

ORIGINAL



0000104243

BEFORE THE ARIZONA CORPORATION COMMISSION

RECEIVED

COMMISSIONERS

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

2009 OCT 26 P 1:17

AZ CORP COMMISSION  
DOCKET CONTROL

IN THE MATTER OF THE APPLICATION OF  
JOHNSON UTILITIES, L.L.C., DBA JOHNSON  
UTILITIES COMPANY FOR AN INCREASE IN  
ITS WATER AND WASTEWATER RATES FOR  
CUSTOMERS WITHIN PINAL COUNTY,  
ARIZONA.

DOCKET NO. WS-02987A-08-0180

**MOTION TO ADMIT LATE-FILED  
EXHIBITS**

1 Swing First Golf LLC ("Swing First") moves for an order admitting three late-filed  
2 exhibits to the hearing record.

3 On October 1, 2009, Mr. Tompsett testified as follows on behalf of Johnson Utilities:

4 Q. (BY MR. CROCKETT) Before we leave Swing First Golf, Mr. Tompsett,  
5 just to close a couple loops from earlier, how much of the effluent does  
6 Swing First Golf get from the San Tan Wastewater Treatment Plant?

7 A. Currently?

8 Q. Currently.

9 A. Unless we're told not to deliver it or receive direction in writing to not  
10 deliver it, it's been delivered approximately 500,000 gallons a day, if I  
11 recall the number, direct into the course.

12 Q. So all of the effluent that is coming out of the San Tan Wastewater  
13 Treatment Plant is currently being delivered to Swing First Golf unless  
14 Swing First Golf tells you to stop delivering effluent; is that correct?

15 A. Yes, or unless there is an unintentional line break.

16 Q. And how long has it been the case that Swing First Golf has been  
17 receiving substantially all of the output of the San Tan Wastewater  
18 Treatment Plant?

19 A. At least the last year and a half. I think fall of '08 and fall of '09. I don't  
20 remember what specific day it started.<sup>1</sup>

21 Mr. Tompsett did not tell the truth.

Arizona Corporation Commission

**DOCKETED**

OCT 26 2009

<sup>1</sup> Tr. at 1009:11 – 1010:7.

DOCKETED BY	<i>mm</i>
-------------	-----------

1 Three exhibits establish Mr. Tompsett's falsehood.

- 2 • Exhibit SF-49 is a copy of a page from Utility's self-monitoring report for the San  
3 Tan Wastewater Treatment Plant. In response to Swing First's Hearing Room  
4 request, Utility provided this document, but not until the hearing was over.<sup>2</sup> It does  
5 confirm that Utility has been producing approximately 550,000 gallons per day of  
6 treated effluent from the San Tan Plant.
- 7 • Exhibit SF-50 is a copy of Utility's September 30, 2009, effluent bill to Swing First.  
8 This is for consumption from August 21, 2009, through September 21, 2009.
- 9 • Exhibit SF-51 compares effluent production data from SF-49 to billing data from SF-  
10 50, over the period August 21, 2009, through September 21, 2009. It shows that  
11 Utility produced 16.68 million gallons of effluent over that time period, but delivered  
12 only 11.37 million gallons to Swing First over the same time period.

13 So, it is clear that Utility was actually delivering far less effluent than it was producing.

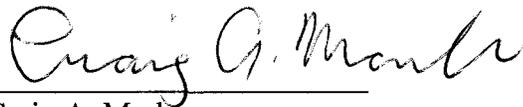
14 Exhibits SF-49 and SF-50 were created and provided to Swing First by Utility. Exhibit  
15 SF-51 simply compiles the data from these two exhibits and calculates the total and average  
16 production. Swing First intends to use these exhibits to both impeach Mr. Tompsett's testimony  
17 and as further evidence that Utility has regularly withheld effluent from Swing First.

18 WHEREFORE, Swing Firsts asks that the Commission admit Exhibits SF-49, SF-50, and  
19 SF-51.  
20

---

<sup>2</sup> Tr. at 1237:4 – 1238:4).

1 RESPECTFULLY SUBMITTED on October 26, 2009.  
2  
3

4   
5

6 Craig A. Marks  
7 Craig A. Marks, PLC  
8 10645 N. Tatum Blvd.  
9 Suite 200-676  
10 Phoenix, AZ 85028  
11 (480) 367-1956  
12 [Craig.Marks@azbar.org](mailto:Craig.Marks@azbar.org)  
13 Attorney for Swing First Golf LLC  
14

15 Original and 13 copies filed  
16 on October 26, 2009, to:

17  
18 Docket Control  
19 Arizona Corporation Commission  
20 1200 West Washington  
21 Phoenix, Arizona 85007  
22

23 Copy of the foregoing mailed and e-mailed  
24 on October 26, 2009, to:  
25

Steve Olea  
Directory, Utilities Division  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, AZ 85007

