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FENNEMORE CRAIG  
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Phoenix, Arizona 85012  
Attorneys for Pine Water Company, Inc.

2005 JAN 31 A 10: 11  
AZ CORP COMMISSION  
DOCUMENT CONTROL

**BEFORE THE ARIZONA CORPORATION COMMISSION**

IN THE MATTER OF THE  
APPLICATION OF PINE WATER  
COMPANY FOR A DETERMINATION  
OF THE CURRENT FAIR VALUE OF  
ITS PLANT AND PROPERTY, A RATE  
INCREASE AND FOR APPROVAL TO  
INCUR LONG-TERM DEBT

DOCKET NO. W-03512A-03-0279

**CERTIFICATION OF COMPLIANCE  
WITH NOTICE REQUIREMENTS**

Pursuant to the January 21, 2005 procedural order issued in the above-captioned matter, Pine Water Company ("Pine") hereby files this Certification of Compliance with Notice Requirements. Attached hereto as Exhibit 1 is the affidavit of Mistie S. Jared, of Brooke Utilities, Inc., confirming that notice of a January 31, 2005 Public Comment Hearing in Pine, Arizona, was posted by Pine representatives on January 27, 2005 and January 28, 2005 in the Pine Post Office, Pine Library, Pine-Strawberry Elementary School, Strawberry Market, and that multiple copies were provided in each of the six (6) information boxes affixed to Pine's stage signs.

Ms. Jared also confirms that legal notice was published in the January 28, 2005 edition of the Payson Roundup, a copy of which is attached hereto as Exhibit 2.

Arizona Corporation Commission  
**DOCKETED**

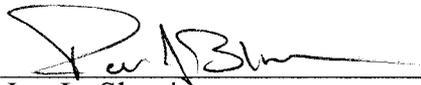
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RESPECTFULLY SUBMITTED this 31st day of January, 2005.

FENNEMORE CRAIG

By   
Jay L. Shapiro  
Patrick J. Black  
Attorneys for Pine Water Company

**Original** and 13 copies were filed this  
31st day of January, 2005, with:

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

A copy of the foregoing  
was hand-delivered this  
31 day of January, 2005, to:

Dwight D. Nodes, Assistant Administrative Law Judge  
Hearing Division  
Arizona Corporation Commission  
1200 W. Washington St.  
Phoenix, AZ 85007

Christopher Kempley  
Gary H. Horton  
Legal Division  
Arizona Corporation Commission  
1200 W. Washington St.  
Phoenix, AZ 85007

Ernest Johnson, Director  
Utilities Division  
Arizona Corporation Commission  
1200 W. Washington St.  
Phoenix, AZ 85007

1 Lori H. Miller  
2 Compliance/Tariff Specialist  
3 Utilities Division  
4 Arizona Corporation Commission  
5 1200 W. Washington St.  
6 Phoenix, AZ 85007

7 Brian Bozzo  
8 Utilities Division  
9 Arizona Corporation Commission  
10 1200 W. Washington St.  
11 Phoenix, AZ 85007

12 A copy of the foregoing was mailed  
13 this 31 day of January, 2005, to:

14 Robert M. Cassaro  
15 P.O. Box 1522  
16 Pine, AZ 85544

17 John O. Breninger  
18 P.O. Box 2096  
19 Pine, AZ 85544

20 John G. Gliege  
21 P.O. Box 1388  
22 Flagstaff, AZ 86002  
23 Attorney for Pine-Strawberry Water Improvement District

24 By Sandra Balcer

25 1631841.1/75206.006

26

# **EXHIBIT**

**1**

**Brooke Utilities, Inc.**

P. O. Box 22218 • Bakersfield, California 93380-2218  
Customer Call Center • P.O. Box 9905 • San Dinis, California 91773-9016 • (800) 270-6084

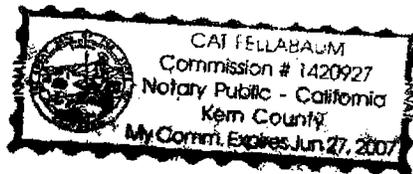
January 28, 2005

I, **Mistie S. Jared**, acknowledge the *NOTICE OF PUBLIC COMMENT HEARING ON THE ARIZONA CORPORATION COMMISSION UTILITIES DIVISION STAFF'S RECOMMENDATION FOR A MORATORIUM ON NEW SERVICE CONNECTIONS FOR PINE WATER COMPANY DOCKET NO. W-03512A-03-0279* was published in the Payson Round-up on January 28, 2005.

