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BEFORE THE ARIZONA CORPORATION COMMISSION

RECEIVED

Arizona Corporation Commission

2 **COMMISSIONERS**  
3 KRISTIN K. MAYES, Chairman  
4 GARY PIERCE  
5 PAUL NEWMAN  
6 SANDRA D. KENNEDY  
7 BOB STUMP

2009 FEB 17 P 1:23  
AZ CORP COMMISSION  
DOCKET CONTROL

DOCKETED

FEB 17 2009

DOCKETED BY [Signature]

6 IN THE MATTER OF THE APPLICATION OF )  
7 COMMUNITY WATER OF GREEN VALLEY )  
8 FOR A DETERMINATION OF THE CURRENT )  
9 FAIR VALUE OF ITS UTILITY PROPERTY AND )  
10 FOR AN INCREASE IN ITS WATER RATES )  
11 AND CHARGES FOR UTILITY SERVICES )

DOCKET NO. W-02304A-08-0590

**JOINT MOTION TO  
WITHDRAW AND FOR  
SUBSTITUTE OF COUNSEL**

11 Community Water Company of Green Valley ("Applicant") moves that the Commission,  
12 through its duly assigned Administrative Law Judge, issue a procedural order permitting the  
13 substitution of counsel in this matter. The current counsel of record ("Withdrawing Attorney")  
14 and proposed counsel ("Substituting Counsels") are:

Current Counsel of Record

Proposed Counsel

17 Richard L. Sallquist  
18 Sallquist, Drummond & O'Connor, P.C.  
19 1430 East Missouri, Suite B-125  
20 Phoenix, Arizona 85006  
21 602.224-9222  
22 602.224.9366  
23 dick@sd-law.com

Jason D. Gellman  
Michael W. Patten  
Roshka DeWulf & Patten, PLC  
400 East Van Buren, Suite 800  
Phoenix, Arizona 85004  
602.256.6100  
602.256.6800 (fax)  
jgellman@rdp-law.com  
mpatten@rdp-law.com

24 This motion is made pursuant to A.A.C. R14-3-104(E); Rule 5.1(a)(2) of the Arizona  
25 Rules of Civil Procedure; and ER 1.16(c) of Rule 42, Rules of the Supreme Court of Arizona. The  
26 Commission's rules allow the Administrative Law Judge to approve the withdrawal of any  
27 attorney "upon written application and good cause shown under such terms, conditions, and

ROSHKA DeWULF & PATTEN, PLC  
ONE ARIZONA CENTER  
400 EAST VAN BUREN STREET - SUITE 800  
PHOENIX, ARIZONA 85004  
TELEPHONE NO 602-256-6100  
FACSIMILE 602-256-6800

1 notices to clients and other parties as the Commission or presiding officer may direct.” A.A.C.  
2 R14-3-104(E).

3 Pursuant to Rule 5.1(a)(2)(A), Arizona Rules of Civil Procedure, attached is the written  
4 approval of the client. (Exhibit A). Also pursuant to that rule, attached is a proposed order.  
5 (Exhibit B).

6 Applicant requests that service upon the Applicant be made to:

7  
8 Jason D. Gellman  
9 Michael W. Patten  
10 Roshka DeWulf & Patten, PLC  
11 400 East Van Buren, Suite 800  
12 Phoenix, Arizona 85004  
13 (602) 256-6100  
14 (602) 256-6800 (fax)  
15 [jgellman@rdp-law.com](mailto:jgellman@rdp-law.com)  
16 [mpatten@rdp-law.com](mailto:mpatten@rdp-law.com)

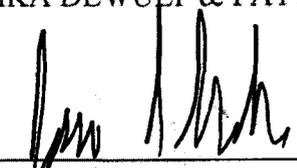
17 With a copy to:

18  
19 Mr. Arturo Raul Gabaldon  
20 President  
21 Community Water Company of Green Valley  
22 1501 S. La Canada Drive  
23 Green Valley, Arizona 85622.  
24 (520) 625-0476  
25 (520) 625-1951 (fax)  
26 [Arturo@communitywater.com](mailto:Arturo@communitywater.com)

27 Accordingly, Applicant requests that the Commission, through its duly assigned  
Administrative Law Judge, issue a procedural order: (1) granting this motion; (2) ordering that the  
Substituting Counsels be considered Applicant’s counsel of record in this matter; (3) ordering that  
the service of all documents be made on Substituting Counsels, with a copy to the Applicant at the  
address listed above; and (4) permitting Withdrawing Counsel to withdraw entirely from this  
matter.

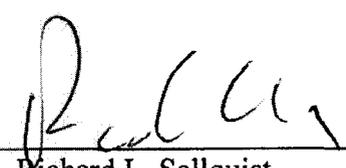
1 RESPECTFULLY SUBMITTED this 17<sup>th</sup> day of February 2009.

