

# INTERVENTION



0000013747

ORIGINAL

BEFORE THE ARIZONA CORPORATION COMMISSION

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**COMMISSIONERS**  
**MARC SPITZER - CHAIRMAN**  
**WILLIAM A. MUNDELL**  
**JEFF HATCH-MILLER**  
**MIKE GLEASON**  
**KRISTIN K. MAYES**

2004 DEC 16 P 4: 37

AZ CORP COMMISSION  
DOCUMENT CONTROL

Arizona Corporation Commission

**DOCKETED**

DEC 16 2004

DOCKETED BY

IN THE MATTER OF THE APPLICLATION OF  
WOODRUFF WATER COMPANY, INC. FOR A  
CERTIFICATE OF CONVENIENCE AND  
NECESSITY TO PROVIDE WATER SERVICES  
IN PINAL COUNTY, ARIZONA.

) DOCKET NO. W-04264A-04-0438

IN THE MATTER OF THE APPLICATION OF  
WOODRUFF UTILITY COMPANY, INC. FOR A  
CERTIFICATE OF CONVENIENCE AND  
NECESSITY TO PROVIDE SEWER SERVICE IN  
PINAL COUNTY, ARIZONA.

) DOCKET NO. SW-04265A-04-0439

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

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

**MOTION TO INTERVENE BY  
PULTE HOME CORPORATION**

and

**REQUEST FOR EXPEDITED  
CONSIDERATION OF  
UNCONTESTED EXTENSION  
AREA**

Pulte Home Corporation ("Pulte"), through undersigned counsel and pursuant to A.A.C. R14-3-105, hereby moves to intervene in the above captioned dockets.

In addition, Pulte requests that the Arizona Corporation Commission ("Commission") conduct an expedited hearing on that portion of Arizona Water Company's application (Docket No. W-01445A-04-0755) seeking the authority to provide water service to a proposed master planned community to be commonly known as "Martin Valley" (the "Martin Valley Development"). No one contests Arizona Water Company's serving the Martin Valley

1 Development. The Martin Valley Development is not within the area sought to be served by  
2 Woodruff Utility Company in its applications.

3 In support of this motion to intervene and request for expedited consideration, Pulte states  
4 as follows:

5 1. Pursuant to an agreement between Pulte, as the buyer, and Marcus David Martin  
6 (“Martin”), as the seller, Pulte has the exclusive right and option to acquire the real property  
7 comprising the Martin Valley Development, which consists of a 565.5 acre parcel of land located  
8 in Pinal County. Pulte intends to acquire and develop the real property comprising the Martin  
9 Valley Development as a master planned community (consisting of single-family, residential  
10 homes and other uses). Pulte has formally requested that Arizona Water Company extend its  
11 certificate of convenience and necessity to be able to provide water service to the Martin Valley  
12 Development. A copy of Pulte’s request is attached as Exhibit 1 to Arizona Water Company’s  
13 application in Docket No. W-01445A-04-0755 and is incorporated herein by this reference.

14 2. Pulte will be directly and substantially affected by the issues addressed in these  
15 dockets.

16 3. Pulte’s participation in these dockets will not unduly broaden the issues presented  
17 herein.

18 4. The name, address and telephone of the persons upon whom service of all  
19 documents is to be made is:

20 Raymond S. Heyman  
21 Michael W. Patten  
22 ROSHKA HEYMAN & DEWULF PLC  
23 400 East Van Buren Street, Suite 800  
24 Phoenix, Arizona 85004  
25 phone: (602) 256-6100  
26 fax: (602) 256-6800  
27 email: [rheyman@rhd-law.com](mailto:rheyman@rhd-law.com)  
[mpatten@rhd-law.com](mailto:mpatten@rhd-law.com)

5. Woodruff Water Company has not requested a certificate of convenience and  
necessity to provide water service to the Martin Valley Development.

ROSHKA HEYMAN & DEWULF, PLC  
ONE ARIZONA CENTER  
400 EAST VAN BUREN STREET - SUITE 800  
PHOENIX, ARIZONA 85004  
TELEPHONE NO 602-256-6100  
FACSIMILE 602-256-6800

1           6.       Pulte is proceeding in its development of the Martin Valley Development and is  
2 concerned that the contested portion of this proceeding may delay the grant of a CC&N to Arizona  
3 Water Company to serve it when service will be necessary. Pulte currently anticipates that it will  
4 require water service at Martin Valley Development on or about October of 2005.

5           7.       Pulte requests that, upon a finding of sufficiency of the Arizona Water Company  
6 application, a hearing is set for the earliest possible date, preferably in January of 2005.  
7 Alternatively, if it appears that discovery or other matters may delay the resolution of the  
8 contested portion of this proceeding, Pulte requests that this proceeding be bifurcated to allow the  
9 uncontested portion of the Arizona Water Company's requested extension to proceed immediately.

10           WHEREFORE, Pulte requests that it be granted intervention in the above-captioned  
11 proceeding and that the Commission expedite consideration of the portion of Arizona Water  
12 Company's application to extend its certificate of convenience and necessity to the Martin Valley  
13 Development.

14           RESPECTFULLY SUBMITTED this 16<sup>th</sup> day of December, 2004.

15           ROSHKA HEYMAN & DEWULF, PLC

16  
17 By \_\_\_\_\_



18           Raymond S. Heyman  
19           Michael W. Patten  
20           One Arizona Center  
21           400 East Van Buren Street, Suite 800  
22           Phoenix, Arizona 85004

23           Original and 17 copies of the foregoing  
24           filed this 16<sup>th</sup> day of December 2004 with:

25           Docket Control  
26           Arizona Corporation Commission  
27           1200 West Washington Street  
            Phoenix, Arizona 85007

**ROSHKA HEYMAN & DEWULF, PLC**  
ONE ARIZONA CENTER  
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TELEPHONE NO 602-256-6100  
FACSIMILE 602-256-6800

1 Copy of the foregoing hand-delivered/mailed  
2 this 16<sup>th</sup> day of December 2004 to:

3 Marc E. Stern, Esq.  
4 Administrative Law Judge  
5 Hearing Division  
6 Arizona Corporation Commission  
7 1200 West Washington Street  
8 Phoenix, Arizona 85007

9 Timothy J. Sabo, Esq.  
10 Diane M. Targovnik, Esq.  
11 Legal Division  
12 Arizona Corporation Commission  
13 1200 West Washington Street  
14 Phoenix, Arizona 85007

15 Ernest G. Johnson, Esq.  
16 Director, Utilities Division  
17 Arizona Corporation Commission  
18 1200 West Washington Street  
19 Phoenix, Arizona 85007

20 Jeffery W. Crockett, Esq.  
21 Kimberley A. Grouse, Esq.  
22 Snell & Wilmer  
23 400 E. Van Buren  
24 Phoenix, Arizona 85004  
25 Attorneys for Woodruff Water Company

26 Robert W. Geake, Esq.  
27 Arizona Water Company  
P.O. Box 29006  
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28 Steven A. Hirsch, Esq.  
29 Bryan Cave  
30 Two North Central Avenue, Ste. 2200  
31 Phoenix, Arizona 85004  
32 Attorney for Arizona Water Company

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By Mary Joppolo