

INTERVENTION



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BEFORE THE ARIZONA CORPORATION COMMISSION

2005 JUN -1 P 4: 03

JEFF HATCH-MILLER, CHAIRMAN
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KRISTEN K. MAYES, COMMISSIONER

AZ CORP COMMISSION
WATER CONTROL

Arizona Corporation Commission

DOCKETED

JUN - 1 2005

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

DOCKET NO. WS-02987A-05-0088

DIVERSIFIED WATER UTILITIES, INC.
APPLICATION TO INTERVENE

I.

Diversified Water Utilities, Inc. ("Diversified") hereby applies to the Arizona Corporation Commission ("Commission") for an Order granting it leave to intervene in the above-captioned proceeding pursuant to A.A.C. R14-3-105.

II.

Diversified is a public service corporation certificated by the Commission to provide water service in territory adjacent to the area involved in the above-captioned proceeding.

III.

The above-captioned matter involves Johnson Utilities Company ("JUC") application to extend its certificate of convenience and necessity ("CC&N") to an area (the "Area") in proximity to Diversified's existing certificated area and contiguous to lands over

1 which Diversified is seeking to extend its CC&N in Commission Docket Nos. W-02859-04-
2 0844 and W-02859A-00-0774.

3 IV.

4 Diversified opposes granting a CC&N to JUC to serve the area as contrary to
5 the public interest, including, without limitation, because Diversified is better able to serve
6 the area and the public interests will be better served by awarding the area to Diversified.
7 Diversified is ready, willing and able to serve the Area. Diversified is preparing to install a
8 12 inch water main to the Northwest corner of the area and the grant of the CC&N to JUC
9 has the potential of disrupting the orderly growth of Diversified's system and service area.
10

11 V.

12 Diversified will be directly and substantially affected by a Decision of the
13 Commission in the above-captioned matter. For example, without limitation, Diversified is
14 certificated to serve in the vicinity of the Area, is seeking a CC&N to serve the lands
15 contiguous to the Area and is preparing an Application to extend its CC&N to encompass the
16 Area; water wells drilled to serve the Area will utilize the same aquifer used by Diversified
17 to meet the needs of Diversified's existing and future customers and, depending on size,
18 location and duration examined, might adversely impact Diversified's existing and future
19 wells; the grant of the CC&N to JUC has the potential of disrupting the orderly growth of
20 Diversified's system and service area. Therefore, it is necessary and proper that Diversified's
21 Application to Intervene in this proceeding be granted.
22

23 VI.

24 The participation of Diversified in the above-captioned matter will not unduly
25 broaden the issues to be presented, as the Commission is already statutorily obligated to

1 determine whether the public interest will be served by the issuance of the CC&N to a
2 particular applicant.

3 VII.

4 The name, mailing address, telephone and facsimile numbers of the persons
5 upon whom service of all documents is to be made is:

6 William P. Sullivan, Esq.
7 Curtis, Goodwin, Sullivan,
8 Udall & Schwab, P.L.C.
9 2712 North Seventh Street
10 Phoenix, Arizona 85006
11 Telephone: (602) 393-1700
12 Facsimile: (602) 393-1703
13 wsullivan@cgsuslaw.com

14 RESPECTFULLY SUBMITTED this 1st day of June, 2005.

15 CURTIS, GOODWIN, SULLIVAN,
16 UDALL & SCHWAB, P.L.C.

17 By: 

18 William P. Sullivan
19 2712 North Seventh Street
20 Phoenix, Arizona 85006-1090
21 Attorneys for Diversified Water
22 Utilities, Inc.

23 Original and thirteen copies of
24 the foregoing filed this 1st day of June, 2005 with:

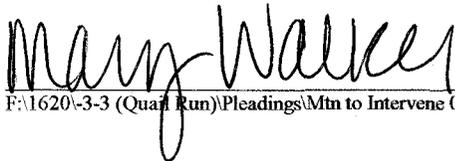
25 Docket Control Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

1 Copies of the foregoing hand-delivered and/or mailed
this 15 day of June, 2005 to:

2
3 Dwight D. Nodes, Administrative Law Judge
4 Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

5 David Ronald, Esq.
6 Legal Division
7 Arizona Corporation Commission
1200 West Washington Street
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8 Dick Sallquist
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2525 East Arizona Biltmore Circle, #117
10 Phoenix, Arizona 85016
11 Attorneys for Johnson Utilities L.L.C.

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14 _____

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