

ORIGINAL



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RECEIVED

1 FENNEMORE CRAIG, P.C.
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5 Suite 2600
6 Phoenix, Arizona 85012
7 Telephone (602) 916-5000

2005 MAY -4 P 4: 23

AZ CORP COMMISSION
DOCUMENT CONTROL

8 Attorneys for Johnson Utilities Company

BEFORE THE ARIZONA CORPORATION COMMISSION

9 IN THE MATTER OF DIVERSIFIED
10 WATER UTILITIES, INC. TO EXPAND ITS
11 CERTIFICATE OF CONVENIENCE AND
12 NECESSITY TO INCLUDE ALL OF
13 SECTION 13, 14, 15, 23 AND THAT
14 PORTION OF SECTION 16 EAST OF
15 RAILROAD TRACKS ALL IN T3S, R8E,
16 PINAL COUNTY, ARIZONA.

DOCKET NO. W-02/859A-04-0844

17 IN THE MATTER OF THE APPLICATION
18 OF JOHNSON UTILITIES COMPANY FOR
19 AN EXTENSION OF ITS EXISTING
20 CERTIFICATE OF CONVENIENCE AND
21 NECESSITY FOR WATER SERVICE.

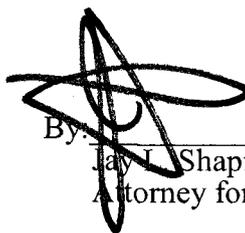
DOCKET NO. WS-02987A-04-0869

NOTICE OF FILING ORIGINAL
AFFIDAVITS TO MOTION TO
CONTINUE

22 Johnson Utilities Company herewith files original executed Affidavits, attached hereto as
23 Exhibit 1, in support of its April 22, 2005, Motion to Continue the proceedings in the above-
24 captioned matters.

25 RESPECTFULLY SUBMITTED this 4th day of May, 2005.

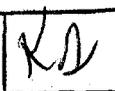
FENNEMORE CRAIG, P.C.

26
By 

Jay L. Shapiro
Attorney for Johnson Utilities Company

Arizona Corporation Commission
DOCKETED

MAY 04 2005

DOCKETED BY 

1 ORIGINAL +15 copies filed this 4th
day of May, 2005:

2 Docket Control
3 Arizona Corporation Commission
4 1200 West Washington Street
Phoenix, Arizona 85007

5 COPY delivered this 4th day of May, 2005:

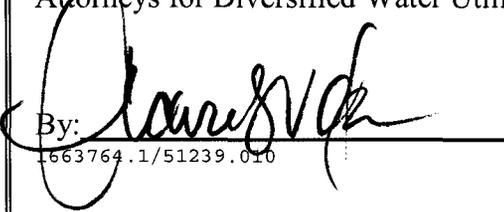
6 Dwight Nodes
7 Assistant Chief Administrative Law Judge
8 Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

9 Tim Sabo, Staff Attorney
10 Legal Division
11 Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

12 Jim Fisher
13 Utilities Division
14 Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

15 COPY emailed and mailed this 4th day of May, 2005:

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

20
21 By: 
1663764.1/51239.010

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EXHIBIT

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AFFIDAVIT

STATE OF ARIZONA)
County of MARICOPA) ss.

Jeff Schneidman, being duly sworn, upon his oath, states:

1. I am a resident of Maricopa County, over 18 years of age and make this affidavit based on my own personal knowledge.

2. I am a manager of ABCDW, L.L.C. ("ABCDW") duly authorized to sign documents and enter into contracts on behalf of ABCDW.

3. ABCDW currently owns real property ("Property") located in approximately one-half of Section 23, Township 3 South, Range 8 East in Pinal County. The Property includes approximately one-half of parcel number 210-23-0014A. Although ABCDW's predecessor in interest previously submitted a request to Johnson Utilities Company ("JUC") for the extension of water facilities to serve the Property, this request has been withdrawn because ABCDW has postponed plans to develop the Property at this time.

4. ABCDW also has an option to purchase approximately one-half of parcel number 210-13-001A5 located in Section 13, Township 3 South, Range 8 East ("Optional Property") from Wolfkin Farms.

