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Arizona Corporation Commission
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**IN THE MATTER OF THE APPLIACTION
OF DEL RIO WATER COMPANY,LLC FOR
A CERTIFICATE OF CONVENIENCE AND
NECESSITY TO PROVIDE WATER SERVICE
IN YAVAPAI COUNTY , ARIZONA.**

Dockett No. W-04074A-08-0094

**APPALOOSA WATER
RESPONSE TO DEL RIO
REQUEST TO DENY
MOTION TO INTERVENE**

**Appaloosa Water Company("Company") herby responds to Del Rio Water
Company ("Del Rio") request to deny Company motion to intervene.**

**The mere basis that the owner of the land and the owner of the apartments flatly
rejects water service from an existing provider who is willing to provide is of no
merit based on the fact that the owners of said land and apartments are the same
owners of the proposed water company and would, of course ask to be severed by
themselves. The existing Company is in the service territory and is willing to
provide water.**

**The approval of this motion to intervene and serve will prevent the existence of
another water company within two miles of the Company, a problem the
Corporation Commission wishes to prevent from happening across the State.**

In response to the preferences of the landowners:

- 1. Had the Company been made aware that Del Rio was preparing this CC&N the Company would have provided their motion to intervene in a timely manner. The mere fact that it was in Del Rio's intent not to include the Company in its procedural order and to never respond to the Company's request to serve in years prior provides even more justification to allow the Company to intervene and serve.**
- 2. Again, Staff provided hearings on this matter unaware of the Company's willingness to provide service. Had they been made aware, the procedural order of this hearing would have been changed.**
- 3. The size of the Company's current system is of no concern. The Company is willing to serve, is willing to expand the distribution system and treatment facilities. Having the Company serve is of every advantage to Del Rio and more importantly to the State.**
- 4. The approval of the Company to serve Del Rio will place Del Rio in the same position as any developer would be to receive water from any water company. They would be required to provide the infrastructure of the actual distribution system, the Company would provide the meters and Del Rio would then be reimbursed their depreciated costs over a 10 year period based on customer use.**
- 5. The "major" deficiency which Del Rio refers to is the lack of an operational arsenic treatment system. ADEQ is aware and always has been aware of the Company's construction schedule of the treatment system. It is currently 95% complete and is expected to be online by October 31, 2008. At that time the Company will be in compliance with all regulatory agencies and have no deficiencies.**
- 6. Again, please refer to question 5.**
- 7. It is in the Company's best interest that Del Rio not "assume" any qualifications on the behalf of the Company. The Company is operated according to all local, county and State rules and regulations by approved staff who maintain the necessary licenses to operate.**
- 8. The current treatment facility will be on line by October 31, 2008. It will provide the necessary treatment for all its current customers. The expansion of said treatment facility will be the only costs Del Rio will be required to contribute towards. As would be the case in any other situation.**
- 9. The mere fact that the Company provided Del Rio a notice of intent to serve in 2004 has every relevance in this case. It shows that Del Rio intentionally avoided this information to Staff in an effort of avoid this request to intervene.**
- 10. The question is not, "if Appaloosa will be allowed to intervene, but; when Appaloosa is allowed to intervene", the Company will adhere to all requirements the Staff asks of the Company. The Company should be allowed additional time based on the fact that Del Rio did not include to Staff the Company's willingness to provide water dating back to 2004. Had staff been made aware of this intent, these proceedings would have gone in another direction and all time guidelines would have been met at that time.**

Based on Del Rio's obvious intent to ignore and discredit Appaloosa and its intent to serve, it should be noted that not Del Rio, but Appaloosa was disadvantaged and should be allowed sufficient time to fully comply with staff request.

The Company asks that the Staff not accelerate these hearings based on the factual information provided within this response.

RESPECTFULLY SUBMITTED this ____ day of October 2008

Appaloosa Water Company


Joe Cordovana, Owner
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**Original and 15 copies of the forgoing
Filed this ____ day of October, 2008, with:**

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**Copy of the foregoing mailed this
____ day of October, 2008, to:**

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