

ORIGINAL  
JOHNSON UTILITIES L.L.



0000079274

5230 East Shea Boulevard, Suite 200 \* Scottsdale, Arizona 85254  
PH: (480) 998-3300; FAX: (480) 483-7908

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November 30, 2007

Mr. Ernest Johnson  
Arizona Corporation Commission  
1200 W. Washington Street  
Phoenix, Arizona 85007

RECEIVED  
2007 NOV 30 P 2:42  
AZ CORP COMMISSION  
DOCKET CONTROL

RE: Johnson Utilities, L.L.C.: Compliance with Decision No. 68235  
RE: Quarterly Confirmation of the \$500,000 Performance Bond  
WS-02987A-05-0088

Dear Mr. Johnson:

Pursuant to the above mentioned decision, Johnson Utilities hereby submits this compliance filing in accordance with the Commission's order to have on file with the Commission a \$500,000 Performance Bond. Our current bond #10054804 on file with the commission is expiring and we have acquired a new bond with Platte River Insurance Company. Enclosed please find the new Bond #41129442 attached hereto as Attachment No. 1.

If you need any additional information in regards to this compliance item, please do not hesitate to contact me. Thank you for your time and consideration in this matter.

Sincerely,

Brian P. Tompsett  
Johnson Utilities, LLC

Cc: Docket Control (1 Original, 15 Copies)  
Brian Bozzo, Compliance Manager  
Richard Sallquist, Sallquist, Drummond & O'Connor

Arizona Corporation Commission  
DOCKETED

NOV 30 2007

DOCKETED BY nr

# Attachment No. 1

UTILITY BOND

BOND 41129442

ACCOUNT

EFFECTIVE: November 24, 2007

WITNESSETH: This surety bond given by Johnson Utilities, L.L.C., as Principal and Platte River Insurance Company, 350 Sansome St. #1000, San Francisco, CA 94104 as Surety are jointly and severally bound unto Arizona Corporation Commission as Obligee, in the amount of Five Hundred Thousand & 00/100 Dollars (\$ 500,000.00 ), lawful money of the United States of America, for the payment of which the Principal and Surety bind themselves, their heirs, executors, administrators, successors, assigns or other legal representatives.

WHEREAS, the said Principal has requested the Obligee to furnish Utility Services to the said Principal at his present location of 5230 E. Shea Blvd, #200, Scottsdale, AZ 85254 and

WHEREAS, the said Principal has promised to pay such Utility Services as provided by the Obligee as billed therefore from time to time, all without the usually required deposit being made by Principal, and

WHEREAS, the said Obligee has agreed to the foregoing on condition that it be indemnified against any loss of account thereof.

NOW THEREFORE, the condition of the obligation is such that if the Principal shall pay or cause to be paid unto the Obligee all amounts that may at any time hereafter be due and owing to the Obligee by the Principal for Utility Services furnished by the Obligee to the Principal, then this obligation shall be null and void; otherwise to remain in full force and effect.

PROVIDED, HOWEVER, That this bond is written upon the following expressed conditions:

- 1) That in no event shall the liability of the Surety hereunder be cumulative from year to year, nor shall the Surety in any event be liable for more than the total amount stated herein.
2) That the Surety herein may, if it so elects, terminate its obligation under this bond by first serving at least thirty (30) days written notice of its intention to do so upon the Obligee at its Principal office at 1200 West Washington, Phoenix, AZ 85007, but the Surety shall nevertheless remain liable for any and all accrued indebtedness of the Principal to the Obligee incurred prior to the termination date.

Dated this 19th day of November, 2007.

Johnson Utilities, L.L.C. Principal

BY: [Signature]

Platte River Insurance Company, 350 Sansome Surety

BY: Gabby Acosta Attorney-in-Fact

**PLATTE RIVER INSURANCE COMPANY  
POWER OF ATTORNEY**

**41129442**

KNOW ALL MEN BY THESE PRESENTS, That the **PLATTE RIVER INSURANCE COMPANY**, a corporation of the State of Nebraska, having its principal offices in the City of Middleton, Wisconsin, does make, constitute and appoint

----- JAMES R OLSEN; R CICCOLINI; ABEL ACOSTA; GABBY ACOSTA; HOPE E OLSEN; BRYANT E SPIEGLER-----

its true and lawful Attorney(s)-in-fact, to make, execute, seal and deliver for and on its behalf, as surety, and as its act and deed, any and all bonds, undertakings and contracts of suretyship, provided that no bond or undertaking or contract of suretyship executed under this authority shall exceed in amount the sum of

----- ALL WRITTEN INSTRUMENTS IN AN AMOUNT: \$2,500,000.00 -----

This Power of Attorney is granted and is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of **PLATTE RIVER INSURANCE COMPANY** at a meeting duly called and held on the 8th day of January, 2002.

