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BEFORE THE ARIZONA CORPORATION COMMISSION 42

CARL J. KUNASEK
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Arizona Corporation Commission

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ARIZONA CORPORATION COMMISSION
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IN THE MATTER OF THE)
APPLICATIONS OF H2O, INC. AND)
JOHNSON UTILITIES COMPANY FOR)
AN EXTENSION OF THEIR)
CERTIFICATES OF CONVENIENCE AND)
NECESSITY)

DOCKET NOS. W-02234A-00-0371
WS-02987A-99-0583

IN THE MATTER OF THE APPLICATION)
OF JOHNSON UTILITIES, L.L.C., DBA)
JOHNSON UTILITIES COMPANY, FOR)
AN EXTENSION OF 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. WS-02987A-00-0618

NOTICE OF INTENT TO
PRESENT TESTIMONY
AND
REQUEST FOR WAIVER

Diversified Water Utilities, Inc. ("Diversified") hereby gives notice of its intent to present testimony in the above-referenced Dockets; however, its motion to intervene has not yet been granted and the lack of notice of the above-referenced applications has made it impossible to comply with the October 4, 2000 deadline for Intervenor's to submit pre-filed testimony and exhibits. Further, it is fundamentally unfair and prejudicial to require submittal of pre-filed testimony and exhibits by Intervenor's without requiring the Applicants to first file pre-filed testimony and exhibits. In the present case, Diversified would be the only entity required to prepare and file pre-filed testimony and exhibits. Further Diversified would have to do so without knowing the witnesses, exhibits or substance thereof that will be presented by the Applicants because a review of the Dockets does not disclose this information. Therefore, it is

1 respectfully suggested that either no pre-filed testimony be required or the Applicants be required
2 to file pre-filed testimony in support of their applications first. (Diversified notes, unlike rate
3 cases, pre-filed testimony is not provided when applications for certificate extensions are filed).

4 Diversified contends its Motion in Opposition to the Applications and To
5 Continue previously filed in the above-referenced Dockets provides a good faith summary of the
6 areas of concern that Diversified will address at hearing both through direct testimony and cross-
7 examination. Diversified witnesses may include Diversified's President, an engineer, property
8 owners in the areas for which the applicants seek certification and yet to be determined rebuttal
9 witnesses as needed to address matters presented on direct examination. Exhibits may include
10 maps and diagrams of the area (e.g., depicting the general geographic character of the area,
11 current land uses, landownership and location of water facilities), letters and affidavits of
12 property owners regarding whether a service request has been made and their need or lack thereof
13 for water service, documentation from Arizona Department of Environmental Quality relating to
14 water quality and compliance issues, and other documentation needed to address matters raised
15 on direct examination.
16

17 WHEREFORE, Diversified respectfully requests that either the pre-filing
18 requirement for Diversified be waived, or alternatively, extended until a time after the Applicants
19 file testimony and exhibits in support of their Applications.

20 Respectfully submitted this 4th day of October, 2000.

21 MARTINEZ & CURTIS, P.C.

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24 William P. Sullivan, Esq.
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26 Phoenix, Arizona 85006-1090
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PROOF OF SERVICE AND
CERTIFICATE OF MAILING

I hereby certify that on this 4th day of October, 2000, I caused the foregoing document to be served on the Arizona Corporation Commission by hand-delivering the original and ten (10) copies of said document to:

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Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

With copies of the foregoing
mailed/delivered this 4th day
of October, 2000 to:

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