

ORIGINAL



0000117779

RECEIVED

BEFORE THE ARIZONA CORPORATION COMMISSION

2000 AUG -9 P 1:35

CARL J. KUNASEK  
Chairman

AUG 09 2000

JIM IRVIN  
Commissioner

DOCKETED BY	JM
-------------	----

AZ CORP COMMISSION  
DOCUMENT CONTROL

WILLIAM A. MUNDELL  
Commissioner

IN THE MATTER OF THE APPLICATION )  
OF H2O, INC., FOR AN EXTENSION OF )  
ITS EXISTING CERTIFICATE OF )  
CONVENIENCE AND NECESSITY. )

DOCKET NO. W-02234A-00-0371

IN THE MATTER OF THE APPLICATION )  
OF JOHNSON UTILITIES, L.L.C., DBA )  
JOHNSON UTILITIES COMPANY FOR AN )  
EXTENSION FOR ITS CERTIFICATE OF )  
CONVENIENCE AND NECESSITY TO )  
PROVIDE WATER AND WASTEWATER )  
SERVICE TO THE PUBLIC IN THE )  
DESCRIBED AREA IN PINAL COUNTY, )  
ARIZONA. )

DOCKET NO. ~~W-02234A-00-0583~~

**STAFF'S REPLY TO H2O'S  
RESPONSE TO STAFF'S  
MOTION TO CONSOLIDATE  
AND REQUEST FOR  
PROCEDURAL ORDER**

Staff of the Arizona Corporation Commission's Utilities Division ("Staff") hereby replies to H2O, Inc.'s ("H2O") Response to Staff's Motion to Consolidate and Request for Procedural Order ("H2O's Response"). H2O's Response claims that Staff failed to demonstrate that the requirements set forth in A.A.C. R14-3-109(H) are satisfied in this case. Under that procedural rule, consolidation is allowed when it appears that the issues are substantially the same and that the rights of the parties will not be prejudiced by such procedure. Staff continues to believe that consolidation of these matters is proper and will be the most efficient and expeditious procedural means of placing the substantive issues in these related matters before the Commission.

The issues in H2O's application and Johnson Utilities Company's ("Johnson") application, as amended, are substantially the same, if not exactly the same. Both companies' applications request that the territory encompassed by their Certificates of Convenience and Necessity ("CC&Ns") be extended to cover the same area.

Staff did not and does not intend by its Motion to Consolidate to prejudice either H2O or Johnson. H2O's Response points out that the entire area covered by H2O's application is contested

1 by Johnson's application as amended. In light of this fact, Staff recognizes that a separate hearing  
2 cannot be held on H20's uncontested areas, since there are none. Staff remains unopposed, however,  
3 to having a separate hearing on the CC&N territory that has been requested by Johnson but not by  
4 H20, and does not believe that such bifurcation would result in any prejudice to H20 or Johnson.

5 RESPECTFULLY SUBMITTED this 9<sup>th</sup> day of August, 2000.

6  
7  
8   
9 Teena Wolfe, Attorney  
10 Legal Division  
11 Arizona Corporation Commission  
12 1200 West Washington Street  
13 Phoenix, Arizona 85007  
14 (602) 542-3402  
15 e-mail: [TWOLFE@CC.STATE.AZ.US](mailto:TWOLFE@CC.STATE.AZ.US)

16 The Original and fifteen  
17 copies of the foregoing  
18 filed this 9<sup>th</sup> day of  
19 August, 2000 with:

20 Docket Control  
21 Arizona Corporation Commission  
22 1200 West Washington Street  
23 Phoenix, Arizona 85007

24 Copies of the foregoing  
25 mailed this 9<sup>th</sup> day of  
26 August, 2000 to:

27 Thomas H. Campbell, Esq.  
28 Gregory Y. Harris, Esq.  
Lewis and Roca LLP  
40 North Central Avenue  
Phoenix, Arizona 85004  
Attorneys for Johnson Utilities Company

Richard L. Sallquist, Esq.  
Sallquist & Drummond, P.C.  
2525 East Arizona Biltmore Circle  
Suite 117  
Phoenix, Arizona 85016

1 Norman D. James, Esq.  
2 Karen E. Errant, Esq.  
3 Fennemore Craig, P.C.  
4 3003 North Central Avenue  
5 Suite 2600  
6 Phoenix, Arizona 85012-2913  
7 Attorneys for H<sub>2</sub>O, Inc.

8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
