ORIGINAL

Re Docket # E-00000C-11-0328

Emails Show an Astonishing Lack of Ethics at the Arizona Corporation Commission
Information & Perspective by Warren Woodward
Sedona, Arizona ~ June 23, 2015

RECEIVED
AZ CORP COMMISSION
DOCKET CONTROL
2015 JUN 29 AM 11 33

After all the lawlessness and corruption I've witnessed at the Arizona Corporation Commission (ACC) over the years, I really should be used to the ACC's lack of ethics by now. Nevertheless, I was astonished when, in the course of reviewing "smart" meter related emails obtained via a Public Records Request, I came across a February 4, 2015 email exchange between some Administrative Law Judges at the ACC.

Lyn Farmer is the ACC's Chief Administrative Law Judge (ALJ). Dwight Nodes is the Assistant Chief ALJ. Teena Jibilian is the ALJ assigned to all the ACC's "smart" meter dockets including the one in which Pat Ferre and I made separate appeals both last January and last May.

The email exchange (reproduced below) reveals that Judge Farmer asked both Judge Nodes and Judge Jibilian to discuss the issues raised in Ferre's and my January appeals.

Jibilian then informed Nodes that she was going to provide "a list of issues" gleaned from our appeals. The two of them would then discuss those issues, in preparation for the next ACC Staff Meeting in which our appeals might be discussed.

This is how "impartial justice" works at the ACC? The judge assigned to the docket gets to discuss the issues raised in our appeals in order to coach the very same people we are appealing to? Like I said, astonishing.

Even more astonishing is that obviously the ACC sees nothing wrong with this behavior since the emails were not redacted for "attorney/client privilege," "state of mind," or some other lame ACC excuse.

How come Pat Ferre and I weren't invited to discuss *our* issues with Jibilian? We are both Intervenors in that docket and Jibilian could have helped make a list for us too. How come we weren't able to tap the docket's ALJ for advice when we were writing our appeals but the ACC gets to tap the ALJ when it is dealing with our appeal? Oh that's right, we don't work for the ACC like the ALJs do. What a farce! What a travesty!

There are ten lawyers in the ACC's Legal Division and seven other ALJs at the ACC's Hearing Division whom Farmer could have asked. In my opinion, asking the ALJ assigned to the docket is inappropriate to say the least, and for the ALJ to respond is also inappropriate.

From: Dwight Nodes
Sent: Wednesday, February 04, 2015 4:32 PM
To: Teena Jibilian
Cc: Lyn Farmer

Arizona Corporation Commission
DOCKETED
JUN 29 2015
DOCKETED BY

Subject: RE: Rehearing Request Docket No. 13-0069, Decision No. 74871

Thanks Teena!

From: Teena Jibilian
Sent: Wednesday, February 04, 2015 4:31 PM
To: Dwight Nodes
Cc: Lyn Farmer
Subject: Rehearing Request Docket No. 13-0069, Decision No. 74871

Dwight -

Lyn asked me to discuss with you the issues in the rehearing requests filed by Warren Woodward and Patricia Ferre, which the Commission granted at the last Staff Open Meeting and which may be considered at the February 13, 2015 Staff Open Meeting.

I will provide you with a list of issues early next week, so that we can discuss them if needed prior to the Staff Open Meeting.

Teena