

INTERVENTION



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Arizona Corporation Commission  
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FEB -8 2007

David W. Davis (#015022)  
Attorneys for Complainant Hill

BEFORE THE ARIZONA CORPORATION COMMISSION

DOCKETED BY  
nr

RAY PUGEL, et al.,  
Complainants,  
vs.  
PINE WATER COMPANY, an Arizona  
Corporation,  
Respondent.

DOCKET NO. W-03512A-06-0407  
consolidated with  
DOCKET NO. W-03512A-06-0613

MOTION TO INTERVENE BY JIM  
HILL AND COUNSEL

Jim Hill, by and through undersigned counsel, hereby moves to intervene in this action. Hill intervenes for the following purposes:

1. To provide testimony regarding his dealings with Pine Water Company and his efforts to offer water from his well to Pine Water Company.

2. To provide documentation to the commission regarding those efforts to provide.

Witnesses would include:

1. Jim Hill.

2. David Davis as counsel for Jim Hill. Some of the dealings between Pine Water Company and Hill occurred between Pine Water Company and David Davis. Therefore, it may be necessary to have Davis give direct testimony as Hill has heard some of this information only secondhand through his attorney.

3. Ken Jones. Mr. Jones is the entity who sold Mr. Hill his property and his well. The sale occurred in September 2005. Mr. Jones would have information regarding his dealings with Pine Water Company and the history of his well prior to 2005.

Hill has evidence and testimony specifically relevant to the original complaint in this matter.

1 Hill's position is similar to the complainant in this case. Hill owns property (both commercial and  
2 residential) within the Pine Water CC&N. Hill has requested that Pine Water Company supply water to  
3 these two parcels of property. The previous owner of the land and Hill's well, Ken Jones, has also  
4 requested that water be supplied for these properties, long before the moratorium was ever issued by the  
5 Corporation Commission. Both Hill and Jones have made offers to supply water from a good well in Pine  
6 (not on Hill's property in the CC&N) in exchange for water being connected to the Jones/Hill property  
7 within the CC&N.

8 Hill has an interest in the outcome of this complaint and the final rulings made by the  
9 commission. In the complaint, the complainants allege that:

10  
11 1. This Commission ordered a moratorium in part due to a failure by Pine Water  
12 Company to follow Commission orders and lack of capital facilities. *(See Complaint Section IV(3))*.

13 On May 5, 2005, the Arizona Corporation Commission issued an order regarding Pine  
14 Water Company. Section 27 of that order indicates that the Corporation Commissioners, "expect  
15 representatives of Pine Water and the Commission's staff to be actively involved in analyzing and  
16 discussing all feasible long term permanent solutions to the water storage issues in Pine. Consideration  
17 should be given to, at a minimum, the following: growth limits on Gila County Development outside the  
18 Pine Water service area; additional well sources..." Hill will provide evidence that Pine Water has not  
19 been "actively involved" in the search for "additional well sources."

20  
21 2. The fact that Pine Water Company is unable to provide water service to those locked  
22 in the CC&N has resulted in a hardship to property owners within the CC&N. *(See Complaint IV(6))*.

23 To the extent that the Commission will be deciding issues such as these, Hill has a strong  
24 interest in the outcome and findings by the Commission. Hill has a substantial investment in 22 acres of  
25 land within the CC&N. Without water the land has very little value.

26  
27 Hill's testimony will not be redundant to the evidence before the Commission. Hill and his  
28 predecessor, Ken Jones, have made reasonable efforts to bring water to their property. Hill has testimonial

1 evidence and written documentation that Pine Water Company has not made reasonable efforts to obtain  
2 new water so as to lift the moratorium and be able to provide meters to landowners within the CC&N.  
3 Consequently Hill, and his attorney, hereby move to intervene in this action.

4 As intervenor, Hill requests the opportunity to: provide documentation to the Commission,  
5 provide testimony through witnesses at the hearings, cross examine witnesses at the hearing, and intervene  
6 in any other manner that the Commission deems appropriate.

7 Jim Hill, PO Box 2246, Pine, Az 928-474-9425 -- represented by David Davis

8 Ken Jones, 5535 N Casa Blanca Paradise Valley, Az 85253 (480) 946-6379 -- not represented by David  
9 Davis, but willing to testify.

10 David W. Davis (#015022) 3101 N. Central, Suite 1300, Phoenix, AZ 85012

11  
12  
13 DATED this 8 day of February, 2007.

14 TURLEY SWAN CHILDERS  
15 RIGHI & TORRENS, P.C.

16 By David W. Davis  
17 David W. Davis  
18 3101 N. Central, Suite 1300  
19 Phoenix, AZ 85012  
20 Attorneys for Complainants

21 **ORIGINAL** +16 copies of the foregoing filed this  
22 8 day of February, 2007, to:

23 Docket Control Center  
24 Arizona Corporation Commission  
25 1200 W. Washington Street, Room 108  
26 Phoenix, Arizona 85007

27 **COPY** of the foregoing mailed and faxed this  
28 8 day of February, 2007, to:

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COPY of the foregoing hand delivered this  
8 day of February, 2007, to:

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