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Arizona Corporation Commission

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**BEFORE THE ARIZONA CORPORATION COMMISSION**

COMMISSIONERS

9 **TOM FORESE, Chairman**  
10 **BOB BURNS**  
11 **ANDY TOBIN**  
12 **BOYD DUNN**  
13 **JUSTIN OLSEN**

14 IN THE MATTER OF THE FORMAL  
15 COMPLAINT AGAINST ARIZONA  
16 PUBLIC SERVICE COMPANY FILED  
17 BY STACEY CHAMPION AND OTHER  
18 ARIZONA PUBLIC SERVICE  
19 COMPANY CUSTOMERS.

DOCKET NO. E-01345A-18-0002

**COMPLAINANT STACEY  
CHAMPION'S JOINDER IN  
INTERVENOR WARREN  
WOODWARD'S MOTION FOR  
RECUSAL/DISQUALIFICATION**

**WONG 和 CARTER, P.C.**  
Counselors & Attorneys  
3003 North Central Avenue, Suite 1000  
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18 Complainant Stacey Champion, by and through counsel undersigned, hereby joins  
19 in support of Intervenor Warren Woodward's Motion for Recusal/Disqualification filed  
20 November 13, 2018.

21 Ms. Champion joins the Woodward Motion in requesting that Commission Tobin  
22 recuse himself from this Complaint due to the high probability of his actual bias in favor  
23 of Respondent Arizona Public Service Company.

24 As Woodward's Motion points out, Commissioner Tobin's unethical behavior,  
25 including violations of the ex parte rule, mandates that he immediately recuse himself  
26 from this matter. Commissioner Tobin's bias, both actual and perceived, is too high to be

1 constitutionally tolerable. "The participation in the actual decision making process by  
2 only one party to a controversy is inimical to the notions of fairness which underlie the  
3 due process of law. The United States Supreme Court has categorically stated that a 'fair  
4 hearing' is denied in quasi-judicial administrative proceedings when the finder of fact  
5 reaches his decision after ex parte communications from one side." *W. Gillette, Inc. v.*  
6 *Arizona Corp. Comm'n*, 121 Ariz. 541, 542-43, 592 P.2d 375, 376-77 (App. 1979)  
7 (internal citation omitted). In *W. Gillette*, the Arizona Court of Appeals set aside the  
8 decision of the Commission for violations of the ex parte rule and disqualified  
9 Commission Staff who had participated in that decision from involvement in proceedings  
10 on remand. *Id.* at 543, 377.

11 Based on the foregoing, it is readily apparent that Ms. Champion will be denied  
12 her right to due process if Commissioner Tobin continues to participate and ultimately  
13 votes on this matter. He must immediately recuse himself.

14 RESPECTFULLY SUBMITTED this 27th day of November, 2018.

15 WONG 和 CARTER P.C.

16  
17 By: /s/ Adam L. Stafford

18 Adam L. Stafford

19 Attorneys for Complainant Stacey Champion

20  
21 ORIGINAL and thirteen (13) copies  
22 of the foregoing filed this 27th day of  
23 November, 2018, with:

24 Docket Control  
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