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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

JEFF HATCH-MILLER, Chairman
WILLIAM A. MUNDELL
MIKE GLEASON
KRISTIN K. MAYES
GARY PIERCE

2007 FEB 16 P 12:12

AZ CORP COMMISSION
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Arizona Corporation Commission

DOCKETED

FEB 16 2007

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IN THE MATTER OF THE APPLICATION OF PERKINS MOUNTAIN UTILITY COMPANY FOR A CERTIFICATE OF CONVENIENCE AND NECESSITY.

DOCKET NO. SW-20379A-05-0489

IN THE MATTER OF THE APPLICATION OF PERKINS MOUNTAIN WATER COMPANY FOR A CERTIFICATE OF CONVENIENCE AND NECESSITY.

DOCKET NO. W-20380A-05-0490

NOTICE OF FILING

In continuing to comply with the Commissioner's wish for Staff to docket every document relating to the above-referenced matter, Staff hereby submits the attached public comment from Scott Dunton dated February 16, 2007.

RESPECTFULLY SUBMITTED this 16th day of February, 2007.

Keith A. Layton
Attorney, Legal Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007
(602) 542-3402

Original and fifteen (15) copies of the foregoing were filed this 16th day of February, 2007 with:

Docket Control
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1 Copies of the foregoing mailed
this 16th day of February, 2007 to:

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Walnut Creek Development

Fax

To: Keith Layton

From: Scott Dunton

Fax: 602-542-4870

Pages: 2 + cover

Phone:

Date: 2/16/2007

Re: Public Hearing SW-20379A-05-0489

CC:

Urgent **For Review** **Please Comment** **Please Reply** **Please Recycle**

• **Comments:** Please provide this information for consideration by the Commission.

WALNUT CREEK ESTATES

Development Company

February 16, 2007

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119 E. Andy Devine Ave. • Kingman, AZ 86401 • (928) 753-1314 • Accts. Payable

Arizona Corporation Commission

Dear Commissioners:

I apologize that I was not available to call in to address public comment at the beginning of the session on Friday, February 16, 2007. I was not yet in my office and my office staff was unable to reach me by telephone to instruct me to call in.

I do understand that the judge in the case has indicated that he is not inclined to hear public comment with regard to ongoing litigation but will allow further written comment with regard to the application.

He also indicated that he was interested in public comment with regard to individuals affected by the application. I am an individual who is affected by the application.

To address the litigation issue, the dispute over the property in question involves a land transaction of Golden Valley property, both within and outside the proposed service area. The litigation is directly tied to this application before the corporation commission and other individuals (as property owners) in the area.

Mr. Rhodes has made comments to me that by the time we did resolve our litigation, there would not be any water available for the property in question. Now I am beginning to understand his statement.

This application as I understand, if approved, gives Mr. Rhodes a "reservation on water" and could adversely impact my ability to apply for a service area for the property in litigation or my ability to extend my current service area. My ability to make application has been hindered by Mr. Rhodes and the ongoing litigation. Therefore, I feel that while certain portions of the property in litigation are not part of the proposed service area, this application and the ongoing litigation are tied together. In my opinion, Mr. Rhodes business practices have

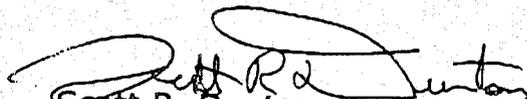
caused this litigation and he should not be allowed to continue until these matters are resolved.

Further, I am also a property owner in the proposed service area. The property in the service area is a well site for Walnut Creek Water Company, Inc. This property has nothing to do with the litigation, but has everything to do with the proposed application. We have received no information from Perkins Mountain Water Company regarding the impact of this application on our well site within the proposed service area.

Again, I state that as a property owner in the proposed service area and as a party to litigation which also has a vested interest in this application, I have concerns about a hasty approval of this application without further investigation.

I would be happy to provide testimony or public comment to this commission if requested.

Sincerely,



Scott R. Dunton