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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

TOM FORESE – Chairman  
BOB BURNS  
DOUG LITTLE  
ANDY TOBIN  
BOYD W. DUNN

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DOCKETED

JUN 05 2017

DOCKETED BY  
*GB*

IN THE MATTER OF THE FORMAL COMPLAINT  
OF KIM R. GAINES AGAINST CITIZENS  
UTILITIES RURAL COMPANY, INC. DBA  
FRONTIER CITIZENS UTILITIES RURAL  
COMPANY.

DOCKET NO. T-01954B-17-0064

PROCEDURAL ORDER

**BY THE COMMISSION:**

On March 6, 2017, Kim R. Gaines (“Complainant”) filed with the Arizona Corporation Commission (“Commission”) a Formal Complaint against Citizens Utilities Rural Company, Inc. dba Frontier Citizens Utilities Rural Company (“Frontier Citizens” or “Company”), alleging that the Company had on numerous occasions failed to provide adequate telecommunications services to Complainant’s home.

On March 14, 2017, a Procedural Order was issued regarding consent to email service.

On April 13, 2017, Frontier Citizens filed a Response to the Formal Complaint and a request for dismissal of the Complaint.

On April 25, 2017, by Procedural Order, a procedural conference was set for May 18, 2017, at 10:00 a.m. at the Commission’s offices, 1200 West Washington, Phoenix, Arizona 85007.

On May 2, 2017, Complainant filed a Request to appear telephonically for the procedural conference scheduled for May 18, 2017.

On May 3, 2017, the Hearing Division filed a Memorandum for the purpose of mailing/emailing Complainant’s Request to all parties on the service list.

Also on May 3, 2017, by Procedural Order, Complainant’s Request to appear by telephone was granted.

On May 15, 2017, Frontier Citizens filed a Request to appear telephonically for the procedural conference scheduled for May 18, 2017.

1 On May 18, 2017, procedural conference was held as scheduled. Complainant appeared  
2 telephonically on his own behalf. Frontier Citizens did not appear. At the procedural conference,  
3 Complainant was granted time to file, by June 30, 2017, a reply to Frontier Citizen's request for  
4 dismissal of the Complaint.

5 Therefore, the response deadline for the response to the request for dismissal of the Complaint  
6 should be memorialized. Further, it is unclear whether counsel for Frontier Citizens is in compliance  
7 with Arizona Supreme Court Rules 31, 38, 39, and 42 and A.R.S. § 40-243 with respect to the practice  
8 of law and admission *pro hac vice*.

9 IT IS THEREFORE ORDERED that **Kim R. Gaines** may file by **June 30, 2017**, a reply to  
10 Citizens Utilities Rural Company, Inc. dba Frontier Citizens Utilities Rural Company request for  
11 dismissal of the Complaint.

12 IT IS FURTHER ORDERED that **Citizens Utilities Rural Company, Inc. dba Frontier**  
13 **Citizens Utilities Rural Company** shall demonstrate, by making a filing in this docket by **June**  
14 **30, 2017**, its compliance with Arizona Supreme Court Rules 31, 38, 39, and 42 and A.R.S. § 40-243  
15 with respect to the practice of law and admission *pro hac vice*.

16 IT IS FURTHER ORDERED that each party or prospective party shall **refer to the Procedural**  
17 **Order Regarding Consent to Email Service** issued in this matter on **March 14, 2017**, for additional  
18 information regarding the process to consent to service by email. Information regarding Consent to  
19 Email Service is also available on the Commission's website ([www.azcc.gov](http://www.azcc.gov)) by clicking on "Email  
20 Service Consent."

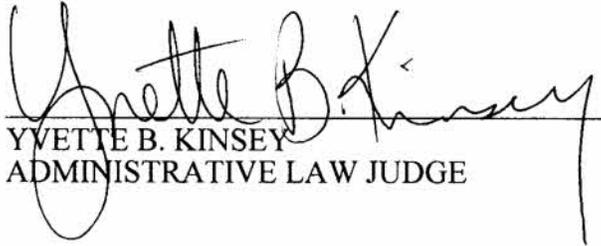
21 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized  
22 Communications) applies to this proceeding and shall remain in effect until the Commission's Decision  
23 in this matter is final and non-appealable.

24 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance  
25 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the  
26 Rules of the Arizona Supreme Court). Representation before the Commission includes the obligation  
27 to appear at all hearings, procedural conferences, Open Meetings for which the matter is scheduled for  
28

1 discussion, unless counsel has previously been granted permission to withdraw by the Administrative  
2 Law Judge or Commission.

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

6 DATED this 5<sup>th</sup> day of June, 2017.

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8   
9 YVETTE B. KINSEY  
10 ADMINISTRATIVE LAW JUDGE

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1 On this <sup>7th</sup> day of June, 2017, the foregoing document was filed with Docket Control as a Procedural  
2 Order – Sets Miscellaneous Filing Date, and copies of the foregoing were mailed on behalf of the  
3 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.

4 Kim Gaines  
5 7551 E. Cayuse Ct.  
6 Kingman, Arizona 85007

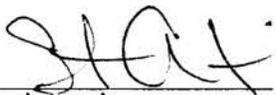
7 R. Kirk Lee  
8 CITIZENS UTILITIES RURAL COMPANY, INC.  
9 dba Frontier Citizens Utilities Rural Company  
10 1800 41<sup>st</sup> Street  
11 P.O. Box 1003  
12 Everett, WA 98201

13 George Baker Thomson. Jr.  
14 CITIZENS UTILITIES RURAL COMPANY, INC.  
15 dba Frontier Citizens Utilities Rural Company  
16 Associate General Counsel  
17 1800 41<sup>st</sup> Street, Suite N-100  
18 Everett, WA 98203

19 Andy Kvesic, Director  
20 Legal Division  
21 ARIZONA CORPORATION COMMISSION  
22 1200 West Washington Street  
23 Phoenix, AZ 85007  
24 [LegalDiv@azcc.gov](mailto:LegalDiv@azcc.gov)  
25 [utildivservicebyemail@azcc.gov](mailto:utildivservicebyemail@azcc.gov)

26 **Consented to Service by Email**

27 COASH & COASH, INC.  
28 Court Reporting, Video and  
Videoconferencing  
1802 North 7<sup>th</sup> Street  
Phoenix, AZ 85006  
**Not a party, mailed as a courtesy**

By:   
24 Staci Antrim  
25 Assistant to Yvette B. Kinsey  
26  
27  
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