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BEFORE THE ARIZONA CORPORATION COMMISSION
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2011 OCT -3 P 4: 54

AZ CORP COMMISSION
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Arizona Corporation Commission

DOCKETED

OCT 3 2011

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IN THE MATTER OF THE APPLICATION OF
ARIZONA WATER COMPANY TO EXTEND
ITS CERTIFICATE OF CONVENIENCE AND
NECESSITY IN CASA GRANDE, PINAL
COUNTY, ARIZONA

DOCKET NO. W-01445A-03-0559

**CORNMAN TWEEDY 560'S
RESPONSE TO ARIZONA WATER
COMPANY'S MOTION TO COMPEL
RESPONSES TO DATA REQUESTS
AND REQUEST FOR PROCEDURAL
CONFERENCE**

BROWNSTEIN HYATT FARBER SCHRECK, LLP, A LAW CORPORATION
One East Washington Street, Suite 2400
Phoenix, AZ 85004
602.382.4040

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Cornman Tweedy 560 LLC ("Cornman Tweedy") hereby files its response to Arizona Water Company's ("AWC") Motion to Compel Responses to Data Requests and Request for Procedural Conference ("Motion to Compel") filed September 21, 2011.

On August 15, 2011, AWC served its Third Set of Data Requests (33 questions) on Cornman Tweedy, and on August 29, 2011, served its Fourth Set of Data Requests (35 questions) on Cornman Tweedy. Cornman Tweedy objected to all of AWC's data requests save Data Requests 3-32 and 3-33 on the grounds that they are not relevant to the issues on remand as framed by the Arizona Corporation Commission ("Commission"), are not calculated to lead to the discovery of evidence that would be relevant or admissible in this proceeding, are overly broad, unduly burdensome, vague, ambiguous and, in the case of the fourth set of data requests, are directed at entities which are not parties to this proceeding. Cornman Tweedy and AWC met on September 13, 2011, to discuss their respective objections in an effort to reach a compromise, but despite the parties' good faith efforts, no compromise was reached.

Since the filing of its Motion to Compel, AWC propounded a Fifth Set of Data Requests (10 questions) on Cornman Tweedy dated September 23, 2011. These data requests expand upon information requested in AWC's Third and Fourth Sets of Data Requests. Thus, Cornman

1 Tweedy has objected to the Fifth Set of Data Requests on the same grounds as it objected to the
2 prior two sets of data requests.

3 For the reasons set forth herein, Cornman Tweedy requests that the Commission deny
4 AWC's Motion to Compel.

5 **I. ARGUMENT.**

6 **A. AWC's Fourth and Fifth Sets of Data Requests Improperly Seek Documents**
7 **and Other Information in the Possession of Entities Which Are Not Parties to**
8 **This Remand Proceeding.**

9 AWC's Fourth Set of Data Requests begins with the following request:

10 4-1. *Please provide a list of all Irrigation Grandfathered Rights ("IGFRs") and*
11 *all non-IGFRs for all properties owned by Robson Communities*
12 *("Robson") or any Robson affiliate (defined as any entity wholly or*
13 *partially owned or controlled by Robson or its principals) ("Robson*
14 *Affiliate") related to any or all of the following projects/developments, and*
15 *for each such listing provide a copy of any certificate issued by the*
16 *Arizona Department of Water Resources ("ADWR"):*

- 17 a. *Pebblecreek*
- 18 b. *Quail Creek*
- 19 c. *Saddlebrooke*
- 20 d. *SaddleBrooke Ranch*
- 21 e. *Sun Lakes*
- 22 f. *Robson Ranch – Eloy*
- 23 g. *Red River and any other lands within the Certificate of*
24 *Convenience and Necessity for Santa Rosa Water Company.*

