

ORIGINAL



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**Memorandum**

**Via Federal Express**

Gina Lane  
805.882.1470 tel  
805.965.4333 fax  
GLane@bhfs.com

**DATE:** March 12, 2010  
**TO:** Docket Control  
Arizona Corporation Commission  
1200 W. Washington  
Phoenix, AZ 85007  
**FROM:** Gina Lane, Asst. to Robert J. Saperstein  
**RE:** In the Matter of the Application of Arizona-American Water Company  
Docket Nos. W-01303A-09-0343 and SW-01303A-09-0343

Enclosed is an original and 14 copies of our "Motion to Associate Counsel *Pro Hac Vice*. Please conform one of the copies, and return it to us in the envelope provided. We also look forward to receiving the accompanying signed Order in due course. Thank you for your consideration.

:gml  
Enclosures

SB 538040 v1:098000.0015

Arizona Corporation Commission  
**DOCKETED**  
MAR 15 2010

DOCKETED BY

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2010 MAR 15 A 11:32  
ARIZONA CORPORATION COMMISSION  
DOCKET CONTROL

BROWNSTEIN HYATT FARBER SCHRECK, LLP  
21 East Carrillo Street  
Santa Barbara, CA 93101

BEFORE THE ARIZONA CORPORATION COMMISSION

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ARIZONA CORPORATION COMMISSION  
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KRISTIN K. MAYES  
Chairman

GARY PIERCE  
Commissioner

PAUL NEWMAN  
Commissioner

SANDRA D. KENNEDY  
Commissioner

BOB STUMP  
Commissioner

IN THE MATTER OF THE APPLICATION  
OF ARIZONA-AMERICAN WATER  
COMPANY, AN ARIZONA  
CORPORATION, FOR A  
DETERMINATION OF THE CURRENT  
FAIR VALUE OF ITS UTILITY PLANT  
AND PROPERTY AND FOR INCREASES  
IN ITS RATES AND CHARGES BASED  
THEREON FOR UTILITY SERVICE BY ITS  
ANTHEM WATER DISTRICT AND ITS  
SUN CITY WATER DISTRICT

DOCKET NO. W-01303A-09-0343

IN THE MATTER OF THE APPLICATION  
OF ARIZONA-AMERICAN WATER  
COMPANY, AN ARIZONA  
CORPORATION, FOR A  
DETERMINATION OF THE CURRENT  
FAIR VALUE OF ITS UTILITY PLANT  
AND PROPERTY AND FOR INCREASES  
IN ITS RATES AND CHARGES BASED  
THEREON FOR UTILITY SERVICE BY ITS  
ANTHEM/AGUA FRIA WASTEWATER  
DISTRICT, ITS SUN CITY WASTEWATER  
DISTRICT AND ITS SUN CITY WEST  
WASTEWATER DISTRICT

DOCKET NO. SW-01303A-09-0343

MOTION TO ASSOCIATE COUNSEL PRO HAC VICE

Robert J. Saperstein, local counsel for proposed Intervenor, Anthem Golf and Country Club,  
hereby moves the Commission for an order approving the association of Bradley J. Herrema, Esq.,  
*pro hac vice*, in the above-captioned proceedings, pursuant to Rule of the Arizona Supreme Court  
38(a). This motion is supported by the attached (1) original verified Application for Appearance

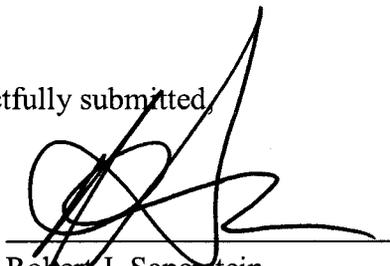
1 Pro Hac Vice; (2) Mr. Herrema's original certificates of good standing with the State Bars of  
2 California and Nevada; and, (3) the State Bar of Arizona's "Notice of Receipt of Complete  
3 Application." A proposed order granting this motion is attached hereto.

