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BEFORE THE ARIZONA CORPORATION COMMISSION

MARC SPITZER, Chairman  
WILLIAM A. MUNDELL  
JEFF HATCH-MILLER  
MIKE GLEASON  
KRISTIN K. MAYES

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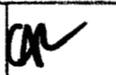
IN THE MATTER OF THE APPLICATION  
OF ARIZONA UTILITY SUPPLY &  
SERVICES, LLC, FOR THE TRANSFER  
OF A PORTION OF ITS CERTIFICATE OF  
CONVENIENCE AND NECESSITY TO  
JOHNSON UTILITIES, L.L.C.

Docket No. SW-04002A-02-0837  
WS-02987A-02-0837

**ARIZONA UTILITY SUPPLY &  
SERVICES, LLC'S RESPONSE TO  
STAFF MODIFICATION OF  
RESPONSE TO REQUEST FOR NEW  
HEARING DATE AND MOTION TO  
ACCELERATE**

Arizona Corporation Commission  
**DOCKETED**

JUN 11 2004

DOCKETED BY 

Arizona Utility Supply and Services, LLC ("AUSS") requests that the hearing date be set for shortly after July 13, 2004 in accordance with the request of counsel for Johnson Utilities Co., L. L.C. ("Johnson"). If the hearing date will instead be accelerated to a date earlier than July 9, 2004, per Staff's request, AUSS requests that it be set as close to July 9 as possible.

*The emergency described in the Staff's Motion to Accelerate has been abated. This morning, AUSS and Johnson have signed an agreement facilitated by Staff and the Arizona Department of Environmental Quality under which Johnson will accept wastewater from a portion of AUSS' CC&N and effluent from the remainder of AUSS' CC&N. A copy of the agreement will be submitted to Staff as soon as it is available. The agreement eliminates*

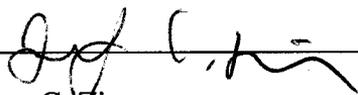
1 any possibility of overflows of effluent at the AUSS plant and allows AUSS to bring its  
2 facilities into full compliance with all laws and permits pending transfer of the remainder of  
3 its CC&N to Johnson per a separate application to be filed promptly.

4 AUSS supports speedy resolution of this matter consistent with having adequate time  
5 to prepare for the hearing while also bringing its facilities into compliance. AUSS needs a  
6 reasonable time period to prepare for the hearing and did not anticipate or receive notice of  
7 Staff's request for acceleration until after it was filed. Had it received prior notice, AUSS  
8 would have asked that the Motion to Accelerate be temporarily held pending the outcome of  
9 the negotiations between AUSS and JUC.

10 Counsel for AUSS is currently available except on June 22, 23 and 28 and the  
11 afternoon of July 28.

12 AUSS respectfully requests that the dates set forth in the Procedural Order be  
13 reasonably modified consistent with the change of hearing date.

14  
15 RESPECTFULLY SUBMITTED this 11<sup>th</sup> day of June, 2004.

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24 The original and 13 copies of the  
25 foregoing were filed this 11<sup>th</sup> day  
of June, 2004 with:

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

1  
2 Copies of the foregoing were mailed/  
hand delivered this 11<sup>th</sup> day of June, 2004 to:

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