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Arizona Corporation Commission

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BEFORE THE ARIZONA CORPORATION COMMISSION

IN THE MATTER OF THE APPLICATION)
OF ARIZONA WATER COMPANY, AN)
ARIZONA CORPORATION, TO EXTEND)
ITS EXISTING CERTIFICATE OF)
CONVENIENCE AND NECESSITY AT)
CASA GRANDE, PINAL COUNTY,)
ARIZONA)

DOCKET NO. W-01445A-04-_____
W-01445A-04-0755

IN THE MATTER OF THE APPLICATION)
OF WOODRUFF WATER COMPANY)
FOR A NEW CERTIFICATE OF)
CONVENIENCE AND NECESSITY)

DOCKET NO. W-04264A-04-0438
MOTION TO
CONSOLIDATE PROCEEDINGS

Arizona Water Company, an Arizona corporation ("AWC"), pursuant to Rule 42(a) of the Arizona Rules of Civil Procedure and A.A.C. R14-3-109.H of the Arizona Corporation Commission's Rules of Practice and Procedure, hereby moves the Arizona Corporation Commission (the "Commission") to consolidate the above-captioned proceedings. This Motion is based upon the following:

Woodruff Water Company ("Woodruff") and AWC each have filed an application for a Certificate of Convenience and Necessity ("CC&N") to serve the Sandia master-planned community ("Sandia"). The two applications involve common questions of law and fact, are appropriate to consolidate, and should be considered together.

These proceedings need to be consolidated to allow the Commission to consider the compelling public policy issues that favor AWC's CC&N Application, such as:

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- a. AWC has longstanding plans to extend water service to the expansion areas and, as a result of such planning and the existence of its adjacent water systems in Coolidge and Casa Grande, AWC can offer a more reliable water service, lower cost of water facilities, and lower water rates than Woodruff, which does not have an existing water system.
- b. AWC's longstanding plans include the interconnection of its Casa Grande and Coolidge water systems, and the construction of a single water treatment plant to treat its Casa Grande and Coolidge Central Arizona Project water allocations and thereby supplement its Casa Grande and Coolidge water supplies. AWC's proposed construction of a treatment plant has been supported by the Mayors and City Councils of Casa Grande and Coolidge.
- c. The Commission's "Proposed Policy for Water Certificates of Convenience and Necessity" states the Commission's goal of eliminating the proliferation of non-viable water systems. That policy would require an applicant for a CC&N which is not an existing water utility to demonstrate "necessity" by showing that existing Class A water utilities as well as all water utilities serving within five (5) miles of applicant's requested area have refused to serve applicant's requested area. (Proposed Policy for Water Certificates of Convenience and Necessity, www.cc.state.az.us/working/wt-attachA.htm (visited October 12, 2004)). AWC is a Class A water utility, its Casa Grande and Coolidge service areas are within five (5) miles of Woodruff's

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requested area, and it has not refused to provide public utility water service to Sandia. In fact, AWC is ready, willing and able to serve Sandia.

In addition, A.A.C. R14-3-109.H provides that "...the presiding officer may consolidate two or more proceedings in one hearing when it appears that the issues are substantially the same and that the rights of the parties will not be prejudiced by such procedure..." That is precisely the case in these Dockets. The rights of Woodruff, AWC and the Commission Staff would not be unduly prejudiced by the requested consolidation. No party to this proceeding can, with any justification, claim unfair surprise, or that the consolidation of these proceedings and any subsequent hearing(s) would be unduly burdensome. If fact, if these matters are not consolidated and heard together, the Commission will be required to hold multiple hearings to hear much of the same evidence. It would be a needless duplication of effort and an inefficient use of the Commission's and the parties' resources if multiple analyses and hearings were required.

Based upon the foregoing, AWC respectfully requests that the above-captioned matters be consolidated and that the hearings on both applications be combined for one hearing.

RESPECTFULLY SUBMITTED this 19th day of October 2004.

ARIZONA WATER COMPANY

By: Robert W. Geake
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Vice President and General Counsel
ARIZONA WATER COMPANY
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and

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5 Original and thirteen (13) copies of the foregoing filed this 19th day of October 2004
6 with:

7 Docket Control Division
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10 Phoenix, Arizona 85007

11 A copy of the foregoing was hand delivered this 19th day of October 2004 to:

12 Marc Stern, Administrative Law Judge
13 Hearing Division
14 Arizona Corporation Commission
15 1200 West Washington Street
16 Phoenix, Arizona 85007

17 A copy of the foregoing was mailed this 19th day of October 2004 to:

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