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Attorney for applicant, Montezuma Rimrock  
Water Company, LLC

ARIZONA CORPORATION COMMISSION  
DOCKET CONTROL

**BEFORE THE ARIZONA CORPORATION COMMISSION**

COMMISSIONERS

Arizona Corporation Commission

**DOCKETED**

OCT 6 2011

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

DOCKETED BY

11-0296

IN THE MATTER OF THE APPLICATION OF )  
MONTEZUMA RIMROCK WATER )  
COMPANY, LLC FOR APPROVAL OF A )  
RATE INCREASE. )

DOCKET NO. W-04254A-08-0361

DOCKET NO. ~~W-04254A-08-0362~~

IN THE MATTER OF THE APPLICATION OF )  
MONTEZUMA RIMROCK WATER )  
COMPANY, LLC FOR APPROVAL OF A )  
FINANCING APPLICATION )

RESPONSE TO MOTION FOR  
EVIDENTIARY HEARING

Montezuma Rimrock Water Company LLC, by its undersigned counsel, responds as follows to the Intervener's Motion for Evidentiary Hearing: The Company is mindful of the Court's August 24, 2011 order directing it to explain the financing of its proposed arsenic treatment facility or "how and when it will remedy its system's arsenic maximum contaminant level exceedance."

Pursuant to the Court's order, on September 19, 2011 the Company submitted a report which detailed the terms of the financing it anticipated would be necessary to fund construction of the plant. On or about September 24, the Company learned of an opportunity to lease the

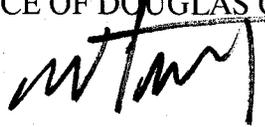
1 arsenic treatment plant, making unnecessary the need to fund construction of the facility. The  
2 Company is actively working to formalize a lease of the equipment in order to have the treatment  
3 plant in place in a timely manner.

4  
5           Undersigned counsel is informed and believes that the system and equipment the  
6 Company proposes to lease is the same as that which has been approved by ADEQ. Given the  
7 recent change of plans, the details concerning the lease agreement are not presently available to  
8 undersigned counsel. However, the Company will disclose such details promptly and as they  
9 become available.

10  
11           Given the Company's timely and good faith compliance with the procedural orders, there  
12 is no need or reason for an evidentiary hearing to consider the issues raised by its request to  
13 withdraw its application for an emergency rate increase and it respectfully requests that the  
14 Interveners' motion be denied.

15  
16                           DATED this 3rd day of October, 2011.

17                           LAW OFFICE OF DOUGLAS C. FITZPATRICK

18  
19 BY 

20                           Douglas C. Fitzpatrick  
21                           Attorney for Montezuma Rimrock Water  
22                           Company LLC

23 ORIGINAL and 13 copies  
24 of the foregoing mailed  
25 this 3<sup>rd</sup> day of October,  
26 2011, to:

27 Arizona Corporation Commission  
28 Attn: Docket Control  
1200 West Washington Street  
Phoenix, Arizona 85007

1 COPIES of the foregoing mailed  
2 this 3rd day of October, 2011, to:

3 Darak R. Eaddy  
4 Utilities Division  
5 Arizona Corporation Commission  
6 1200 West Washington Street  
7 Phoenix, Arizona 85007

8 John Dougherty  
9 P.O. Box 501  
10 Rimrock, Arizona 86335

11 Patricia D. Olsen, Manager  
12 Montezuma Rimrock Water  
13 Company, LLC  
14 P.O. Box 10  
15 Rimrock, Arizona 86335

16 Janice Alward, Chief Counsel  
17 Legal Division  
18 Arizona Corporation Commission  
19 1200 West Washington Street  
20 Phoenix, Arizona 85007

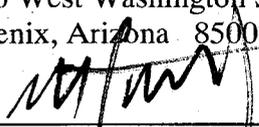
21 Steven M. Olea, Director  
22 Utilities Division  
23 Arizona Corporation Commission  
24 1200 West Washington Street  
25 Phoenix, Arizona 85007

26 Lyn Farmer  
27 Chief, Hearing Division  
28 Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, Arizona 85007

14 copies of the foregoing  
mailed this 3<sup>rd</sup> day of October,  
2011 for docketing in  
W-04254A-11-0296 to:

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1 Arizona Corporation Commission  
2 Attn: Docket Control  
3 1200 West Washington Street  
4 Phoenix, Arizona 85007



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5 Douglas C. Fitzpatrick

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