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AZ CORP COMMISSION
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1 FENNEMORE CRAIG, P.C.
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 3 Patrick J. Black (No. 017141)
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 5 Phoenix, Arizona 85012
 6 Telephone (602)916-5000
 7 Attorneys for Pine Water Company

BEFORE THE ARIZONA CORPORATION COMMISSION

8 IN THE MATTER OF THE APPLICATION
 9 OF RAYMOND R. PUGEL AND JULIE B.
 10 PUGEL, husband and wife as trustees of THE
 11 RAYMOND R. PUGEL and JULIE B.
 12 PUGEL FAMILY TRUST,
 13 and
 14 ROBERT RANDALL and SALLY
 15 RANDALL, husband and wife,

DOCKET NO: W-03512A-06-0407

**PINE WATER COMPANY'S
OPPOSITION TO COMPLAINANTS'
MOTION TO CONSOLIDATE**

Complainants

v.

PINE WATER COMPANY, an Arizona
Corporation

Respondent.

Arizona Corporation Commission
DOCKETED

OCT 13 2006

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19 For the reasons set forth in its Opposition to Complainants' Motion to Consolidate
 20 filed in *Asset Trust Management, Corp*, Docket No. W-03512A-06-0613, a copy of which
 21 is attached hereto as Exhibit 1 and incorporated herein by this reference, Pine Water
 22 Company opposes Complainants' Motion to Consolidate this matter with the Complaint
 23 filed in Docket No. W-03512A-06-0613.

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RESPECTFULLY SUBMITTED this 12th day of October, 2006.

FENNEMORE CRAIG, P.C.

By 

Jay L. Shapiro
Patrick J. Black
3003 North Central Avenue, Suite 2600
Phoenix, Arizona 85012
Attorneys for Pine Water Company

ORIGINAL and thirteen (13) copies of the foregoing filed this 12th day of October, 2006.

Docket Control
Arizona Corporation Commission
1200 W. Washington St.
Phoenix, AZ 85007

Copy of the foregoing hand delivered this 12th day of October, 2006, to:

Dwight D. Nodes
Assistant Chief Administrative Law Judge
Arizona Corporation Commission
1200 W. Washington Street
Phoenix, AZ 85007

Janet Wagner, Senior Staff Counsel
Kevin Torrey
Legal Division
Arizona Corporation Commission
1200 West Washington
Phoenix, Arizona 85007

1 COPIES mailed
2 this 12th day of October, 2006, to:

3 John G. Gliege
4 Stephanie J. Gliege
5 Gliege Law Offices, PLLC
6 P.O. Box 1388
7 Flagstaff, AZ 86002-1388

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By: *Maria San Jose*

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Exhibit 1

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AZ CORP COMMISSION
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6 Telephone (602)916-5000
7 Attorneys for Pine Water Company

8 **BEFORE THE ARIZONA CORPORATION COMMISSION**

9 ASSET TRUST MANAGEMENT, CORP.,

10 Complainants,

11 v.

12 PINE WATER COMPANY, an Arizona
13 Corporation,

14 Respondent.

DOCKET NO: W-03512A-06-0613

**PINE WATER COMPANY'S
OPPOSITION TO COMPLAINANT'S
MOTION TO CONSOLIDATE**

15 Pursuant to A.A.C. R14-3-106(k), Pine Water Company ("PWCo") hereby files
16 this Opposition to Complainant's Motion to Consolidate filed on September 26, 2006, in
17 the above-captioned matter. This Opposition is supported by the attached Memorandum
18 of Points and Authorities.

19 **MEMORANDUM OF POINTS AND AUTHORITIES**

20 Complainant Asset Trust Management Corp. ("ATM") moves to have its
21 Complaint consolidated with another complaint, *Pugel Family Trust et al v. Pine Water*
22 *Company*, Docket No. W-03512A-06-0407 (hereinafter "*Pugel*") currently pending
23 before the Arizona Corporation Commission on the grounds that these two cases contain
24 common issues of fact and questions of law, and similar parties. PWCo disagrees with
25 Complainant's assertions, and opposes the Motion to Consolidate. While both complaints
26 allege similar violations of state and federal law with respect to the taking of private

1 property, there are no common issues of fact except that PWCo is precluded from
2 extending service to the subject properties in both cases due to a total moratorium
3 imposed by the Commission in Decision No. 67823 (May 5, 2005).

4 Certainly, no similarity of the parties involved in the two separate proceedings is
5 shown and no relationship of ATM to either of the complainants in the *Pugel* matter is
6 even alleged. Moreover, although ATM fails to make any allegation regarding the
7 existence of an independent water source, ATM claims its property is already developed.
8 In contrast, in *Pugel* complainants allege the existence of an independent source of water
9 in connection with seeking deletion from PWCo's in order to allegedly utilize an existing
10 well to begin development of the subject property. *See Pugel Complaint* at 3. Thus,
11 issues related to water resources as well as the likelihood of development are very
12 different in the two matters.

13 Thus, it does not appear that consolidating the two complaints will afford any
14 significant saving of the resources of the Commission or the parties. In short, PWCo
15 asserts that the absence of common issues of fact and similar parties warrants denial of
16 Complainant's Motion to Consolidate.

17 RESPECTFULLY SUBMITTED this 11th day of October, 2006.

18 FENNEMORE CRAIG, P.C.

19
20
21 By 
22 Jay L. Shapiro
23 Patrick J. Black
24 3003 North Central Avenue, Suite 2600
25 Phoenix, Arizona 85012
26 Attorneys for Pine Water Company

1 ORIGINAL and thirteen (13) copies of the
2 foregoing filed this 11th day of October, 2006:

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4 Arizona Corporation Commission
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6 Phoenix, AZ 85007

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8 this 11th day of October, 2006, to:

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10 Assistant Chief Administrative Law Judge
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21 this 11th day of October, 2006.

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By: *Maicia San Jose*

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