25 This data request seeks information pertaining to properties owned by "Robson
26 Communities ... or any Robson affiliate." "Robson Affiliate" is defined by AWC as any entity
27 wholly or partially owned or controlled by Robson Communities or its principals. Although it is
28 not entirely clear, the data request appears to be limited in scope to the listed residential projects
in central and southern Arizona. None of the developments listed include the property owned by
Cornman Tweedy that is the subject of this remand proceeding. Six of the developments have
been or are being developed by affiliates of Robson Communities, Inc. The Red River property
in Maricopa, Arizona, is not being developed at this time, and is different from the other
developments because it is owned by a joint venture between an affiliate of Robson Communities,

1 Inc., and an unrelated third party.

2 Robson Communities is not a legal entity but a tradename of Robson Communities, Inc.
3 Cornman Tweedy is a foreign limited liability company with Arlington Property Management
4 Company as its manager and the Edward J. Robson Family Trust as a member. Robson
5 Communities, Inc., is not the parent of Cornman Tweedy and does not own or control Cornman
6 Tweedy, and vice versa. Robson Communities, Inc., is not a party to this remand proceeding, nor
7 are any of the affiliates of Robson Communities, Inc., that own and control the seven
8 developments listed above. The seven developments are each owned by separate and distinct
9 legal entities with different ownerships and different percentages of ownership. In fact, the only
10 connection between six of the seven developments (excluding Red River), Robson Communities,
11 Inc., and Cornman Tweedy is that they are controlled by Edward J. Robson. Red River, as stated
12 above, is a joint venture which is part owned by an affiliate of Robson Communities, Inc. Thus,
13 any request that seeks information from Robson Communities, Inc., or its affiliates (other than
14 Cornman Tweedy) is improper, and Cornman Tweedy may not be compelled to provide such
15 information.

16 Likewise, each one of the remaining 34 data requests in AWC's Fourth Set of Data
17 Requests seeks information that would be—to the extent it exists at all—in the possession of
18 Robson Communities, Inc., or its affiliates, and those entities are not parties to this remand
19 proceeding. None of the data requests seeks information that either: (i) is in the possession of
20 Cornman Tweedy; or (ii) pertains to the property owned by Cornman Tweedy that is the subject
21 of this remand proceeding. Thus, each of these data requests is improper.

22 Additionally:

- 23 • Data Requests 4-4 through 4-8 seek certificates and documents which are or may
24 be in the possession of a "property owner," "homeowners association" and/or
25 "similar entity."
- 26 • Data Request 4-6 seeks certificates issued by the Arizona Department of Water
27 Resources ("ADWR") to a "homeowners association or similar entity established
28 by the conversion of any IGFR to a Type-1 non-IGFR."

- Data Request 4-23 seeks permits or other documents which are or may be in the possession of "Pima County or any agency of Pima County."
- Data Request 4-27 seeks annual reports or other documents which are or may be in the possession of the Central Arizona Groundwater Replenishment District ("CAGRDR").
- Data Request 4-28 seeks documents that are or may be in the possession of "any Robson Affiliated utility."¹
- Data Requests 4-2 and 4-29 seek permits and/or documents that are or may be in the possession of ADWR.
- Data Requests 4-26 and 4-30 through 4-34 each seek information and documents that are or may be in the possession of "any hydrologist or geologist or similar consultant or expert ... employed or retained by Robson or any Robson Affiliate."

None of these entities—property owners, homeowners associations, ADWR, Pima County or agencies of Pima County, CAGRDR, utilities affiliated with Robson Communities, Inc., hydrologists or geologists—are parties to this proceeding. Further, none of the requested information, permits, certificates or documents is in the possession of Cornman Tweedy. Thus, the above-listed data requests are improper as they seek information that is in the possession of non-parties and not Cornman Tweedy.

It is also worth noting that AWC previously opposed the motion to intervene in this proceeding filed by Robson affiliate Picacho Water Company ("PWC"), and asserted that non-parties have no right to participate in this proceeding. PWC and Cornman Tweedy filed their motions to intervene on May 19, 2005. In its response filed May 23, 2005, AWC argued as follows:

As a preliminary matter, the fact remains that Picacho and Cornman are not parties to this proceeding, as the ALJ correctly concluded, and a point that Picacho and Cornman apparently now concede. Therefore, they have no right to participate in this proceeding.

