

ORIGINAL



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8 Rimrock Water Company, LLC

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AZ CORP COMMISSION
DOCKET CONTROL

Arizona Corporation Commission

DOCKETED

OCT 25 2011

DOCKETED BY

BEFORE THE ARIZONA CORPORATION COMMISSION

9	IN THE MATTER OF THE APPLICATION OF)	DOCKET NO. W-04254A-08-0361
	MONTEZUMA RIMROCK WATER)	
10	COMPANY, LLC FOR APPROVAL OF A)	DOCKET NO. W-04254A-08-0362
	RATE INCREASE.)	
11	_____)	
12	IN THE MATTER OF THE APPLICATION OF)	CERTIFICATE OF COUNSEL
	MONTEZUMA RIMROCK WATER)	IN SUPPORT OF DISCOVERY
13	COMPANY, LLC FOR APPROVAL OF A)	MOTION
	FINANCING APPLICATION)	
14	_____)	

15 Undersigned counsel for Montezuma Rimrock Water Company LLC certifies as follows
16 pursuant to *ARCP 37[a][2][C]*: He has personally communicated with John Dougherty
17 concerning the issues raised by the discovery motion filed herewith. On October 5, 2011,
18 counsel sent to Mr. Dougherty the e-mail appended hereto which summarizes the Company's
19 position with respect to the unresolved discovery requests. On October 7, he spoke with Mr.
20 Dougherty by telephone concerning the same issues. The phone consultation appears to have
21 narrowed some of the issues but not all of them. The Court's intervention is necessary.

24 DATED this 24th day of October, 2011

25 LAW OFFICE OF DOUGLAS C. FITZPATRICK

26 BY
27 _____
28 Douglas C. Fitzpatrick
Attorney for applicant, Montezuma Rimrock
Water Company, LLC.

1 ORIGINAL and 13 copies
2 of the foregoing hand-delivered
3 this 25th day of October, 2011,
4 to:

4 Arizona Corporation Commission
5 Docket Control
6 1200 West Washington Street
7 Phoenix, Arizona 85007

7 COPY of the foregoing
8 hand-delivered this 25th
9 day of October, 2011, to:

9 Darak R. Eaddy
10 Utilities Division
11 Arizona Corporation Commission
12 1200 West Washington Street
13 Phoenix, Arizona 85007

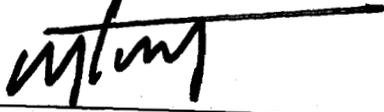
13 John Dougherty
14 PO Box 501
15 Rimrock, Arizona 86335

15 Patricia D. Olsen
16 Montezuma Rimrock Water
17 Company, LLC
18 PO Box 10
19 4615 E. Goldmine Road
20 Rimrock, Arizona 86335

20 Mrs. Janice M. Alward
21 Chief, Legal Division
22 Arizona Corporation Commission
23 Legal Division
24 1200 West Washington Street
25 Phoenix, Arizona 85007

24 Mr. Steven M. Olea
25 Director, Utilities Division
26 Arizona Corporation Commission
27 Legal Division
28 1200 West Washington Street
Phoenix, Arizona 85007

1 Ms. Lyn Farmer
2 Chief, Hearing Division
3 Arizona Corporation Commission
4 Legal Division
5 1200 West Washington Street
6 Phoenix, Arizona 85007



7 Douglas C. Fitzpatrick

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Doug Fitzpatrick

From: Doug Fitzpatrick [fitzlaw@sedona.net]
Sent: Wednesday, October 05, 2011 8:18 AM
To: 'John Dougherty'
Subject: 0361 and 0362 data requests

John –

I submitted data requests in the above cases asking that you provide “copies of all communications [including but not limited to print copies of e-mails] between you and WIFA, ACC, ADEQ, AZTEC Consulting and Ivo Buddeke for the period commencing 01/01/2010 through the present.” You responded that “All emails between me and WIFA, ACC and ADEQ are available from the state agencies, which will provide you a complete record. There are no emails to AZTEC Consulting. My emails with private individuals are irrelevant to the matters before the Commission docket.” If there are no e-mails or other communications between you and AZTEC Consulting, I’ll accept your avowal that such is the case. However, the fact that WIFA, ACC and ADEQ may have access to such communications does not relieve you of your obligation under the rules of discovery to produce them.

Similarly, e-mails and other communications between you and Ivo Buddeke are, similarly, discoverable. I am available to discuss these issues in order to resolve them informally and trust that you will agree to respond to this data request within a reasonable time frame. Please advise. ~Doug Fitzpatrick 928 284 2190

10/5/2011