

OPEN MEETING AGENDA ITEM



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ORIGINAL

BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

DOCKETED

FEB 24 2011

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COMMISSIONERS

GARY PIERCE, Chairman
BOB STUMP
SANDRA D. KENNEDY
PAUL NEWMAN
BRENDA BURNS

2011 FEB 24 P 3:47

AZ CORP COMMISSION
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IN THE MATTER OF THE APPLICATION OF ARIZONA WATER COMPANY, AN ARIZONA CORPORATION, TO EXEND ITS EXISTING CERTIFICATE OF CONVENIENCE AND NECESSITY IN THE CITY OF CASA GRANDE AND IN PINAL COUNTY, ARIZONA.

Docket No. W-01445A-06-0199

IN THE MATTER OF THE APPLICATION OF PALO VERDE UTILITIES COMPANY FOR AN EXTENSION OF ITS EXISTING CERTIFICATE OF CONVENIENCE AND NECESSITY.

Docket No. SW-03575A-05-0926

IN THE MATTER OF THE APPLICATION OF SANTA CRUZ WATER COMPANY FOR AN EXTENSION OF ITS EXISTING CERTIFICATE OF CONVENIENCE AND NECESSITY.

Docket No. W-03576A-05-0926

IN THE MATTER OF THE APPLICATION OF PALO VERDE UTILITIES COMPANY FOR AN EXTENSION FO ITS EXISTING CERTIFICATE OF CONVENIENCE AND NECESSITY.

Docket No. SW-03575A-07-0300

IN THE MATTER OF THE APPLICATION OF SANTA CRUZ WATER COMPANY FOR AN EXTENSION OF ITS EXISTING CERTIFICATE OF CONVENIENCE AND NECESSITY.

Docket No. W-03576A-07-0300

ARIZONA WATER COMPANY, AN ARIZONA CORPORATION,

Docket No. W-01445A-06-0200

Docket No. SW-20445A-06-0200

Docket No. W-20446A-06-0200

Docket No. W-03576A-06-0200

Docket No. SW-03575A-06-0200

COMPLAINANT,

VS.

GLOBAL WATER RESOURCES, LLC, A FOREIGN LIMITED LIABILITY COMPANY;
GLOBAL WATER RESOURCES, INC., A DELAWARE CORPORATION; GLOBAL WATER MANAGEMENT, LLC, A FOREIGN

**Global Utilities'
Response in Opposition to
Francisco Grande's
Motion for an Extension of Time**

1 LIMITED LIABILITY COMPANY; SANTA
2 CRUZ WATER COMPANY, LLC, AN
3 ARIZONA LIMITED LIABILITY
4 CORPORATION; PALO VERDE UTILITIES
5 COMPANY, LLC, AN ARIZONA LIMITED
6 LIABILITY CORPORATION; GLOBAL WATER
7 – PALO VERDE UTILITIES COMPANY, AN
8 ARIZONA CORPORATION; JOHN AND JANE
9 DOES I-20; ABC ENTITIES I-XX,
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RESPONDENTS.

8 IN THE MATTER OF THE JOINT
9 APPLICATION OF CP WATER COMPANY
10 AND FRANCISCO GRANDE UTILITIES
11 COMPANY TO TRANSFER THEIR
12 CERTIFICATES OF CONVENIENCE AND
13 NECESSITY AND ASSETS TO PALO VERDE
14 UTILITIES COMPANY AND SANTA CRUZ
15 WATER COMPANY.

Docket No. WS-01775A-07-0485
Docket No. SW-03575A-07-0485
Docket No. W-02442A-07-0485
Docket No. W-03576A-07-0485

**Global Utilities’
Response in Opposition to
Francisco Grande’s
Motion for an Extension of Time**

15 Global Water – Palo Verde Utilities Company (“Palo Verde”), Global Water – Santa Cruz
16 Water Company (“Santa Cruz”) and CP Water Company (collectively, the “Global Utilities”)¹,
17 respectfully response in opposition to the motion for extension of time filed by Francisco Grande
18 Utility Company (“Francisco Grande”).

19 Francisco Grande argues that “Francisco Grande requires additional time to
20 determine the positions that it may take concerning the December 22, 2010, Recommended
21 Opinion and Order (“ROO”)” and that “Because of very recent events, Francisco Grande requires
22 additional time to determine its positions in these dockets and to file appropriate pleadings.”
23 These statements are not supported by the record. First, Francisco Grande , its current owners, and
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¹ Where the context requires, “Santa Cruz”, “Palo Verde” and the “Global Utilities” also include “Santa Cruz Water Company, LLC” and “Palo Verde Utilities Company, LLC”, predecessor companies. See Decision No. 69920 (Sept. 27, 2007) (approving transfer with retroactive date of January 1, 2006).

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1 its counsel, were well aware of the ROO and its provisions shortly after it was issued. For
2 example, in the "Claimant's Rebuttal Expert Report" dated January 10, 2010 and submitted by
3 Craig A. Marks, Esq. as expert witness for Ms. Saunders in the arbitration proceeding, Mr. Marks
4 remarked on both the ROO and the motion for extension of time submitted by the Global Utilities
5 and Arizona Water Company.² In addition, Mr. Marks testified at length in the arbitration hearing
6 and in his expert reports regarding the record in these consolidated dockets. In short, there is no
7 surprise here – Francisco Grande, its current owner (Ms. Saunders) and her counsel (Mr. Marks)
8 have all been aware of the ROO for nearly two months, and they are very familiar with the record
9 in these dockets. Moreover, throughout the arbitration process, they were also well aware of
10 possibility that the arbitration panel would rule in favor of Global and order that the stock of
11 Francisco Grande be returned to Ms. Saunders. And even if the arbitration award did somehow
12 catch them by surprise, the award was issued two weeks before the due date of the exceptions.
13 The due date for exceptions has already been extended once. No cause exists for a second
14 extension of time.

15 For these reasons, Francisco Grande's motion should be denied. However, the Global
16 Utilities have no objection to this matter being held over until the open meeting at the end of
17 March.

18 RESPECTFULLY SUBMITTED this 24th day of February, 2011.

19 ROSKA DEWULF & PATTEN, PLC

20
21 By 
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27 ² Claimant's Rebuttal Expert Report in AAA Case No 76 198 Y 00245 10 JMLE at 1-2.

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1 Original + 13 copies of the foregoing
2 filed this 24th day of February 2011 with:

3 Docket Control
4 ARIZONA CORPORATION COMMISSION
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7 Copies of the foregoing hand-delivered/mailed
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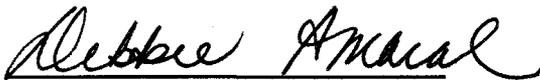
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