The Commission granted Cornman Tweedy's motion to intervene but denied PWC's motion in a procedural order dated November 14, 2005. Now, AWC seeks information from

¹ AWC does not provide a definition of "Robson Affiliated utility."

1 entities which are "not parties to the proceeding." For all of the reasons set forth above, AWC's
2 motion should be denied.

3 **B. AWC's Fourth and Fifth Sets of Data Requests Seek Information and**
4 **Documents Which Are Not in the Possession of Cornman Tweedy.**

5 In addition to the legal impediment discussed above, there is a practical reality. Cornman
6 Tweedy does not have the information, permits, certificates and other documents that AWC seeks
7 in its Fourth Set of Data Requests so it is not even possible for Cornman Tweedy to answer the
8 data requests. It would do no good to compel Cornman Tweedy to provide information that it
9 does not have. Further, Cornman Tweedy has no obligation under either the Arizona Rules of
10 Civil Procedure or the Commission's Rules of Practice and Procedure to obtain information or
11 documents that it does not have from non-parties to this proceeding. AWC's fourth set of data
12 requests is improper and its Motion to Compel should be denied.

13 **C. AWC's Third, Fourth and Fifth Sets of Data Requests Are Outside the Scope**
14 **of this Remand Proceeding and Are, therefore, Not Relevant.**

15 This remand proceeding follows after a prior remand proceeding ordered by the
16 Commission in Decision 69722. In that decision, the Commission ruled:

17 After considering the evidence in this matter, we are concerned that there may not
18 be a current need or necessity for water service in the portions of the extension
19 area that are owned by Cornman. We also recognize that Cornman does not wish
20 to have its property included in Arizona Water's CC&N at this time. We believe
21 that these issues bear further examination and that they may have some relevance
22 to the best interests of the area ultimately to be served.

23 * * *

24 [R]egarding the property that is owned by Cornman, we would like an opportunity
25 to consider the overall best interests of the Cornman area and of the public. We
26 will therefore reopen the record in this matter pursuant to A.R.S. §40-252 and
27 remand this case to the Hearing Division for further proceedings regarding
28 whether Arizona Water should continue to hold a CC&N for the Cornman
extension area at this time. We recognize that Arizona Water, as the CC&N
holder, is entitled to appropriate notice and an opportunity to be heard. We
therefore officially place Arizona Water on notice that our subsequent proceeding
on remand will be for the purpose of considering whether the Cornman property
should be deleted from the CC&N extension granted to Arizona Water by
Decision No. 66893. The Hearing Division is directed to conduct further
evidentiary proceedings in this matter, including appropriate opportunities for

1 intervention and an appropriate opportunity Arizona Water to present its case.

2 * * *

3 The proceeding on remand should be broad in scope so that the Commission may
4 develop a record to consider the overall public interest underlying service to the
5 Cornman property that is included in the extension area granted by Decision No.
6 66893.²

7 The remand proceeding ordered by the Commission in Decision 69722 was held and the
8 Administrative Law Judge prepared and docketed a recommended opinion and order ("ROO") on
9 November 29, 2010. Although the ROO was considered at an Open Meeting on December 14,
10 2010 and then again on February 1, 2011, it was not adopted by the Commission. Instead, the
11 Commission ordered an additional remand proceeding, the purpose of which is set forth in the
12 ALJ's February 10, 2011 Procedural Order:

13 At the February 1, 2011 Open Meeting, the Commission voted to send the matter
14 back to the Hearing Division for further proceedings to determine "whether a
15 public service corporation, like Arizona Water, in this water challenged area and
16 under the circumstances presented in this case, is providing reasonable service if it
17 is not able or not willing to provide integrated water and wastewater services."

18 With its Third, Fourth and Fifth Sets of Data Requests, it is now abundantly clear that
19 AWC is attempting to turn this proceeding into a contest between AWC and Robson over which
20 entity is a better utility service provider. However, the Commission specifically rejected this
21 notion in a March 22, 2006, procedural order pre-dating the remand of this case, stating:

22 The issue before the Commission currently is not which company should be
23 providing service in the area, but rather, whether an extension of time to comply
24 with conditions should be granted.

