

ORIGINAL



0000066759

RECEIVED

28

1 FENNEMORE CRAIG, P.C.
 2 Jay L. Shapiro (No. 014650)
 3 Patrick J. Black (No. 017141)
 4 3003 North Central Avenue, Suite 2600
 5 Phoenix, Arizona 85012
 6 Telephone (602)916-5000
 7 Attorneys for Pine Water Company

2007 FEB 14 P 4: 33

AZ CORP COMMISSION
DOCUMENT CONTROL

BEFORE THE ARIZONA CORPORATION COMMISSION

8 RAYMOND R. PUGEL AND JULIE B.
 9 PUGEL AS TRUSTEES OF THE
 10 RAYMOND R. PUGEL AND JULIE B.
 11 PUGEL FAMILY TRUST, and ROBERT
 12 RANDALL AND SALLY RANDALL

DOCKET NO: W-03512A-06-0407

12 Complainant,
13 v.

14 PINE WATER COMPANY, an Arizona
15 Corporation,

16 Respondent.

17 ASSET TRUST MANAGEMENT, CORP.,

DOCKET NO: W-03512A-06-0613

18 Complainant,
19 v.

20 PINE WATER COMPANY, an Arizona
21 Corporation,

**RESPONSE TO HALL, HANEY AND
CASSARO MOTIONS TO INTERVENE**

22 Respondent.
23
24
25
26

Arizona Corporation Commission
DOCKETED

FEB 14 2007

DOCKETED BY	nr
-------------	----

1 Pine Water Company ("PWCo") hereby responds to the separate Motions to
2 Intervene filed by William F. Haney, P.E., Barbara Hall, and Robert M. Cassaro,
3 (collectively "Customer Intervenors"). Each of the motions should be denied because
4 none of the Customer Intervenors have established that they will be directly or
5 substantially affected by these proceedings.

6 The only basis for intervention offered by each of the Customer Intervenors is that
7 they are customers. This case is an action by three private landowners asking that their
8 properties be deleted from PWCo's CC&N. The Customer Intervenors do not allege any
9 interest in the property rights of the Complainants, nor that the Commission's decision
10 will impact them, beyond the fact that they are ratepayers of the Company. This is not a
11 rate case, financing application, or CC&N extension. Being a customer is insufficient
12 basis to become a party in an action by private property owners to have their property
13 deleted.

14 If the Customer Intervenors have comments on the application for deletion or
15 concerning the Company, they will be afforded ample opportunity to make public
16 comment. If they have factual information to present as evidence, the Complainants are
17 free to call one or more of the Customer Intervenors as witnesses. But party status is
18 inappropriate on the mere claim of being a "customer". This case is complicated enough
19 with three parties and at least one more seeking to join.¹ The door should not be opened
20 to nearly 2000 more customer-intervenors.

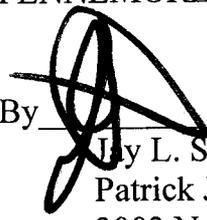
21 ...
22 ...
23 ...
24 ...

25 ¹ Counsel for the Company, Complainants and Staff have agreed with counsel for Intervenors Jim and Sioux Hill that
26 if they withdraw their Motion to Intervene and file a complaint, no one would oppose consolidation. The Hills have
property in PWCo's CC&N that they would like deleted, in contrast to each of the Customer Intervenors.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

RESPECTFULLY SUBMITTED this 14th day of February, 2007.

FENNEMORE CRAIG, P.C.

By  _____
Jay L. Shapiro
Patrick J. Black
3003 North Central Avenue
Suite 2600
Phoenix, Arizona 85012
Attorneys for Pine Water Company

ORIGINAL and ~~thirteen (13)~~ ^{fifteen (15)} copies of the
foregoing filed this 14th day of February, 2007:

Docket Control
Arizona Corporation Commission
1200 W. Washington St.
Phoenix, AZ 85007

Copy of the foregoing hand delivered
this 14th day of February, 2007:

Dwight D. Nodes
Assistant Chief Administrative Law Judge
Arizona Corporation Commission
1200 W. Washington Street
Phoenix, AZ 85007

Kevin Torrey
Legal Division
Arizona Corporation Commission
1200 West Washington
Phoenix, Arizona 85007

1 Ernest G. Johnson, Director
2 Utilities Division
3 Arizona Corporation Commission
4 1200 West Washington
5 Phoenix, Arizona 85007

6 COPIES mailed
7 this 14th day of February, 2007:

8 John G. Gliege
9 Stephanie J. Gliege
10 Gliege Law Offices, PLLC
11 P.O. Box 1388
12 Flagstaff, AZ 86002-1388

13 Robert M. Cassaro
14 P.O. Box 1522
15 Pine, AZ 85544

16 Barbara Hall
17 P.O. Box 2198
18 Pine, AZ 85544

19 William F. Haney, P.E.
20 3018 East Mallory Street
21 Mesa, AZ 85213

22 By: *Anaia San Jose*

23 1883796.1/75206.010

24
25
26