

**ACC “Smart” Meter Decision Appealed in Superior Court
Information & Perspective by Warren Woodward
Sedona, Arizona ~ June, 26, 2015**

Last May I appealed “smart” meter Decision # 75047 made by the Arizona Corporation Commission (ACC). The Decision was illegal in many ways. Plus the commissioners lied repeatedly throughout the Decision.

I detailed all the lies and lawlessness in my appeal to the ACC (here: <http://images.edocket.azcc.gov/docketpdf/0000163221.pdf>), but the commissioners denied my appeal by not responding to it within the 20 days specified in law.

I then brought the ACC's serial lawbreaking to the attention of the Arizona Attorney General's Office but, typically, it was not interested in enforcing the law, so my only recourse was to file an appeal in Superior Court which I did yesterday. Below is the introduction to my case.

I don't know what penalties violation of all the laws listed below may incur, but I do know that violation of A.R.S. 13-2311 (“Fraudulent schemes and practices; wilful concealment”) is a felony with a possible one year jail sentence.

The reason(s) for my request:

I am appealing ACC Decision # 75047 under A.R.S. 40-254. I am an Intervenor in ACC Docket # E-01345A-13-0069 in which the Decision was made. I appealed Decision # 75047 to the ACC commissioners but was denied since the ACC commissioners did not respond within the time period set forth in A.R.S. 40-253. In Decision # 75047, the ACC commissioners violated A.R.S. 40-253 multiple times and in multiple ways. Also, the ACC commissioners lied repeatedly in Decision # 75047's Findings of Fact, thus violating A.R.S. 13-2311. The Conclusions of Law in Decision # 75047 are therefore contrary to law. All of these violations are detailed in my Appeal of Decision # 75047 which is included with this Motion as Exhibit # 1.

Superior Court is a last resort for me. As demonstrated in Exhibit # 1, I told the ACC commissioners they were violating 40-253 and explained how. As demonstrated in Exhibit # 1, I told the ACC commissioners repeatedly, both before and after their Decision was made, that they were lying (committing fraud) in the Findings of Fact yet nevertheless each one of them signed their names to the lies and would not reconsider despite being given that opportunity via my Appeal. After my Appeal was denied, I spoke with Don Conrad, Chief of the Attorney General's Criminal Division, about this matter. He was not interested in the ACC's lawlessness. Hence this Motion to Superior Court.

Exhibit # 1 will also demonstrate the commissioners' violations of, and disregard for, A.R.S. 40-421, A.A.C. R14-2-208.A.2, A.R.S. 40-361.B, A.R.S. 40-321.A, A.A.C. R14-2-209.A.9, A.A.C. R14-2-210.A.1, A.R.S. 40-422(A), A.A.C. R14-2-201.25, A.R.S. 40-203, and A.R.S. 40-334.A & B.

In addition to Exhibit # 1, I have included Exhibits # 2, # 3 and # 4. Exhibit # 2 is another example of the lengths the ACC will go to hide its misdeeds and not follow the law, in this case the Public Records Law. Exhibit # 3 shows a criminal conspiracy afoot at the ACC and bears directly on Decision # 75047, Finding of Fact # 6. Exhibit # 4 shows additional questionable ethics at the ACC concerning this matter.

In sum, as I wrote in the introduction of my Appeal to the ACC commissioners, it is “...obvious that ACC Decision # 75047 is arbitrary and capricious, and that the ACC has abused what discretion it may have had,” and, it is “ ... obvious the ACC has no regard for the law and that Decision # 75047 is completely invalid.”

I am acting in the public interest and not for monetary gain or any commercial purpose.

I am asking the Court to:

Vacate ACC Decision #75047; grant the relief requested in my appeal of Decision #75047; and find Bob Burns, Tom Forese, Doug Little, Susan Smith, and Bob Stump guilty of willfully violating and/or disregarding A.R.S. 13-2311, A.R.S. 40-253, A.R.S. 40-421, A.A.C. R14-2-208.A.2, A.R.S. 40-361.B, A.R.S. 40-321.A, A.A.C. R14 -2-209.A.9, A.A.C. R14-2-210.A.1, A.R.S. 40-422(A), A.A.C. R14-2-201.25, A.R.S. 40-203, and A.R.S. 40-334.A & B. Since the commissioners did not act in the public interest by knowingly and willfully violating and disregarding Arizona law, they should also be held personally accountable as individuals and not just as commissioners.