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AZ CORP COMMISSION  
DOCUMENT CONTROL

April 2, 2004

**INTERVENOR'S STATEMENT IN SUPPORT OF  
SETTLEMENT AGREEMENT RE:  
ACC DOCKET NO. W-03512A-03-0279**

Reference: "Settlement Agreement" FILE# JSHAPIRO/1530595.1/75206.006, as presented for signatures, April 2, 2004

1. It is my pleasure to support the referenced Settlement Agreement and recommend its approval by the Arizona Corporation Commission in the matter of the subject ACC Docket No.
2. Although the principal thrust of my Direct Testimony, as Intervenor, could not be fully addressed by this Settlement Agreement, I have acquiesced, without reservation, to the provision contained in Para. 14, entitled, "Exploration of Additional Water Supplies" in deference to the '... Applicant's request for guidance regarding the exploration of additional water supplies.' Further, I volunteer my services to the Commission and to the Applicant, to the limit of my abilities and facilities, in any preliminary considerations the Commission may undertake or direct in the formulation of such guidance as requested by the Applicant. During the course of a teleconference among the Parties to the Agreement, on March 23, I stated the following: **"FURTHER, JOHN B PROPOSES THAT HE ASSIST IN DEFINING PLANS TO IMPLEMENT THE FURTHER WATER EXPLORATION AND NEW PLANT, SUBJECT TO:**

**1) ACC GUIDANCE INVITE AND INITIATE STEPS TO ENABLE THE COMPANY TO PROPOSE SUCH MEASURES FOR THE APPROVAL OF THE ACC**

**2) THAT ALL THREE PRINCIPAL ELEMENTS OF INFRASTRUCTURE BE BROUGHT UNDER ACC REGULATION (SB WATER CO, PINE WATER CO AND THE MAGNOLIA PIPELINE) [AS INCLUDED IN THIS SETTLEMENT PROPOSAL]**

**3) PSWID PERMIT THE USE OF ANY PSWID [PROJECT PS 2002-01] DATA, REPORTS, RECORDS, CORRESPONDENCE, WELLS DATABASE SYSTEM, ETC., IN THE CARE OF THE PSWID AGENT, AND THAT THE PSWID NOT RESTRICT THE USE OF PROPERTY OR INFORMATION FOR SUCH PLANNING PURPOSES BY JOHN BRENINGER, AS A PRIVATE CITIZEN, WITH SUCH MATERIALS TO REMAIN IN HIS CARE AT HIS RESIDENCE IN PINE. PSWID WOULD NOT INCUR ANY LIABILITY FOR SUCH USE OR ACTION BY JOHN BRENINGER."**

Arizona Corporation Commission

**DOCKETED**

APR - 2 2004

DOCKETED BY	1	<i>[Signature]</i>
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3. John Breninger, as the PSWID Agent for the conduct of the PSWID Geo-hydrologic Study Project [PS 2002-01], has been delegated by the current PSWID Administrator, John Nelson, to retain custody of the considerable resources generated by this Project. These resources, together with the first hand field experiences gained from working with the principal investigator, Mr. Mike Kaczmarek, during the course of the investigation as the PSWID Agent, are included among the services and facilities that may be useful to the ACC and the Applicant when considering the scope and extent of the "guidance" that may be appropriate.
4. I also join with the other Parties to this Agreement in urging the Commission to provide such guidance.
5. The Direct Testimony submitted by Intervenor, John Breninger, in this matter, contains many salient points and references for consideration regarding the exploration of additional water supplies within the Pine / Strawberry community. I urge the ACC Commissioners and Staff to make use of these references and my services and facilities for their convenience.
6. This offer to volunteer my services in no way will alter my pledge to support and defend this Agreement.

Respectfully submitted,



John O. Breninger  
Intervenor