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BEFORE THE ARIZONA CORPORATION COMMISSION

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**COMMISSIONERS**

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

Arizona Corporation Commission

**DOCKETED**

FEB 02 2005

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**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

**IN THE MATTER OF THE APPLICATION OF WOODRUFF WATER COMPANY, INC. FOR A CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE WATER SERVICE**

DOCKET NO. W-~~01~~4264A-04-0438

**IN THE MATTER OF THE APPLICATION OF WOODRUFF UTILITY COMPANY, INC. FOR A CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE SWER SERVICE**

DOCKET NO. SW-~~04-265A~~<sup>D4265A</sup>-04-0439

**WOODRUFF WATER COMPANY INC. AND WOODRUFF UTILITY COMPANY, INC.,S REPLY TO STAFF'S RESPONSE TO ARIZONA WATER COMPANY'S MOTION FOR A PROCEDURAL ORDER**

**Snell & Wilmer**

LLP  
LAW OFFICES  
One Arizona Center, 400 E. Van Buren  
Phoenix, Arizona 85004-2202  
(602) 382-6000

Woodruff Water Company, Inc. ("Woodruff Water") and Woodruff Utility Company, Inc. (Woodruff Utility) (collectively referred to as "Woodruff") hereby files its Reply to Staff's Response to Arizona Water Company's ("Arizona Water") Motion for a Procedural Order.

Woodruff supports Staff position that prefiled testimony is unnecessary in this proceeding. The procedure set forth in the January 31<sup>st</sup> Procedural Order is reasonable and sufficient for the parties to fully present their positions to the Commission. The Applicants have filed information sufficient for the Staff to prepare its report, which must be filed by March 3, 2005. If the Applicants disagree with the Staff Report, they must file written objections. The process that is

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1 currently ordered will allow the parties put forward their positions prior to hearing for the benefit  
2 of the parties, the public, the Administrative Law Judge and the Commissioners. The evidentiary  
3 hearing will allow the parties the opportunity to present their positions through the direct and  
4 cross-examination of witnesses and the presentation of exhibits. Woodruff agrees with Staff that  
5 this established procedure will provide the parties due process and the Commission with the  
6 information necessary to make their determination in this matter.<sup>1</sup>

7 Additionally, to require prefiled testimony would only further delay a decision in this  
8 matter. Staff correctly points out that if prefiled testimony is required, the Applicants' testimony  
9 would be filed prior to Staff filing its position. Woodruff Water's and Woodruff Utility's  
10 applications for a Certificate of Convenience and Necessity have pending at this Commission for  
11 several months. The matter was set for hearing in late November. However this hearing was  
12 delayed because on October 19, 2004, Arizona Water Company filed an application to extend its  
13 Certificates(s) to provide water service included the area in which Woodruff was seeking to  
14 provide both water and sewer service. The Woodruff applications were consolidated with the  
15 Arizona Water application and the procedural schedule that had been established by the October  
16 14<sup>th</sup> Procedural Order was vacated. It was not until January 20<sup>th</sup> that Staff issued a notice of  
17 administrative sufficiency to Arizona Water.

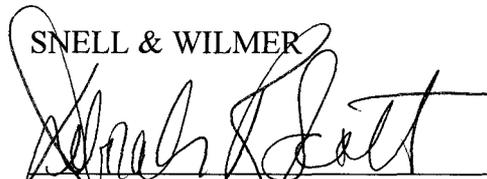
18 Currently the hearing on this matter is set for April 20, 2005 – a full five months later than  
19 the original hearing. To now include a requirement to file testimony would most likely require a  
20 delay in the adjudication of this matter. The potential customers in the disputed area in the above  
21 captioned CC&N matters have specifically requested that Woodruff Water and Woodruff Utility  
22 provide them with water and sewer service. Arizona Water's application to extend their CC&N  
23 into the same area, to provide only water service, has already caused delay in the adjudication of  
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26 <sup>1</sup>Woodruff's applications were filed on June 10, 2004 and Staff issued a letter of administrative  
completeness on October 7<sup>th</sup>.

1 the matter. To now complicate the hearing schedule with prefiled testimony will only cause  
2 additional unnecessary delay.

3 Woodruff urges the Administrative Law Judge to deny Arizona Water's motion and allow  
4 this matter to continue as currently scheduled.

5 RESPECTFULLY submitted this 2nd day of February, 2005.

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7 SNELL & WILMER  
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9 Jeffrey W. Crockett  
10 Deborah R. Scott  
11 One Arizona Center  
12 400 East Van Buren  
13 Phoenix, Arizona 85004-2202  
14 Attorneys for Woodruff Water Company

15 The original and seventeen (17) copies  
16 of the foregoing were filed this 2nd day  
17 of February, 2005.

18 Docket Control  
19 Arizona Corporation Commission  
20 1200 West Washington Street  
21 Phoenix, Arizona 85007

22 A COPY of the foregoing was hand-delivered  
23 this 2nd day of February, 2005, to:

24 Lyn Farmer  
25 Chief Administrative Law Judge  
26 Hearing Division  
ARIZONA CORPORATION COMMISSION  
1200 West Washington  
Phoenix, Arizona 85007

1 James Fisher  
Utilities Division  
2 ARIZONA CORPORATION COMMISSION  
1200 West Washington  
3 Phoenix, Arizona 85007

4 A COPY of the foregoing was mailed  
5 this 2nd day of February, 2005, to:

6 Christopher C. Kempley, Chief Counsel  
Legal Division  
7 ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
8 Phoenix, Arizona 85007

9 Ernest G. Johnson, Director  
10 Utilities Division  
ARIZONA CORPORATION COMMISSION  
11 1200 West Washington Street  
12 Phoenix, Arizona 85007

13 Robert W. Geake  
Vice President and General Counsel  
14 ARIZONA WATER COMPANY  
P.O. Box 29006  
15 Phoenix, AZ 85038-9006

16 Steven A. Hirsch  
17 Bryan Cave LLP  
Two North Central Avenue, Suite 2200  
18 Phoenix, AZ 85004-9006

19 Marvin S. Cohen  
20 Sacks Tierney, P.A.  
4250 N. Drinkwater Blvd., Floor 4  
21 Scottsdale, AZ 85251-3693

22 Raymond S. Heyman, Esq.  
23 Michael W. Patten, Esq.  
Roshka Heyman & DeWulf  
24 400 E. Van Buren Street, Suite 800  
Phoenix, AZ 85004

25  
26

**Snell & Wilmer**

LLP  
LAW OFFICES  
One Arizona Center, 400 E. Van Buren  
Phoenix, Arizona 85004-2202  
(602) 382-6000

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Denis Fitzgibbons  
Coolidge City Attorney  
711 E. Cottonwood, Suite E  
Casa Grande, AZ 85230-1208

K. Scott McCoy  
Casa Grande City Attorney  
510 E. Florence Blvd.  
Casa Grande, AZ 85222

Timothy J. Sabo  
Diane M. Targovnik  
Attorney, Legal Division  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, AZ 85007

