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EXCEPTION

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2002 DEC 13 P 3:25

BEFORE THE ARIZONA CORPORATION COMMISSION

WILLIAM A. MUNDELL  
CHAIRMAN  
JIM IRVIN  
COMMISSIONER  
MARC SPITZER  
COMMISSIONER

Arizona Corporation Commission

DOCKETED

DEC 18 2002

AZ CORP COMMISSION  
DOCUMENT CONTROL

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IN THE MATTER OF THE )  
APPLICATIONS OF H2O, INC. AND )  
JOHNSON UTILITIES COMPANY FOR )  
AN EXTENSION OF THEIR )  
CERTIFICATES OF CONVENIENCE AND )  
NECESSITY. )

DOCKET NOS. W-02234A-00-0371  
WS-02987A-99-0583

IN THE MATTER OF THE APPLICATION )  
OF JOHNSON UTILITIES, L.L.C., DBA )  
JOHNSON UTILITIES COMPANY, FOR )  
AN EXTENSION OF ITS CERTIFICATE )  
OF CONVENIENCE AND NECESSITY TO )  
PROVIDE WATER AND WASTEWATER )  
SERVICE TO THE PUBLIC IN THE )  
DESCRIBED AREA IN PINAL COUNTY, )  
ARIZONA. )

DOCKET NO. WS-02987A-00-0618

IN THE MATTER OF THE APPLICATION )  
OF DIVERSIFIED WATER UTILITIES, )  
INC. TO EXTEND ITS CERTIFICATE OF )  
CONVENIENCE AND NECESSITY. )

DOCKET NO. W-02859A-00-0774

IN THE MATTER OF THE APPLICATION )  
OF QUEEN CREEK WATER COMPANY )  
TO EXTEND ITS CERTIFICATE OF )  
CONVENIENCE AND NECESSITY. )

DOCKET NO. ~~W-01395A-00-0784~~

**ERRATA TO DIVERSIFIED WATER UTILITIES, INC.'S  
EXCEPTIONS TO JOHNSON UTILITIES COMPANY'S REQUEST  
FOR EXTENSION OF TIME TO COMPLY**

Diversified Water Utilities, Inc., by and through its attorneys, hereby files page 1 of Exhibit B; and pages 2, 5, 6 and 15 of Exhibit C to the Exceptions to Johnson Utilities Company's Request for Extension of Time to Comply. The attached pages were inadvertently omitted from the Exceptions filed on December 13, 2002.

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Respectfully submitted this 13th day of December, 2002.

MARTINEZ & CURTIS, P.C.



Paula A. Williams  
2712 North Seventh Street  
Phoenix, Arizona 85006-1090



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BEFORE THE ARIZONA CORPORATION COMMISSION

IN THE MATTER OF THE COMPLAINT )  
OF DIVERSIFIED WATER UTILITIES, )  
INC. AGAINST JOHNSON UTILITIES )  
COMPANY AND H2O, INC. FOR )  
POTENTIAL INTERFERENCE WITH )  
THE OPERATIONS OF AN EXISTING )  
LINE, PLANT OR SYSTEM. )

DOCKET NOS.  
W-02234A-00-0775  
WS-02987A-00-0775

At: Phoenix, Arizona  
Date: December 6, 2000  
Filed: December 22, 2000

REPORTER'S TRANSCRIPT OF PROCEEDINGS

**DISK  
ENCLOSED**

ARIZONA REPORTING SERVICE, INC.  
Court Reporting  
Suite Three  
2627 North Third Street  
Phoenix, Arizona 85004-1103

Prepared for: By: DAWNA J. CLAYTON, RPR  
CCR No. 50326

DIVERSIFIED WATER UTILITIES

**CERTIFIED COPY  
(When in red)**

1 and BLACK and WHITE )  
2 CORPORATIONS I-X, )  
3 Defendants. )  
4 \_\_\_\_\_ )

5 Johnson Utilities, L.L.C., through undersigned counsel, pursuant to Rule 33 of the  
6 *Arizona Rules of Civil Procedure*, hereby responds to the Non-Uniform Interrogatories  
7 propounded by Plaintiff on August 30, 2002.  
8

