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2005 FEB 28 P 4: 10
AZ CORP COMMISSION
DOCUMENT CONTROL

Arizona Corporation Commission

DOCKETED

FEB 28 2005

5 Attorneys for Johnson Utilities Company

DOCKETED BY [Signature]

BEFORE THE ARIZONA CORPORATION COMMISSION

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

DOCKET NO. WS-02987A-04-0869

RESPONSE TO STAFF'S MOTION TO
CONSOLIDATE

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.

1 DATED this 28th day of February, 2005.

2

FENNEMORE CRAIG, P.C.

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By: Ann D. Jan

4

for Jay L. Shapiro
Attorneys for Johnson Utilities Company

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6 ORIGINAL and 15 copies delivered this
7 28th day of February, 2005, to:

7

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

8

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

11 Dwight Nodes
12 Assistant Chief Administrative Law Judge
13 Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

14 Jason Gellman, Staff Attorney
15 Legal Division
16 Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

17 Jim Fisher
18 Utilities Division
19 Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

20 AND A COPY mailed this 28th day of February, 2005 to:

21 William P. Sullivan, Esq.
22 David M. Lujan, Esq.
23 Curtis, Goodwin, Sullivan, Udall & Schwab
2712 N. 7th St.
Phoenix, AZ 85006
Attorneys for Diversified Water Utilities, Inc.

24

25

26

By: Mary L House
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