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Arizona Corporation Commission
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2000 MAY 30 P 12:00

AZ CORP COMMISSION
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IN THE MATTER OF THE JOINT APPLICATION) Docket #E-01032A-00-0163
BETWEEN CITIZENS UTILITIES COMPANY,) Docket #E-01032B-00-0163
INC. AND CAP ROCK ENERGY CORPORATION) Docket #E-01032C-00-0163
FOR THE APPROVAL OF THE SALE OF) ~~Docket #E-01032D-00-0163~~
CERTAIN ELECTRIC UTILITY PROPERTIES)
IN ARIZONA AND THE TRANSFER OF THE) **MARVIN LUSTIGER'S OBJECTION**
CC&N FROM CITIZENS AND THE ARIZONA) **TO THE INCOMPLETE FILING OF**
ELECTRIC DIVISION TO CAP ROCK ENERGY.) **THE CITIZENS/CAP ROCK AGMT.**

A Joint Application was filed by the companies on March 10, 2000. Two and one-half months later, Citizens filed a bare Agreement. All Exhibits and Schedules were withheld. This secrecy is unacceptable and must not be tolerated.

Although the bare Agreement was exquisitely drafted by nimble wordsmiths, it tells us little if anything. It is merely a frame without a picture. It fails to give the information the companies are required to put openly on the table, if their application is to be thoroughly and lawfully analyzed.

Citizens is not the Coca Cola Company, with a secret formula to protect. Citizens is a quasi-public company operating a monopoly. Its information and records must be promptly and fully disclosed, without onerous conditions or any conditions.

Citizens' sham excuse that it wishes to withhold information from a potential buyer of its gas services, is both distasteful and a red herring. There is little reason to believe that Citizens, in dealing with the expensive sale of its gas division, is negotiating with a moron. A potential buyer which does not have the smarts nor the integrity to demand disclosure of all

1 pertinent information before it pays millions of dollars, should
2 not be in the public services business.

3 Marvin Lustiger moves that the scheduled hearing date be
4 continued to ninety days after the companies unconditionally
5 furnish all requested data, so that the proposed transfer can
6 be calmly and fully analyzed by all parties, and proposed orders
7 can be drafted and discussed.

8 Although Citizens has insisted to the ACC that the transfer
9 be rushed and that it must be completed no later than November 1,
10 2000, it has at the same time communicated to its shareholders
11 that the completion should be expected during the following year.

12 In any event, most parties to this matter likely agree that
13 protecting the interests of the citizens of Arizona is of somewhat
14 greater importance than Citizens' convenience.

15
16 RESPECTFULLY SUBMITTED this 27th day of May, 2000.

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- 1 Original and ten copies of
the foregoing mailed this
2 27th day of May, 2000 to:
Docket Control
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- 5 Copies of the foregoing mailed
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