



INTERVENTION

ORIGINAL

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Arizona Corporation Commission

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AZ CORP COMMISSION
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5 Attorneys for Harvard Simon I, L.L.C.

BEFORE THE ARIZONA CORPORATION COMMISSION

8 IN THE MATTER OF THE
9 APPLICATION OF ICR WATER
10 USERS ASSOCIATION FOR AN
11 EXTENSION OF ITS EXISTING
12 CERTIFICATE OF
13 CONVENIENCE AND
14 NECESSITY

Docket No. W-02824A-01-0450

Motion to Intervene

13 Harvard Simon I, L.L.C. ("Harvard"), by and through its undersigned counsel, hereby
14 moves the Commission pursuant to A.A.C. R14-3-105 for leave to intervene in the above
15 captioned proceeding.

16 Harvard, a long-time developer in Arizona and particularly Yavapai County, is the
17 developer of the property covered by the ICR Water Users Association Inc.'s ("ICR") application
18 to extend its existing Certificate of Convenience and Necessity ("CC&N"). Harvard has
19 requested that ICR extend water utility service to Harvard's development and has entered into a
20 main extension agreement with ICR for such purposes. As the entity requesting water utility
21 service, Harvard will be directly and substantially affected by the decision of the Commission in
22 these proceedings.

23 The granting of intervener status to Harvard will not delay the proceedings or cause the
24 issues to be unduly broadened. In fact, Harvard seeks to intervene, in large part, to ensure a
25 prompt resolution of this matter. Due to exigent circumstances, it is critical that ICR's CC&N be
26 extended without delay. Harvard's development is on hold pending, at a minimum, the

1 Commission's Staff report. The Arizona Department of Water Resources ("ADWR") will not
2 issue a water adequacy report, which is a prerequisite to continuing with the development, until a
3 Staff report is issued recommending approval of ICR's application. ADWR acknowledges that
4 Harvard's hydrology study is correct and that adequate physical availability has been proven, yet,
5 final approval will not be granted pending action by the Commission.

6 Harvard believes that a prompt Staff report and subsequent resolution of this matter is
7 possible given the uncontested nature of the proceeding and the need for service. ICR is the only
8 water service provider in the vicinity of Harvard's development. Therefore, there are no
9 competing service providers to contest ICR's application. Furthermore, portions of Harvard's
10 Planned Area Development, but not the first phase, are already within ICR's existing CC&N.
11 Harvard and ICR have executed into a Main Extension Agreement, dated March 5, 2001, which
12 is attached to ICR's application for approval to extend its CC&N. The parties have also entered
13 into a Water Purchase Agreement whereby Harvard will be providing water to ICR at costs lower
14 than the utility's current cost of water. Additionally, Harvard's final plat is approved and ready
15 to record with Yavapai County.

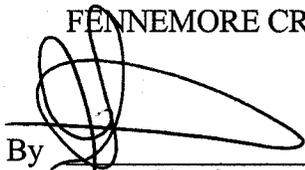
16 Copies of all notices, exhibits, pleadings and orders in this subject proceeding should be
17 sent to: Jay L. Shapiro, Esq.
18 Fennemore Craig, P.C.
19 3003 North Central Avenue
20 Suite 2600
21 Phoenix, Arizona 85012-2913

22 WHEREFORE, in view of the foregoing, Harvard respectfully requests that the
23 Commission grant Harvard's request for leave to intervene in the instant proceeding, and that
24 Harvard be accorded the full status of an intervener under the Commission's Rules and
25 Regulations.
26

1 DATED this 7th day of June, 2001.

2 FENNEMORE CRAIG, P.C.

3
4 By


Jay L. Shapiro

Karen Errant

Suite 2600

3003 North Central Avenue

Phoenix, Arizona 85012

Attorneys for Harvard Investments

8 ORIGINAL AND TEN COPIES
9 of the foregoing hand-delivered
10 this 7th day of June, 2001, to:

11 Arizona Corporation Commission
12 Docket Control
13 1200 West Washington Street
14 Phoenix, Arizona 85007

15 COPIES OF THE FOREGOING
16 hand-delivered this 7th day
17 of June, 2001, to:

18 William A. Mundell, Chairman
19 ARIZONA CORPORATION COMMISSION
20 1200 West Washington
21 Phoenix, Arizona 85007

22 Jim Irvin, Commissioner
23 ARIZONA CORPORATION COMMISSION
24 1200 West Washington
25 Phoenix, Arizona 85007

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10 COPIES OF THE FOREGOING
11 mailed this 24 day
of June, 2001, to:

12 Thomas H. Campbell
13 Michael T. Hallam
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14 40 N. Central Avenue
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15
16 By: Mary House
17 1191297.1/47094.005

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