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AZ CORP COMMISSION
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OCT 15 2010

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IN THE MATTER OF THE APPLICATION
OF JOHNSON UTILITIES, LLC, DBA
JOHNSON UTILITIES COMPANY FOR AN
INCREASE IN ITS WATER AND
WASTEWATER RATES FOR CUSTOMERS
WITHIN PINAL COUNTY, ARIZONA.

DOCKET NO. WS-02987A-08-0180

**JOHNSON UTILITIES
RESPONSE TO NOTICE OF
INAPPROPRIATE CUSTOMER
COMMUNICATIONS**

Snell & Wilmer

LLP
LAW OFFICES
One Arizona Center, 400 E. Van Buren
Phoenix, Arizona 85004-2202
(602) 382-6000

Johnson Utilities, LLC, dba Johnson Utilities Company (“Johnson Utilities” or “Company”) hereby responds to Swing First Golf, LLC’s (“SFG”) Notice of Inappropriate Customer Communications (“Notice”), filed in this docket on October 8, 2010.¹

SFG begins its Notice by setting forth a laundry list of issues already raised by SFG in the rate case and Johnson Utilities Johnson Utilities will not waste the Arizona Corporation Commission’s (“Commission”) time by addressing each specific issue raised by SFG, but will allow the evidence in the rate case to speak for itself and will only respond in general to SFG’s Notice.

First, Johnson Utilities fully supports and stands by the customer filings attached to the Notice. Specifically, Exhibit A, entitled “We are all facing tough times,” contains factual information that Johnson Utilities believes is both informative and helpful to its customers. Historically, Johnson Utilities (like all Arizona utilities) provides bill inserts

¹ Each exhibit referenced in the Notice was provided to Commission Staff prior to SFG’s filing.

1 as a way of communicating with its customers and to provide news and local information
2 that is both relevant and of public concern. In addition, none of the cost of the bill inserts
3 provided by the Company is paid for by the customers.

4 With respect to Exhibit B, entitled "Questions and Answers about the Rate Case,"
5 ("Q&A") Johnson Utilities again supports the factual responses set forth in that
6 document. The purpose of the Q&A was to provide information to its customers
7 concerning several issues that were raised in the rate case, as well as clarify
8 misinformation about the safety of its water supply, and the Company's position related
9 to those issues. In addition, the Q&A was provided to customers in an effort to avoid
10 having the ratepayers burden the Commission with questions related to the rate decrease,
11 water quality and ADEQ status. None of the information contained in Exhibit A and B is
12 false or misleading to customers.

13 With respect to Exhibits C and D, Johnson Utilities disagrees with SFG's
14 characterization of the website as a "public discussion website". As set forth in Exhibit
15 C, the website contained false and misleading claims related to the public health and
16 safety standards as well as water quality of the Company. Specifically, the website
17 inferred that the company provides water that is not clean and has made people sick. Not
18 only was such information false and misleading, it was libelous and would have had a
19 deleterious effect on any public water company.

20 As Exhibit C correctly points out, the Company is in compliance with all water
21 quality standards as required by all governmental laws and regulations as apply to water
22 for public consumption. As a public utility, Johnson Utilities cannot have these false and
23 misleading statements publically disseminated without objection. In addition, Exhibit D
24 sets forth Johnson Utilities' claims of trademark infringement, violation of the Lanham
25 Act, cybersquatting, and defamation associated with the website. Johnson Utilities does
26 not apologize for taking such swift and decisive action and will continue to assert its legal

1 rights to protect its reputation, its trade name, and its business concerns from libelous and
2 slanderous attacks.

3 RESPECTFULLY SUBMITTED this 15th day of October, 2010.

4 SNELL & WILMER L.L.P.

5
6 By 

7 Jeffrey W. Crockett
8 Robert J. Metli
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12 Attorneys for Johnson Utilities, LLC

11 COPIES of the foregoing hand-delivered this
12 15th day of October, 2010, to:

13 Docket Control
14 ARIZONA CORPORATION COMMISSION
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16 Phoenix, Arizona 85004

16 Teena Jibilian, Administrative Law Judge
17 Hearing Division
18 ARIZONA CORPORATION COMMISSION
19 1200 W. Washington Street
20 Phoenix, Arizona 85007

20 Robin Mitchell, Staff Attorney
21 Legal Division
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23 1200 W. Washington Street
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24 Utilities Division
25 ARIZONA CORPORATION COMMISSION
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2 Residential Utility Consumer Office
3 1110 West Washington St., Suite 220
4 Phoenix, Arizona 85007

5 COPIES of the foregoing sent via e-mail and
6 first-class mail this 15th day of October, 2010, to:

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