

INTERVENTION
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BEFORE THE ARIZONA CORPORATION COMMISSION

2005 FEB -3 P 4: 25

Arizona Corporation Commission

DOCKETED

FEB 03 2005

COMMISSIONERS

JEFF HATCH-MILLER, Chairman
MARC SPITZER
WILLIAM A. MUNDELL
MIKE GLEASON
KRISTIN K. MAYES

AZ CORP COMMISSION
DOCUMENT CONTROL

DOCKETED BY	
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IN THE MATTER OF THE APPLICATION
OF ARIZONA WATER COMPAY, AN
ARIZONA CORPORATION, FOR
ADJUSTMENTS TO IS RATES AND
CHARGES FOR UTILITY SERVICE
FURNISHED BY ITS WESTERN GROUP
AND FOR CERTAIN RELATED
APPROVALS

DOCKET NO. W-01445A-04-0650

MOTION TO INTERVENE

Pivotal Group, Inc. ("Pivotal") hereby moves the Arizona Corporation Commission for leave to intervene in the above-captioned proceeding pursuant to A.A.C. R14-3-105. This motion is supported by the following facts and information:

1. On September 8, 2004, Arizona Water Company ("AWC") filed an application ("Rate Application") for adjustments to its rates and charges for utility service furnished by its Western Group and for certain related approvals.
2. According to the Rate Application, AWC's Western Group is comprised of five water systems that serve approximately 20,000 customers. In her filed testimony, AWC witness Sheryl Hubbard stated that the Western Group systems include Casa Grande, Stanfield, White Tank, Ajo Heights, and Coolidge.
3. On October 19, 2004, AWC filed an application to extend its existing Certificates of Convenience and Necessity ("CC&Ns") to provide water service to the property located between its existing Casa Grande and Coolidge CC&Ns ("Requested CC&N Area") [Docket No. W-01445A-04-0755]. The Requested CC&N Area includes

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1 a planned Pulte Home development and the Sandia Development.¹ It is Pivotal's belief
2 that if AWC's application is approved, the rates established in the above-captioned
3 docket would apply to the Requested CC&N Area.

4 4. Pivotal Group, Inc., an Arizona corporation, has entered into a Purchase
5 Agreement with Howard Wuertz and Jewell Wuertz; Sarah Lyn Wuertz; Gregory
6 Wuertz; Carol Wuertz Behrens; David Wuertz; Sundance Farms Limited Partnership,
7 LLP; Wildcat Farms, LLC; McKinney Farming Company; Wuertz Farming Limited
8 Company (collectively referred to as "Sellers"). Pursuant to this Purchase Agreement,
9 Pivotal has the exclusive right and option to acquire the real property, which consists of
10 approximately 3,180 acres in Pinal County, just west of Coolidge. This property is
11 located within the Requested CC&N Area.

12 5. Pivotal intends to acquire and develop the real property as Sandia
13 Development, a master planned community. The property will be conveyed in three
14 phases, and it is anticipated that the first phase will close in March 2005. The Sellers
15 have authorized Pivotal to represent them in the above-captioned docket, as evidenced by
16 the letter that is attached as Exhibit A².

17 6. Pivotal will be directly and substantially affected by the issues addressed in
18 this docket if AWC's application to extend its CC&Ns is successful.

19 7. Pivotal's participation in these dockets will not unduly broaden the issues
20 presented herein.

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22
23 ¹ Woodruff Water Company, Inc. and Woodruff Utility Company, Inc. has also filed applications for CC&Ns to
24 provide water and sewer service to the Sandia community on June 10, 2004 ("CC&N Application") [Docket No. W-
25 04264A-04-0438], and the CC&N applications were deemed sufficient on October 7, 2004. The AWC CC&N
26 application and the Woodruff CC&N application have been consolidated. The outcome of this matter had not been
decide; the hearing is set to commence on April 20, 2005.

² Through the Purchase Agreement, the Sellers have authorized Howard Wuertz and Carol Wuertz to execute all
documents related to this transaction. Exhibit A bears the signature of Howard Wuertz and Carol Wuertz.

1 8. The granting of intervenor status to Pivotal will not delay this proceeding
2 or cause the issues to be unduly broadened.