25 * * *

26 The hearing will not be a reopening of the Decision granting Arizona Water a
27 CC&N and will not address whether a different utility should be providing service
28 to the extension area.³

AWC asserts that "an analysis of the reasonableness of service provided by the utilities
affiliated with Cornman Tweedy's parent, Robson Communities, is relevant."⁴ However,

² Decision 69722 at p. 4, lines 1-5 and lines 12-16, and p. 20, lines 4-6.
³ Procedural Order dated March 22, 2006, at p. 4, lines 3-5 and p. 6, lines 9-11.
⁴ *Id.* at p. 6, lines 1-2.

1 Decision 69722 says nothing about any other entity possessing the CC&N for the Cornman
2 Tweedy property. Rather, it asks: (i) whether AWC "is providing reasonable service if it is not
3 able or not willing to provide integrated water and wastewater services" and (ii) whether AWC
4 "should continue to hold a CC&N for the Cornman extension area at this time."

5 The information sought by AWC in its Third, Fourth and Fifth Sets of Data Requests all
6 improperly focuses on the ability of Robson, its affiliates, and specifically Picacho Water
7 Company, to provide integrated water and wastewater service to the Cornman Tweedy property,
8 as illustrated by AWC's own interpretation of the scope of the remand proceeding in its Motion
9 to Compel:

- 10 • Is Robson Communities, as a so-called "integrated provider" through its
11 wholly-owned subsidiary utilities, in as good a position as Arizona Water
12 Company to provide water service to the Cornman Tweedy property in a
13 manner that is consistent with maximizing efficient use of groundwater
14 resources?
- 15 • What is the service and conservation track record of the Robson
16 Communities' family of utility companies?
- 17 • Are the Robson Communities utility companies truly "integrated" in every
18 way?
- 19 • Do the Robson Communities' affiliated utilities work with the development
20 and home sales entities to minimize the use of groundwater and maximize
21 the use of treated wastewater throughout its developments, including the
22 golf courses that are the centerpieces of those land developments?
- 23 • Has Robson Communities been a good steward of Arizona's water
24 challenged areas and long-term Arizona water supplies?
- 25 • Are there circumstances where so-called "integrated providers in the land
26 development business employ the regulatory framework governing water
27 use in a manner that reduces the use of treated wastewater and increases
28 the use of groundwater resources?⁵

Some of the information requested by AWC could be relevant if there were a competing
application for a CC&N to serve the Cornman Tweedy property filed by an affiliate of Robson,

⁵ AWC's Motion to Compel at pp. 6-7.

1 but there is not. The focus of this proceeding is whether AWC "in this water challenged area and
2 under the circumstances presented in this case, is providing reasonable service if it is not able or
3 not willing to provide integrated water and wastewater services." In answering this question, the
4 following types of inquiries (as opposed to those stated by AWC) are relevant:

- 5 1. Whether water-only service to the Cornman Tweedy property from a
6 stand-alone water provider is in the public interest.
- 7 2. Whether and to what extent future customers residing within the Cornman
8 Tweedy property are harmed if they cannot be served by an integrated
9 water and wastewater provider.
- 10 3. Whether and to what extent AWC is able to integrate its water service
11 with wastewater service for the Cornman Tweedy property.
- 12 4. The reasons why AWC chooses not to provide wastewater service.
- 13 5. Whether integration of water and wastewater services provides benefits
14 beyond groundwater conservation such as cost savings, allowing for more
15 effective design of systems for environmental compliance, and improving
16 customer convenience by facilitating joint billing and collection.
- 17 6. Whether the desires of the owner of property to be served by an integrated
18 water and wastewater provider should be considered by the Commission.
- 19 7. Whether under all of the circumstances of this case, the Commission
20 should withdraw the CC&N of the Cornman Tweedy property because
21 there is no need or necessity for water service.