“RESOLVED, that the President, and Vice-President, the Secretary or Treasurer, acting individually or otherwise, be and they hereby are granted the power and authorization to appoint by a Power of Attorney for the purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, one or more vice-presidents, assistant secretaries and attorney(s)-in-fact, each appointee to have the powers and duties usual to such offices to the business of the Corporation; the signature of such officers and the seal of the Corporation may be affixed to such power of attorney or to any certificate relating thereto by facsimile, and any such power of attorney or certificate bearing such facsimile signatures or facsimile seal shall be valid and binding upon the Corporation in the future with respect to any bond or undertaking or other writing obligatory in the nature thereof to which it is attached. Any such appointment may be revoked, for cause, or without cause, by any of said officers, at any time.”

IN WITNESS WHEREOF, the **PLATTE RIVER INSURANCE COMPANY** has caused these presents to be signed by its officer undersigned and its corporate seal to be hereto affixed duly attested, this 1st day of June, 2006.

Attest:

*Alan S. Ogilvie*  
Alan S. Ogilvie  
Secretary



**PLATTE RIVER INSURANCE COMPANY**

*James J. McIntyre*  
James J. McIntyre  
President

STATE OF WISCONSIN }  
COUNTY OF DANE } s.s.:

On the 1st day of June, 2006 before me personally came James J. McIntyre, to me known, who being by me duly sworn, did depose and say: that he resides in the County of Dane, State of Wisconsin; that he is President of **PLATTE RIVER INSURANCE COMPANY**, the corporation described in and which executed the above instrument; that he knows the seal of the said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation and that he signed his name thereto by like order.



*Kathleen A. Paulson*  
Kathleen A. Paulson  
Notary Public, Dane Co., WI  
My Commission Expires 10-15-2006

STATE OF WISCONSIN }  
COUNTY OF DANE } s.s.:

I, the undersigned, duly elected to the office stated below, now the incumbent in **PLATTE RIVER INSURANCE COMPANY**, a Nebraska Corporation, authorized to make this certificate, **DO HEREBY CERTIFY** that the foregoing attached Power of Attorney remains in full force and has not been revoked; and furthermore, that the Resolution of the Board of Directors, set forth in the Power of Attorney is now in force.

Signed and sealed at the City of Middleton, State of Wisconsin this 19th day of November, 2007.



*Alan S. Ogilvie*  
Alan S. Ogilvie  
Secretary

THIS DOCUMENT IS NOT VALID UNLESS PRINTED ON GREEN SHADED BACKGROUND WITH A RED SERIAL NUMBER IN THE UPPER RIGHT HAND CORNER. IF YOU HAVE ANY QUESTIONS CONCERNING THE AUTHENTICITY OF THIS DOCUMENT CALL 800-475-4450.

# CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of CALIFORNIA } ss.

County of LOS ANGELES } ss.

On 11/19/2007, before me, Bryant Evan Spiegler - NOTARY PUBLIC,  
Date Name and Title of Officer (e.g., "Jane Doe, NOTARY PUBLIC")

personally appeared Gabby Acosta - ATTORNEY-IN-FACT,

- personally known to me  
 proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



Place Notary Seal Above

WITNESS my hand and official seal.

*[Signature]*  
Signature of Notary Public

## OPTIONAL

*Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.*

### Description of Attached Document

Title or Type of Document: \_\_\_\_\_

Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_

### Capacity(ies) Claimed by Signer

Signer's Name: \_\_\_\_\_

- Individual  
 Corporate Officer – Title(s): \_\_\_\_\_  
 Partner –  Limited  General  
 Attorney in fact  
 Trustee  
 Guardian or Conservator  
 Other: \_\_\_\_\_

RIGHT THUMBPRINT  
OF SIGNER

Top of Thumb here

Signer is Representing: \_\_\_\_\_

PLATTE RIVER INSURANCE COMPANY  
POWER OF ATTORNEY

41129442

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*Alan S. Ogilvie*  
Alan S. Ogilvie  
Secretary



PLATTE RIVER INSURANCE COMPANY

*James J. McIntyre*  
James J. McIntyre  
President

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*Kathleen A. Paulson*  
Kathleen A. Paulson  
Notary Public, Dane Co., WI  
My Commission Expires 10-15-2006

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Signed and sealed at the City of Middleton, State of Wisconsin this 19th day of November, 2007.



*Alan S. Ogilvie*  
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- personally known to me
- proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



Place Notary Seal Above

WITNESS my hand and official seal.

[Signature]  
Signature of Notary Public

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Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer**

Signer's Name: \_\_\_\_\_

- Individual
- Corporate Officer – Title(s): \_\_\_\_\_
- Partner –  Limited  General
- Attorney in fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_

**RIGHT THUMBPRINT OF SIGNER**

Top of Thumb here

Signer is Representing: \_\_\_\_\_