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1 **COMMISSIONERS**
 2 **JEFF HATCH-MILLER, Chairman**
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Arizona Corporation Commission

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BEFORE THE ARIZONA CORPORATION COMMISSION

7 IN THE MATTER OF THE APPLICATION)
 8 OF ARIZONA WATER COMPANY, AN)
 9 ARIZONA CORPORATION, TO EXTEND)
 10 ITS EXISTING CERTIFICATES OF)
 11 CONVENIENCE AND NECESSITY AT)
 12 CASA GRANDE AND COOLIDGE, PINAL)
 13 COUNTY, ARIZONA)

DOCKET NO. W-01445A-04-0755

12 IN THE MATTER OF THE APPLICATION)
 13 OF WOODRUFF WATER COMPANY,)
 14 INC. FOR A CERTIFICATE OF)
 15 CONVENIENCE AND NECESSITY TO)
 16 PROVIDE WATER SERVICE IN PINAL)
 17 COUNTY, ARIZONA)

DOCKET NO. W-04264A-04-0438

16 IN THE MATTER OF WOODRUFF)
 17 UTILITY COMPANY, INC. FOR A)
 18 CERTIFICATE OF CONVENIENCE AND)
 19 NECESSITY TO PROVIDE SEWER)
 20 SERVICE IN PINAL COUNTY, ARIZONA)

DOCKET NO. SW-04265A-04-0439

REPLY TO WOODRUFF WATER
COMPANY INC.'S AND WOODRUFF
UTILITY COMPANY'S RESPONSE
TO ARIZONA WATER COMPANY'S
MOTION FOR PREFILED TESTIMONY

22 ARIZONA WATER COMPANY, an Arizona corporation (the "Company"), through
 23 its undersigned counsel, files its Reply to the Response of Woodruff Water Company,
 24 Inc. and Woodruff Utility Company, Inc. (hereinafter collectively "Woodruff") to the
 25 Company's Motion for a Procedural Order directing the parties to file prefiled testimony
 26 and exhibits in this case.
 27

1 The arguments the Company presented in its Reply to the Staff's Response to its
2 Motion are equally applicable to Woodruff's Response, and will thus not be repeated
3 here. This Reply will address the additional arguments presented by Woodruff.

4 As a preliminary matter, however, Woodruff misses the mark by supporting
5 Staff's argument that the currently established procedural schedule for this case will
6 provide sufficient due process for the parties and information for the Commission. The
7 focus of the Company's Motion is, what process will provide the most effective method
8 of processing this case; the Company submits that the best process would be the use of
9 prepared testimony and exhibits in a case of this complexity. It is unpersuasive for
10 Woodruff to argue that the Commission should settle for a less adequate procedure
11 simply because it may satisfy a minimum level of due process.

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13 Woodruff's primary arguments seem to be that the Company's intervention in this
14 matter delayed the proceedings and that the procedure suggested by the Company's
15 Motion will further delay the proceedings. Both arguments are incorrect.

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17 First, Woodruff wrongly suggests that the Company has delayed the
18 proceedings. The Company's Motion to Intervene was timely filed and granted by the
19 Commission-and was not opposed by any party, including Woodruff. The schedule for
20 processing the case at that time, and after the Company's application was filed and
21 consolidated with Woodruff's, was set by the administrative law judge at the November
22 19, 2004 procedural conference-again, unopposed by any party. To now argue that the
23 Company delayed this proceeding contradicts the facts.

24
25 Next, Woodruff wrongly argues that the Company's suggested use of prefiled
26 testimony and exhibits would delay the case. The Company did not request in its
27 Motion, and does not request now, that the hearing in this matter be delayed.

28

1 On the contrary, with some minor adjustments, the current procedural schedule
2 established by the Fifth Procedural Order can be used to accommodate the use of
3 prefiled testimony and exhibits, which will accelerate, not delay, the hearings in this
4 matter, a goal that Woodruff would presumably support. There is simply no need to
5 completely discard the current procedural schedule to include a requirement for prefiled
6 testimony, including the accommodation of Staff's request that its testimony be filed
7 after the testimony of the Company and Woodruff. Simply put, the action suggested by
8 the Company's Motion is compatible with the current procedural schedule, and Woodruff
9 has failed to make a convincing argument otherwise. Finally, the relief requested in the
10 Company's Motion would afford the most effective procedure for processing this case
11 which, rather than adherence to any particular time schedule, should be the objective.
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15 CONCLUSION
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19 All parties would process this case most efficiently through the use of
20 prefiled testimony and exhibits. The Commission entering an order for such at this point
21 in the proceedings will prejudice no party. The new procedural schedule, with a little
22 revision, may still be used. The Company, therefore, urges the Commission to enter an
23 order (1) directing all parties to prefile prepared direct and rebuttal testimony and
24 exhibits, and (2) revising the current procedural schedule, as necessary.
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RESPECTFULLY SUBMITTED this 7th day of February, 2005.

ARIZONA WATER COMPANY

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A copy of the foregoing was hand-delivered this 7th day of February, 2005 to:

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