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BEFORE THE ARIZONA CORPORATION COMMISSION

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AZ CORP COMMISSION
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Arizona Corporation Commission
DOCKETED

MAR 16 2007

KRISTIN K. MAYES
WILLIAM A. MUNDELL
JEFF HATCH-MILLER
GARY PIERCE
COMMISSIONERS

DOCKETED BY
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IN THE MATTER OF THE APPLICATION
OF SPANISH TRAIL WATER CO. AND
SAGUARO WATER CO. TO MODIFY
THEIR EXISTING CERTIFICATES OF
CONVENIENCE AND NECESSITY

) Docket No. W-01816A-06-0177
)
) AND
) Docket No. W-01790A-06-0177
)
) **FILING OF APPLICANTS' LATE**
) **FILED EXHIBIT NUMBER TWO:**
) **AFFIDAVIT OF CHAD**
) **KOLODISNER**

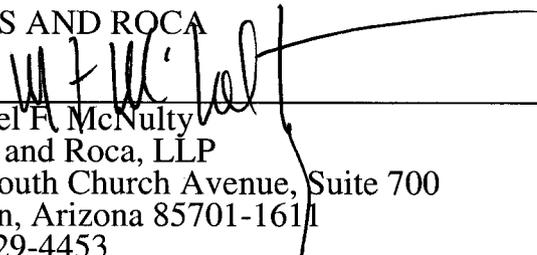
On December 12, 2006, a Procedural Order was issued in this case requiring the applicants to notify all landowners and customers within the area of Saguaro Water Company's Certificate of Convenience & Necessity that was proposed to be transferred to the Saguaro Water Company, and to mail such notice to all such landowners and customers. Further, the Procedural Order required the Applicants to file a certification of mailing of the Notice, which Applicants failed to do in a timely manner, and which they now undertake to correct by filing the attached Affidavit of Mr. Chad H. Kolodisner, on behalf of the sole landowner, attesting to the receipt of such notice prior to January 21, 2007.

The Procedural Order directed the Applicants to provide such notice "to their customers and each property owner in the area proposed to be transferred..." The Applicants understood the Order to apply both to customers within the area to be

1 transferred and to landowners within the area to be transferred, but acknowledge that there
2 is an alternative reading: that the notice was to be provided to landowners within the area
3 to be transferred, and to all customers whether or not they were in the area to be
4 transferred. If the Commission intended for all customers within each of the Certificates
5 of Convenience & Necessity of the two water utilities involved in this matter to receive
6 Notice, the Applicants are of course willing to cause such Notice to issue under such
7 revised terms as the Commission may proscribe, notwithstanding the fact that the
8 uncontroverted testimony at the hearing held in connection with this matter revealed that
9 there would be no financial impact upon the existing customer base of either utility.

10 RESPECTFULLY SUBMITTED this 15th day of March, 2007.

11 LEWIS AND ROCA

12 
13 _____
14 Michael F. McNulty
15 Lewis and Roca, LLP
16 One South Church Avenue, Suite 700
17 Tucson, Arizona 85701-1611
18 520-629-4453

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26
Attorneys for Spanish Trail Water Company and
Saguaro Water Company

LEWIS
AND
ROCA
LLP
LAWYERS

1 ORIGINAL and thirteen (13) copies
2 of the foregoing delivered via
3 overnight courier (DHL)
4 this 15th day of March, 2007, to:

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

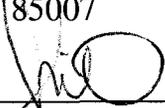
9 COPY of the foregoing
10 delivered via U. S. Mail
11 this 15th day of March, 2007, to:

12 Spanish Trail Water Company
13 Camp Lowell Corporate Center
14 4572 East Camp Lowell Drive
15 Tucson, AZ 85712

16 Saguaro Water Company
17 Camp Lowell Corporate Center
18 4572 East Camp Lowell Drive
19 Tucson, AZ 85712

20 Mr. Christopher Kempsey, Chief Counsel
21 Legal Division
22 Arizona Corporation Commission
23 1200 West Washington Street
24 Phoenix, AZ 85007

25 Mr. Ernest Johnson, Director
26 Utilities Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, AZ 85007

By: 

Hope I. Bracken
Secretary to Michael F. McNulty

STATE OF ARIZONA)
) ss.
County of Pima)

AFFIDAVIT OF CHAD H. KOLODISNER

CHAD H. KOLODISNER, being first duly sworn, deposes and says:

1. I am an attorney, and a member of State Bar of the State of Arizona (#015855).
2. I am a legal representative of Rocking K Holdings Limited Partnership ("Rocking K"), an Arizona limited partnership, and am authorized to act on its behalf.
3. The address of Rocking K Holdings Limited Partnership is 2200 East River Road, Suite 115, Tucson, Arizona.
4. Rocking K is the sole beneficiary of Fidelity National Trust No. 30096, the owner of those sixty-nine acres (the "Exchange Parcel") that are the subject of the ongoing proceedings in connection with Dockets Nos. W-01816A-06-0177 and W-01790A-06-0177, at the Arizona Corporation Commission.
5. The Exchange Parcel is currently located within the Certificate of Convenience & Necessity ("CC&N") of the Saguaro Water Company.
6. There are no water utility customers within the Exchange Parcel, and there are no other landowners of the Exchange Parcel, which is undeveloped desert land.
7. Rocking K consented to the CC&N exchange that is the subject of the ongoing proceedings, as is reflected in the official records of the Commission.
8. On or before January 21, 2007, a copy of the Procedural Order dated December 13, 2006, including the Notice set forth in page 3 of the Procedural Order, was faxed to my personal attention by the Applicants' legal counsel.
9. Rocking K elected not to appear or intervene in the hearing in this matter, as its consent to the proposed action was already of record in those proceedings.
10. Rocking K, as landowner of the Exchange Parcel, received the requisite notice, and waives its right to have had the same notice delivered by U.S. Mail, as provided in the Procedural Order.


Chad H. Kolodisner

SUBSCRIBED AND SWORN to before me on this 15 day of March, 2007, by Chad H. Kolodisner, legal counsel to Rocking K Holdings Limited Partnership, sole beneficiary of Fidelity National Trust No. 30096.


NOTARY PUBLIC

My Commission Expires:

Aug. 30, 2008

