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December 30, 2003

2004 JAN -2 P 3: 30

Clerk  
Arizona Corporation Commission  
1200 West Washington  
Phoenix, AZ 85007-2996

AZ CORP Comm  
DOCUMENT CONTROL

Re: Docket #: W-01004B-03-0722/ASH FORK WATER RATE INCREASE

Enclosed please find one (1) original and thirteen (13) conformed copies of an Intervenor originated document captioned:

LETTER OF REBUTTAL

Please enter for the record.

Earl M. Hasbrouck, Intervenor  
P. O. Box 1034  
Ash Fork, AZ 86320-1034  
928/637-0302

EMH:mtf

Arizona Corporation Commission

DOCKETED

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BEFORE THE ARIZONA CORPORATION COMMISSION  
(Utilities Division)  
1200 West Washington  
Phoenix, Arizona 85007

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In re: RATE APPLICATION OF  
ASH FORK DEVELOPMENT ASSOCIATION  
D/B/A ASH FORK WATER

Docket Number W001004B-03-0722  
JAN -2 P 3: 30

ARIZONA CORPORATION COMMISSION  
DOCUMENT CONTROL

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REBUTTAL  
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COMES NOW EARL M. HASBROUCK, the named individual who, on 10 Dec 2003, submitted to the Arizona Corporation Commission (hereinafter, "Commission") an APPLICATION TO INTERVENE in the above captioned and titled action and respectfully shows the following response to an untitled document originated by Ash Fork Development Association, Inc. d/b/a Ash Fork Water (hereinafter "the utility") dated 17 Dec 2003 concerning objection to intervention:

1. Re ¶ one - See conclusion.
2. Re ¶ two - See conclusion.
3. Re ¶ three -(a) Intervention. Intervenor was a party to the preceding two related Ash Fork Water actions and intends with permission to bring the matter to a conclusion in this final, third phase.
4. Re ¶ four - (a) Interrogatories - Unnecessary repetitive rhetoric;  
(b) Phase I (W01004B-02-0768 - Financing). Interrogatories were indeed propounded by the Intervenor seeking the truth. A few were answered, many were not. The revisitation of this issue by the utility clearly and convincingly demonstrates Intervenor's oft-repeated contention that the Commission, by deliberately avoiding the public hearing process in Phase I, did not adequately deal with issues critical to the resolution of the combined Ash Fork Water matters during the adjudication of Docket Number W01004B-02-0768, issues which the utility now clearly wishes to have reexamined;  
(c) Board meetings - the author of the document opposing intervention was one and the same person discussed on record during the Phase II (W01004B-03-0510 - Expansion) hearing at the personal request of Lewis Hume, the facilities manager of Ash Fork Water to whom it was explained that the (now) president of Ash Fork Development Association, Inc. did, when Intervenor was seeking advice about an alley closure proposed by a neighbor, inform this writer, in effect, (i) *that he was not a member of the community*, and (ii) *that he was not welcome at that particular meeting of the co-op nor would he be welcome at any other meeting at any time in the future*, therefore Ms. Hume's remarks regarding "invitation" are clearly self-serving contradictions that have no relevance whatsoever to the matter at hand.
5. Re ¶ five - (1) Whether Intervenor attends open meetings of the Arizona Corporation Commission is dependent upon the wish of the elected commissioners which have the power to compel attendance.

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BEFORE THE ARIZONA CORPORATION COMMISSION  
(Utilities Division)  
1200 West Washington  
Phoenix, Arizona 85007

(2) Time and money - all parties bear - and share - the same costs, the Intervenor more than most because of a requirement to serve documents upon the regulatory authority via U.S..P.S. Certified Mail, Return Receipt Requested due to internal Commission chicanery;

(3) Plans and specifications - An obviously sore subject which the utility's deliberate refusal to provide copies of has been one of the primary causes of the litigation;

(4) Contingencies - No document(s) will be returned until authenticity has been determined which genuiness the utility's engineering firm has deliberately refused to provide, responding to Intervenor inquiries by referring all inquiries to the utility.

6. Re ¶ 4 - Concerns. At hearing, the utility produced no testimony other than that elicited by the presiding trial judge, nor did the utility have any trial plan or produce any witnesses other than Mr. Hume, personally under compelled testimony propounded by Judge Stern. No proof of allegations was called for by Ash Fork Water, no document production was called for by Ash Fork Water, no information was called for by Ash Fork Water, no objections were made by Ash Fork Development Association, Inc. d/b/a Ash Fork Water or the court, therefore the allegations in the pleadings, and all of them, whenever made, wherever made, stand as "true".
7. Re ¶ 6 - The rhetoric is nonsensical invective. Intervenor clearly has, as admitted by Ms. Hume, "stock" in the form of a membership certificate in the company.
8. Re ¶ 6 - Interrogatories are intended by law to lead to discovery and cannot be limited except for flagrant violation of the process. Obstruction of justice, on the other hand, is a prosecutable offense which the Commission has so far failed to utilize regarding the utility's refusal to timely answer questions, proof of which is Administrative Law Judge Stern's Procedural Order compelling Ash Fork Water and it's affiliates to respond to requests in seven days.

**Conclusion:** The applicant intervenor herein openly invites close examination of his application by anyone directly concerned with the three bifurcated Ash Fork Water matters by inviting scrutiny of the documents and pleadings contained in the record of Phase I (Financing) ACC Docket #W01004B-02-0768; of Phase II (Expansion) ACC Docket #W01004B-03-0510; and, of the upcoming Phase III (Rate Increase) ACC Docket #W01004B-03-0722, all having a critical, direct nexus. That close examination, if properly done, should satisfy any questions of any nature whatsoever concerning qualification.

This the 30<sup>th</sup> day of December, 2003.



Earl M. Hasbrouck, Applicant Intervenor  
P. O. Box 1034  
Ash Fork, AZ 86320-1034  
928/637-0302

cc: Ash Fork Development Association

BEFORE THE ARIZONA CORPORATION COMMISSION

(Utilities Division)  
1200 West Washington  
Phoenix, Arizona 85007

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CERTIFICATE OF SERVICE  
(PURSUANT TO R14-3-107 A.A.C.)

By my signature below, I, Earl M. Hasbrouck, do hereby certify that on the date herein recited, I have served the foregoing document on the parties of record by placing the required number of copies into the United States mail, First Class postage prepaid, addressed to:

Arizona Corporation Commission  
1200 West Washington  
Phoenix, AZ 85007  
(Original and thirteen)

Lewis Hume, Manager  
Ash Fork Water Service  
P. O. Box 436  
Ashy Fork, AZ 86320  
(Conformed copy)

Clint A. Brown  
141 South McCormick – Suite 211  
Prescott, AZ 86303