5. I am aware that both JUC and Diversified Water Utilities, Inc. have filed competing applications with the Arizona Corporation Commission to include the Property and Optional Property within their respective Certificate of Convenience and Necessity in Docket Nos. W-02859A-04-0844 and WS-02987A-04-0869.

6. ABCDW supports having these proceedings stayed at this time until a plan of development for the Property exists.

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Jeff Schneidman

ABCDW, L.L.C.

SUBSCRIBED AND SWORN to before me, the undersigned Notary Public, this
21ST day of April, 2005, by JEFF SCHNEIDMAN



Notary Public

My Commission Expires:

11.30.2007



JANELLE C. DAVIS
Notary Public - Arizona
Maricopa County
Expires 11/30/07

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AFFIDAVIT

STATE OF ARIZONA)
County of MARICOPA) ss.

Daryl Wolfswinkel, being duly sworn, upon his oath, states:

1. I am a resident of Maricopa County, over 18 years of age and make this affidavit based on my own personal knowledge.

2. I am the member of Bella Sierra, LLC. ("Bella Sierra") duly authorized to sign documents and enter into contracts on behalf of Bella Sierra, LLC.

3. Bella Sierra currently owns real property ("Property") located in Section 15, Township 3 South, Range 8 East in Pinal County. The Property includes parcel number 210-15-001B8. Bella Sierra has no current plans to develop the Property at this time and we have not requested that anyone extend water utility service to the property.

4. I am aware that Diversified Water Utilities, Inc. ("Diversified") has filed an application with the Arizona Corporation Commission to include the Property within its Certificate of Convenience and Necessity in Docket Nos. W-02859A-04-0844 and WS-02987A-04-0869. Bella Sierra has never engaged in discussions with Diversified representatives about the extension of water facilities to serve the Property, and there is no need for water service at this time.


Daryl Wolfswinkel member

Bella Sierra, LLC

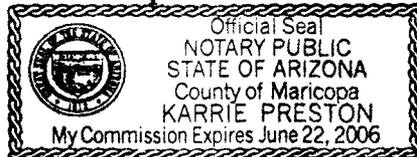
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SUBSCRIBED AND SWORN to before me, the undersigned Notary Public, this
21 day of April, 2005, by Daryl Wolfswinkel.



Notary Public

My Commission Expires:



1 AFFIDAVIT

2 STATE OF ARIZONA)
3 County of MARICOPA) ss.
4

5 James A. Gillespie, being duly sworn, upon his oath, states:

6 1. I am a resident of Maricopa County, over 18 years of age and make this
7 affidavit based on my own personal knowledge.

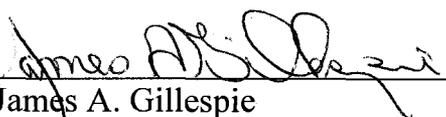
8 2. I am the President of Gillespie Properties, Inc. ("Gillespie") duly authorized to
9 sign documents and enter into contracts on behalf of Gillespie.

10 3. Gillespie currently owns real property ("Property") located in Section 14,
11 Township 3 South, Range 8 East in Pinal County. The Property includes parcel numbers
12 210-14-00204, 210-14-001B1 and 210-14-001A3. Gillespie has no current plans to
13 develop the Property at this time and we have not requested that anyone extend water
14 utility service to the property.

15 4. I am aware that Diversified Water Utilities, Inc. ("Diversified") has filed an
16 application with the Arizona Corporation Commission to include the Property within its
17 Certificate of Convenience and Necessity in Docket Nos. W-02859A-04-0844 and WS-
18 02987A-04-0869, although there is no current need for water service to the Property at
19 this time.

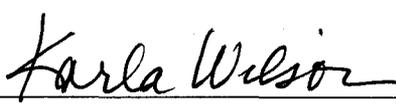
20 5. Gillespie has previously explored options with different utility providers,
21 including Diversified, about the future extension of water facilities to serve the Property.
22 However, Gillespie concluded that Diversified did not have the technical, managerial or
23 financial capacity to warrant further consideration as a potential water service provider
24 for the Property.

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James A. Gillespie

Gillespie Properties, Inc.

