

INTERVENTION



BEFORE THE ARIZONA CORPORATION COMMISSION

ORIGINAL

RECEIVED

2007 JUN 15 P 1:29

AZ CORP COMMISSION  
DOCKET CONTROL

COMMISSIONERS

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

Arizona Corporation Commission

DOCKETED

JUN 15 2007

DOCKETED BY KIC

IN THE MATTER OF THE APPLICATION OF  
PALO VERDE UTILITIES COMPANY FOR AN  
EXTENSION OF ITS EXISTING CERTIFICATE  
OF CONVENIENCE AND NECESSITY.

Docket No. SW-03575A-07-0300

IN THE MATTER OF THE APPLICATION OF  
SANTA CRUZ WATER COMPANY FOR AN  
EXTENSION OF ITS EXISTING CERTIFICATE  
OF CONVENIENCE AND NECESSITY.

Docket No. W-03576A-07-0300

APPLICATION TO INTERVENE

Arizona Water Company, an Arizona corporation, hereby applies for an order permitting it to intervene in the above captioned matters pursuant to A.A.C. R14-3-105. Arizona Water Company is directly and substantially affected by these proceedings. This application is based upon the following:

1. Arizona Water Company presently holds Certificates of Convenience and Necessity ("CCNs") issued by the Arizona Corporation Commission (the "Commission") for the purpose of providing water utility service in the Casa Grande and Stanfield areas of Pinal County, and has served customers within those CCNs since 1955. Arizona Water Company currently provides water

1 service to more than 19,000 customers in its Casa Grande and Stanfield systems and has invested  
2 more than \$65 million in gross utility plant in these two systems.

3  
4 2. Santa Cruz Water Company's ("SCWC")<sup>1</sup> application for an extension of its CCN in  
5 this docket is for an area that is included in a pending Arizona Water Company CCN application in  
6 consolidated Docket Nos. W-01445A-06-0199, SW-03575A-05-0926, and W-03576A-05-0926  
7 (the "Consolidated Dockets"). In addition, as Arizona Water Company holds existing CCNs in the  
8 immediately adjacent area and is ready, willing and able to serve all landowners requesting service,  
9 intervention in this proceeding is appropriate. Intervention is also appropriate so that the matters  
10 raised in Arizona Water Company's application in the Consolidated Dockets for the same CCN area  
11 can be asserted here.

12 3. Arizona Water Company has extensive water production and distribution facilities  
13 located immediately adjacent and contiguous to the area into which SCWC seeks to extend its CCN  
14 in this docket. Arizona Water Company, as the longstanding provider of public utility water service  
15 in central Pinal County, is first in the field and, under Arizona law, should be granted the first  
16 opportunity to serve this area. Intervention in this proceeding is further appropriate to allow the  
17 Commission to consider how this important Arizona legal doctrine advances sound public policy in  
18 this state and how it applies to the circumstances presented in this proceeding.

19 4. Moreover, Arizona Water Company proposes to provide water service to customers  
20 in its proposed CCN area at far lower rates than SCWC proposes, and intervention in this  
21 proceeding will allow the Commission to give appropriate weight to this compelling public policy  
22 factor in determining which water utility will best serve the long-term interests of the future  
23 ratepayers.

24 5. SCWC and Palo Verde Utilities Company ("PVUC") filed their application on May  
25 17, 2007. As of the date hereof, the Commission has not deemed that either application is

26 <sup>1</sup> As noted in its Application, Palo Verde and Santa Cruz have applications pending to transfer their assets and CC&Ns from LLCs to a corporation  
27 in Docket Nos. SW-20445A-06-0155, W-20445A-06-0155, SW-03575A-06-0155, and W-03575A-0155. The hearing on those applications took  
28 place January 12, 2007. Since SCWC is the applicant in this docket, references in this Application to Intervene will be to SCWC, but if the  
Commission approves those applications and transfers the subject CCNs to a different entity or entities, this Application should be considered to be  
revised accordingly.

1 sufficient. No hearings have been noticed. Because the action is in its earliest stages, SCWC and  
2 PVUC will not be prejudiced in any way by permitting Arizona Water Company to intervene.

3  
4 6. For the foregoing reasons, Arizona Water Company is directly and substantially  
5 affected by this proceeding and is entitled to intervene pursuant to A.A.C. R14-3-105.

6 WHEREFORE, Arizona Water Company respectfully requests that it be granted leave to  
7 intervene in this matter. Please provide copies of all pleadings and address communications with  
8 regard to this matter to undersigned counsel for Arizona Water Company.

9  
10 DATED this 15<sup>th</sup> day of June 2007.

11 ARIZONA WATER COMPANY

12  
13 By Robert W. Geake

14 Robert W. Geake, Esq.  
15 Vice President and General Counsel  
16 3805 N. Black Canyon Hwy.  
17 Phoenix, AZ 85015

18 and

19 Steven A. Hirsch, Esq.  
20 Rodney W. Ott, Esq.  
21 BRYAN CAVE LLP  
22 Two North Central Avenue, Ste. 2200  
23 Phoenix, Arizona 85004-4406  
24  
25  
26  
27  
28

1 ORIGINAL and 17 COPIES of the foregoing  
2 filed this 15<sup>th</sup> day of June, 2007 with:

3 Docket Control Division  
4 Arizona Corporation Commission  
5 1200 West Washington Street  
6 Phoenix, Arizona 85007

7 COPY of the foregoing was mailed  
8 this 15<sup>th</sup> day of June, 2007 to:

9 Christopher Kempley, Chief Counsel  
10 Legal Division  
11 Arizona Corporation Commission  
12 1200 West Washington Street  
13 Phoenix, Arizona 85007

14 Ernest G. Johnson  
15 Director, Utilities Division  
16 Arizona Corporation Commission  
17 1200 West Washington Street  
18 Phoenix, Arizona 85007

19 Michael W. Patten, Esq.  
20 Timothy J. Sabo, Esq.  
21 ROSHKA, DeWULF & PATTEN  
22 400 E. Van Buren, Ste. 800  
23 Phoenix, AZ 85004  
24 Attorneys for Santa Cruz Water Company and  
25 Palo Verde Utilities Company  
26  
27  
28

By: 