I, **Mistie S. Jared**, acknowledge the *NOTICE OF PUBLIC COMMENT HEARING ON THE ARIZONA CORPORATION COMMISSION UTILITIES DIVISION STAFF'S RECOMMENDATION FOR A MORATORIUM ON NEW SERVICE CONNECTIONS FOR PINE WATER COMPANY DOCKET NO. W-03512A-03-0279* was posted by Pine Water Co., Inc. representatives on January 27, 2005 and January 28, 2005 in the Pine Post Office, Pine Library, Pine-Strawberry Elementary School, Strawberry Market and multiple copies were provided in each of the six (6) information boxes affixed to Pine Water Co., Inc.'s stage signs.

*Mistie S. Jared*  
\_\_\_\_\_  
Mistie S. Jared

State of California     )  
  SS  
County of Kern         )



Subscribed and sworn to (or affirmed) before me  
This 28th day of January 2005, by Mistie S. Jared

*Cat Fellabaum*  
\_\_\_\_\_  
Notary Public

*Brooke Water L.L.C. Circle City Water Co. L.L.C. Strawberry Water Co., Inc. Pine Water Co., Inc.  
Payson Water Co., Inc. Navajo Water Co., Inc. Tomo Basin Water Co., Inc.*

# **EXHIBIT**

**2**

PAYSON ROUNDUP FRIDAY, JANUARY 28, 2005

200 LEGAL NOTICES

List of stored goods: Household items.

Unit H-2-04

Ignacio Info: Logan Miller, 300 W. Chandler, #8, Payson, AZ 85541.

List of stored goods: Household items.

Unit H-17

Ignacio Info: Denise Appleton, 815 W. Summit, Payson, AZ 85541.

List of stored goods: Household items.

Lien Sales will be held from 9 am to Noon, Saturday, Feb. 5, 2005, at facility location:

Barney Self Storage, LLC, 100 So. Main Ave Road, Payson, AZ 85541.

8328-128905

NOTICE OF PUBLIC COMMENT HEARING ON THE ARIZONA CORPORATION COMMISSION UTILITIES DIVISION STAFF'S RECOMMENDATION FOR A RATE ADJUSTMENT ON NEW SERVICE CONNECTIONS FOR PINE WATER COMPANY

ROCKET FUEL, INC. (RIF) 67168

In Decision No. 67168 (August 10, 2004), the Arizona Corporation Commission ("Commission") granted Pine Water Company ("Pine Water" or "Company") a permanent revenue increase of approximately 11.8 percent pursuant to a settlement agreement entered into by Pine Water, the Commission's Utilities Division Staff ("Staff"), and other intervenors. Decision No. 67168 also directed Staff to prepare a Staff Report within three months addressing whether a moratorium on new water hook-ups should be maintained for Pine Water. Pine Water is currently subject to a limited moratorium pursuant to Decision No. 65035 (December 9, 2002), whereby the Company is limited to a maximum of 25 new service connections per month.

On November 16, 2004, Staff issued its Staff Report in accordance with Decision No. 67168. In the Staff Report, Staff recommends that Pine Water be prohibited from connecting any new customers due to Staff's determination that inadequate sources of water are available to serve additional customers. Staff also stated that the Arizona Department of Environmental Quality ("ADEQ") is unable to determine if the Company is currently satisfying water flow needs water quality standards required under the Arizona Administrative Code. According to Staff, ADEQ has reported that Pine Water has a pending Consent Order, Notice of Violations, and numerous plant deficiencies. Pine Water Company has filed testimony disputing portions of the Staff Report regarding noncompliance with ADEQ requirements. An evidentiary hearing has been scheduled for February 14, 2005, at 10:00 a.m. in the Commission's offices in Phoenix, Arizona.

The Commission will hold a public hearing on this matter on January 31, 2005, at 9 a.m. at the Pine Water School Auditorium, 91 Pine Creek Drive, Payson, Arizona. The hearing is open to the public and will allow customers to comment on the Staff Report, the Commission's determination on new service connections, and the availability of water in the area.

If you are not receiving this notice, you may contact the Commission at 1200 North Central Avenue, Suite 222, Phoenix, Arizona 85002. For more information, please call (602) 995-1200 or visit our website at www.azcc.gov.

Advertisement for legal services, listing contact information for various attorneys and firms, including phone numbers and addresses.