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RECEIVED ARIZONA Corporation Commission

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BEFORE THE ARIZONA CORPORATION COMMISSION

8 IN THE MATTER OF FILING BY)
9 ARIZONA WATER COMPANY OF)
10 PROPOSED TARIFF NO. TE-264,)
11 TREATED EFFLUENT SERVICE.)

DOCKET NO. W-01445A-00-0319

REQUEST FOR AWARD OF ATTORNEYS
FEES AND EXPENSES AND ORDER
BARRING AWC FROM SERVING
EFFLUENT

12
13 On November 28, 2000, Applicant Arizona Water Company ("AWC") filed its Notice of
14 Withdrawal of Proposed Tariff TE-264 to terminate these proceedings before the Commission.
15 The City of Casa Grande ("City") requests that the Commission enter an Order requiring AWC
16 to reimburse the City for the attorneys fees and expenses it incurred in responding to
17 Proposed Tariff TE-264. AWC should have conducted the "informational discussions" with
18 the City and the other affected municipalities referenced in its Notice of Withdrawal before it
19 initiated these formal proceedings. Its failure to do so, and perhaps resolve the municipalities'
20 concerns in advance, has resulted in the unnecessary expenditure of a tremendous amount
21 of money by the City and the other municipalities. AWC should not be permitted without
22 penalty to cause the City and the other municipalities to needlessly incur these expenses.

23 Upon the Commission's grant of this request, the City will promptly prepare and file a
24 detailed statement of the attorneys fees and costs it has incurred.

25 The City also requests that the Commission condition the withdrawal of Proposed Tariff
26 TE-264 upon entry of an Order barring AWC from making any agreement concerning effluent
27 or delivering effluent in any manner, except as it has been serving effluent in the Apache
28 Junction area under Tariff RW-256, until it obtains an appropriate tariff from the Commission.
In both its Certificate of Filing Proposed Tariff and its Response to the City's Objections, AWC

1 stated that Proposed Tariff TE-264 was a prerequisite to its ability to provide treated effluent
2 service to its service areas other than Apache Junction, because Tariff RW-256 is limited to
3 its Apache Junction service area. See Certificate of Filing of Proposed Tariff TE-264 at 1,
4 lines 12-20; Response to the City of Casa Grande's Objections to Proposed Tariff TE-264 at
5 3, lines 12-17.

6 The City agrees that AWC cannot negotiate concerning effluent, make any agreement
7 concerning effluent, or provide treated effluent service without a tariff. Accordingly, as a
8 condition of AWC's withdrawal of Proposed Tariff TE-264, the Commission should enter an
9 Order barring AWC from negotiating, making any agreement, making any assertion that it has
10 the right to, or serving treated effluent to any of its service areas, other than Apache Junction,
11 until such time as it obtains an appropriate tariff from the Commission.

12 DATED this 1st day of December, 2000.

13 IRVINE VAN RIPER, P.A.

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1 COPIES of foregoing the hand-delivered
2 this 1st day of December, 2000, to:

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26 COPIES of the foregoing mailed this 1st
27 day of December 2000, to:

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