

ORIGINAL



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1 MIKE GLEASON, CHAIRMAN  
2 WILLIAM A. MUNDELL, COMMISSIONER  
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6

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AZ CORP COMMISSION  
DOCKET CONTROL

8 **BEFORE THE ARIZONA CORPORATION COMMISSION**

9 IN THE MATTER OF THE COMPLIANT ) **DOCKET NO.W-03514A-07-0386**  
10 FILED BY STEVE PRAHIN, )  
11 COMPLAINANT, ) **ANSWER**  
12 VS. )  
13 PINE WATER CO., INC., )  
14 RESPONDENT )

15  
16 Respondent Payson Water Co, Inc., (hereafter referred to as "Payson Water") hereby  
17 responds to and answers the June 23, 2007 Complaint stating that Payson Water is "negligent in  
18 the operation of their system". The Complaint asks for no relief.

19 **STATEMENT OF PERTINENT FACTS**

20 1. After much consideration by the Arizona Corporation Commission and assistance from  
21 Payson Water Co. the Complainant was provided a water meter at his property in the Geronimo  
22 Estates subdivision pursuant to Commission Decision No. 68696.

23 2. Respondent denies "insulting" the Complainant nor any of the statements alleged in the  
24 Complaint relating to the alleged insult. Payson Water is prepared to produce evidence that will  
25 corroborate its position.

26 3. Respondent denies that it uses "aggressive bullying tactics" in the operation of its water  
27 systems. Payson Water has never received a notice of violation from the Commission or other  
28 regulatory authorities having jurisdiction that are currently outstanding or have not been  
29 previously complied with.

Arizona Corporation Commission  
**DOCKETED**

JUL 16 2007

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1 4. Payson Water Co. operates its water systems in strict compliance with applicable sections  
2 of the Arizona Administrative Code and the rules, regulations, and Decisions of the Commission.

3 5. Payson Water Co. remains in strict compliance with all water quality requirements of the  
4 Arizona Department of Environmental Quality. Respondent is prepared to provide evidence that  
5 at no time did it contaminate its water system through temporary water hauling operations.

6 **RESPONSE TO ALLEGATIONS IN COMPLAINT**

7 6. Answering Complainant's Grounds for Complaint, Respondent lacks the knowledge or  
8 information sufficient to form a belief as to facts related in the Complaint.

9 7. Answering Complainant's ascertain that Payson Water Co. operates its water systems in a  
10 "negligent" manner, Respondent denies such allegation.

11 8. Respondent cannot answer Complainant's request for relief because none is stated.

12 **AFFIRMATIVE DEFENSES**

13 9. Complainant fails to state a claim upon which relief can be granted pursuant to Decision  
14 No. 68696.

15 10. Respondent reserves the right to assert all additional defenses available as more  
16 information becomes known about the facts surrounding this case, including all defenses set forth  
17 in Rule 8 (c) of the Arizona Rules of Civil Procedure.

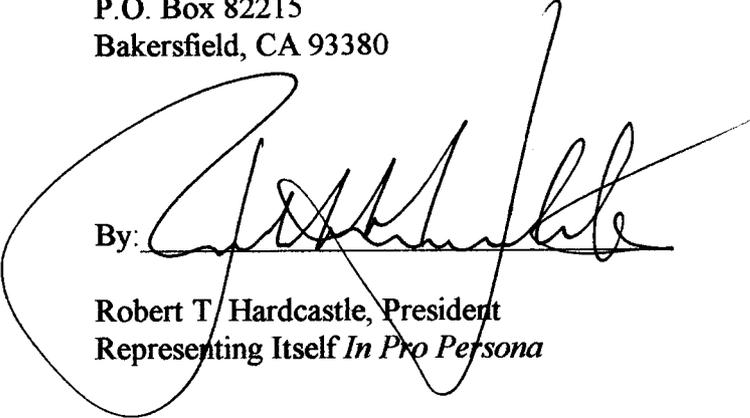
18 WHEREFORE, having answered the Complaint, respondent requests the Commission to  
19 order the following:

20 A. That the Complaint be dismissed with prejudice and that Complainant gain nothing  
21 thereby;

22 B. For such other and further relief as the Commission deems just and proper.  
23

1                    RESPECTFULLY SUBMITTED this 13<sup>th</sup> day of July 2007.

2                    Brooke Utilities, Inc.  
3                    P.O. Box 82215  
4                    Bakersfield, CA 93380  
5

6  
7                    By: 

8                    Robert T. Hardcastle, President  
9                    Representing Itself *In Pro Persona*  
10

11                   The original and thirteen copies of the foregoing filed this  
12                   13th day of July 2007.

13  
14                   Docket Control  
15                   Arizona Corporation Commission  
16                   1200 West Washington Blvd.  
17                   Phoenix, AZ 85007  
18

19                   Dwight D. Nodes  
20                   Assistant Chief Administrative Law Judge  
21                   Arizona Corporation Commission  
22                   1200 W. Washington Ave.  
23                   Phoenix, AZ 85007  
24

25                   Janet Wagner, Senior Staff Counsel  
26                   Legal Division  
27                   Arizona Corporation Commission  
28                   1200 W. Washington Ave.  
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30

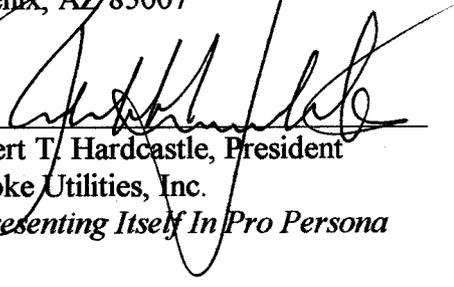
31                   I hereby certify that I have this day served the foregoing documents by mailing a copy thereof,  
32                   properly addressed with first class postage to the following parties:  
33

34                   Jay Shapiro, Esq.  
35                   Fennemore Craig, P.C.  
36                   3003 North Central Ave. Suite 2600  
37                   Phoenix, Arizona 85012  
38

39                   Steve Prahin  
40                   HC 7 Box 452  
41                   Payson, Arizona 85541  
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14 By:   
15 Robert T. Hardcastle, President  
16 Brooke Utilities, Inc.  
17 *Representing Itself In Pro Persona*  
18  
19