9  
10 General Objections

11  
12 1. Johnson Utilities, L.L.C. objects to each and every interrogatory on the grounds that it is  
13 not applicable to it or seeks information which is not known by it, or is vague, overbroad,  
14 unduly burdensome, not relevant, not likely to lead to the discovery of admissible evidence, or  
15 otherwise improper under the Rules of discovery. Subject to and without waiving that  
16 objection, Johnson Utilities, L.L.C. has herein provided responses to the Plaintiff's  
17 interrogatories.  
18

19 2. Johnson Utilities, L.L.C. reserves the right to supplement these responses to the extent  
20 that information requested is not currently available or cannot be specifically recalled at this  
21 time.  
22

23 3. Much of the information requested by these interrogatories has already been provided  
24 by the Defendants in their Disclosure Statement and therefore, Johnson Utilities, L.L.C. objects  
25  
26

1 **NON-UNIFORM INTERROGATORY NO. 6:** Describe your profession or occupation  
2 and any experience you have in real estate sales or development, including any real estate  
3 licenses currently held by you or which you held within the last five years.  
4

5 **Public Service Corporation.**  
6

7 **NON-UNIFORM INTERROGATORY NO. 7:** Provide the Assessor's number, legal  
8 description, and location of all real property, parcels, lots and subdivisions located within the  
9 area described on the attached Exhibit A with which you have been directly or indirectly  
10 involved in the last ten years. If your answer is other than "none," describe the nature of your  
11 participation and activity under which you have engaged and the specific parcels for such  
12 participation.  
13  
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15  
16 **Objection. The interrogatory is vague and the information requested in this**  
17 **interrogatory is overly broad, unduly burdensome, not relevant to this action and**  
18 **is not likely to lead to the discovery of admissible evidence.**

19 **NON-UNIFORM INTERROGATORY NO. 8:** Set forth your responsibility for the  
20 attorney's fees and costs incurred for this case.  
21

22  
23 **Johnson Utilities, LLC is responsible for the payment of all fees and costs incurred**  
24 **by the Defendants in this case.**  
25  
26

1 **NON-UNIFORM INTERROGATORY NO. 9:** List each and every person or entity  
2 other than you which has paid, is paying, contributing, advancing, lending or reimbursing now  
3 or in the future any legal fees and/or trial costs or expenses or obligated to pay any legal fees  
4 and/or costs or expenses.  
5

6  
7 **None, except that the Shughart Thomson firm is retained by Pinal County in**  
8 **separate litigation involving Diversified Water Utilities, Inc. and, to the extent the**  
9 **work done in that case may apply to this case, then some attorneys' fees may be**  
10 **compensated by Pinal County.**

11  
12 **NON-UNIFORM INTERROGATORY NO. 10:** State each and every fact or basis to  
13 support your position that Diversified Water Utilities, Inc.(hereafter "Diversified") is not an  
14 "authorized corporation" as that term is defined in ARS § 12-1141.1.  
15

16 **The statutory scheme on which Plaintiff bases this action, ARS § 12-1141 et seq.,**  
17 **may be unconstitutional.**

18 **Notwithstanding, Diversified is not engaged in or about to engage in a "public**  
19 **works project" as that term is defined in ARS § 12-1141.5 and therefore is not an**  
20 **"authorized corporation" as that term is defined in ARS § 12-1141.1.**

21 **NON-UNIFORM INTERROGATORY NO. 11:** State each and every fact or basis to  
22 support your position that acquisition of the Subject Property for a second water supply source  
23 for the domestic water delivery system for Diversified is not a "public works project" as that  
24 term is defined in ARS § 12-1141.5.  
25  
26

1 DATED this 30<sup>th</sup> day of October, 2002.

2 SHUGHART THOMSON KILROY  
3 GOODWIN RAUP, P.C.

4  
5 By Paul Briggs  
6 Marty Harper  
7 Paul M. Briggs  
8 Kelly J. Flood  
9 One Columbus Plaza  
10 3636 North Central Avenue, Suite 1200  
11 Phoenix, Arizona 85012  
12 Attorneys for Johnson Utilities, LLC

13 ORIGINAL of the foregoing hand delivered  
14 this 30<sup>th</sup> day of October, 2002, to:

15 Leonard M. Bell, Esq.  
16 BELL LAW OFFICE  
17 365 East Coronado, Suite 200  
18 Phoenix, Arizona 85004  
19 Attorneys for Plaintiff

20 Sam Kee