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ATTORNEYS FOR INTERVENORS

Arizona Corporation Commission
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AZ CORP COMMISSION
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BEFORE THE ARIZONA CORPORATION COMMISSION

IN THE MATTER OF THE
APPLICATION OF SUN VALLEY
UTILITIES, INC. TO EXTEND ITS
CERTIFICATE OF CONVENIENCE
AND NECESSITY,

DOCKET NO. W-01698A-01-0323

MOTION TO INTERVENE IN THE
MATTER OF THE APPLICATION
OF SUN VALLEY UTILITIES INC.,
TO EXTEND ITS CERTIFICATE OF
CONVENIENCE AND NECESSITY

Gary and Lillian Darling, c/o Hammond & Tobler at the above listed address and phone number, hereby move to intervene in the above referenced matter. This Motion is brought pursuant to A.A.C. R14-3-105 and the following Memorandum of Points and Authorities.

RESPECTFULLY SUBMITTED this 18th day of July, 2001.

HAMMOND & TOBLER, P.C.

Doug Tobler

Doug Tobler, Esq.
Attorneys for Intervenors

MEMORANDUM OF POINTS AND AUTHORITIES

Gary and Lillian Darling are landowners in the section into which Sun Valley Utilities Inc. seeks the present extension of their certificate of convenience

1 and necessity to provide water service. They will be customers of Sun Valley
2 Utilities if the extension is granted. Gary and Lillian Darling support the extension
3 of water service into the area, but they want to ensure that Sun Valley Utilities, Inc.
4 has the proper facilities and easements in order to provide uninterrupted water
5 service to their property.

6 The Staff Report recommending approval of an extension of the certificate
7 of convenience and necessity indicates that the extension "would add a demand of
8 about 20,000 gallons per month." In fact, however, Intervenors intend to develop
9 their property located within the extended certificated area as a hotel, restaurant,
10 convenience store, and gas station. Accordingly, Intervenors anticipate that within
11 two or three years, their usage alone of additional water will be in excess of
12 100,000 gallons per month. Intervenors currently have an agreement with the
13 owners of the Holbrook Truck Terminal permitting Intervenors within a few years
14 to use up to 75,000 gallons of water per month from the waterline. There may also
15 be additional commercial development by other landowners in the area that also far
16 exceed the anticipated demand of 20,000 gallons per month estimated in the Staff
17 Report. In fact, the owners of the property immediately adjoining Intervenors'
18 property to the west also have obtained a franchise to build a hotel on their
19 property. Thus, the increased water usage from hotel operations alone will
20 probably exceed an additional 150,000 gallons of water per month. Accordingly,
21 the Darlings request that the Arizona Corporation Commission make sure that Sun
22 Valley Utilities has sufficient capacity to provide for the actual demand for water,
23 including the needs of all existing and planned business ventures.

24 In addition to the concerns that Intervenors have regarding the capacity of
25 the system, Intervenors are also concerned as to the ability of the existing pipeline

1 to provide sufficient water for the anticipated increase in usage. Intervenors
2 understand that the current pipeline has a four-inch diameter. Intervenors also
3 understand that the Holbrook Truck Terminal, which is located at the end of the
4 current pipeline, uses a large amount of water. Intervenors would like the
5 Commission to make sure that the current pipeline is sufficient to handle the
6 current usage, along with the anticipated usage from the new development.

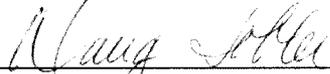
7 Finally, Intervenors have recently resolved litigation in Maricopa County
8 Superior Court cause number CV 99-08116 in which one of the major issues was
9 whether there was an easement for the existing water pipeline used to deliver water
10 from Sun Valley Utilities to the Holbrook Truck Terminal. During the course of
11 that litigation, Intervenors learned that Sun Valley Utilities apparently does not
12 have an easement for the water pipeline in the location that it currently exists.
13 Intervenors are concerned that, unless the situation is resolved, the landowners of
14 the properties to the east of Intervenors' property may take action at some time in
15 the future to disrupt water service to the Intervenors' property. Intervenors fear
16 that the adjoining landowners may cut the waterline or obtain an injunction in court
17 to remove the waterline. If this happens, Intervenors are concerned that their
18 business may be disrupted or that customer rates may be greatly increased to pay
19 for the cost of litigating the matter or relocating the waterline. Intervenors request
20 the Corporation Commission to make sure that Sun Valley Utilities has a valid
21 easement from Sun Valley to the Holbrook Truck Terminal in the location where
22 the waterline currently exists before granting the extension.

23 Intervenors request that the application for extension be granted after the
24 Corporation Commission is able to ensure that Intervenors as well as other
25 landowners in the area to be served by the extension will have a secure source of

1 water for the foreseeable future. Intervenors further request that they be permitted
2 to intervene in the above-referenced matter so that they can present these concerns
3 before the Commission.

4 RESPECTFULLY SUBMITTED this 18th day of July, 2001.

5 HAMMOND & TOBLER, P.C.

6 

7 Doug Tobler, Esq.

8 Attorneys for Intervenors

9 Original and 11 copies of the foregoing filed this
10 18th day of July, 2001, with:

11 ARIZONA CORPORATION COMMISSION
12 1200 W. WASHINGTON ST.
13 PHOENIX, AZ 85003

14 Copy of the foregoing mailed
15 this 18th day of July, 2001, to:

16 JACK VICARS
17 SUN VALLEY UTILITIES
18 P.O. BOX 4054
19 SUN VALLEY, AZ 86029

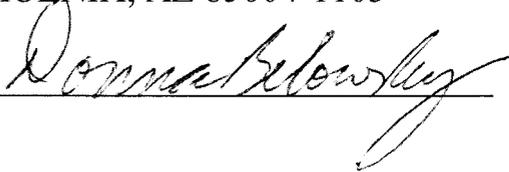
20 CHRISTOPHER KEMPLEY, CHIEF COUNSEL
21 LEGAL DIVISION
22 ARIZONA CORPORATION COMMISSION
23 1200 W. WASHINGTON ST.
24 PHOENIX, AZ 85003

25 DEBORAH SCOTT, DIRECTOR
UTILITIES DIVISION
ARIZONA CORPORATION COMMISSION
1200 WEST WASHINGTON STR.
PHOENIX, AZ 85007



1 Copy of the foregoing mailed
2 this 18th day of July, 2001, to:

3 ARIZONA REPORTING SERVICE, INC.
4 2627 N. THIRD ST., STE. THREE
5 PHOENIX, AZ 85004-1103

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