



0000005169

ORIGINAL
RECEIVED

1 FENNEMORE CRAIG
Jay L. Shapiro (No. 014650) 2004 JUN -4 A 10: 48
2 Patrick Black (No. 017141)
3 3003 N. Central Ave.
Suite 2600 AZ CORP COMMISSION
Phoenix, Arizona 85012 DOCUMENT CONTROL
4 Attorneys for Pine Water Company, Inc.

Arizona Corporation Commission
DOCKETED

JUN - 4 2004

DOCKETED BY *CAF*

BEFORE THE ARIZONA CORPORATION COMMISSION

6
7 IN THE MATTER OF THE APPLICATION
OF PINE WATER COMPANY FOR A
8 DETERMINATION OF THE CURRENT
FAIR VALUE OF ITS UTILITY PLANT
9 AND PROPERTY AND FOR INCREASES
IN ITS RATES AND CHARGES BASED
10 THEREON FOR UTILITY SERVICE AND
FOR APPROVAL TO INCUR LONG-
11 TERM DEBT

DOCKET NO: W-03512A-03-0279

**PINE WATER COMPANY'S
EMERGENCY MOTION FOR
EXTENSION OF DEADLINE FOR
FILING EXCEPTIONS AND
WAIVER OF TIME-CLOCK RULES**

12 Applicant Pine Water Company, Inc. ("Pine Water") hereby files this Emergency
13 Motion for Extension of the deadline for filing exceptions in the above-referenced matter,
14 and hereby waives any applicable time-clock rules that might apply.

15 The Commission's Hearing Division issued a recommended order in this matter on
16 May 28, 2004. However, due to the Memorial Day holiday, the Company did not actually
17 receive the recommended order until Tuesday, June 1, 2004, only six days before
18 exceptions are currently due. In addition, lead counsel for Pine Water Company was
19 scheduled to appear in a rate case hearing before the Commission in Tucson, Arizona,
20 commencing Thursday June 3, 2004. Accordingly, it would create a hardship on Pine
21 Water if it were required to file exceptions to the recommended opinion and order by 4:00
22 p.m., Monday June 7, 2004.

23 As a result, Pine Water has requested that the Commission reschedule this matter,
24 which is currently scheduled to be heard at the Commission's June 15, 2004 Open
25 Meeting, to a future open meeting and allow time for Pine Water to submit its exceptions.
26 Pine Water has been informed that this matter will likely be rescheduled for sometime in

1 late July (July 22, 2004 Securities Open Meeting) or early August (August 3, 2004
2 Regular Open Meeting). As the party seeking rate relief, Pine Water submits that such an
3 extension will not prejudice any of the other parties involved in this proceeding.
4 Therefore, Pine Water Company respectfully requests that the Assistant Chief
5 Administrative Law Judge issue an order extending the deadline for exceptions to
6 Wednesday, June 30, 2004 by 4:00 p.m., and hereby waives any applicable time-clock
7 rules which may apply.

8 It is the Company's belief that this deadline would alleviate the hardship imposed
9 on the Company as outlined above while still leaving the Commission ample opportunity
10 to consider the Company's exceptions prior to the time the matter is scheduled to be
11 heard. Finally, given the time constraints, the Company hereby requests that the Assistant
12 Chief Administrative Law Judge rule on the Company's requested extension as soon as
13 possible. While the Company is certainly cognizant of the workload faced by the
14 Commission's Hearing Division, given the time constraints, the Company respectfully
15 suggests that an expedited ruling on this procedural matter is critical.

16 RESPECTFULLY SUBMITTED this 4th day of June, 2004.

17 FENNEMORE CRAIG

18
19 By 

20 Jay L. Shapiro
21 Patrick J. Black
22 3003 North Central Avenue
23 Suite 2600
24 Phoenix, Arizona 85012
25 Attorneys for Pine Water Company

26 ORIGINAL and 13 copies filed
this 4th day of June, 2004, to:

Docket Control
Arizona Corporation Commission
1200 West Washington
Phoenix, Arizona 85007

1 COPY hand-delivered this 4th day
of June, 2004, to:

2
3 Dwight D. Nodes, Assistant Chief ALJ
4 Hearing Division
5 Arizona Corporation Commission
6 1200 W. Washington St.
7 Phoenix, AZ 85007

8
9 Brian McNeil
10 Executive Secretary
11 Arizona Corporation Commission
12 1200 W. Washington St.
13 Phoenix, AZ 85007

14
15 Gary H. Horton, Esq.
16 Legal Division
17 Arizona Corporation Commission
18 1200 W. Washington St.
19 Phoenix, AZ 85007

20
21 COPY sent by electronic and regular mail
22 this 4th day of June, 2004 to:

23
24 John Gliege, Esq.
25 Law Office of John G. Gliege
26 P.O. Box 1388
Flagstaff, Arizona 86002-1388
Attorney for Pine-Strawberry
Water Improvement District

John O. Breninger
P.O. Box 2096
3475 Whispering Pines Road
Pine, AZ 85544-2096

Robert M. Cassaro
P.O. Box 1522
Pine, Arizona 85544

21
22 By: 
23
24 1551784.1/75206.006