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Arizona Corporation Commission

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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
ADDITIONAL 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 the “Company”) hereby responds to Swing First Golf, LLC’s (“SFG”) Notice of Additional Inappropriate Customer Communications (“Additional Notice”) filed in this docket on November 30, 2010. On October 8, 2010, SFG filed a Notice of Inappropriate Customer Communications (“First Notice”), which contained a litany of issues previously raised by SFG in the rate case. On October 15, 2010, Johnson Utilities filed a Response to the First Notice addressing SFG’s assertions and identifying the reasons the Company supported and stood by the customer inserts that provided information concerning several issues that were raised in the rate case, clarified misinformation about the safety of its water supply, and refuted a website that contained false and misleading claims, trademark infringement, violation of the Lanham Act, cyber squatting and defamation, in an effort to protect its reputation, its trade name, and its business concerns.

As with the First Notice, Johnson Utilities will not waste the Arizona Corporation Commission’s (“Commission”) time by addressing specific assertions made by SFG and

1 will only respond in general to SFG's Additional Notice. Again, SFG takes issue with
2 bill inserts mailed on or about November 26, 2010. SFG rightly acknowledges that
3 Johnson Utilities has a constitutionally-protected free speech right to express its opinions,
4 but argues that the Company's customers should not have to fund those opinions. (*See*,
5 Additional Notice at 1). Johnson Utilities agrees. As previously set forth in its Response
6 to the First Notice, Johnson Utilities (like all Arizona utilities) provides bill inserts as a
7 way of communicating with its customers and to provide news and local information that
8 is both relevant and of public concern. Johnson Utilities is a member of the San Tan
9 Valley Chamber of Commerce. The information provided in the bill insert pertains to the
10 incorporation of San Tan Valley, which is of public concern and affects all residents
11 living in the area. The bill insert was neither false nor misleading to the Company's
12 customers or the general public. In addition, as with the inserts identified in the First
13 Notice, none of the cost of the bill inserts provided by the Company was paid for by the
14 customers of Johnson Utilities.

15 Furthermore, Johnson Utilities had conducted discovery and issued a public
16 records request and determined that the above-referenced website was created by Ms.
17 Lynn Hurley, an employee of Supervisor Bryan Martyn. Exhibit "A" to SFG's
18 Additional Notice includes questions related to Ms. Hurley, the proponent of the website
19 that contained false and misleading claims related to the public health and safety
20 standards as well as water quality of the Company. Not only was such information false
21 and misleading, it was libelous and would have had a deleterious effect on any public
22 water company. Public records will support that the Company is in compliance with all
23 water quality standards as required by all governmental laws and regulations as apply to
24 water for public consumption. The questions regarding Ms. Hurley relate directly to the
25 website and incorporation issues.

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As with SFG's First Notice, the Additional Notice filed by counsel for SFG is baseless and frivolous and was filed to harass Johnson Utilities. Such baseless and frivolous filings result in a waste of time and resources of all parties concerned.

RESPECTFULLY SUBMITTED this 2nd day of December, 2010.

SNELL & WILMER L.L.P.

By 

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COPIES of the foregoing hand-delivered this 2nd day of December, 2010, to:

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6 first-class mail this 2nd day of December, 2010, to:

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