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Arizona Corporation Commission 28

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AZ CORP COMMISSION
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BEFORE THE ARIZONA CORPORATION COMMISSION

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IN THE MATTER OF THE FORMAL
COMPLAINT OF RICHARD N. CORROW
AGAINST ARIZONA WATER COMPANY,
AN ARIZONA CORPORATION

DOCKET NO. W-01445A-04-0622

**COMPLAINANT'S RESPONSE
TO RESPONDENT'S REQUEST
TO CONTINUE HEARING**

A hearing is set before the Commission on November 22, 2004 in this matter. Arizona Water Company (A.W.C./Respondent) has made an unreasonable request for a continuance in this matter indicating a "principal witness has long-standing vacation plans". The issues to be addressed in this matter are either of an engineering or administrative nature. This matter is not so complicated that A.W.C could not have any competent engineer represent A.W.C. at the November 22 hearing. If the unnamed principal witness is A.W.C.'s General Counsel, Mr. Robert Geake, it was incumbent of him to state his vacation plans or those of any witness at the pre-hearing conference when timing of the hearing date was discussed, at which time the Corrows expressed their urgency to have this matter settled. If Mr. Geake is in fact the principal witness who will be on vacation, the Corrows suggest that the President of A.W.C., Mr. William Garfield, can adequately represent the Company as it is he who wrote the Company's position to the Corrows in a letter dated, February 4, 2004. A.W.C. gives no other explanation and also suggests the approaching holiday season is reason to reschedule into the next year.

Respectfully, Richard and Donna Corrow (Corrows/Complainants), strongly request the Commission deny this request as unreasonable, without merit, and a blatant attempt by A.W.C. to wear down the Corrows, knowing that time is of the essence. Start of construction was delayed due to this issue, and the Corrow's home is now under construction. The Corrows have fully complied with the procedures of the Corporation Commission after making repeated requests to A.W.C. for a reasonable alternative to their unreasonable demand to install a 6-inch water main at Corrow's expense.

The Corrows first made a complaint to the Commission through Investigator Bradley Morton in January 2004. There was no compromise offered by A.W.C. even with the able assistance of Mr. Morton. Next, the Corrows asked for arbitration, and the case was assigned to Ms. Vicki Wallace, Chief of Consumer Services/Compliance, Utilities Division. After her initial investigation in July 2004, she suggested that A.W.C.'s firm position left her sensing that an arbitration hearing would not be productive and indicated our next procedure would be to appeal to the Commission. We did so and attended a pre-hearing conference before an Administrative Law Judge on October 14th, 2004. At the conclusion of the pre-hearing conference, Judge Stern requested that the parties discuss alternatives. While still at the conference table in the hearing room, the Corrows offered to make concessions to A.W.C. Their representative stated they would have to discuss it internally and would get back to us. To date, we've received no response. With no resolution, the matter is scheduled for an evidentiary hearing on November 22, 2004.

As noted, the Corrows have complied fully with an involved process that we have endured for nearly a year, delaying our project and burdening our family with unforeseen carrying costs. A.W.C. is fully aware we had to proceed with our project and are continuing with this power play.

Further, A.W.C. now comes and suggests a "principal witness" will not be available. This is nonsense. The temerity of A.W.C. to come forward with this claim without indicating who could be so important in this large bureaucracy is another attempt to stonewall their position in hopes to further string out the Corrows with a waiting game, knowing that we need water. A.W.C.'s juvenile request needs no further discussion and should be denied. As to the approaching holiday season as an additional excuse for delay; it is not worth commenting on.

RESPECTFULLY SUBMITTED THIS 1st day of November, 2004.

LANDOWNERS



RICHARD N. CORROW



DONNA L. CORROW
303 S. Prospectors Road
Apache Junction, AZ 85219-8875

Original and thirteen (13) copies of the foregoing filed the 1st day of November, 2004 with:

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

A copy of the foregoing was mailed this 1st day of November, 2004 to:

Robert W. Geake
Vice President and General Counsel
ARIZONA WATER COMPANY
Post Office Box 29006
Phoenix, AZ 85038-9006

The Honorable Marc E. Stern
Administrative Law Judge
Arizona Corporation Commission
1200 West Washington Street
Phoenix, AZ 85007

Ernest G. Johnson
Director, Utilities Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, AZ 85007

By: Donna L. Conow