22 The data requests propounded by AWC in its Third, Fourth and Fifth Sets of Data
23 Requests to Cornman Tweedy do not address these issues, and they are far outside the scope of
24 this proceeding. Thus, the Commission should deny AWC's Motion to Compel.

25 **D. AWC's Data Requests Are Overly Broad and Unduly Burdensome.**

26 In its Third, Fourth and Fifth Sets of Data Requests, AWC seeks a massive swath of
27 information, certificates, permits and documents on seven master-planned developments in
28 central and southern Arizona, the oldest of which opened nearly 40 years ago. For purposes of

1 responding to its data requests, AWC defines "documents" as including, but not limited to, all
2 "agreements, memoranda, notes, correspondence, communications, statements, accounts, files,
3 records, portfolios, contracts, logs, ledgers, computer records, e-mails, video and audio tapes,
4 printouts, and other data compilations, and every other device or medium by which, on which, or
5 through which information of any type is transmitted, recorded or preserved." Thus, for each of
6 seven developments spread throughout central and southern Arizona, some of which are decades
7 old, and none of which include the Cornman Tweedy property, AWC seeks all of the following
8 in its Fourth Set of Data Requests:

- 9 • A list of all Irrigation Grandfathered Rights and copies of certificates.
- 10 • A list of all "non-IGFRs" (not defined) and copies of certificates.
- 11 • A list of all General Industrial Use Permits issued to Robson Communities, Inc. or
12 any Robson Affiliate that were in effect from 2000-2011, and copies of all annual
13 reports filed for such permits.
- 14 • Copies of all "documents" from Robson Communities, Inc. or any Robson
15 Affiliate to any homeowners association or similar entity within any of the seven
16 developments that "involves, concerns or references any water rights...."
- 17 • Copies of "documents" that address, relate to or concern the conversion of an
18 IGFR to a Type 1 non-IGFR, and any certificates issued to Robson Communities,
19 Inc., any Robson Affiliate, a homeowners association or similar entity.
- 20 • Copies of "documents" that address, relate to or concern the extinguishment of an
21 IGFR, a Type 1 a non-IGFR, a Type 2 or other water right, and any certificates
22 issued to Robson, any Robson Affiliate, any property owner, homeowners
23 association of similar entity.
- 24 • Names of all people employed or under contract with Robson Communities, Inc.,
25 or any Robson Affiliate "that was involved in any way in the establishment,
26 transfer, or extinguishment of any water right, or in the preparation of execution
27 terms of acquiring any such right...."
- 28 • Names of all people employed by, under contract with, or serving as an officer or
board member of Robson Communities, Inc., or any Robson Affiliate that had any
role in developing, proposing, applying for, or authorizing an application for
approval of water rates or sewer rates for any of the seven developments,
including rates for any turf-related facility located within any of the
developments, as well as a description of the role and decision-making authority
of such people.
- All "documents" between Robson Communities, Inc., and any Robson Affiliate

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that address water rates, sewer rates, reclaimed water rates, or the provision of reclaimed water for each of the seven developments.

