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**BEFORE THE ARIZONA CORPORATION COMMISSION**

ARIZONA CORPORATION COMMISSION  
DOCUMENT CONTROL

William Mundell  
Chairman

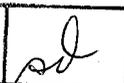
Arizona Corporation Commission

**DOCKETED**

Jim Irvin  
Commissioner

MAR 05 2001

Marc Spitzer  
Commissioner

DOCKETED BY 

IN THE MATTER OF THE APPLICATION  
OF H2O, INC., FOR AN EXTENSION  
OF ITS EXISTING CERTIFICATE OF  
CONVENIENCE AND NECESSITY

Docket No: W-02234A-00-0371

IN THE MATTER OF THE APPLICATION  
OF JOHNSON UTILITIES, L.L.C. DBA  
JOHNSON UTILITIES COMPANY FOR AN  
EXTENSION FOR ITS CERTIFICATE OF  
CONVENIENCE AND NECESSITY TO  
PROVIDE WATER AND WASTEWATER  
SERVICE TO THE PUBLIC IN THE  
DESCRIBED AREA IN PINAL COUNTY,  
ARIZONA

Docket No: WS-02987A-99-0583

Docket No: WS-02987A-00-0618

IN THE MATTER OF THE APPLICATION  
OF DIVERSIFIED WATER UTILITIES, INC.  
TO EXTEND ITS CERTIFICATE OF  
CONVENIENCE AND NECESSITY

Docket No: W-02859A-00-0774

IN THE MATTER OF THE APPLICATION  
OF QUEEN CREEK WATER COMPANY  
TO EXTEND ITS CERTIFICATE  
OF CONVENIENCE AND NECESSITY

Docket No: W-01395A-00-0784

**OBJECTION TO APPLICATION TO INTERVENE OF**

**ARIZONA UTILITY SUPPLY & SERVICES, LLC**

1 Johnson Utilities, L.L.C. d/b/a Johnson Utilities Company ("Johnson Utilities"),  
2 H2O, Inc. ("H2O") and Queen Creek Water ("Queen Creek") object to Arizona Utility  
3 Supply & Services, LLC ("AUSS") Application to Intervene filed on February 26, 2001,  
4 over two months after the deadline set for filing motions to intervene.

5 Pursuant to the Hearing Division's October 16, 2000 Procedural Order, "all  
6 motions to intervene must be filed on or before December 15, 2000." The Hearing Officer  
7 selected that date because the staff report, intervenor testimony and the Applicants'  
8 rebuttal testimony were required to be filed in January. In fact, the Staff filed its report on  
9 January 9, 2001, and all testimony by the parties has been filed except for rejoinder  
10 testimony due March 6<sup>th</sup>. It would unduly broaden and delay this proceeding to allow  
11 AUSS to intervene at this late date and would unfairly prejudice the parties as well as the  
12 developers and the landowners who have been waiting for many months for this case to be  
13 resolved.

14 In particular, Johnson Utilities, H2O and Queen Creek object to the intervention  
15 application with respect to the Pecan Ranch property. That property has been the subject  
16 of these proceedings for almost a year and was part of CC&N applications filed by  
17 Johnson Utilities and H2O last May and June. The developers of that property strongly  
18 support the proposed Settlement Agreement and object to the intervention of AUSS. The  
19 Administrative Law Judge, at a minimum, should reject this Application to Intervene with  
20 respect to Pecan Ranch.

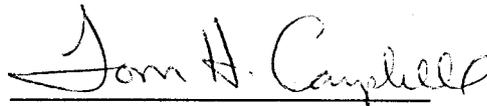
21 AUSS' Application to Intervene also references certain other properties (other than  
22 Pecan Ranch) as reflected on Exhibit A to its Application to Intervene. There is no need  
23 for AUSS to intervene in this pending proceeding to preserve its right to apply to serve  
24 these other properties. These other properties will be the subject of a separate sewer  
25 certificate expansion application proceeding to be initiated by Johnson Utilities pursuant to  
26 the Settlement Agreement. Johnson Utilities recommends that AUSS' certificate  
application for these other properties, to the extent it overlaps, be consolidated with the

1 Johnson Utilities' new sewer certificate application in a separate proceeding. The Staff  
2 will have an opportunity to evaluate the competing applications and prepare a staff report  
3 and a hearing can be scheduled on those competing applications.

4 Johnson Utilities, H2O and Queen Creek respectfully request that AUSS'  
5 Application to Intervene be denied.

6 RESPECTFULLY submitted this 5<sup>th</sup> day of March, 2001.

7 LEWIS AND ROCA LLP

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ORIGINAL and ten (10) copies  
of the foregoing filed this 5<sup>th</sup> day  
of March, 2001, with:

The Arizona Corporation Commission  
Docket Control – Utilities Division  
1200 W. Washington Street  
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COPY of the foregoing hand-  
delivered this 5<sup>th</sup> day of March,  
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