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BEFORE THE ARIZONA CORPORATION COMMISSION

AZ CORP COMMISSION
CONTROL

Arizona Corporation Commission

William Mundell
Chairman

DOCKETED

Jim Irvin
Commissioner

MAY 14 2001

Marc Spitzer
Commissioner

DOCKETED BY *nae*

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

JOHNSON UTILITIES' RESPONSE TO
DVIERSIFIED WATER UTILITIES OPPOSITION TO
LATE-FILED EXHIBITS AND MOTION TO STRIKE

1 Johnson Utilities, L.L.C. d/b/a Johnson Utilities Company ("Johnson
2 Utilities"), responds to Diversified Water Utilities ("Diversified") opposition to late-filed
3 exhibits and motion to strike.

4 First, Diversified complains that the filing of certain documents by Johnson
5 Utilities is improper and prejudicial. Johnson Utilities filed those documents based on an
6 agreement with the staff at the hearing and with the approval of the Administrative Law
7 Judge. Johnson Utilities believes that its agreement to submit these documents took place
8 in the presence of Diversified's counsel at the hearing.

9 Second, Diversified criticizes the parcel list submitted by Johnson Utilities. The
10 parcel list submitted by Johnson Utilities is in the format that was used during the hearing
11 and in the staff report. Johnson Utilities has no objection to the Administrative Law Judge
12 using either the parcel list submitted by Johnson Utilities or the one submitted by
13 Diversified whichever the Administrative Law Judge finds the most useful.

14 Finally, contrary to Diversified's allegations, it is unclear to Johnson Utilities
15 whether staff recommended that Diversified's CC&N be expanded to include the parcels
16 described as Parcels 25 and 26 on the list submitted by Johnson Utilities. There was no
17 evidence of current need in regard to those parcels presented by Diversified at the hearing.
18 Lack of such "need" evidence caused staff to recommend denial of expansion with respect
19 to other parcels.

20 RESPECTFULLY submitted this 14th day of May, 2001.

21 LEWIS AND ROCA LLP

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Attorneys for Johnson Utilities LLC

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2 ORIGINAL and ten (10) copies
3 of the foregoing filed this 14th day
4 of May, 2001, with:

5 The Arizona Corporation Commission
6 Docket Control – Utilities Division
7 1200 W. Washington Street
8 Phoenix, Arizona 85007

9 COPY of the foregoing hand-
10 delivered this 14th day of May,
11 2001, to:

12 Administrative Law Judge Marc Stern
13 Arizona Corporation Commission
14 1200 W. Washington Street
15 Phoenix, Arizona 85007

16 Teena Wolfe, Legal Division
17 Arizona Corporation Commission
18 1200 W. Washington Street
19 Phoenix, Arizona 85007

20 Mark Di Nunzio, Utilities Division
21 Arizona Corporation Commission
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24 COPY of the foregoing mailed this
25 14th day of May, 2001, to:

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