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2005 FEB 28 P 4: 09
AZ CORP COMMISSION
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Arizona Corporation Commission
DOCKETED

FEB 28 2005

DOCKETED BY

Attorneys for Johnson Utilities Company

BEFORE THE ARIZONA CORPORATION COMMISSION

8 IN THE MATTER OF DIVERSIFIED
9 WATER UTILITIES, INC. TO EXPAND ITS
10 CERTIFICATE OF CONVENIENCE AND
11 NECESSITY TO INCLUDE ALL OF
SECTION 13, 14, 15, 23 AND THAT
PORTION OF SECTION 16 EAST OF
RAILROAD TRACKS ALL IN T3S, R83,
PINAL COUNTY, ARIZONA.

DOCKET NO. W-02859A-04-0844

12 IN THE MATTER OF THE APPLICATION
13 OF JOHNSON UTILITIES COMPANY FOR
14 AN EXTENSION OF ITS EXISTING
CERTIFICATE OF CONVENIENCE AND
NECESSITY FOR WATER SERVICE.

DOCKET NO. WS-02987A-04-0869

**RESPONSE TO STAFF'S MOTION TO
CONSOLIDATE**

15
16 Johnson Utilities Company ("JUC") does not oppose consolidation of the two dockets as
17 requested by Staff. Nor does JUC oppose the scheduling of a procedural conference should the
18 presiding Judge require one. However, JUC would oppose any postponement of the hearing in
19 this matter.

20 Notice of the hearing date for JUC's application has been published. Moreover, when
21 Diversified was granted intervention in that docket, it was on the basis that the matter would not
22 be unduly broadened or delayed. The consolidation should be based on that same standard.
23 Otherwise, JUC, as well as the landowner and homebuilder requesting the extension of service,
24 would be unduly prejudiced despite following all of the appropriate steps for obtaining an
25 extension of JUC's CC&N. In contrast, with April 18, 2005 as the hearing date, the parties will
26 have ample opportunity to conduct discovery and prepare for hearing.

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DATED this 28th day of February, 2005.

FENNEMORE CRAIG, P.C.

By: *Ann D. Jan*
for Jay L. Shapiro
Attorneys for Johnson Utilities Company

ORIGINAL and 15 copies delivered this
28th day of February, 2005, to:

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

COPY hand-delivered this 28th day of February, 2005:

Dwight Nodes
Assistant Chief Administrative Law Judge
Arizona Corporation Commission
1200 West Washington Street
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Jason Gellman, Staff Attorney
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Jim Fisher
Utilities Division
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AND A COPY mailed this 28th day of February, 2005 to:

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Attorneys for Diversified Water Utilities, Inc.

By: *Mary L House*
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