

**Complaint Filed Against ACC Commissioner Tobin at U.S. District Court
Information and Perspective by Warren Woodward
Sedona, Arizona ~ December 19, 2018**

Today, Arizona Corporation Commission commissioner Andy Tobin was served with a complaint which was filed last week at the U.S. District Court in Phoenix.

Because I am an intervenor in Stacey Champion's formal complaint against APS regarding its unreasonable new rates, I have "standing" to sue Tobin for denying me due process on account of pro-APS bias.

The complaint is self explanatory. Below are the important parts.

By the way, in the Champion complaint we are now awaiting the administrative law judge's Recommended Opinion & Order which tells the ACC commissioners how the judge thinks they should vote on the complaint. The vote will most likely come early next year. Stacey's lawyer and expert witness have done a great job but they aren't working for free, so please make a donation to help offset Stacey's legal expenses, You can do that here: https://www.fundedjustice.com/StopTheAPSGreed?ref=ab_1VkyxcCFkK1VkyxcCFkK

Complaint

Andrew Tobin ("Tobin") is a commissioner of the Arizona Corporation Commission ("ACC"). As a commissioner he serves in a judicial capacity. The Arizona Corporation Commission regulates monopoly utilities in the state of Arizona. As such, commissioner Tobin is sitting in judgment of a formal complaint, ACC docket # E-01345A-18-0002, in which Plaintiff is an intervenor. By the following, Tobin has shown himself to have the objective appearance of a constitutionally impermissible level of bias, thus depriving Plaintiff of his Constitutional right to due process.

Tobin has violated the *ex parte* rule by inappropriate communication with the Respondent to the aforementioned complaint, Arizona Public Service Company ("APS").

Tobin's documented frequent, seemingly constant contact with APS's lobbyists (which included a meeting for drinks which did not show up on Tobin's public calendar) reveal a pattern of bias.

After the filing of the aforementioned complaint, Tobin used ACC stationery and other commission resources to promote an APS political position. Commissioner Tobin is currently under investigation for this behavior by the Arizona Attorney General.

Before its rate case that established the residential rates that are the subject of the aforementioned complaint (rates for which Tobin voted), APS invested an extraordinary amount of money in Tobin's election campaign, 1.4 million dollars which was *twenty-three times* more than the \$60,860 total that Tobin's campaign raised from 86 others.

Based on the above, at the ACC, Plaintiff moved for commissioner Tobin's recusal from the aforementioned complaint but Plaintiff's motion was denied along with Plaintiff's right to due process.

Demand

Plaintiff requests the Court to disqualify ACC commissioner Andrew Tobin from participating in and judging ACC docket # E-01345A-18-0002. Because that docket is in progress, Plaintiff requests immediate relief, or in the alternative, deciding this case on an expedited basis. **Damages: The plaintiff requests no damages.**