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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

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COMMISSIONERS

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2003 JUL 24 P 3:00

MARC SPITZER, Chairman
JIM IRVIN
WILLIAM A. MUNDELL
JEFF HATCH-MILLER
MIKE GLEASON

JUL 24 2003

DOCKETED BY

ARIZONA CORP COMMISSION
DOCUMENT CONTROL

IN THE MATTER OF THE COMPLAINT 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 NO. W-02234A-00-0775
W-02987A-00-0775
W-02859A-00-0775

PROCEDURAL ORDER

BY THE COMMISSION:

On October 2, 2000, Diversified Water Utilities, Inc. ("Diversified" or "Complainant") filed with the Arizona Corporation Commission ("Commission") a Complaint against Johnson Utilities L.L.C. dba Johnson Utilities Company ("JUC") and H2O, Inc. ("H2O"). Therein, Diversified alleged that JUC and H2O had filed applications to extend their Certificate(s) of Convenience and Necessity ("Certificate") to areas either within, contiguous to or in the vicinity of areas presently a certificated to Diversified in various parts of Pinal County, Arizona as more fully set forth in Docket Nos. WS-02987A-99-0583, WS-02987A-00-0618 and W-02234A-00-0371. Diversified further alleged that it was ready, willing and able to provide water service in those areas and filed its own application in Docket No. W-02859A-00-0774 for an extension of its own Certificate. The aforementioned Dockets were later consolidated in one proceeding along with an application by Queen Creek Water Company ("QCWC") in Docket No. W-01395A-00-0784. As a result, the Commission issued Decision Nos. 63960 (September 4, 2001) and 64062 (October 4, 2001) as amended, which addressed certain of the issues raised in the Complaint filed by Diversified. The Complainant has not prosecuted the Complaint herein since December, 2000 and no Answers have been filed.

On June 26, 2003, by Procedural Order, a deadline of July 15, 2003 was given in order to file a motion or pleading stating if the Complaint should go forward.

On July 15, 2003, Diversified filed a Motion to Extend Time Limit to file its pleading.

On July 16, 2003, by Procedural Order, Diversified's request for an extension was granted

1 until July 17, 2003.

2 Subsequently, Diversified filed a Notice of Dismissal of H2O and Motion to Hold Complaint
3 in Abeyance.

4 On July 21, 2003, JUC filed a response objecting to Diversified's request to hold its
5 Complaint in abeyance and requested that the Commission deny the Motion by Diversified in this
6 regard.

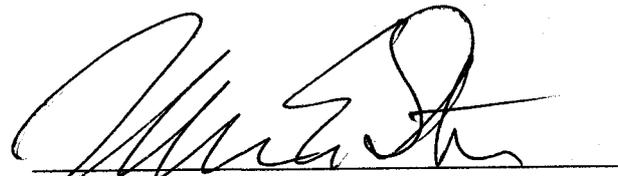
7 Accordingly, for good cause shown, the Notice of Dismissal as to H2O should be granted and
8 the Motion to Hold Complaint in Abeyance should be granted.

9 IT IS THEREFORE ORDERED that the Complaint against H2O, Inc. by Diversified Water
10 Utilities, Inc. herein shall be dismissed.

11 IT IS FURTHER ORDERED that the Complaint against Johnson Utilities Company by
12 Diversified Water Utilities, Inc. shall be held in abeyance pending a review of the status report as
13 ordered to be filed hereinafter.

14 IT IS FURTHER ORDERED that Diversified Water Utilities, Inc. shall file, after 180 days, a
15 Status Report on its pending litigation as described in its Motion to Hold Complaint in Abeyance to
16 allow the Commission to review the status of the litigation in light of the allegations raised in this
17 proceeding.

18 Dated this 24TH day of July, 2003.

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22 MARC E. STERN
23 ADMINISTRATIVE LAW JUDGE

24 Copies of the foregoing mailed/delivered
25 this 24 day of July, 2003 to:

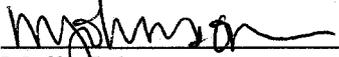
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16 Secretary to Marc E. Stern
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