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AZ CORP COMMISSION
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Arizona Corporation Commission

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IN THE MATTER OF THE
APPLICATION OF JOHNSON
UTILITIES COMPANY FOR AN
EXTENSION OF ITS EXISTING
CERTIFICATE OF CONVENIENCE
AND NECESSITY FOR WATER AND
WASTEWATER SERVICE TO AN
AREA ENCOMPASSING A PORTION
OF THE BELLA VISTA
DEVELOPMENT

DOCKET NO. WS-02987A-04-0288

**REPLY TO JOHNSON UTILITIES
COMPANY'S AND STAFF'S
OPPOSITION AND WITHDRAWAL
OF DIVERSIFIED WATER
UTILITIES APPLICATION TO
INTERVENE**

Diversified Water Utilities, Inc. ("Diversified") hereby replies to the opposition of Johnson Utilities Company ("JUC") and the Commission Staff and withdraws its Application to Intervene in the above-captioned matter.¹

The only reason Diversified filed an Application to Intervene in this matter is the fact that Exhibit 4 to JUC's Application appeared to seek a certificate for a narrow strip along Bella Vista Road.² This area bisects the sections Diversified seeks to certificate as part of Docket No. W-02859A-04-0844. JUC has now represented that it is not seeking such a certificate as part of this docket. After platting the amended legal descriptions contained in this docket, Staff concluded that this docket does not involve any of the area Diversified seeks

¹ This pleading was prepared prior to receipt of the Procedural Order dated February 2, 2005 and, while moot, is being filed to ensure that Diversified's position is clearly set forth in the docket.

² According to system maps filed by JUC in Docket No. WS-02987A-04-0869, this area contains an 8" water line, which appears to have been constructed by JUC without first securing a CC&N in violation of A.R.S. §40-281.

1 to certificate as part of Docket No. W-02859A-04-0844. With the foregoing understanding,
2 Diversified withdraws its Application to Intervene in this matter.³

3 Diversified, however, places JUC and the Commission on notice that it has an
4 interest in providing water service to all of sections 13, 14, 15, 23 and that portion of section
5 16 East of the railroad tracks located in Township 3 South, Range 8 East, Pinal County,
6 Arizona and requests notice and an opportunity to intervene and be heard on any matter
7 before the Commission that would affect Diversified's ability to provide such service.

8 DATED this 3rd day of February, 2005.

9
10 CURTIS, GOODWIN, SULLIVAN,
11 UDALL & SCHWAB, P.L.C.

12
13 By: 

14 William P. Sullivan, Esq.
15 2712 North Seventh Street
16 Phoenix, Arizona 85006-1090
17 Attorneys for Diversified Water Utilities, Inc.
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25 ³ Diversified does not believe that a competing application constitutes the sole basis to justify intervention in another public service corporation's application to expand their certificated area. However, that was the sole basis of Diversified's application to intervene in this matter. Therefore, based upon the representations of JUC and findings of Staff, Diversified no longer desires to intervene.

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PROOF OF AND CERTIFICATE OF MAILING

I hereby certify that on this 3rd day of February, 2005, I caused the foregoing document to be served on the Arizona Corporation Commission by delivering the original and thirteen (13) copies of the above to:

Docket Control
Arizona Corporation Commission
1200 West Washington
Phoenix, Arizona 85007

With copies of the foregoing mailed and/or hand-delivered this 3rd day of February, 2005 to:

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Arizona Corporation Commission
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