3 9. The name, address, telephone number, facsimile number and e-mail address
4 of the person upon whom service of all documents is to be made is:

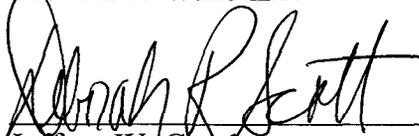
5 Jeffrey W. Crockett
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8 One Arizona Center
9 400 East Van Buren
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11 Phone: (602) 382-6571
12 Facsimile: (602) 382-6070
13 E-mail: jcrockett@swlaw.com
14 E-mail: drscott@swlaw.com
15 And
16 Marvin S. Cohen
17 Sacks Tierney, P.A.
18 4230 N. Drinkwater Blvd, 4th Floor
19 Scottsdale, AZ 85251
20 Phone: (480) 425-2633
21 Facsimile: (480) 425-4931
22 E-mail: Marvin.Cohen@SacksTierney.com

23 10. A copy of this Motion to Intervene has been sent via first class mail to the
24 attorneys for AWC, and to the other parties of record on the service list following this
25 motion.

26 For the above stated reasons, Pivotal respectfully requests that the Commission
grant its motion to intervene in the above-captioned proceeding.

1 RESPECTFULLY submitted this 3rd day of February, 2005.

2
3 SNELL & WILMER

4 

5 Jeffrey W. Crockett

6 Deborah R. Scott

7 One Arizona Center

8 400 East Van Buren

9 Phoenix, Arizona 85004-2202

Attorneys for Woodruff Water Company

10 ORIGINAL and 13 copies of the foregoing
filed this 3rd day of February 2005, with:

11 Docket Control
12 Arizona Corporation Commission
13 1200 West Washington
PHOENIX, AZ 85007

14 A COPY of the foregoing was hand-delivered
this 3rd day of February, 2005, to:

15 Lyn Farmer
16 Chief Administrative Law Judge
17 Hearing Division
18 ARIZONA CORPORATION COMMISSION
19 1200 West Washington
Phoenix, Arizona 85007

20 A COPY of the foregoing was mailed
this 3rd day of February, 2005, to:

21 Christopher C. Kempley, Chief Counsel
22 Legal Division
23 ARIZONA CORPORATION COMMISSION
24 1200 West Washington Street
25 Phoenix, Arizona 85007
26

Snell & Wilmer

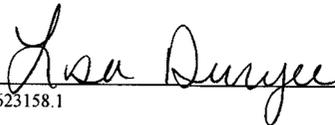
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3 ARIZONA CORPORATION COMMISSION
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1623158.1

EXHIBIT

A

HOWARD AND JEWELL WUERTZ
3227 W. BECHTEL RD.
COOLIDGE, AZ 85228
520-723-7711

January 25, 2005

Arizona Corporation Commission
1200 W. Washington
Phoenix, AZ 85007

RE: Motion to Intervene
Docket No. W-01445A-04-0650

Dear Commissioners:

The purpose of this letter is to authorize the Pivotal Group, Inc., an Arizona corporation ("Pivotal"), to represent Howard Wuertz and Jewell Wuertz; Sarah Lynn Wuertz; Gregory Wuertz; Carol Wuertz Behrens; David Wuertz; Sundance Farms Limited Partnership, LLP; Wildcat Farms, LLC; McKinney Farming Company; Wuertz Farming Limited Company (collectively, "Sellers") in the above captioned docket.

Pivotal and the Sellers have entered into a Purchase Agreement, whereby Pivotal has the exclusive right and option to acquire the real property, which consists of approximately 3,180 acres within Pinal County, just west of Coolidge. Pivotal intends to acquire and develop the real property as the Sandia Development, a master planned community. The property will be conveyed in three phases, and it is anticipated that the first phase will close in March 2005.

On September 8, 2004, Arizona Water Company ("AWC"), filed an application ("Rate Application") for adjustments to its rates and charges for utility service furnished by its Western Group and for certain related approvals. AWC's Western Group is comprised of five water systems that serve Casa Grande, Stanfield, White Tank, Ajo Heights, and Coolidge. On October 19, 2004, AWC filed an application to extend its existing Certificate of Convenience and Necessity ("CC&N") to the property located between its existing Casa Grande and Coolidge CC&Ns [Docket No. W-01445A-04-0755]. The area that AWC is requesting to be included in its CC&N includes a planned Pulte Home development and the Sandia Development. It is Pivotal's belief that if AWC's application is approved, the rates established in the above-captioned docket would apply to the Sandia Development.

The Sellers assert that their interests, as well as Pivotal's interests, will be directly and substantially affected by the issues addressed in this docket if AWC's application to extend its CC&Ns is successful. Therefore, to avoid duplicative efforts and unnecessary costs, the Sellers have authorized Pivotal to represent their interests in the above-captioned docket.

Sincerely,


Howard Wuertz / Jewell Wuertz