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Arizona Corporation Commission

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BEFORE THE ARIZONA CORPORATION COMMISSION

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CARL J. KUNASEK  
CHAIRMAN

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AZ CORP COMMISSION  
DOCUMENT CONTROL

JIM IRVIN

COMMISSIONER

WILLIAM A. MUNDELL

COMMISSIONER

IN THE MATTER OF THE COMPLIANT )  
 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-02234-A-00-0775  
 WS-02987A-00-0775  
 W-02859A-00-0775

TEMPORARY ORDER

BY THE COMMISSION:

This matter having been presented to the Arizona Corporation Commission on Diversified Water Utilities, Inc.'s Application for an Order Without Notice To Preserve Status Quo, and the Arizona Corporation Commission having considered the allegations of the Application and the First Amended Complaint and Diversified Water Utilities, Inc.'s attorney having certified the efforts which have been made to give notice and the reasons supporting Diversified Water Utilities, Inc.'s claim that notice should not be required, and it appearing that immediate and irreparable injury, loss, and damage will result to Diversified Water Utilities, Inc., to wit the alienation of property owners within Diversified Water Utilities, Inc.'s certificated area, the loss of a well and wellsite, infringement upon Diversified Water Utilities, Inc.'s certificated area by another public service corporation and the risk of financing that is critical to Diversified Water Utilities, Inc. all of which are uncompensable after the fact, before notice is given to Johnson Utilities L.L.C. dba Johnson Utilities Company or Johnson Utilities L.L.C. dba Johnson Utilities Company's attorney and a hearing can be held on Diversified Water Utilities, Inc.'s Motion for Temporary Restraining Order and before Johnson Utilities L.L.C. dba Johnson

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1 Utilities Company or Johnson Utilities L.L.C. dba Johnson Utilities Company's attorney can be  
2 heard in opposition, and good cause appearing therefore;

3 IT IS THEREFORE ORDERED that Johnson Utilities L.L.C. dba Johnson  
4 Utilities Company, its officers, directors, employees, agents, servants and any and all other  
5 persons in active concert or participation with them be and hereby are immediately restrained,  
6 from:

7 1. Interfering with Diversified Water Utilities, Inc.'s application for  
8 financing with the Water Infrastructure Financing Authority ("WIFA");

9 2. Extending its facilities or service into the area encompassed by  
10 Diversified Water Utilities, Inc.'s Certificate of Convenience and Necessity including, without  
11 limitation (i) entering into a Well Purchase Agreement relating to a wellsite more fully described  
12 on Exhibit A, attached hereto and (ii) entering into a Service Agreement to provide, or otherwise  
13 providing water from the aforementioned wellsite to provide water service to properties within  
14 Diversified Water Utilities, Inc.'s Certificate of Convenience and Necessity;

15 3. Contacting, speaking to, discussing and/or negotiating with  
16 landowners and/or prospective developers within Diversified Water Utilities, Inc.'s certificated  
17 area for the purpose of offering water service and/or encouraging said landowners or prospective  
18 landowners from seeking deletions from Diversified Water Utilities, Inc.'s certificated area, or  
19 otherwise filing complaints regarding Diversified Water Utilities, Inc.'s service.

20 IT IS FURTHER ORDERED that, unless further extended by Order of the  
21 Commission this Order shall remain in force and effect pending a hearing whereby Johnson  
22 Utilities, L.L.C., dba Johnson Utilities Company shall appear and show cause why the Order  
23 Preserving the Status Quo should not remain in effect pending a final determination of  
24 Diversified Water Utilities, Inc.'s First Amended Complaint.  
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IT IS FURTHER ORDERED that Johnson Utilities, L.L.C., dba Johnson Utilities Company shall appear and show cause why the Order Preserving the Status Quo should not remain in effect pending a final determination of Diversified Water Utilities, Inc.'s First Amended Complaint the <sup>on</sup> ~~the~~ 6<sup>th</sup> day of December <sup>at 11:00 a.m.</sup> ~~2000~~ at the offices of the Arizona Corporation Commission at 1200 West Washington, Phoenix, Arizona.

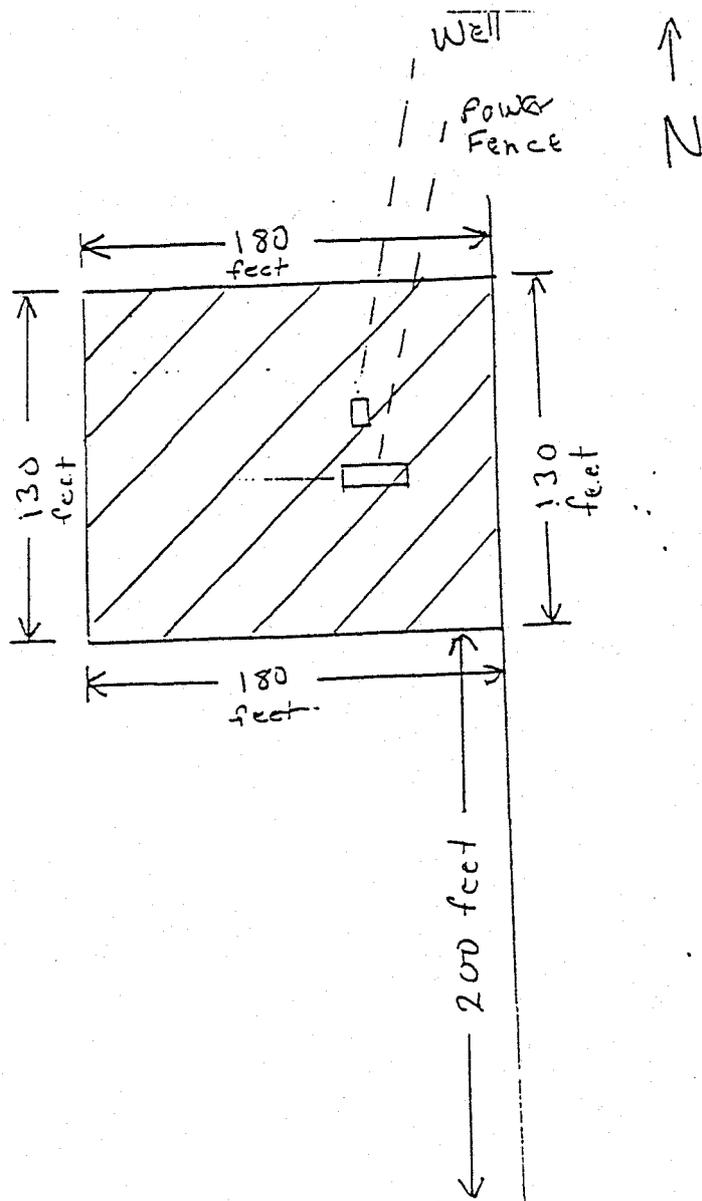
Dated this 1<sup>st</sup> day of December, 2000.

  
ADMINISTRATIVE LAW JUDGE

# EXHIBIT A

PARCEL A

The cross-hatched portion of the East half of the Northeast quarter of the Northeast quarter of Section 34, Township 2 South, Range 8 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona consisting of approximately .537 acres which includes an existing well, depicted (not to scale) as follows:



Southeast Corner of Section 34, T2S, R8E.