- The source of funds used to manager or operate any underground storage facility, groundwater savings facility, water storage facility or water recovery facility.
- A detailed schedule of all costs and expenses incurred by Robson Communities, Inc., or any affiliated utility company for 2006-2010.
- A list and description of the financial terms related to conveyances of any water credits held, leased or owned by Robson Communities, Inc., or any Robson Affiliate that have been pledged or may be pledged to another Robson Affiliate or any of the seven developments for 2000-2010.
- Copies of all documents transmitted between Robson Communities, Inc., and any Robson Affiliate regarding the application of any water credit used to offset actual or potential groundwater replenishment obligations for any of the seven developments, together with the names of all people employed by, under contract with, or serving as an officer or board member of Robson Communities, Inc., or any Robson Affiliate that had any role in establishing the use of such credits.
- A detailed description of any modification, whether planned or completed, to any turf facility within any of the seven developments made to accommodate any restriction on the use of groundwater by the Commission for 2000-2010, together with the names of all people employed by, under contract with, or serving as an officer or board member of Robson Communities, Inc., or any Robson Affiliate that had any role in such modification.
- Copies of permits or "documents" transmitted between Robson Communities, Inc., or any Robson Affiliate and Pima County concerning water reclamation, recharge or water storage for the Quail Creek development, together with the names of all people employed by, under contract with, or serving as an officer or board member of Robson Communities, Inc., or any Robson Affiliate that had any role in preparing, approving or executing any permits, agreements or letters of understanding.
- A detailed schedule and description of all costs incurred in connection with reclaimed water recharge, storage or recovery for the Quail Creek development for 2000-2010, including the source of payment of such costs.
- Copies of "documents" transmitted between Robson Communities, Inc., or any Robson Affiliate and any hydrologist, geologist, consultant or expert pertaining to: (i) the recovery of stored credits outside the area of the hydrologic impact of the stored credits; or (ii) any hydrologic study, analysis of assured water supply or physical availability demonstration for the seven developments.
- copies of annual reports filed with the Central Arizona Groundwater Replenishment District for 2000-2010 pertaining to the seven developments.
- Copies of "documents" transmitted between Robson Communities, Inc., and any

1 affiliated utility concerning the joint use of facilities in any of the seven
2 developments.

- 3 • Copies of "documents" transmitted between Robson Communities, Inc., or any
4 Robson Affiliate and ADWR pertaining to conservation requirements, potential
5 violations of conservation requirements, and strategies to comply with such
6 requirements.
- 7 • Whether any hydrologist, geologist, consultant or expert employed or retained by
8 Robson Communities, Inc., or any Robson Affiliate has conducted any hydrologic
9 study, analysis of assured water supply or physical availability study using:
10 (i) Modflow or another numerical model, and if not, a description of the type of
11 model or method that was used; or (ii) THWells or another analytical model, and
12 if yes, a description of the study area boundaries, the costs incurred for the study,
13 and whether Robson Communities, Inc., or a Robson Affiliate paid such costs.
- 14 • Whether any hydrologic study, analysis or assured water supply or physical
15 availability demonstration relied upon results of output of any physical
16 availability demonstration conducted by AWC.

17 Even if Cornman Tweedy had the cooperation of all of the different entities which
18 possess the requested information, the company estimates that it would require several hundred
19 man hours to respond to AWC's massive data requests. The information requested does not exist
20 in a single location, but would need to be collected from a multiplicity of locations and people,
21 including outside legal counsel. The developments identified by AWC span decades in some
22 cases. Information has been stored, and some has undoubtedly been lost or destroyed. Some
23 information resides with governmental entities. Key people involved in the developments have
24 left the respective companies or have passed away, in the case of Mr. Jim Poulos. Cornman
25 Tweedy simply does not have staff to respond to such a massive data request.

26 More importantly, the information, to the extent it exists, resides with entities which are
27 not parties to this proceeding, as discussed above. In addition, the information requested is
28 misguided because it focuses on the ability of Robson to serve the Cornman Tweedy property,
and not AWC. Given the lack of relevance of the information requested, the expansive breadth
of the information, the fact that much of the requested information would be in the possession of
entities which are not parties to this proceeding, and the substantial burden and hardship that
would be placed on Cornman Tweedy in responding to this data request, Cornman Tweedy

1 requests that the Commission deny AWC's Motion to Compel.

2 Similarly, AWC's Third Set of Data Requests seeks information that is burdensome to
3 provide and that is not relevant in this proceeding because it focuses on Robson and not on
4 AWC. For example, AWC's Third Set of Data Requests seeks all of the following information
5 with regard to the Cornman Tweedy property:

