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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

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FEB 20 2008

COMMISSIONERS

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

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AZ CORP COMMISSION
DOCKET CONTROL

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IN THE MATTER OF THE FORMAL
COMPLAINT OF SWING FIRST GOLF LLC
AGAINST JOHNSON UTILITIES LLC

DOCKET NO. WS-02987A-08-0049

IN THE MATTER OF THE APPLICATION
OF JOHNSON UTILITIES, LLC FOR
AUTHORITY TO TRANSFER OF ALL OF ITS
ASSETS TO THE TOWN OF FLORENCE,
ARIZONA, AND FOR THE CANCELLATION
OF ITS WATER AND WASTEWATER
CERTIFICATES OF CONVENIENCE AND
NECESSITY FOR SERVICE WITHIN PINAL
COUNTY, ARIZONA

~~DOCKET NO. WS-02987A-07-0203~~

**SWING FIRST GOLF LLC'S
CONDITIONAL MOTION TO
CONSOLIDATE DOCKETS**

1 For the reasons set forth below Swing First Golf LLC ("Swing First") hereby
2 conditionally moves to consolidate Docket Nos. WS-02987A-07-0203 and WS-02987A-08-
3 0049.

4 **I BACKGROUND**

5 **A DOCKET NO. WS-02987A-07-0203**

6 On March 30, 2007, in Docket No. WS-02987A-07-0203, Johnson Utilities, LLC
7 ("Utility") applied for authority to transfer its assets to the Town of Florence, Arizona, and to
8 cancel its water and wastewater Certificate of Convenience and Necessity ("CC&N"). On April
9 27, 2007, the Utilities Division Staff ("Staff") filed an Insufficiency Letter stating that Utility
10 "has not met the sufficiency requirements as outlined in the Arizona Administrative Code"
11 Utility has not yet met Staff's sufficiency requirements. Also, Hearing Division has not yet
12 issued a procedural order in this docket.

1 **B DOCKET NO. WS-02987A-08-0049**

2 On January 25, 2008 (as amended on February 5, 2008), Swing First filed a complaint
3 against Utility in Docket No. WS-02987A-08-0049. Among other things, Swing First alleges
4 that Utility has grossly overcharged Swing First for wastewater utility service and asks the
5 Commission to order Utility to refund the overcharge to Swing First with interest. Swing First
6 also asks the Commission to order Utility to correctly render future bills and for Utility's
7 Member, George H. Johnson, to personally apologize to Swing First for Utility's abysmal
8 customer service and for Mr. Johnson's abusive and obscene language. Swing First also alleges
9 that Utility has been violating its tariff by charging Swing First for a "Superfund Tax," which
10 Swing First is informed and believes has also been illegally charged to other Utility customers.

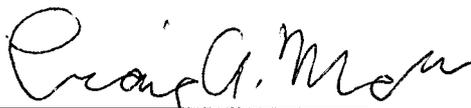
11 **II DISCUSSION**

12 If Utility is allowed to transfer its assets to the Town of Florence, Arizona, and to cancel
13 its water and wastewater CC&N, before Swing First's complaint in Docket No. WS-02987A-08-
14 0049 is resolved, then the Commission would no longer have jurisdiction to investigate Swing
15 First's allegations and to provide appropriate relief. Further, the Commission would also lose
16 jurisdiction to investigate whether Utility has been illegally charging a Superfund Tax to its
17 customers and to provide appropriate relief. Therefore, if Utility's application in Docket No.
18 WS-02987A-07-0203 is found sufficient, the Commission should consolidate that docket with
19 Docket No. WS-02987A-08-0049 so that it can retain jurisdiction and provide appropriate relief
20 in both dockets.

21 **III REQUEST FOR RELIEF**

22 Swing First asks that, if Utility's application in Docket No. WS-02987A-07-0203 is
23 found sufficient, the Commission consolidate that docket with Docket No. WS-02987A-08-0049,
24 so that it can retain jurisdiction and provide appropriate relief in both dockets.
25

1 RESPECTFULLY SUBMITTED on February 20, 2008.
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14 Original and 13 copies **filed**
15 on February 20, 2008, in each of
16 Docket No. WS-02987-08-0049
17 and Docket No. WS-02987-07-0203
18 with:

19
20 Docket Control
21 Arizona Corporation Commission
22 1200 West Washington
23 Phoenix, Arizona 85007
24

25 Copy of the foregoing **mailed**
26 on February 20, 2008, to:

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