

ORIGINAL



0000075528

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

RECEIVED

2007 JUL 27 A 8:58

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

AT CORP COMM COM
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

TESTIMONY OF MARK FUMUSA

Arizona Corporation Commission
DOCKETED

JUL 27 2007

DOCKETED BY

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-03512A-07-0100

1 **BRENT WEEKES,**
2 **Complainants,**
3 **v.**
4 **PINE WATER COMPANY, an Arizona**
5 **Corporation**
6 **Respondent.**

DOCKET NO. W-03512A-07-0019

- 7 1. State your full name: **Mark J. Fumusa**
- 8 2. Do you reside within the Certificate of Convenience and Necessity of Pine Water Company? **YES**
- 9 3. On November 21, 2006 did you file a complaint against Pine Water Company with the Arizona
10 Corporation Commission? **YES I DID.**
- 11 4. As of this date has that complaint been satisfactorily resolved? **NO, IT HAS NOT BEEN**
12 **RESOLVED IN ANY MANNER.**
- 13 5. Have you attached a copy of that complaint to this testimony? **YES I HAVE. (see Exhibit A)**
- 14 6. Do you want that complaint to constitute your testimony in this matter along with this written
15 testimony? **YES**
- 16 7. You have also created a chart showing the amount of water taken by Pine Water Company from the
17 Solitude Trails Domestic Water Improvement District. **YES**
- 18 8. Is that chart reproduced below? **YES IT IS**
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29

**WATER SOLD BY
SOLITUDE TRAILS DOMESTIC WATER IMPROVEMENT
DISTRICT
TO
PINE WATER COMPANY**

DATE	AMOUNT OF WATER DELIVERED TO PINE WATER CO	WATER HAULED THIS MONTH BY PINE WATER CO
JANUARY 2006	505,520	
FEBRUARY 2006	811,220	
MARCH 2006	593,900	
APRIL 2006	521,700	
MAY 2006	927,500	
JUNE 2006	681600	YES
JULY 2006	252,010	YES
AUGUST, 2006	217,990	
SEPTEMBER 2006	0	
OCTOBER 2006	0	
NOVEMBER 2006	0	
DECEMBER 2006	0	

9. What does this chart show? **IT SHOWS THAT DURING THE MONTHS WHEN PINE WATER COMPANY WAS HAULING WATER IT WAS TAKING LESS WATER FROM SOLITUDE TRAILS DOMESTIC WATER IMPROVEMENT DISTRICT THAT IT DID IN MAY, 2006 WHEN IT WAS NOT HAULING WATER.**

10. Regarding the contract with Solitude Trails Domestic Water Improvement District, does that contract allow the District to recover its costs incurred in producing the water delivered to Pine Water Company? **NO IT DOES NOT.**

1 11. So, is it your position that the citizens of the Solitude Trails Domestic Water Improvement District
2 are subsidizing Pine Water Company to the extent that the District loses money on the sale of water to
3 Pine Water Company? **YES**

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

1 Original and 19 copies mailed/delivered
2 This 24th day of July, 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 24th day of July, 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

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

Robert M. Cassaro
PO Box 1522
Pine, AZ 85544

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

Barbara Hall
PO Box 2198
Pine, AZ 85544

EXHIBIT A

**Formal Complaint by Fumusa
W-03512A-06-0742**