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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

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

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Arizona Corporation Commission

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JUL 12 2017

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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 (“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 to all parties on the service list Complainant’s Request to Appear Telephonically for the May 18, 2017 procedural conference.

Also on May 3, 2017, by Procedural Order, Complainant’s Request to Appear Telephonically for the May 18, 2017 procedural conference was granted.

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

3 On May 18, 2017, procedural conference was held as scheduled. Complainant appeared  
4 telephonically on his own behalf. Frontier Citizens did not appear. At the procedural conference,  
5 discussion was held regarding Complainant filing a response to the Company's request to dismiss the  
6 Complaint.

7 On June 5, 2017, by Procedural Order, Complainant was granted time to file a response to the  
8 Company's request for dismissal of the Complaint and Frontier Citizens was directed to file  
9 documentation demonstrating its compliance with Arizona Supreme Court Rules 31, 38, 39, and 42  
10 and A.R.S. § 40-243 with respect to the practice of law and admission *pro hac vice*.

11 On June 26, 2017, Complainant filed a Response to Frontier Citizen's Request for Dismissal of  
12 the Complaint.

13 On June 29, 2017, Frontier Citizens filed a Notice of Appearance of Michael W. Patten.

14 Because there are issues in dispute, it is appropriate to set this matter for hearing. Further,  
15 resolution of the Company's request to dismiss the Complaint will be held in abeyance pending  
16 submission of evidence and testimony during an evidentiary hearing.

17 IT IS THEREFORE ORDERED that the **hearing** in the above-captioned matter shall  
18 commence on **October 24, 2017, at 10:00 a.m.**, or as soon thereafter as is practicable, at the  
19 Commission's offices, 1200 West Washington, Phoenix, Arizona 85007.

20 IT IS FURTHER ORDERED that any **testimony and associated exhibits** to be presented at  
21 the hearing by Complainant **shall be reduced to writing and filed on or before August 31, 2017**.

22 IT IS FURTHER ORDERED that **any testimony and associated exhibits** to be presented at  
23 the hearing by **Frontier Citizen, shall be reduced to writing and filed on or before October 2, 2017**.

24 IT IS FURTHER ORDERED that Complainant and/or Complainant's witness(es) may provide  
25 rebuttal testimony orally at the hearing.

26 IT IS FURTHER ORDERED that **any objections to testimony or exhibits shall be filed on**  
27 **or before October 16, 2017**.

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1 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 – Unauthorized  
2 Communications) applies to this proceeding as the matter is now set for hearing.

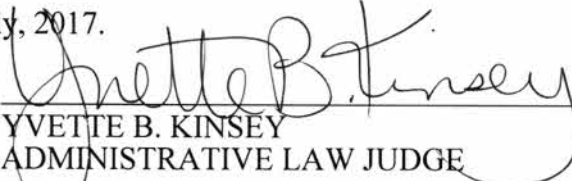
3 IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court Rules  
4 31 and 38 and A.R.S. § 40-243 with respect to the practice of law and admission *pro hac vice*.

5 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance  
6 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Arizona  
7 Supreme Court Rule 42). Representation before the Commission includes the obligation to appear at  
8 all hearings, procedural conferences, and Open Meetings for which the matter is scheduled for  
9 discussion, unless counsel has previously been granted permission to withdraw by the Administrative  
10 Law Judge or Commission.

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

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

19 DATED this 12<sup>th</sup> day of July, 2017.

20   
21 YVETTE B. KINSEY  
22 ADMINISTRATIVE LAW JUDGE  
23  
24  
25  
26  
27  
28

1 On this 12<sup>th</sup> day of July, 2017, the foregoing document was filed with Docket Control as a Procedural  
2 Order – Sets a Hearing, and copies of the foregoing were mailed on behalf of the Hearing Division to  
3 the following who have not consented to email service. On this date or as soon as possible thereafter,  
4 the Commission’s eDocket program will automatically email a link to the foregoing to the following  
5 who have consented to email service.

6 Kim Gaines  
7 7551 E. Cayuse Ct.  
8 Kingman, Arizona 85007

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


15 George Baker Thomson, Jr.  
16 CITIZENS UTILITIES RURAL COMPANY, INC.  
17 dba Frontier Citizens Utilities Rural Company  
18 Associate General Counsel  
19 1800 41<sup>st</sup> Street, Suite N-100  
20 Everett, WA 98203

21 Michael W. Patten  
22 SNELL & WILMER, L.L.P.  
23 One Arizona Center  
24 400 East Van Buren Street  
25 Phoenix, AZ 85004  
26 Attorneys for Citizens Utilities Rural Company, Inc.

27 Andy Kvesic, Director  
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ARIZONA CORPORATION COMMISSION  
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[LegalDiv@azcc.gov](mailto:LegalDiv@azcc.gov)  
[utildivservicebyemail@azcc.gov](mailto:utildivservicebyemail@azcc.gov)

**Consented to Service by Email**

23 COASH & COASH, INC.  
24 Court Reporting, Video and  
25 Videoconferencing  
26 1802 North 7<sup>th</sup> Street  
27 Phoenix, AZ 85006  
28 **Not a party, mailed as a courtesy**

By:   
Staci Antrim  
Assistant to Yvette B. Kinsey