

# INTERVENTION



0000117805

BEFORE THE ARIZONA CORPORATIONS COMMISSION

Arizona Corporation Commission

**DOCKETED**

OCT 04 2000

2000 OCT -4 P 3:43

AZ CORP COMMISSION  
DOCUMENT CONTROL

CARL J. KUNASEK  
CHAIRMAN  
JIM IRVIN  
COMMISSIONER  
WILLIAM A. MUNDELL  
COMMISSIONER

DOCKETED BY *Sig*

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-02987A-99-0583

**APPLICATION TO INTERVENE**

Pursuant to A.A.C. R14-3-105 and the Procedural Order dated September 5, 2000 issued in the above-captioned matters, QUEEN CREEK WATER COMPANY ("Queen Creek"), an Arizona public service corporation, hereby requests leave to intervene in the above-captioned matters.

In support of this request, Queen Creek respectfully states as follows:

1. Queen Creek is an Arizona public service corporation engaged in providing water service within certain areas of Maricopa and Pinal Counties in the vicinity of Queen Creek, Arizona, pursuant to Certificates of Convenience and Necessity previously issued by this Commission. Approximately 30 sections of land are included in such certificates issued to Queen Creek.

2. Queen Creek has over 2000 metered customers within its service area which are currently served by five wells and 1.5 million gallons of storage capacity.

3. H2O, Inc. and Johnson Utilities Company have filed requests to extend their Certificates of Convenience and Necessity to areas either contiguous to or in the vicinity of areas certificated to Queen Creek, including, without limitation, Sections 28, 29, 31, 32 and 33, T2S, R8E, Pinal County, Arizona (the "contested areas"). Queen Creek owns and operates facilities used to provide water service to Queen Creek's customers that are located adjacent to or in the vicinity of

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

the contested areas.

4. Queen Creek is ready, willing and able to provide water service to the contested areas at such time as the public convenience and necessity warrant such service.

5. Based on the foregoing, Queen Creek is an interested party entitled to intervene in this proceeding.

6. The applications by H2O, Inc. and Johnson Utilities Company for an extension of their certificated areas raise numerous issues which must be examined in this proceeding. These issues include, but are not limited to:

a. Whether there is presently, or will be in the near future, a need and necessity that requires the furnishing of water service in the contested areas.

b. Whether, assuming there is the requisite need and necessity, H2O, Inc. or Johnson Utilities Company has the facilities needed to provide such service.

c. Whether, if new facilities are required, H2O, Inc. or Johnson Utilities Company has the financial resources needed to pay for such facilities.

d. Whether H2O, Inc. or Johnson Utilities Company is a fit and proper entity to provide service in the contested areas.

7. The granting of this Application to Intervene will not unduly broaden the issues in these proceedings.

8. Communications, pleadings and other documents concerning this Application to Intervene and these proceedings should be served upon:

Charles A. Bischoff  
Jorden & Bischoff, P.L.C.  
4201 N. 24<sup>th</sup> St., Suite 300  
Phoenix, AZ 85016  
(602) 955-0019

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

RESPECTFULLY SUBMITTED this 4<sup>th</sup> day of October, 2000.

JORDEN & BISCHOFF, P.L.C.

By 

Charles A. Bischoff  
4201 N. 24<sup>th</sup> Street, Suite 300  
Phoenix, Arizona 85016  
Attorneys for Queen Creek Water  
Company

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**PROOF OF SERVICE AND  
CERTIFICATE OF MAILING**

I hereby certify that on this 4<sup>th</sup> 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:

Docket Control  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, Arizona 85007

and a copy of the foregoing was mailed/delivered this 4<sup>th</sup> day of October, 2000 to:

Karen E. Nally  
Assistant Chief Administrative Law Judge  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, Arizona 85007

Thomas H. Campbell  
Gregory Y. Harris  
Lewis & Roca  
40 N. Central Avenue  
Phoenix, Arizona 85004  
Attorneys for Johnson Utilities Company

Lyn Farmer, Chief Counsel  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, Arizona 85007

Richard L. Sallquist  
Sallquist & Drummond  
2525 E. Biltmore Circle, Suite 117  
Phoenix, Arizona 85016

Deborah R. Scott  
Utilities Division Director  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, Arizona 85007

Norman D. James  
Karen E. Errant  
Fennemore Craig  
3003 N. Central Ave., Suite 2600  
Phoenix, Arizona 85012-2913  
Attorneys for H2O, Inc.

William P. Sullivan, Esq.  
Martinez & Curtis, P.C.  
2712 North Seventh Street  
Phoenix, Arizona 85006-1090

Diversified Water Utilities, Inc.  
P.O. Box 17357  
Phoenix, Arizona 85011