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DATED: March 12, 2010

Respectfully submitted,

By:



Robert J. Saperstein  
Brownstein Hyatt Farber Schreck, LLP

**BROWNSTEIN HYATT FARBER SCHRECK, LLP**  
21 East Carrillo Street  
Santa Barbara, CA 93101



For Official Use Only  
 App# 1005287  
 Bar Number# P1742910

Attn: Pro Hac Vice Dept  
 PO Box 53099  
 Phoenix, AZ 85072-3099  
 Phone: 602-340-7239

**Application for Appearance Pro Hac Vice**

**PART I: Applicant Information**

Name of Applicant: Bradley J. Herrema

Firm/Company Name: Brownstein Hyatt Farber Schreck, LLP

Office Address: 21 E. Carrillo Street, Santa Barbara, CA 93101

Telephone: (805) 963-7000 Fax: (805) 965-4333 Email Address: bherrema@bhfs.com

Residence Address: 1600 Garden Street, #28, Santa Barbara, CA 93101

Title of cause or case where applicant seeks to appear: In the Matter of the Application of Arizona-American Water Company  
 Docket Number: W-01303A-09-0343 and SW-01303A-09-0343

Court, Board, or Administrative Agency: Arizona Corporation Commission

Party on whose behalf applicant seeks to appear: Anthem Golf and Country Club

**Pursuant to Arizona Supreme Court Rule 38(i)(3), the applicant shall complete the information below:**

Courts to Which Applicant Has Been Admitted: <i>(Attach additional pages if needed)</i>	Date of Admission:	Bar Number:
<u>Supreme Court of California</u>	<u>12/5/03</u>	<u>228976</u>
<u>U.S. Court of Appeals for the 9th Circuit</u>	<u>9/8/06</u>	
<u>U.S. Supreme Court</u>	<u>1/22/07</u>	
<u>Supreme Court State of Nevada</u>	<u>4/18/07</u>	<u>10368</u>
<u>U.S. District Court for the District of Nevada</u>	<u>1/22/08</u>	

Applicant is a member in good standing in such courts.

Applicant is not currently disbarred or suspended in any court.

Applicant  is /  is not (select one) currently subject to any pending disciplinary proceeding or investigation by any court, agency or organization authorized to discipline attorneys at law.

In the preceding three (3) years, applicant has filed applications to appear as counsel under AZ ST S.Ct., Rule 38(a) in the following:

Title of Matter:	Docket #:	Court or Agency:	App Granted? (Y/N)
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

This case or cause  is /  is not (select one) a related or consolidated matter for which applicant has previously applied to appear pro hac vice in Arizona. If this matter is a related or consolidated with any previous application, Applicant certifies that he/she will review and comply with appropriate rules of procedure as required in the underlying cause. If applicable, please provide related or consolidated matter application or docket# \_\_\_\_\_

RECEIVED  
 FEB 23 2010  
 By [Signature]

**PART II: Local Counsel Information**

Name of Arizona Local Counsel: Robert J. Saperstein

State Bar of Arizona Number: 123447

Address: 21 E. Carrillo Street, Santa Barbara, CA 93101

Telephone: (805) 963-7000 Fax: (805) 965-4333 Email Address: rsaperstein@bhfs.com

- Local Counsel is a member in good standing.
- Local Counsel associating with a nonresident attorney in a particular cause shall accept joint responsibility with the nonresident attorney to the client, to opposing parties and counsel, and to court, board, or administrative agency in that particular cause.

**PART III: Parties and Certification**

Name(s) of each party in this cause and name and address of all counsel of record: SEE ATTACHMENT

Party:	Counsel of Record:	Address:
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Applicant is including with this application a nonrefundable application fee, payable to the State Bar of Arizona, in the amount of \$460.00. Fifteen percent of the non-refundable application fee paid pursuant to this section shall be deposited into a civil legal services fund to be distributed by the Arizona Foundation for Legal Services and Education entirely to approved legal services organizations, as that term is defined in subparagraph (f) of this rule.

Applicant is including with this application a nonrefundable application fee, payable to the State Bar of Arizona, in the amount of \$460.00. Fifteen percent of the non-refundable application fee paid pursuant to this section shall be deposited into a civil legal services fund to be distributed by the Arizona Foundation for Legal Services and Education entirely to approved legal services organizations, as that term is defined in subparagraph (f) of this rule.

