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COMMISSIONERS

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2 **Jeff Hatch-Miller, Chairman**  
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**BEFORE THE ARIZONA CORPORATION COMMISSION**

8  
9 IN THE MATTER OF THE APPLICATION  
10 OF ARIZONA WATER COMPANY FOR AN  
11 EXTENSION OF ITS EXISTING  
12 CERTIFICATE OF CONVENIENCE AND  
13 NECESSITY

Docket No. W-01445A-06-0199

14 IN THE MATTER OF THE APPLICATION  
15 OF PALO VERDE UTILITIES COMPANY  
16 FOR AN EXTENSION OF ITS EXISTING  
17 CERTIFICATE OF CONVENIENCE AND  
18 NECESSITY

Docket No. SW-03575A-05-0926

19 IN THE MATTER OF THE APPLICATION  
20 OF SANTA CRUZ WATER COMPANY FOR  
21 AN EXTENSION OF ITS EXISTING  
22 CERTIFICATE OF CONVENIENCE AND  
23 NECESSITY

Docket No. W-03576A-05- 0926

**ARIZONA WATER COMPANY'S  
RESPONSE TO CMR/CASA  
GRANDE LLC'S MOTION TO  
INTERVENE AND EXTEND THE  
INTERVENTION DEADLINE**

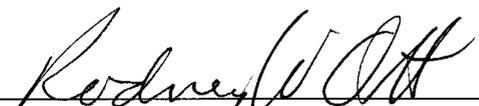
24 By this response to the motion by CMR/Casa Grande LLC ("CMR") to extend the  
25 intervention deadline and to intervene in this proceeding, Arizona Water Company does not  
26 object to CMR participating in the proceeding. Arizona Water Company also does not  
27 waive its positions regarding CMR's apparent position in this matter. First, as CMR noted  
28 in its motion papers, CMR has sought to "withdraw" its previous request for service from  
Arizona Water Company in Docket No. W-01445A-04-0743. Motion at 3 n.1. Such  
midstream attempts to "withdraw" a request for service should not be allowed. Second,

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1 while the existence of a request for service is one factor to consider, it is not a controlling  
2 factor when the Commission decides whether to award a Certificate of Convenience and  
3 Necessity ("CCN") to an applicant. Finally, as noted by Administrative Law Judge Yvette  
4 B. Kinsey in her procedural order in this matter dated December 18, 2006, a landowner's  
5 property (whether belonging to CMR or CHI Construction Company) cannot be excluded  
6 from a CCN extension application because all relevant evidence must be presented and  
7 considered. Ultimately, the appropriateness of inclusion of the property must be determined  
8 by the decision to be issued in this proceeding.

9 DATED this 29th day of December, 2006.

10 BRYAN CAVE LLP

11  
12  
13 By 

14 Steven A. Hirsch, #006360

15 Rodney W. Ott, #016686

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19 **ORIGINAL** and 17 **COPIES** of the foregoing  
20 filed this 29th day of December, 2006 with:

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25 **COPY** of the foregoing hand-delivered/  
26 mailed this 29th day of December, 2006 to:

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