- 6 • Well registrations for all wells that would be or could be used to serve the
7 property, including location of the well, owner of the well, and agreements
8 pertaining to the well.
- 9 • Sources of surface water or surface water rights that could be used to serve the
10 property, including the owner of the water rights, a description of any treatment
11 that might be necessary on the sources of water, and copies of any agreements
12 related to the provision of surface water to the property.
- 13 • Whether Picacho Water Company or other Robson controlled entity has sought an
14 analysis of assured water supply or a certificate of assured water supply for the
15 property, including copies of applications.
- 16 • Copies of hydrological studies related to the sufficiency and suitability of water
17 supplies for the property, and whether such sources are used for any other Robson
18 development or any of Picacho Water Company's certificated area.
- 19 • Arizona Corporation Commission docket numbers for each formal complaint
20 against Picacho Water Company, Picacho Sewer Company, and/or any other
21 Robson controlled entity, together with the name of the party making the
22 complaint, the nature of the complaint and the resolution.
- 23 • For Picacho Water Company and Picacho Sewer Company, the names of persons
24 that are employees of both companies, persons who are officers of both
25 companies, any ADEQ certified operators that are employed by both companies,
26 and the board of directors of both companies.
- 27 • Affiliated interest reports filed with the Commission for all Robson affiliates from
28 2006-2010.
- Organization charts for Robson Communities, Inc., and all Robson affiliates.
- A list of utility assets used jointly by both Picacho Water Company and Picacho
Sewer Company.
- A description of how Picacho Water Company's and Picacho Sewer Company's
administrative, accounting and/or rate structures are integrated.
- A list of developments for which Picacho Water Company (or any other Robson
affiliated water company) provides service but Picacho Sewer Company (or any
other Robson affiliated sewer company) does not provide service, including the

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name of the entity providing sewer service, a description and map of the area affected.

- A list of developments for which Picacho Sewer Company (or any other Robson affiliated sewer company) provides service but Picacho Water Company (or any other Robson affiliated water company) does not provide service, including the name of the entity providing water service, a description and map of the area affected.
- A list of ADWR and ADEQ inquiries, complaints, notices of violation or investigations concerning Picacho Water Company or Picacho Sewer Company or any other Robson affiliated entity.
- A list of underground storage facility permits, groundwater savings facilities permits, water storage permits and recovery well permits held by Picacho Water Company, Picacho Sewer Company or any other affiliate of Robson, together with copies of such permits.
- *Accounting information* for all water stored or recovered pursuant to any of the above-referenced permits for the years 2006-2010, including the source of the stored water, quantities stored or recovered, the entity storing the water and the entity receiving the water by year.
- Copies of any agreements that relate to the storage or recovery of stored water between any Robson affiliate.
- Copies of all agreements between Robson affiliates concerning the integration of water and wastewater services, joint use of personnel, sharing or water resources or equipment.
- Copies of notices or correspondence received by any Robson affiliate and any responses sent by such Robson affiliate concerning conservation requirements, water use, annual gallons per capita per day determinations or lost and unaccounted for water.
- Copies of correspondence from any Robson affiliate concerning the acquisition of Central Arizona Project ("CAP") water or any other type of surface supplies, and whether Robson or any Robson affiliate has sought a long-term CAP contract or other surface water supplies, including what person or persons were involved in such efforts.

Much of the requested information again is in the possession of governmental entities or entities which are not parties to this proceeding. Further, the information requested is outside the scope of this proceeding, and improperly focuses upon the abilities of Picacho Water Company or other Robson affiliates to service the Cornman Tweedy property. For all of the reasons discussed herein, AWC's Motion to Compel should be denied.

1 Steve Olea, Director
2 Utilities Division
3 ARIZONA CORPORATION COMMISSION
4 1200 West Washington Street
5 Phoenix, Arizona 85007

6 COPY of the foregoing sent via e-mail and first
7 class mail this 3rd day of October, 2011, to:

8 Robert W. Geake
9 Vice President and General Counsel
10 ARIZONA WATER COMPANY
11 3805 N. Black Canyon Highway
12 Phoenix, Arizona 85015-9006

13 Steven A. Hirsch, Esq.
14 BRYAN CAVE LLP
15 One Renaissance Square
16 Two North Central Ave., Suite 2200
17 Phoenix, Arizona 85004-4406

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19 _____
20 14776111501409.1

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