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AZ CORP COMMISSION
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9 **BEFORE THE ARIZONA CORPORATION COMMISSION**

10 In the Matter of the Application of Water
11 Utility of Greater Tonopah, Inc. for
12 Approval to Transfer the CC&N from West
Phoenix Water Company to Water Utility of
Greater Tonopah, Inc.

Docket No. W-02450A-05-0430

**SIERRA NEGRA RANCH, LLC'S
SUPPLEMENT TO
APPLICATION TO INTERVENE
AND REQUEST TO
SUPPLEMENT RECORD**

13 Sierra Negra Ranch, LLC (referred to herein as "Sierra Negra Ranch"), through
14 its undersigned counsel, on October 3, 2005, filed an Application to Intervene in this
15 matter, and hereby supplements that request:

16 1. Although Water Utility of Greater Tonopah, Inc.'s August 17, 2005
17 statement, filed herein, indicates notice of the hearing date was "mailed to each of the 9
18 property owners in the requested extension area," Sierra Negra Ranch did not receive
19 such notice. Mr. Mihlik orally expressed an intention earlier to pursue a transfer to a
20 representative of Sierra Negra Ranch, but there was not specific discussion of a filed
21 case, or a hearing date.

22 2. As the owner of the majority of land impacted by the Commission's
23 decision in this matter, Sierra Negra Ranch requests the opportunity to supplement the
24 hearing record prior to a recommended decision.

25 3. Documents filed on September 30, 2005 indicate the hearing has
26 concluded.

- 1 4. Specifically, Sierra Negra Ranch has the following concerns:
2 A. Sierra Negra Ranch objects to the inclusion of its land within the Water
3 Utility of Greater Tonopah's Certificate of Convenience and Necessity
4 ("CC&N") at this time.
5 B. Sierra Negra Ranch is concerned about the ability of Water Utility of
6 Greater Tonopah to provide adequate water service.
7 C. The area within and around Sierra Negra Ranch will be developed soon,
8 and landowners need a regional, full-service solution. New subdivisions
9 will likely require service of gray water, effluent, and possibly underground
10 water storage and recovery, services that can be provided and managed
11 more effectively and efficiently by an integrated water and sewer service
12 provider. Continuing to allow expansion of a water utility CC&N, knowing
13 that sewer service must necessarily be provided by some other third party,
14 is not in the public interest for this area.
15 D. Further, deliberately increasing the area of a stand-alone sewer service
16 provider is not in the public interest.

17 5. The reasons cited above provide good cause for Sierra Negra Ranch's
18 appearance in this matter. Allowing Sierra Negra Ranch to provide additional
19 testimony is in the public interest, and will not unduly broaden the issues already being
20 considered in this matter. It does not appear there is an outstanding request for service
21 by another landowner in this matter, and Sierra Negra Ranch has not yet requested
22 service, so the slight delay that may result in providing an opportunity to supplement the
23 record is not prejudicial.

24 For these reasons, and for the reasons cited in Sierra Negra Ranch's Application
25 to Intervene, Sierra Negra Ranch respectfully requests the hearing officer re-open the
26 hearing to allow Sierra Negra Ranch to supplement the record.

RESPECTFULLY REQUESTED this 5th day of October, 2005.

RYLEY CARLOCK & APPLEWHITE

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10 I hereby certify that I have this
11 5th day of October 2005,
12 served the foregoing document on
13 all parties of record in these
14 proceedings by hand delivering an
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16 Docket Control
17 Arizona Corporation Commission
18 1200 W. Washington St.
19 Phoenix, AZ 85007

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24 hand delivering a copy to:

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