Applicant is furnishing a certificate from the state bar or from the clerk of the highest admitting court of each state, territory, or insular possession of the United States in which the nonresident attorney has been admitted to practice law certifying the nonresident attorney's date of admission to such jurisdiction and the current status of the nonresident attorney's membership or eligibility to practice therein. The certificate furnished shall be no more than forty-five (45) days old.

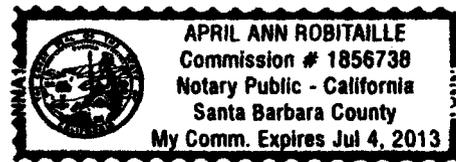
Applicant is furnishing a certificate from the state bar or from the clerk of the highest admitting court of each state, territory, or insular possession of the United States in which the nonresident attorney has been admitted to practice law certifying the nonresident attorney's date of admission to such jurisdiction and the current status of the nonresident attorney's membership or eligibility to practice therein. The certificate furnished shall be no more than forty-five (45) days old.

Applicant certifies the following:

1. Applicant shall be subject to the jurisdiction of the courts and agencies of the State of Arizona and to the State Bar of Arizona with respect to the law of this state governing the conduct of attorneys to the same extent as an active member of the State Bar of Arizona, as provided in Rule 46(b) Rules of the Supreme Court.
2. Applicant will review and comply with appropriate rules of procedure as required in the underlying cause.
3. Applicant understands and shall comply with the standards of conduct required of members of the State Bar of Arizona.

**Verification**

STATE OF California )  
 County of Santa Barbara ) ss.



I, Bradley John Herrema, swear that all statements in the application are true, correct and complete to the best of my knowledge and belief.

Dated: February 18, 2010

Applicant's Signature: *Bradley John Herrema*

SUBSCRIBED AND SWORN TO before me this 18<sup>th</sup> day of February 2010, by

Bradley John Herrema  
Name of Applicant

*April Ann Robitaille*  
 Notary Public

**Attachment for Appearance Pro Hac Vice**

**PART III: Parties and Certification**

Name(s) of each party in this cause and name and address of all counsel of record:

<b>Party:</b>	<b>Counsel of Record:</b>	<b>Address:</b>
Arizona-American Water Co.	Thomas H. Campbell and Michael T. Hallam	Lewis and Roca LLP 40 North Central Park, Suite 1900 Phoenix, AZ 85004
Property Owners And Residents Association		13815 East Camino Del Sol Sun City West, AZ 85375
Anthem Community Council	Judith M. Dworkin	SACKS TIERNEY PA 4250 North Drinkwater Blvd., 4th Floor Scottsdale, AZ 85251-3693
W.R. Hansen		12302 West Swallow Drive Sun City, AZ 85024
Anthem Community Council	Lawrence V. Robertson, Jr.	P.O. Box 1448 Tubac, AZ 85646-1448
WUAA	Greg Patterson	916 W. Adams, Suite 3 Phoenix, AZ 85007
Arizona Corporation Commission	Janice Alward, Chief Counsel	Legal Division ARIZONA CORPORATION COMMISSION 1200 West Washington Street Phoenix, AZ 85007
Arizona Corporation Commission		1200 West Washington Street Phoenix, AZ 85007



THE STATE BAR  
OF CALIFORNIA

MEMBER SERVICES CENTER

180 HOWARD STREET, SAN FRANCISCO, CALIFORNIA 94105-1639

TELEPHONE: 888-800-3400

CERTIFICATE OF STANDING

February 18, 2010

TO WHOM IT MAY CONCERN:

This is to certify that according to the records of the State Bar, BRADLEY JOHN HERREMA, #228976 was admitted to the practice of law in this state by the Supreme Court of California on December 5, 2003; and has been since that date, and is at date hereof, an ACTIVE member of the State Bar of California; and that no recommendation for discipline for professional or other misconduct has ever been made by the Board of Governors or a Disciplinary Board to the Supreme Court of the State of California.

THE STATE BAR OF CALIFORNIA

A handwritten signature in cursive script, appearing to read "Kath Lambert".

