



0000099181

COMMISSIONERS

- KRISTIN K. MAYES, Chairman
- GARY PIERCE
- SANDRA D. KENNEDY
- PAUL NEWMAN
- BOB STUMP

RECEIVED

2009 JUN -9 P 4:37

AZ CORP COMMISSION  
DOCKET CONTROL

Arizona Corporation Commission

DOCKETED

JUN - 9 2009

DOCKETED BY	
-------------	--

**BEFORE THE ARIZONA CORPORATION COMMISSION**

IN THE MATTER OF THE FORMAL COMPLAINT OF CHARLES J. DAINS AGAINST RIGBY WATER COMPANY

DOCKET NO. W-01808A-09-0137

**DECLARATION OF FRED T. WILKINSON**

I declare,

1. I am the President of Rigby Water Company. I make this declaration in support of Rigby Water Company's Response to Complainant's Motion for Partial Summary Judgment in the above-entitled docket.
2. In or about March 1996, Mr. Dains began construction of the water system infrastructure for Terra Ranchettes Mobile Estates ("Terra Ranchettes").
3. On or about June 1, 1997, Mr. Dains completed construction on Terra Ranchettes.
4. Following construction, Mr. Dains expressed interest in Rigby providing water service to Terra Ranchettes.
5. Rigby has made repeated attempts to obtain the Certificate of Approval to Construct for Terra Ranchettes from Mr. Dains.
6. Mr. Dains has not, to date, provided the Certificate of Approval to Construct to Rigby.

BRYAN CAVE LLP  
TWO NORTH CENTRAL AVENUE, SUITE 2200  
PHOENIX, ARIZONA 85004-4406  
(602) 364-7000

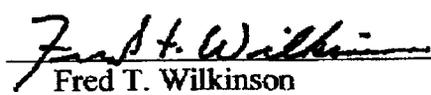
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

7. Rigby has been unable to locate any records demonstrating that the Agreement was filed with the Commission at the time the Agreement was executed.

8. On October 19, 2006, Mr. Dains lodged an informal complaint with the ACC against Rigby. As part of that informal complaint process, both Mr. Dains and Rigby filed a copy of the Agreement with the Commission.

I declare under penalty of perjury that, to the best of my knowledge, the foregoing is true and correct.

Executed on June 9, 2009 in GILBERT, Arizona.

  
Fred T. Wilkinson

BYVIN LAW, LLC  
Two North Central Avenue, Suite 2200  
Phoenix, Arizona 85004-4408  
(602) 364-7000