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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

JEFF HATCH-MILLER

DOCKETED

2006 OCT 30 P 4: 33

Chairman

WILLIAM A. MUNDELL OCT 30 2006

AZ CORP COMMISSION
DOCUMENT CONTROL

MARC SPITZER

MIKE GLEASON

DOCKETED BY

KRISTIN K. MAYES

IN THE MATTER OF THE
APPLICATION OF CAVE CREEK
WATER COMPANY FOR AN
EXTENSION OF ITS EXISTING
CERTIFICATE OF CONVENIENCE
AND NECESSITY.

DOCKET NO. W-01452A-06-0449

APPLICATION OF DESERT HILLS WATER CO., INC. FOR LEAVE TO
INTERVENE

I.

Pursuant to Rule R14-3-105 of the Arizona Corporation Commission ("Commission"), Rules of Practice and Procedure, the Desert Hills Water Co., Inc. ("Desert Hills") moves the Commission for an order granting leave to intervene in the above-captioned proceeding.

II.

Desert Hills has an interest in the proceeding because Desert Hills is immediately adjacent to the state land that Cave Creek Water Company ("Water Company") is seeking to add to its service area. The western boundary of the Water Company's service area has been 24th Street; service to areas west of 24th Street has generally been provided by Desert Hills. It appears that the Water Company is seeking to add seven square miles west of 24th Street to its service area with no requests for service for most of the requested area.

III.

Desert Hills has recently been acquired by the Town of Cave Creek ("Town"); Desert Hills will soon be filing with the Commission an application to transfer its assets to the Town pursuant to A.R.S. § 40-285. Until the assets of Desert Hills are transferred to the Town, Desert Hills will be providing water service within its service area and will have an

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1 interest in providing water service to the area, including state land, to which the Desert
2 Hills service area is adjacent when that service is requested. The Town, as successor in
3 interest to Desert Hills, also has a continuing interest in providing water service to that area
4 and will have the capability of providing such service when it is requested.

5 IV.

6 Desert Hills has objections to the extension of the Water Company's Certificate of
7 Convenience and Necessity ("CC&N") to state land and to any property for which requests
8 for service have not been made by the property owners. There is no current need for water
9 service in the state land areas or in the areas for which requests for service have not been
10 made. The State Land Department has not requested service from the Water Company and
11 has no plans to make such a request. When the State Land Department is preparing to sell
12 any of the land at issue and needs water service for that land, Desert Hills or its successor,
13 the Town, will be able to offer such water service. The premature extension of the Water
14 Company's CC&N to these areas would deprive the State Land Department of any
15 opportunity to request service from Desert Hills or from the Town after it acquires the
16 assets of Desert Hills. There is no public policy purpose for depriving the State Land
17 Department of its choice of water providers if and when that need should arise. There is no
18 present need for service in the vast majority of the area requested by the Water Company.
19 Any extension of the Water Company's CC&N should only be for water service that is
20 needed in an area within the next two years.

21 V.

22 Desert Hills requests that all communications in connection with the above-
23 captioned proceedings be directed to:

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25 Stephen J. Anthony, Esq.
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RESPECTFULLY SUBMITTED this 30th day of October, 2006.

SACKS TIERNEY P.A.

By 
Marvin S. Cohen
Stephen J. Anthony
Attorneys for Desert Hills Water Co., Inc.

ORIGINAL AND 13 COPIES OF THE FOREGOING
FILED this 30th day of October, 2006, with:

Arizona Corporation Commission
Docket Control Center
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Phoenix, Arizona 85007

COPY OF THE FOREGOING
MAILED this 30th day of October, 2006, to:

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