

ORIGINAL



0000073440

1 **GLIEGE LAW OFFICES, PLLC**
2 **P.O. Box 1388**
3 **Flagstaff, AZ 86002-1388**
4 **(928) 226-8333**

RECEIVED

3265

2007 MAY 29 P 1:57

5 **John G. Gliege (#003644)**
6 **Stephanie J. Gliege (#022465)**
7 **Attorneys for the Complainants**

AZ CORP COMMISSION
DOCKET CONTROL

8 **BEFORE THE ARIZONA CORPORATION COMMISSION**

9 **RAYMOND R. PUGEL AND JULIE B.**
10 **PUGEL, husband and wife as trustees of THE**
11 **RAYMOND R. PUGEL and JULIE B. PUGEL**
12 **FAMILY TRUST,**
13 **and**
14 **ROBERT RANDALL and SALLY RANDALL,**
15 **husband and wife**
16 **Complainants,**
17 **v.**
18 **PINE WATER COMPANY, an Arizona**
19 **Corporation**
20 **Respondent..**

DOCKET NO. W-03512A-06-0407

Rejoinder Testimony of Edward Moriarity

W-03512A-07-0019

21 **ASSET TRUST MANAGEMENT, CORP.**
22 **Complainants,**
23 **v.**
24 **PINE WATER COMPANY, an Arizona**
25 **Corporation**
26 **Respondent.**

DOCKET NO. W-03512A-06 -0613

27 **JAMES HILL and SIOUX HILL, husband and**
28 **wife and as trustees of THE HILL FAMILY**
29 **TRUST,**
30 **Complainants,**
31 **v.**
32 **PINE WATER COMPANY, an Arizona**
33 **Corporation**
34 **Respondent.**

DOCKET NO. ~~W-20511A-07-0100~~

W-03512A-07-0100

Arizona Corporation Commission
DOCKETED

MAY 29 2007

DOCKETED BY nr

1 Once again, state your name: **Edward Moriarity**

2 Did you read the Surrebuttal Testimony filed by Pine Water Company and the Testimony filed by the
3 Arizona Corporation Commission Staff? **YES**

4 Before addressing specific issues do you have any general comments regarding the Pine Water Company
5 Surrebuttal Testimony?

6 **The Testimony does not address the issues of whether or not Pine Water Company can provide**
7 **water to the Eagle Glen subdivision.**

8 Have you attempted to cooperate with Pine Water Company and obtain Water Service? **Yes, but once**
9 **they turned us down we sought water service elsewhere.**

10 Are you seeking any "special treatment"?

11 **No, we just want water service to our property so that it can be occupied and used.**

12 To your knowledge, is the process of the Corporation Commission the only one available to provide
13 domestic water service to your property?

14 **No, it is not. There are other available alternatives.**

15 Within the Eagle Glen Subdivision is the infrastructure already in place?

16 **According to our Engineer it is, and in fact portions of it are being used by Pine Water Company**
17 **to provide water to the 2" water main on southern Hardscrabble Road. We just want to connect**
18 **the water meters and be ready to use the property.**

19 Before addressing specific issues do you have any general comments regarding the Staff Testimony?

20 **It appears that the staff would have us indefinitely not being able to use our property with no**
21 **reasonable prospect of future use.**

22 If you do not receive any water service from Pine Water Company and are not able to have your property
23 removed from the CC&N does it affect the use and enjoyment of this property?

24 **Without domestic water service the property is not usable. It is not that water is not available**
25 **which can be used, the issue here is that under the regulatory scheme created concerning this**
26 **property it cannot be provided water from Pine Water Company, and unless deleted from the**
27 **CC&N, it cannot provide itself any water service. As such the economic value of the property is**
28 **substantially diminished or taken without any compensation being paid to the property owner.**

29 Does that conclude your testimony? **YES**

1 Original and 17 copies mailed/delivered
2 This 14th day of May, 2007 to:

3 Arizona Corporation Commission
4 Attn: Docket Control
5 1200 W. Washington
6 Phoenix, AZ 85007

7 Copies of the foregoing mailed/delivered
8 This 14th day of May, 2007 to:

9 Kevin O. Torrey
10 Attorney, Legal Division
11 Arizona Corporation Commission
12 1200 W. Washington Street
13 Phoenix, AZ 85007
14 ktorrey@azcc.gov

15 Christopher Kempley, Chief Counsel
16 Legal Division
17 Arizona Corporation Commission
18 1200 W. Washington Street
19 Phoenix, AZ 85007

20 Ernest G. Johnson, Director
21 Utilities Division
22 Arizona Corporation Commission
23 1200 W. Washington Street
24 Phoenix, AZ 85007

25 Jay L. Shapiro
26 Fennemore Craig
27 3003 North Central Ave. Ste 2600
28 Phoenix, AZ 85012-2913
29 JSHAPIRO@fclaw.com

30 David W. Davis, ESQ.
31 Turley, Swan & Childers, P.C.
32 3101 N. Central, Suite 1300
33 Phoenix, AZ 85012-2643
34 ddavis@tsc-law.com

35 Robert M. Cassaro
36 PO Box 1522
37 Pine, AZ 85544

38 William F. Haney
39 3018 E. Mallory St.
40 Mesa, AZ 85213

41 Barbara Hall
42 PO Box 2198
43 Pine, AZ 85544