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6 **BEFORE THE ARIZONA CORPORATION COMMISSION**

7 JIM IRVIN
8 COMMISSIONER-CHAIRMAN
9 TONY WEST
10 COMMISSIONER
11 CARL J. KUNASEK
12 COMMISSIONER

13 IN THE MATTER OF THE JOINT)
14 APPLICATION OF SUN CITY WATER)
15 COMPANY AND SUN CITY WEST)
16 UTILITIES COMPANY FOR)
17 APPROVAL OF CENTRAL ARIZONA)
18 PROJECT WATER UTILIZATION)
19 PLAN AND FOR AN ACCOUNTING)
20 ORDER AUTHORIZING A)
21 GROUNDWATER SAVINGS FEE AND)
22 RECOVER OF DEFERRED CENTRAL)
23 ARIZONA PROJECT EXPENSES.)

DOCKET NO. W-01656A-98-0577
SW-02334A-98-0577

24 **BACKGROUND**

25 On February 3, 1999, the CAP Task Force made application with the Arizona Corporation
26 Commission to intervene in the subject dockets. On February 16, 1999, the Assistant Chief
27 Hearing Officer, Lyn Farmer, having received no objection from the Applicant in the subject
28 dockets, granted the CAP Task Force's application to intervene.

On February 22, 1999, the Sun City Taxpayers Association ("SCTA") filed with the
Arizona Corporation Commission a statement of opposition to the intervention by the CAP Task
Force.

RESPONSE TO THE SCTA STATEMENT OF OPPOSITION

1. The SCTA Statement of Opposition first claims that the CAP Task Force's
Intervention status should be terminated or modified since SCTA was not notified in writing of

1 | the application for Intervention at the time it was made by the CAP Task Force. SCTA is correct
2 | in stating that it and several other persons were not given the usual courtesy of written
3 | notification. That failure of notification was due solely to an inadvertent clerical error for which
4 | the CAP Task Force's attorney sincerely apologizes to those parties who were missed.

5 | However, we do not believe that the rules of the Commission require notice to all
6 | other intervenors as a prerequisite to the granting of intervention status. We believe that the real
7 | parties of interest in the consideration of whether an intervention should be granted are the
8 | Applicant and the Commission, both of whom were amenable to the requested intervention.

9 | 2. SCTA next objects to the granting of intervenor status to the CAP Task Force
10 | because it is not a corporation or some other formal legal entity. We know of (nor does SCTA
11 | cite) any requirement of the Commission that intervenors be some kind of formal legal entity.
12 | The CAP Task Force is a group of individuals who have been involved, on a volunteer basis, in
13 | the review of the issues involved in bringing CAP water into the retirement communities of the
14 | Northwest Valley for over a year now, and as individual citizens affected by the application have
15 | a right to be heard by the Commission in this matter.

16 | 3. Finally, SCTA alleges that there will be unnecessary confusion created in the
17 | record by the use of the name CAP Task Force. SCTA is correct in stating that two persons who
18 | were also members of SCTA were at one time members of the group which became known as
19 | the CAP Task Force. Those two persons resigned before the work of the CAP Task Force was
20 | complete and the Task Force continued without them. SCTA's allegation that the CAP Task
21 | Force dissolved at some later date is obviously incorrect, since most members of the group
22 | continue to meet and review issues of concern regarding the ultimate use of CAP water in the
23 | retirement communities. We fail to see any "confusion" which might be generated, since we
24 | know of no other entity who is using the name "CAP Task Force".

25 | 4. The CAP Task Force members have strong and continuing concern that the
26 | application made by Citizens Utility, when considered by the Commission, does reflect the
27 | recommendations made by the CAP Task Force in its final report to the community. The CAP
28 | Task Force is also concerned that the Commission's determination of its final order regarding the

1 subject dockets will have the benefit of all of the study work which has been done in the past by
2 the CAP Task Force.

3 5. The CAP Task Force members are residents of the communities affected by the
4 Applicant's filing in the subject dockets and hence directly affected by the matters to be
5 considered by the Commission on those dockets. Further, as indicated on the application to
6 intervene made by the CAP Task Force members, they were the persons appointed to serve on
7 the CAP Task Force by the major community organizations in Citizens Utilities' service territory
8 who supported and continue to support the work of the CAP Task Force.

9 WHEREFORE, it is respectfully requested that the Commission's order granting
10 intervenor status to the CAP Task Force should be allowed to stand.

11 DATED this 1st day of March, 1999.

12 Respectfully Submitted,
13 **BEYER, McMAHON & LaRUE**

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William G. Beyer, Attorney for
16 the CAP Task Force

17 **AN ORIGINAL AND TEN COPIES**
18 of the foregoing mailed this
19 1st day of March, 1999
20 to:

21 Docket Control
22 ARIZONA CORPORATION COMMISSION
23 1200 W. Washington
24 Phoenix, Arizona 85007

25 **COPIES** of the foregoing mailed
26 this 1st day of March, 1999
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