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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

DOUG LITTLE – Chairman  
BOB STUMP  
BOB BURNS  
TOM FORESE  
ANDY TOBIN

Arizona Corporation Commission

DOCKETED

SEP 21 2016

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2016 SEP 21 P 1:10

IN THE MATTER OF:

DOCKET NO. S-20906A-14-00

CONCORDIA FINANCING COMPANY, LTD, a/k/a  
"CONCORDIA FINANCE,"

ER FINANCIAL & ADVISORY SERVICES, LLC,

LANCE MICHAEL BERSCH, and

DAVID JOHN WANZEK and LINDA WANZEK,  
husband and wife.

Respondents.

**TWENTY-SECOND  
PROCEDURAL ORDER  
REGARDING CONSENT TO EMAIL  
SERVICE**

BY THE COMMISSION:

On February 27, 2014, the Securities Division ("Division") of the Arizona Corporation Commission ("Commission") filed a Notice of Opportunity for Hearing Regarding Proposed Order to Cease and Desist, Order for Restitution, Order for Administrative Penalties, and Order for Other Affirmative Action, which resulted in the opening of this docket.

**The Commission has created a process for parties to a docket to consent to receive service by email, rather than by U.S. Mail, for all filings made in the docket.** This process requires a party to file a Consent to Email Service and send a verification email to the Hearing Division, after which the Hearing Division will issue a Procedural Order Granting Consent to Email Service.

Once a party's Consent to Email Service is approved, the party will receive all filings made by a Commissioner, the Commission's Executive Director, or a Commission Division via an email containing a link to access the filing online. These emails are automatically generated by the filing of a document with Docket Control,<sup>1</sup> specifically by the document's being scanned into the

<sup>1</sup> There may be a brief delay in email service when a voluminous filing is made, due to the time necessary to scan the filing into eDocket.

1 Commission's eDocket system. The party **may** also begin receiving service by email of other parties'  
2 filings made in the docket, although whether or not to provide service by email is within each party's  
3 discretion.

4 **The Commission appreciates when parties consent to email service and encourages parties**  
5 **to do so.** Email service enables parties more promptly to receive service of filings made in a case by  
6 a Commissioner, the Commission's Executive Director, or a Commission Division and reduces both  
7 the amount of paper the Commission consumes and the Commission's postal expenses.

8 To allow outside parties to enjoy similar benefits, the **Commission has determined that the**  
9 **Securities Division shall automatically be deemed to have consented** to email service in any case in  
10 which it is a party.<sup>2</sup> In addition, the **Commission requests that parties cease providing courtesy**  
11 **copies** of their filings to the Hearing Division.

12 **Parties who do not consent to email service will not be provided documents filed by a**  
13 **Commissioner, the Commission's Executive Director, or a Commission Division via email** and  
14 will instead continue to receive all of these documents in hard copy via the U.S. Mail. Parties who do  
15 not opt in to email service also may not receive hard copies of some documents filed by a Commissioner  
16 or the Commission's Executive Director, such as Amendments to Open Meeting Agenda items.

17 **This Procedural Order is issued to notify parties of the process to Consent to Email**  
18 **Service and the requirements related thereto.**

19 IT IS THEREFORE ORDERED that, as permitted under A.A.C. R14-3-107(B), **each party to**  
20 **this matter may opt to receive service** of all filings in this docket, including all filings by parties, all  
21 Procedural Orders and Recommended Opinions and Orders/Recommended Orders issued by the  
22 Commission's Hearing Division, and all filings made by a Commissioner or the Commission's  
23 Executive Director, **via email** sent to an email address provided by the party rather than via U.S. Mail.

24 **To exercise the email service option, a party shall:**

- 25 1. Ensure that the party has a valid and active email address to which the party has regular  
26 and reliable access ("designated email address");

27 \_\_\_\_\_  
28 <sup>2</sup> In cases that do not involve the Commission's Securities Division, the Commission's Legal Division shall be included  
as counsel for the Commission Division involved in the case.

- 1 2. Complete a Consent to Email Service using the form available on the Commission's  
2 website ([www.azcc.gov](http://www.azcc.gov)) or a substantially similar format;
- 3 3. **File** the original and 13 copies of the **Consent to Email Service** with the Commission's  
4 Docket Control, also providing service to each party to the service list;
- 5 4. **Send an email**, containing the party's name and the docket number for this matter, to  
6 [HearingDivisionServicebyEmail@azcc.gov](mailto:HearingDivisionServicebyEmail@azcc.gov) from the designated email address, to allow  
7 the Hearing Division to verify the validity of the designated email address;
- 8 5. Understand and agree that service of a filing on the party shall be complete upon the  
9 first of the following to occur: (1) the sending, to the designated email address, of an  
10 email containing an electronic copy of the filing or a link to access the filing online; or  
11 (2) for a filing made by a Commissioner, the Commission's Executive Director, or a  
12 Commission Division, the making of the filing with a service certification including  
13 coding indicating that an automatic service email for the filing shall be sent to each party  
14 whose consent to email service has been approved;
- 15 6. Understand and agree that the party may provide additional email addresses on the  
16 Consent to Email Service for individuals to whom the party desires to have service  
17 emails sent as a courtesy, but that these courtesy email addresses are not the designated  
18 email address and will not be verified; and
- 19 7. Understand and agree that the party will no longer receive service of filings in this  
20 matter through First Class U.S. Mail or any other form of hard-copy delivery, unless  
21 and until the party withdraws this consent through a filing made in this docket.

22 IT IS FURTHER ORDERED that a **party's Consent to Email Service shall not become**  
23 **effective until a Procedural Order is issued approving the Consent to Email Service** for the party.  
24 The Procedural Order shall be issued only after the party has completed steps 1 through 4 above, and  
25 the Hearing Division has verified receipt of an email from the party's designated email address.

26 IT IS FURTHER ORDERED that the Commission's **Securities Division is deemed to have**  
27 **consented to email service for this docket using the following email address/es:** [MN@azcc.gov](mailto:MN@azcc.gov),  
28 [JBurgess@azcc.gov](mailto:JBurgess@azcc.gov), [WCoy@azcc.gov](mailto:WCoy@azcc.gov), [KH@azcc.gov](mailto:KH@azcc.gov).

1 IT IS FURTHER ORDERED that **if the Securities Division desires for courtesy emails** to be  
2 sent to additional email addresses, the Securities Division **shall make a filing** listing those email  
3 addresses.

4 IT IS FURTHER ORDERED that a party's Consent to Service by Email in this docket does not  
5 change the requirement that **documents must be filed with the Commission's Docket Control in**  
6 **hard copy with an original and the requisite number of copies.**

7 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend, or  
8 waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at  
9 hearing.

10 DATED this 21<sup>st</sup> day of September, 2016.

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13 MARK PRENY  
14 ADMINISTRATIVE LAW JUDGE  
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1 On this 21<sup>st</sup> day of September 2016, the foregoing document was filed with Docket Control as a  
2 Procedural Order- Regarding Consent to Email Service, and copies of the foregoing were mailed on  
3 behalf of the Hearing Division to the following who have not consented to email service. On this date  
or as soon as possible thereafter, the Commission's eDocket program will automatically email a link  
to the foregoing to the following who have consented to email service.

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