2  
3 ROSHKA DEWULF & PATTEN, PLC

4  
5  
6 By 

7 Jason D. Gellman  
8 Michael W. Patten  
9 400 East Van Buren Street, Suite 800  
10 Phoenix, Arizona 85004

11 *Proposed Attorneys for Applicants*

12 By 

13 Richard L. Sallquist  
14 SALLQUIST, DRUMMOND & O'Connor, P.C.  
15 1430 East Missouri, Suite B-125  
16 Phoenix, AZ 85014

17 *Present Attorneys for Applicants*

18 Original and 13 copies of the foregoing  
19 filed this 17<sup>th</sup> day of February 2009 with:

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

24 Copy of the foregoing hand-delivered/mailed  
25 this 17<sup>th</sup> day of February 2009 to:

26 Richard L. Sallquist  
27 Sallquist, Drummond & O'Connor, P.C.  
1430 East Missouri, Suite B-125  
Phoenix, Arizona 85004

Lyn Farmer, Esq.  
Chief Administrative Law Judge  
Hearing Division  
Arizona Corporation Commission  
1200 West Washington  
Phoenix, Arizona 85007

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1 Janice Alward, Esq.  
2 Chief Counsel, Legal Division  
3 Arizona Corporation Commission  
4 1200 West Washington  
5 Phoenix, Arizona 85007

6 Ernest G. Johnson, Esq.  
7 Director, Utilities Division  
8 Arizona Corporation Commission  
9 1200 West Washington  
10 Phoenix, Arizona 85007

11 By Mary Spolito

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# EXHIBIT

"A"

State of Arizona )

) **AFFIDAVIT OF ARTURO R. GABALDON**

County of Pima )

Arturo R. Gabaldon, having been dully sworn, deposes and says:

1. My name is Arturo R. Gabaldon. I am over 18 years old, and I am a resident of Pima County, Arizona.
2. I am the President of Community Water Company of Green Valley ("the Company").
3. I authorize and request that Jason D. Gellman and Michael W. Patten, of the law firm Roshka, DeWulf and Patten, PLC, be substituted as the counsel of record for the Community Water Company of Green Valley in all matters pending before the Arizona Corporation Commission, including without limitation Docket Numbers W-02304A-08-0590.

Further affiant sayeth not.

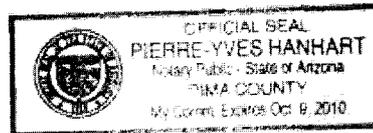


Arturo R. Gabaldón

Subscribed and sworn before me this 13<sup>th</sup> day of February, 2009.

  
\_\_\_\_\_  
Notary Public

My Commission Expires 10-9-2010



(Seal)

# EXHIBIT

"B"



**ROSHKA DEWULF & PATTEN, PLC**  
ONE ARIZONA CENTER  
400 EAST VAN BUREN STREET - SUITE 800  
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Good cause having been shown, the motion should be granted.

IT IS THEREFORE ORDERED that Applicant's Motion to Substitute Counsel is granted.

IT IS FURTHER ORDERED that Substituting Counsels shall be considered Applicant's counsel of record in this proceeding.

IT IS FURTHER ORDERED that service of all documents upon Applicant shall be made to:

Jason D. Gellman  
Michael W. Patten  
Roshka DeWulf & Patten, PLC  
400 East Van Buren, Suite 800  
Phoenix, Arizona 85004  
(602) 256-6100  
(602) 256-6800 (fax)  
[mpatten@rdp-law.com](mailto:mpatten@rdp-law.com)  
[jgellman@rdp-law.com](mailto:jgellman@rdp-law.com)

With a copy to:

Mr. Arturo R. Gabaldon  
President  
Community Water of Green Valley  
1501 S. La Canada Drive  
Green Valley, Arizona 85622

IT IS FURTHER ORDERED that Withdrawing Counsel is permitted to withdraw from this matter entirely.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
LYN FARMER  
CHIEF ADMINISTRATIVE LAW JUDGE

**ROSHKA DEWULF & PATTEN, PLC**  
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5 1200 West Washington Street  
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8 this \_\_\_\_\_ day of February 2009 to:

9 Jason D. Gellman, Esq.  
10 Michael W. Patten, Esq.  
11 Roshka DeWulf & Patten, PLC  
12 One Arizona Center  
13 400 East Van Buren, Suite 800  
14 Phoenix, Arizona 85004

15 Richard L. Sallquist, Esq.  
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17 1430 East Missouri, Suite B-125  
18 Phoenix, Arizona 85014

19 Lyn Farmer, Esq.  
20 Chief Administrative Law Judge  
21 Hearing Division  
22 Arizona Corporation Commission  
23 1200 West Washington  
24 Phoenix, Arizona 85007

25 Janice Alward, Esq.  
26 Chief Counsel, Legal Division  
27 Arizona Corporation Commission  
1200 West Washington  
Phoenix, Arizona 85007

Ernest G. Johnson, Esq.  
Director, Utilities Division  
Arizona Corporation Commission  
1200 West Washington  
Phoenix, Arizona 85007

By \_\_\_\_\_