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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

KRISTIN K. MAYES, Chairman  
GARY PIERCE  
SANDRA D. KENNEDY  
PAUL NEWMAN  
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MAR 18 2010

AZ CORP COMMISSION  
DOCKET CONTROL

ARIZONA CORP. COMM  
400 W CONGRESS STE 218 TUCSON AZ 85707

IN THE MATTER OF THE FORMAL  
COMPLAINT OF SPARTAN HOMES AND  
CONSTRUCTION, INC.,

DOCKET NO. WS-03478A-08-0256

COMPLAINANT,

**MOTION TO EXTEND BRIEFING  
SCHEDULE**

vs.

FAR WEST WATER AND SEWER, INC.,

RESPONDENT.

1 Far West Water & Sewer Company ("Far West") hereby moves to extend the briefing  
2 schedule in this case. For the reasons set forth below, Far West asks that the deadlines for filing  
3 its responsive brief and Complainant's reply brief be extended by 21 days.

4 Over the last month, Mr. Capestro, Far West's witness and in-house attorney, has been  
5 engaged in extensive, time-consuming, negotiations with the Arizona Department of  
6 Environmental Quality ("ADEQ") with the goal of resolving all issues between Far West and  
7 ADEQ including those related to the October 2006 Consent Order between those parties.  
8 Resolution of these issues would remove a significant barrier toward attracting the investment  
9 needed to complete Far West's Section 14 wastewater treatment plant and other facilities. It  
10 appears that Far West and ADEQ are very close to documenting and finalizing this resolution.

11 With the anticipation that the ADEQ issues will be resolved, Mr. Capestro has also been  
12 meeting with various investors who have expressed interest in providing funds to Far West to  
13 complete its Section 14 wastewater treatment plant and other facilities. These meeting have been  
14 very time consuming, but there is substantial optimism that new funds will be available very  
15 soon after the ADEQ issues are resolved.

Arizona Corporation Commission  
**DOCKETED**

MAR 18 2010

DOCKETED BY

1 **Original** and 13 copies **filed**  
on March 18, 2010, with:

Arizona Corporation Commission  
400 W. Congress  
Tucson, Arizona 85701-1347

**Copy** of the foregoing **delivered** on  
March 18, 2010, to:

Belinda A. Martin, Administrative Law Judge  
Hearing Division  
Arizona Corporation Commission  
400 W. Congress  
Tucson, Arizona 85701-1347

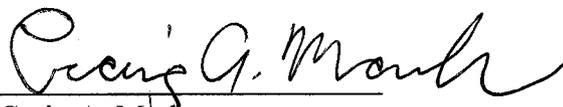
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By:

  
Craig A. Marks

1           Because Mr. Capestro's time for the last month has been entirely devoted to these two  
2 critical matters—resolving the Far West/ADEQ issues and securing the investment needed to  
3 complete required waste-treatment facilities—he has been unable to attend to preparing Far  
4 West's responsive brief. Undersigned counsel has also been unavailable to assist Mr. Capestro  
5 because of preparing for and participating in the evidentiary hearings in the Commission's  
6 AUSF/Access Reform dockets, currently being heard in the Commission's Tucson office before  
7 Judge Rodda.<sup>1</sup>

8           Yesterday, March 17, 2010, Mr. Capestro called Complainant's to ask for an extension.  
9 To reach an agreement, Far West was willing to stipulate to a shorter extension, but Complainant  
10 was unwilling to agree to any extension, which has forced Far West to file this motion.

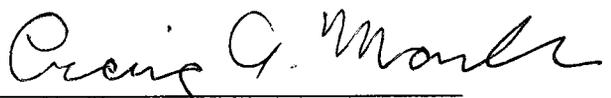
11           Far West asks that the remaining briefing dates be extended by 21 days, as follows:

- 12           • Far West's Responsive Brief from March 22 to April 12; and
- 13           • Complainant's Reply Brief from April 12 to May 3.

14           This case has been proceeding for two years. Adding 21 days to the briefing schedule should not  
15 materially prejudice any party.

16           WHEREFORE, for good cause shown, Far West asks that the remaining briefing  
17 schedule be extended for 21 days.

18           Respectfully submitted on March 18, 2010, by:

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<sup>1</sup> Docket Nos. RT-00000H-97-0137 and T-00000D-00-0672.