Robin Mitchell/Ayesha Vohra  
Legal Division  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, AZ 85007

Jeffrey W. Crockett  
Snell & Wilmer LLP  
One Arizona Center  
400 East Van Buren Street  
Phoenix, AZ 85004-2202

James E. Mannato  
Florence Town Attorney  
775 N. Main Street  
P.O. Box 2670  
Florence, AZ 85232

Daniel Pozefsky, Chief Counsel  
Residential Utility Consumer Office  
1110 West Washington Street, Suite 220  
Phoenix, AZ 85007-2958

26  
27  
28 By:

  
29 Craig A. Marks

**SELF MONITORING REPORT FORM  
ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY**

Facility Name: SANTAN WATER RECLAMATION PLANT	Latitude: 33 11 6	Place ID: 18584
Contact: Bob Padilla	Longitude: 111 35 37	LTF#: 43235 Inv. #: _____
Address: 2601 WEST HUNT HIGHWAY	Section: 12	Lab ID: AZ 0004
_____	Township: 3	Lab Name: Legend
QUEEN CREEK, AZ. 85242	Range: 7	Date Prepared: 10/03/09
	Quarter: b	Reporting Period: 3RD qrt 2009

Monitoring Point ID: 114123      Monitoring Name: SAN TAN W.R.P. - RECLAIMED WTR - CLASS A+  
 Sampling/Reporting Frequencies: Daily Monitoring / QUARTERLY

STORET: DFLOW      Permit Limit: AL: N/A      DL: RSVD      AQL: N/A      Min: \_\_\_\_\_      MAX: \_\_\_\_\_  
 DAILY FLOW      Method: \_\_\_\_\_      Units: NTU

ANALYZED	RESULTS	ANALYZED	RESULTS	ANALYZED	RESULTS
01 07/01/09	0.541	01 08/01/09	0.559	01 09/01/09	0.556
02 07/02/09	0.521	02 08/02/09	0.574	02 09/02/09	0.564
03 07/03/09	0.532	03 08/03/09	0.602	03 09/03/09	0.545
04 07/04/09	0.536	04 08/04/09	0.545	04 09/04/09	0.572
05 07/05/09	0.561	05 08/05/09	0.600	05 09/05/09	0.535
06 07/06/09	0.505	06 08/06/09	0.632	06 09/06/09	0.550
07 07/07/09	0.549	07 08/07/09	0.529	07 09/07/09	0.535
08 07/08/09	0.544	08 08/08/09	0.544	08 09/08/09	0.555
09 07/09/09	0.506	09 08/09/09	0.559	09 09/09/09	0.529
10 07/10/09	0.562	10 08/10/09	0.555	10 09/10/09	0.528
11 07/11/09	0.548	11 08/11/09	0.553	11 09/11/09	0.522
12 07/12/09	0.532	12 08/12/09	0.563	12 09/12/09	0.535
13 07/13/09	0.523	13 08/13/09	0.568	13 09/13/09	0.535
14 07/14/09	0.516	14 08/14/09	0.510	14 09/14/09	0.593
15 07/15/09	0.509	15 08/15/09	0.523	15 09/15/09	0.500
16 07/16/09	0.531	16 08/16/09	0.538	16 09/16/09	0.530
17 07/17/09	0.564	17 08/17/09	0.547	17 09/17/09	0.550
18 07/18/09	0.520	18 08/18/09	0.554	18 09/18/09	0.586
19 07/19/09	0.593	19 08/19/09	0.557	19 09/19/09	0.550
20 07/20/09	0.523	20 08/20/09	0.514	20 09/20/09	0.550
21 07/21/09	0.533	21 08/21/09	0.497	21 09/21/09	0.572
22 07/22/09	0.527	22 08/22/09	0.512	22 09/22/09	0.534
23 07/23/09	0.559	23 08/23/09	0.527	23 09/23/09	0.544
24 07/24/09	0.586	24 08/24/09	0.506	24 09/24/09	0.550
25 07/25/09	0.570	25 08/25/09	0.565	25 09/25/09	0.568
26 07/26/09	0.556	26 08/26/09	0.493	26 09/26/09	0.550
27 07/27/09	0.554	27 08/27/09	0.510	27 09/27/09	0.550
28 07/28/09	0.529	28 08/28/09	0.529	28 09/28/09	0.537
29 07/29/09	0.538	29 08/29/09	0.514	29 09/29/09	0.542
30 07/30/09	0.557	30 08/30/09	0.501	30 09/30/09	0.578
31 07/31/09	0.544	31 08/31/09	0.531	31	
Average	0.541		0.542		0.548