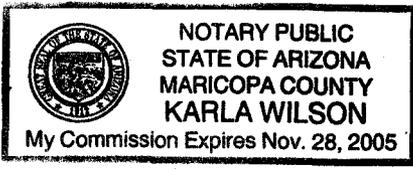
SUBSCRIBED AND SWORN to before me, the undersigned Notary Public, this
21st day of April, 2005, by James A. Gillespie


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Notary Public

My Commission Expires:

11-28-05



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AFFIDAVIT

STATE OF ARIZONA)
County of _MARICOPA) ss.

Kathleen Holderbach, being duly sworn, upon his oath, states:

1. I am a resident of Maricopa County, over 18 years of age and make this affidavit based on my own personal knowledge.

2. I am the Manager of Vintage Farms, Inc. ("Vintage Farms") duly authorized to sign documents and enter into contracts on behalf of Vintage Farms.

3. Vintage Farms currently owns real property ("Property") located in Sections 15 and 16, Township 3 South, Range 8 East in Pinal County. The Property includes parcel numbers 210-15-00409, 210-15-00201 and 210-16-00100. Vintage Farms has no current plans to develop the Property at this time and we have not requested that anyone extend water utility service to the property.

4. I am aware that Diversified Water Utilities, Inc. ("Diversified") has filed an application with the Arizona Corporation Commission to include the Property within its Certificate of Convenience and Necessity in Docket Nos. W-02859A-04-0844 and WS-02987A-04-0869, although there is no need for water service at this time.

5. Vintage Farms has previously explored options with different utility providers, including Diversified, about the future extension of water facilities to serve the Property. However, Vintage Farms concluded that Diversified did not have the technical, managerial or financial capacity to warrant further consideration as a potential water service provider for the Property.

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Kathleen Holderbach

Kathleen Holderbach

Vintage Farms, Inc.

SUBSCRIBED AND SWORN to before me, the undersigned Notary Public, this ^{20~~04~~} day of April, 2005, by ~~Kathleen~~ Holderbach

Suzanne L. Benedict
Notary Public

My Commission Expires:

3/8/08



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AFFIDAVIT

STATE OF ARIZONA }
County of MARICOPA } ss.

Kathy Aleman, being duly sworn, upon her oath, states:

1. I am a resident of Maricopa County, over 18 years of age and make this affidavit based on my own personal knowledge.

2. I am a member of Wolfkin Farms, G.P. and Wolfcor, LLC ("Wolfkin & Wolfcor") duly authorized to sign documents and enter into contracts on behalf of Wolfkin & Wolfcor.

3. Wolfcor currently owns real property located in approximately one-half of Section 23, Township 3 South, Range 8 East in Pinal County; one-half of parcel number 210-23-0014A, and Wolfkin in Section 13, Township 3 South, Range 8 East, parcel number 210-13-001A5 (collectively "Properties"). Although Wolfkin & Wolfcor previously submitted a request to Johnson Utilities Company ("JUC") for the extension of water facilities to serve the Properties, this request has been withdrawn because Wolfkin & Wolfcor have postponed plans to develop the Properties at this time.

4. I am aware that both JUC and Diversified Water Utilities, Inc. have filed competing applications with the Arizona Corporation Commission to include the Properties within their respective Certificate of Convenience and Necessity in Docket Nos. W-02859A-04-0844 and WS-02987A-04-0869.

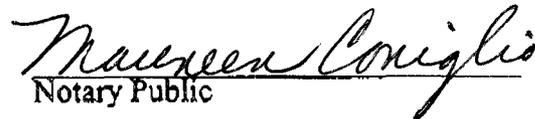
5. Wolfkin and Wolfcor supports having these proceedings stayed at this time until a plan for development of the Properties exists.

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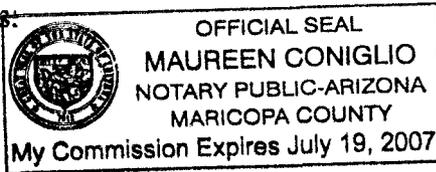

Kathy Aleman

Wolfkin Farms
Wolfcor, L.L.C.

SUBSCRIBED AND SWORN to before me, the undersigned Notary Public, this
26th day of April, 2005, by KATHY ALEMAN.


Notary Public

My Commission Expires:



7/19/07