Kath Lambert  
Custodian of Membership Records

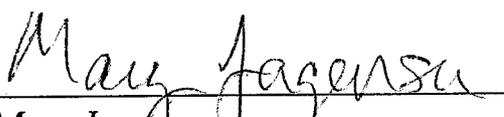
# State Bar of Nevada

## Certificate of Good Standing

IT IS HEREBY CERTIFIED that Bradley J. Herrema  
(Bar Number 10368) was admitted by the Supreme Court of the State of Nevada  
on 04/18/2007 and is an ACTIVE member of the State Bar of Nevada  
in good standing and is duly licensed to practice law as an Attorney and Counselor  
at Law in all courts of the State of Nevada.

DATED this Wednesday, February 17, 2010.



  
Mary Jorgensen  
Member Services Coordinator  
State Bar of Nevada





1 On January 7, 2010, the Anthem Golf & Country Club (“Club”) moved to intervene in these  
2 proceedings.

3 On March 12, 2010, the Club moved the Commission for an order approving the association  
4 of Bradley J. Herrema, Esq., *pro hac vice*, in the present proceedings pursuant to Rule of the  
5 Arizona Supreme Court 38.

6 No oppositions to the Motion to Associate Counsel Pro Hac Vice have been filed.  
7 Accordingly, the Club should be allowed to associate Mr. Herrema as counsel *pro hac vice*.

8 IT IS THEREFORE ORDERED that the Club is granted its Motion to Associate Mr.  
9 Herrema *pro hac vice*.

10 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance  
11 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of  
12 the Rules of the Arizona Supreme Court). Representation before the Commission includes  
13 appearances in all hearings and procedural conferences, as well as all Open Meetings for which the  
14 matter is scheduled for discussion, unless counsel has previously been granted permission to  
15 withdraw by the Administrative Law Judge or the Commission.

16 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 – Unauthorized  
17 Communications) continues to apply to this proceeding and shall remain in effect until the  
18 Commission's Decision in this matter is final and non-appealable.

19 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend,  
20 or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at  
21 Hearing.

22 DATED this \_\_\_\_\_ day of March , 2010.

23 \_\_\_\_\_  
24 TEENA WOLFE  
25 ADMINISTRATIVE LAW JUDGE  
26  
27  
28

**PROOF OF SERVICE**

1  
2 ORIGINAL and thirteen (13) copies of the  
3 of the foregoing filed  
4 this 12th day of March 2010 with:

5 Docket Control  
6 ARIZONA CORPORATION COMMISSION  
7 1200 West Washington  
8 Phoenix, Arizona 85007

9 Copy of the foregoing served,  
10 by United States Mail,  
11 this 9th day of March 2010, to:

12 Thomas H. Campbell  
13 Michael T. Hallam  
14 LEWIS AND ROCA LLP  
15 40 North Central Avenue, Suite 1900  
16 Phoenix, AZ 85004  
17 Attorneys for Arizona-American Water Co.

Larry Woods, President  
PROPERTY OWNERS AND RESIDENTS  
ASSOCIATION  
13815 East Camino Del Sol  
Sun City West, AZ 85375

18 Judith M. Dworkin  
19 SACKS TIERNEY PA  
20 4250 North Drinkwater Blvd., 4th Floor  
21 Scottsdale, AZ 85251-3693  
22 Attorney for Anthem Community Council

W.R. Hansen  
12302 West Swallow Drive  
Sun City, AZ 85024

23 Lawrence V. Robertson, Jr.  
24 P.O. Box 1448  
25 Tubac, AZ 85646-1448  
26 Attorney for Anthem Community Council

Greg Patterson  
916 W. Adams, Suite 3  
Phoenix, AZ 85007  
Attorney for WUAA

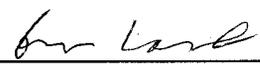
27 Janice Alward, Chief Counsel  
28 Legal Division  
ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, AZ 85007

Steve Olea, Director  
Utilities Division  
ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, AZ 85007

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Jeff Crockett  
Robert Metli  
One Arizona Center  
400 E. Van Buren  
Phoenix, AZ 85004-2202  
Attorneys for Resorts

Dated: March 12, 2010

  
\_\_\_\_\_  
Gina Lane