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2009 DEC 28 P 4: 36

AZ CORP COMMISSION
DOCKET CONTROL

BEFORE THE ARIZONA CORPORATION COMMISSION

6 IN THE MATTER OF THE APPLICATION
 OF LITCHFIELD PARK SERVICE
 7 COMPANY, AN ARIZONA
 CORPORATION, FOR A
 8 DETERMINATION OF THE FAIR VALUE
 OF ITS UTILITY PLANTS AND
 9 PROPERTY AND FOR INCREASES IN ITS
 WASTEWATER RATES AND CHARGES
 10 FOR UTILITY SERVICE BASED
 THEREON.

DOCKET NO: SW-01428A-09-0103

11 IN THE MATTER OF THE APPLICATION
 OF LITCHFIELD PARK SERVICE
 12 COMPANY, AN ARIZONA
 CORPORATION, FOR A
 13 DETERMINATION OF THE FAIR VALUE
 OF ITS UTILITY PLANTS AND
 14 PROPERTY AND FOR INCREASES IN ITS
 WATER RATES AND CHARGES FOR
 15 UTILITY SERVICE BASED THEREON.

DOCKET NO: W-01427A-09-0104

16 IN THE MATTER OF THE APPLICATION
 OF LITCHFIELD PARK SERVICE
 17 COMPANY, AN ARIZONA
 CORPORATION, FOR AUTHORITY (1) TO
 18 ISSUE EVIDENCE OF INDEBTEDNESS IN
 AN AMOUNT NOT TO EXCEED \$1,755,000
 19 IN CONNECTION WITH (A) THE
 CONSTRUCTION OF TWO RECHARGE
 20 WELL INFRASTRUCTURE
 IMPROVEMENTS AND (2) TO
 21 ENCUMBER ITS REAL PROPERTY AND
 22 PLANT AS SECURITY FOR SUCH
 INDEBTEDNESS.

DOCKET NO. W-01427A-09-0116

Arizona Corporation Commission

DOCKETED

DEC 28 2009

DOCKETED BY

1 IN THE MATTER OF THE APPLICATION
2 OF LITCHFIELD PARK SERVICE
3 COMPANY, AN ARIZONA
4 CORPORATION, FOR AUTHORITY (1) TO
5 ISSUE EVIDENCE OF INDEBTEDNESS IN
6 AN AMOUNT NOT TO EXCEED \$1,170,000
7 IN CONNECTION WITH (A) THE
8 CONSTRUCTION OF ONE 200 KW ROOF
9 MOUNTED SOLAR GENERATOR
10 INFRASTRUCTURE IMPROVEMENTS
11 AND (2) TO ENCUMBER ITS REAL
12 PROPERTY AND PLANT AS SECURITY
13 FOR SUCH INDEBTEDNESS.

DOCKET NO. W-01427A-09-0120

**LPSCO'S RESPONSE TO RUCO'S
REQUEST TO EXTEND TIME ON
MOTION TO STRIKE**

8 Litchfield Park Service Company ("LPSCO") hereby opposes RUCO's request for
9 additional time to respond to LPSCO's Motion to Strike Testimony of Matt Rowell
10 docketed on December 22, 2009.

11 In filing that motion, LPSCO followed the May 21, 2009 Procedural Order in all
12 respects. Page two of the May 21, 2009 Procedural Order in this case states that "IT IS
13 FURTHER ORDERED that any **objections to testimony or exhibits that have been**
14 **pre-filed as of December 28, 2009, shall be made before or at the December 30, 2009**
15 **pre-hearing conference"** (emphasis in original). LPSCO could have waited until
16 December 30, 2009 to move to strike Mr. Rowell's testimony, but the Company opted to
17 file the motion to strike on December 22, 2009—a full eight (8) days before the scheduled
18 pre-hearing conference. LPSCO also filed that motion just three business days after
19 RUCO filed Mr. Rowell's surrebuttal testimony on December 17, 2009. LPSCO waited
20 until after RUCO filed Mr. Rowell's surrebuttal to see if RUCO would withdraw his
21 testimony and then LPSCO filed the motion to strike three business days later.

22 LPSCO filed the motion to strike in ample time for RUCO to review and respond
23 to the motion. Apparently RUCO did not bother to read the Motion to Strike until
24 December 28, 2009—the day that RUCO's response to the motion was due.¹ RUCO's

25 ¹ See Rate Case Procedural Order dated 5/21/2009 at 4 ("IT IS FURTHER order that any
26 responses to motions shall be filed within five calendar days of the filing date of the
motion.")

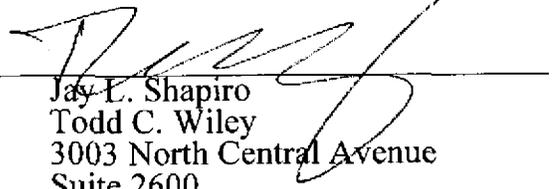
1 justification for another ten (10) days (or 15 days in total) to respond to the motion is that
2 Ms. Wood and Mr. Pozefsky were out of town. Obviously, LPSCO should not be
3 penalized for RUCO's scheduling issues or failure to address filed motions. All of the
4 parties, including RUCO, should play by the same rules.

5 RUCO has been aware of the procedural schedule in this case for several months.
6 The hearing in this case is set to begin on January 5, 2010 and conclude on January 8,
7 2010. The issues relating to the admissibility of Mr. Rowell's testimony should be
8 decided at the December 30, 2009 pre-hearing conference. Allowing RUCO to file its
9 response on January 7, 2010 would mean that the motion could not be decided until the
10 last day of hearing. For the reasons noted above, RUCO's request for an extension to
11 respond to the motion to strike until January 7, 2010 should be denied and the motion to
12 strike should be addressed at the December 30, 2009 pre-hearing conference.

13 DATED this 28 day of December, 2009.

14 FENNEMORE CRAIG, P.C.

15
16 By


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1 ORIGINAL and nineteen (19) copies
2 of the foregoing were filed
3 this 28 day of December, 2009, with:

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

6 COPY of the foregoing hand-delivered
7 this 28 day of December, 2009 to:

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11 1200 West Washington
12 Phoenix, Arizona 85007

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