18 one will find that most of them are a misrepresentation of
19 "Common Sense Law" and the law itself. These attorneys
20 claim that state ex rel. Larson v. Farley, 106 Ariz.118,
21 471 p.2d 731 (1970) (statutes should be read together and
22 harmonized if at all possible). If common since people
23 were to read this law and rule, it would be clear that MEC
24 has violated this rule. These attorneys (foot notes 24) go
25 on further to claim that the consent of the ACC is
26 unnecessary for a utility to discontinue peoples' utility
27 under a legal authority claimed as A.R.S. 40-285.C
28 This law or rule reads: **"Nothing in this section shall**
29 **prevent the sale, lease or other disposition by any such**
30 **corporation of property which is not necessary or useful in**
31 **the performance of its duties to the public, and any sale**
32 **of its property by such corporation shall be conclusively**

1 presumed to have been of property which is not useful or
2 necessary in the performance of its duties to the public as
3 to any purchase of the property in good faith of value."

4 This rule applies to the sale of real estate and is not
5 applicable to getting ACC consent to disconnect
6 electricity. The misuse of legal authority and the re-
7 interpretation of law and rules, in a bad faith since, are
8 grounds for the issuance of the order to re-instate
9 Complainants' electricity and to issue an order to MEC to
10 comply to A.A.C. R14-2-202 B 1&2.

11
12 **DOCTRINE OF *res judicata***
13

14 These attorneys are asking this jurisdiction to dismiss all
15 of the claims the Complainants have presented to the public
16 entity known as the ACC. They are claiming that this
17 jurisdiction should dismiss the issues under the doctrine of *res*
18 *judicata*. In the United States Supreme Court in *Northern*
19 *Pipeline Construction Company v. Marathon Pipe Line Company* 458
20 U.S., ruled that if there were issues of "public rights" the
21 doctrine of *res judicata* did not apply. This jurisdiction must
22 determine that the issue of *res judicata* and the legal authority
23 submitted by the Respondent is a Moot Issue.

24 The Complainants have submitted a number of requests to
25 have their electricity reinstated in the filing of this
26 complaint. It has been almost a year since the Complainants
27 have presented an emergency request and asked this jurisdiction
28 to issue an order to MEC to reinstate their electricity and to
29 issue an order to have MEC comply with A.A.C. R14-2-202 B 1&2.

30 In the **Conclusion** portion of the ACC Staff report, it
31 states there are three moderately leaning poles. The third pole
32 on the de-energized portion of the line located on the property

1 in question could not be assessed. The "Results of Survey Map"
2 included in the ACC Staff report, clearly shows the sag in the
3 line causing the pole to lean and the lines on the other side
4 are becoming extremely taught thus causing an unsafe condition.
5 This alone should be enough evidence for MEC to file an
6 application for the removal of these abandoned lines and poles.
7 The Complainants have been requesting MEC, the Commissioners and
8 others to assess this issue under the law known as A.A.C. R14-2-
9 202 B 1&2.

10 MEC has had ample time to resolve the issues of
11 reinstating the Complainants' electricity and remove the unsafe
12 and hazardous lines, poles and equipment from this property and
13 the payment of rent. It is time for this authority to move
14 forward and issue the order to reconnect the Complainants'
15 electricity and have MEC file an application for abandonment.

17 **CONCLUSION**

18
19 There is no legal reason why this authority should not
20 issue an enforcement order to reinstate the Complainants'
21 electricity and for MEC to file an application with ACC to
22 remove abandon poles and lines. If MEC files against or refuses
23 to comply with any type of order issued, this authority must
24 enforce its order by starting procedures to cancel MEC's rights
25 to service the general public with electricity.

26 The only logical reason that this authority would not issue
27 these orders is that some people are influencing the issues of
28 these orders by developing procedural laws for the purpose of
29 generating higher utility fees that many people in the State of
30 Arizona will not be able to afford.

1 THEREFORE the Complainants pray that this authority will issue an
2 order for the re-instatement of Complainants' electricity and
3 have MEC file an application for the removal of their abandoned
4 lines and poles.

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

Dated this July 29, 2014


Roger Chantel

Proof of and Certificate of Mailing

I hereby certify that on the 29th day of July, 2014, I caused the foregoing documents to be served on the Arizona Corporation Commission by mailing the original and (13) copies to:

Docket Control
Arizona Corporation Commission
1200 West Washington Street
Phoenix, AZ 85007

Copy of the foregoing mailed this 29th day of July, 2014 to:

Janice Alward, Chief Counsel Legal Division
Lyn Farmer, Belinda A. Martin, Steven Olea
Arizona Corporation Commission
1200 West Washington Street
Phoenix, AZ 85007

Bob Stump, Gary Pierce, Brenda Burns,
Susan Bitter Smith, Bob Burns
Arizona Corporation Commission
1200 West Washington Street
Phoenix, AZ 85007

Curtis, Goodwin, Sullivan,
Udall & Schwab, P.L.C.
501 East Thomas Road
Phoenix, AZ 85012

Darlene Chantel