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COMMISSIONER

ARIZONA CORPORATION COMMISSION
REGISTRATION CONTROL

DOCKETED BY [Signature]

IN THE MATTER OF THE JOINT APPLICATION BETWEEN CITIZENS UTILITIES COMPANY, INC. AND CAP ROCK ENERGY CORPORATION FOR THE APPROVAL OF THE SALE OF CERTAIN ELECTRIC UTILITY PROPERTIES IN ARIZONA AND THE TRANSFER OF THE CERTIFICATE OF CONVENIENCE AND NECESSITY FROM CITIZENS AND THE ARIZONA ELECTRIC DIVISION TO CAP ROCK ENERGY.

DOCKET NO. E-01032A-00-0163
E-01032B-00-0163
E-01032C-00-0163
E-03851A-00-0163

CITIZENS UTILITIES COMPANY'S OBJECTION TO THE APPLICATION OF MARVIN LUSTIGER FOR LEAVE TO INTERVENE

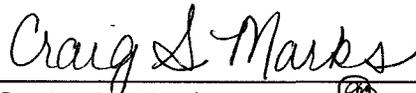
Citizens Utilities Company ("Citizens") hereby objects to Mr. Lustiger's application for leave to intervene.

For Mr. Lustiger to be granted intervenor status, R14-3-105 requires that he demonstrate that he will be "directly and substantially affected by the proceedings." Mr. Lustiger has not even alleged that he is a Citizens electric customer,¹ which should be the initial threshold to be considered as potentially directly and substantially affected by this case. Even if he were, this proceeding will not affect electric rates or tariffs, so he should have to show much more than just customer status. Nor has he demonstrated that his interests would not be adequately represented by the Staff or the Residential Utility Consumer Office, or that he would bring any special, relevant expertise to the case. The main question will be whether CAP Rock is a fit and proper entity to succeed to Citizens' CC&N. Mr. Lustiger is unlikely to shed any light on this question.

¹ Nor has Citizens been able to identify him as an electric customer.

1 Finally, the fact that Mr. Lustiger is engaged in other litigation with Citizens
2 is irrelevant. He has his forum to address and resolve any perceived issues. He
3 has demonstrated no relevance of any other proceedings to this case. To the
4 extent any relevant findings are ultimately made in his other litigation, this
5 Commission could take administrative notice.

6 RESPECTFULLY SUBMITTED on April 28, 2000.

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24 Original and ten copies filed on
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By:


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Opposition to Lustiger Intervention