

ORIGINAL

INTERVENTION



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BEFORE THE ARIZONA CORPORATION COMMISSION

2009 APR -9 A 11:42

**COMMISSIONERS**

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

AZ CORP COMMISSION  
DOCKET CONTROL

Arizona Corporation Commission

**DOCKETED**

APR - 9 2009

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IN THE MATTER OF THE APPLICATION )  
OF JOHNSON UTILITIES COMPANY, LLC )  
DBA JOHNSON UTILITIES FOR )  
APPROVAL TO EXTEND ITS EXISTING )  
CERTIFICATE OF CONVENIENCE AND )  
NECESSITY. )

Docket No.: **WS-02987A-09-0083**

**MOTION FOR LEAVE TO INTERVENE**

Pursuant to A.R.S. 40-§360.05(A)(2) and Arizona Administrative Code §R14-3-105, the Town of Florence, an Arizona municipal corporation, ("Florence"), hereby applies to the Arizona Corporation Commission (the "Commission"), for an order granting leave to intervene in the above captioned proceeding. It is respectfully requested that the Commission grant leave to intervene for the following reasons:

1. Florence, as a municipal water provider, seeks to promote the development of equitable rates for water and wastewater service within its corporate limits as a matter of public policy. This goal will be furthered if Florence remains the water and wastewater treatment provider to the territory into which applicant seeks to expand its Certificate of Convenience and Necessity ("CC&N").

2. Thousands of future residents of Florence will be substantially affected by the Applicant's proposed extension, because the territory which is the subject of the application is largely within the Town of Florence.

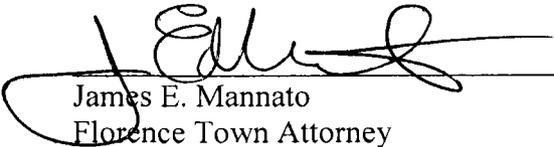
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1           3.       It is the position of the Town of Florence that Applicant's current request is  
2 contrary to the terms of the Operating Agreement given to Johnson Utilities on April 20, 2005  
3 and recorded at Pinal County Recorder Fee No. 2005-051154. Section 17 of said Agreement  
4 states that "Town and Utility agree that the Town shall deliver potable water, effluent water and  
5 wastewater services to all other areas, located east of the realigned section of Felix Road,  
6 including but not limited to the property as legally described in the Merrill Ranch Pre-  
7 Annexation Development Agreement dated December 3, 2003."

8           If leave to intervene is granted, the Town of Florence requests that all communication  
9 issued in connection with the proceedings be directed to:

10           James E. Mannato  
11           Florence Town Attorney  
12           775 N. Main Street  
13           P.O. Box 2670  
14           Florence, AZ 85232  
15           520-868-7557

16           RESPECTFULLY SUBMITTED this 8th day of April, 2009.

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18           James E. Mannato  
19           Florence Town Attorney  
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1 Original and 15 copies filed this 8<sup>th</sup> day of April, 2009, with:

2  
3 Arizona Corporation Commission  
4 Docket Control  
5 1200 W. Washington Street  
6 Phoenix, AZ 85007

7 A copy of the foregoing document was mailed this  
8 8<sup>th</sup> day of April, 2008 to:

9 Ernest G. Johnson, Dir. of Utilities  
10 Arizona Corporation Commission  
11 Utilities Division  
12 1200 W. Washington Street  
13 Phoenix, AZ 85007

14 Janice Alward, Chief Counsel  
15 Legal Division  
16 Arizona Corporation Commission  
17 1200 W. Washington Street  
18 Phoenix, AZ 85007

19 Mr. George Johnson  
20 Johnson Utilities Company  
21 5230 E. Shea Blvd.  
22 Scottsdale, AZ 85254

23 Jeffrey W. Crockett  
24 Snell & Wilmer, LLP  
25 One Arizona Center  
26 400 E. Van Buren  
27 Phoenix, AZ 85004-2202  
28 Attorney for Johnson Utilities, LLC

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By: James E. Mannato