



ORIGINAL 0000045901

BEFORE THE ARIZONA CORPORATION COMMISSION  
AZ CORP COMMISSION

JIM IRVIN  
COMMISSIONER-CHAIRMAN  
TONY WEST  
COMMISSIONER  
CARL J. KUNASEK  
COMMISSIONER

Mar 9 4 06 PM '99

DOCUMENT CONTROL

IN THE MATTER OF THE JOINT APPLICATION  
OF SUN CITY WATER COMPANY AND SUN  
CITY WEST UTILITIES COMPANY FOR  
APPROVAL OF CENTRAL ARIZONA PROJECT  
WATER UTILIZATION PLAN AND FOR AN  
ACCOUNTING ORDER AUTHORIZING A  
GROUNDWATER SAVINGS FEE AND  
RECOVERY OF DEFERRED CENTRAL  
ARIZONA PROJECT EXPENSES.

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

Arizona Corporation Commission

DOCKETED

MAR 09 1999

NOTIFICATION OF  
INTERVENTION

DOCKETED BY [Signature]

BY THE COMMISSION:

On October 2, 1998, Sun City Water Company and Sun City West Utilities ("Applicants") filed an application for approval of Central Arizona Project Water Utilization Plan and for an accounting order.

On February 3, 1999, the CAP Task Force filed a Motion for Leave to Intervene which was granted on February 16, 1999.

On February 22, 1999, the Sun City Taxpayers Association, Inc., ("SCTA") filed its Opposition to Intervention by CAP Task Force. On February 26, 1999, the Arizona Utility Investors Association, Inc., ("AUIA") filed its Motion in Support of Intervention by the CAP Task Force and Response to the Sun City Taxpayers Association. On March 3, 1999, the CAP Task Force filed its Response to the SCTA Opposition. The Applicants have not opposed the CAP Task Force's requested intervention.

The SCTA objects to the intervention of the CAP Task Force as an entity because it does not exist as a legally recognized entity, and believes that the "record of the proceedings will needlessly become extremely and unnecessarily confused, if these eleven individuals are allowed to intervene under the nomenclature 'CAP Task Force'."

The AUIA asserts that the members of the Task Force participated in the CAP study on behalf of several organizations whose members are residents, property owners, and recreation center users.

1 The AUIA believes that the record would be far more confusing if the eleven Task Force members  
2 were forced to intervene as individuals and make the same record eleven times.

3 In response to SCTA's objections, the CAP Task Force asserts that SCTA does not cite any  
4 Commission requirement that intervenors must be some kind of formal legal entity; that there will be  
5 no confusion as to the use of the name because the CAP Task Force is a group of individuals who  
6 have been involved on a volunteer basis for over a year reviewing the issues involved in bringing  
7 CAP water into the retirement communities of the Northwest Valley; and that the CAP Task Force  
8 members are residents of the communities affected by the application and therefore they are directly  
9 affected by the matter.

10 A.A.C. R14-3-105(A) provides that in order to participate "[p]ersons, other than the original  
11 parties to the proceedings, who are directly and substantially affected by the proceedings. . ." must  
12 secure an order granting intervention. A.A.C. R14-3-105(B) provides that "[n]o application for leave  
13 to intervene shall be granted where by so doing the issues theretofore presented will be unduly  
14 broadened, except upon leave of the Commission . . ."

15 SCTA is correct that the Commission Rules do require that formal documents filed with the  
16 Commission be "served on any person who is already a party to the proceeding."<sup>1</sup> The attorney for  
17 the CAP Task Force acknowledged the "inadvertent clerical error" and apologized to those who were  
18 not served with the intervention request. All parties have now had an opportunity to respond to the  
19 intervention request, and accordingly, the arguments against intervention are considered herein.

20 It is clear that the members of the CAP Task Force are individual residents affected by the  
21 application; that they are representatives from major community organizations in the service territory  
22 that have reviewed the CAP water issue and made a report to the community; and that their  
23 involvement will not unduly broaden the issues at hearing.

24 Pursuant to A.A.C. R14-3-105(C), the presiding officer may declare that two or more  
25 interested persons that have substantially like interests and positions to be a class of interested  
26 persons. Accordingly, the members of the CAP Task Force should be granted intervention, and  
27

---

28 <sup>1</sup> A.A.C. R14-3-107(A)

1 should be declared a class of interested persons, to be known as the "CAP Task Force".

2 IT IS THEREFORE ORDERED that the request for intervention by the members of the CAP  
3 Task Force is hereby granted, and the CAP Task Force is declared to be a class of interested persons  
4 pursuant to A.A.C. R14-3-105(C).

5 DATED this 9<sup>th</sup> day of March, 1999.

6  
7   
8 LYN FARMER  
ASSISTANT CHIEF HEARING OFFICER

9 Copies of the foregoing mailed/delivered  
10 this 9<sup>th</sup> day of March, 1999 to:

11 Deborah R. Scott  
12 CITIZENS UTILITIES COMPANY  
2901 North Central Avenue, Suite 1660  
Phoenix, Arizona 85012

13 Scott S. Wakefield, Chief Counsel  
14 RUCO  
2828 North Central Avenue, Suite 1200  
Phoenix, Arizona 85004

15 Michael A. Curtis  
16 William P. Sullivan  
17 MARTINEZ & CURTIS  
2712 N. Seventh Street  
Phoenix, Arizona 885006-1090  
18 Attorneys for Sun City Taxpayers Association

19 Walter W. Meek, President  
20 ARIZONA UTILITY INVESTORS ASSOCIATION  
2100 N. Central Avenue, Suite 210  
Phoenix, Arizona 85004

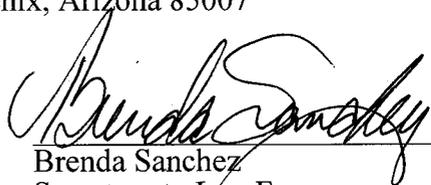
22 William G. Beyer, Esq.  
23 BEYER, McMAHON & LaRUE  
10448 W. Coggins, Suite C  
Sun City, Arizona 85351  
Attorneys for CAP Task Force

24 Paul Bullis, Chief Counsel  
25 Legal Division  
26 ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, Arizona 85007

27  
28 ...

1 Director, Utilities Division  
ARIZONA CORPORATION COMMISSION  
2 1200 West Washington  
Phoenix, Arizona 85007  
3

4 By:



Brenda Sanchez  
Secretary to Lyn Farmer

5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28