I CERTIFY UNDER PENALTY OF LAW THAT I HAVE PERSONALLY EXAMINED AND AM FAMILIAR WITH THE INFORMATION SUBMITTED HEREIN AND BASED ON MY INQUIRY OF THOSE INDIVIDUALS IMMEDIATELY RESPONSIBLE FOR OBTAINING THE INFORMATION I BELIEVE THE SUBMITTED INFORMATION IS TRUE ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION INCLUDING THE POSSIBILITY OF FINES AND IMPRISONMENT.  
 SIGNATURE OF PRINCIPLE EXECUTIVE OFFICER OR AUTHORIZED AGENT \_\_\_\_\_ DATE \_\_\_\_\_

**Johnson Utilities**

968 E Hunt Hwy  
Queen Creek, AZ 85143  
(480) 987-9870

AMOUNT PAID \_\_\_\_\_

BILLING DATE  
09/30/09

ACCOUNT NUMBER  
00120362-02

DUE DATE  
10/15/09

AMOUNT DUE  
\$8,235.53

SWING FIRST GOLF  
30761 N GOLF CLUB DR  
QUEEN CREEK, AZ 85143



00120362020008235539

PLEASE MAKE ADDRESS CORRECTIONS BELOW



Description	Meter Readings			Usage	Read Code	Readings Dates	
	Previous	Present	Change			Previous	Present
216010000	227381000	11371000		Normal Rd.	8/21/2009	9/21/2009	

**WATER SERVICE**

Water Minimum	\$450.00	Water Usage	\$7,050.02
Water AZ Privilege Tax	\$502.50	Water AZ Superfund Tax	\$73.91
		<b>Total Water Charges</b>	<b>\$8,076.43</b>

**OTHER CHARGES**

Late Fee*	\$159.10	<b>Total Other Charges</b>	<b>\$159.10</b>
-----------	----------	----------------------------	-----------------

Previous Balance	\$10,606.96	<b>Total Due</b>	<b>\$8,235.53</b>
Payment	(\$10,606.96)		

CUSTOMER  
SWING FIRST GOLF

SERVICE ADDRESS  
433 GOLF CLUB DR

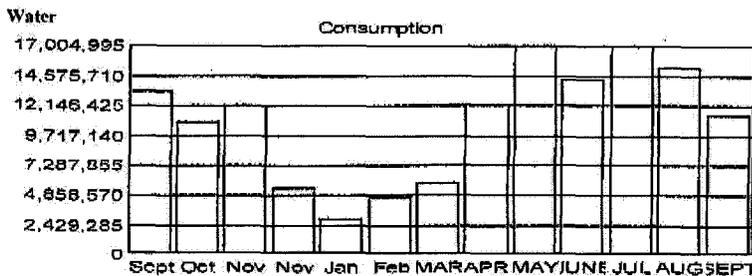
ACCOUNT NUMBER  
00120362-02

BILLING DATE  
09/30/09

METER NUMBER  
53303

DUE DATE  
10/15/09

BILLING PERIOD  
From 08/31/09 to 09/30/09 - 30 Days



**Johnson Utilities**

968 E Hunt Hwy  
Queen Creek, AZ 85143  
(480) 987-9870

**San Tan Water Reclamation Plant**

Daily Production - August 22, 2009 through September 21, 2009

(Source - ADEQ Self Monitoring Report for 3rd Quarter 2009)

<b>Date</b>	<b>Daily Production</b> (Million Gal.)
22-Aug-09	0.512
23-Aug-09	0.527
24-Aug-09	0.506
25-Aug-09	0.565
26-Aug-09	0.493
27-Aug-09	0.51
28-Aug-09	0.529
29-Aug-09	0.514
30-Aug-09	0.501
31-Aug-09	0.531
1-Sep-09	0.556
2-Sep-09	0.564
3-Sep-09	0.545
4-Sep-09	0.572
5-Sep-09	0.535
6-Sep-09	0.55
7-Sep-09	0.535
8-Sep-09	0.555
9-Sep-09	0.529
10-Sep-09	0.528
11-Sep-09	0.522
12-Sep-09	0.535
13-Sep-09	0.535
14-Sep-09	0.593
15-Sep-09	0.5
16-Sep-09	0.53
17-Sep-09	0.55
18-Sep-09	0.586
19-Sep-09	0.55
20-Sep-09	0.55
21-Sep-09	0.572
<b>Total</b>	<b>16.68</b>
<b>Average Daily Production for 31 days</b>	<b>0.538 (B38/31)</b>

Sales to Swing First - August 22, 2009 through September 21, 2009

(Source - JU Bill dated September 30, 2009)

Meter Reading September 21, 2009	227.381
Meter Reading August 21, 2009	216.01
<b>Total Sales for 31 days</b>	<b>11.371 (B45-B46)</b>
<b>Average Daily Sales</b>	<b>0.367 (B47/31)</b>
<b>Total Produced but not Delivered</b>	<b>5.309 (B38-B47)</b>
<b>Average Daily Delivery Shortfall</b>	<b>0.171 (B39-B48)</b>