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Curtis S. Ekmark, #014773
Lynn M. Krupnik, #017311
Jason F. Wood, #027153
Ekmark & Ekmark, L.L.C.
6720 N. Scottsdale Road, Suite 261
Scottsdale, Arizona 85253
(480) 922-9292
(480) 922-9422 Fax
jwood@ekmarklaw.com

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AZ CORP COMMISSION
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Attorneys for the Class

BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

Arizona Corporation Commission

DOCKETED

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

NOV 29 2011

DOCKETED BY

**IN THE MATTER OF THE
APPLICATION OF ARIZONA-
AMERICAN WATER COMPANY, AN
ARIZONA CORPORATION, FOR A
DETERMINATION OF THE CURRENT
FAIR VALUE OF ITS UTILITY PLANT
AND PROPERTY AND FOR INCREASES
IN ITS RATES AND CHARGES BASED
THEREON FOR UTILITY SERVICE BY
ITS AGUA FRIA WATER DISTRICT,
HAVASU WATER DISTRICT, AND
MOHAVE WATER DISTRICT**

DOCKET NO. W-01303A-10-0448

**RESPONSE TO MOTION TO
REINSTATE TIME CLOCK**

The Company pretends as if the parties could simply pick up where they left off. The reality, however, is that many new parties did not even get notice of this action until recently. For them, this matter started in the Fall of 2011. For the reasons set forth below, the Commission should reinstate the time clock to conclude on the date appropriate for the parties to fully exercise their fundamental right to due process and for the Commission to make a just and reasonable determination of rates based upon a full review of the record.

1 The Company has requested that the Administrative Law Judge reinstate the time
2 clock pursuant to A.A.C. R14-2-103(11)(e) to conclude on April 7, 2012. However, this
3 request ignores the consequences of the Company's March 21, 2011 false affidavit indicating
4 that it mailed notice of the application and hearing to all affected customers. The reality is
5 that, until very recently, the Company failed to properly notice approximately 11,000 Agua
6 Fria District ratepayers. Therefore, the time clock did not begin for seventeen of the
7 eighteen members of the Class until they were properly apprised of the Company's
8 application and resulting hearing. For this reason, it is inappropriate for the Company to
9 unilaterally dictate when the time clock should be reinstated.

10 In short, since the Company caused the delay due to its failure to notice nearly one-
11 third of Agua Fria District ratepayers and misrepresented the practical status of the case
12 when it filed a false affidavit, the Commission should reinstate the time clock on the date it
13 deems appropriate to provide sufficient time for the parties to properly exercise their due
14 process rights and for the hearing officer to consider all testimony and briefing in this matter.

15
16 DATED this 29th day of November, 2011.

17 EKMARK & EKMARK, L.L.C.

18 

19 _____
20 Curtis S. Ekmark
21 Lynn M. Krupnik
22 Jason F. Wood
23 6720 N. Scottsdale Rd., Suite 261
24 Scottsdale, AZ 85253
25 Attorneys for the Class
26

1 **Certificate of Service**

2 **ORIGINAL** and thirteen (13) copies
3 of the foregoing filed this 29th day of
November, 2011 with:

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

7 **COPY** of the foregoing hand-delivered
8 this 29th day of November, 2011 to:

9 Dwight Nodes, Administrative Law Judge
10 Legal Division
11 Arizona Corporation Commission
1200 W. Washington Street
Phoenix, AZ 85007

12 **COPIES** of the foregoing mailed
13 this 29th day of November, 2011 to:

14 Janice Alward, Chief Counsel
15 Charles Hains, Attorney
16 Legal Division
17 Arizona Corporation Commission
1200 West Washington
Phoenix, AZ 85007

18 Steve Olea, Director
19 Utilities Division
20 Arizona Corporation Commission
1200 West Washington
Phoenix, AZ 85007

21 Thomas H. Campbell, Esq.
22 Michael T. Hallam, Esq.
23 Lewis and Roca LLP
40 North Central Avenue
Phoenix, AZ 85004
Attorneys for Arizona-American Water Co.

24 Greg Patterson, Director
25 Water Utility Association of Arizona
916 West Adams, Suite 3
Phoenix, AZ 85007

- 1 Joan S. Burke, Esq.
Law Office of Joan S. Burke
1650 N. First Avenue
2 Phoenix, AZ 85003
Attorney for Corte Bella
3
- 4 Kenneth Hewitt
18729 N. Palermo Court
Surprise, AZ 85387
5
- 6 Michele L. Van Quathem
Ryley Carlock & Applewhite, P.A.
One North Central Avenue, Suite 1200
7 Phoenix, AZ 85004
Attorneys for Verrado and DMB White Tank, LLC
8
- 9 Michelle Wood, Counsel
Residential Utility Consumer Office
1110 West Washington Street, Suite 220
10 Phoenix, AZ 85007
- 11 Lyn Farmer
Arizona Corporation Commission
12 1200 W. Washington St.
Phoenix, AZ 85007-2927
13
- 14 Jay Shapiro, Esq.
Fennemore Craig
3003 N. Central Ave., Suite 2600
15 Phoenix, AZ 85012
Attorneys for EPCOR
16
- 17 Michael D. Bailey, City Attorney
City of Surprise
16000 N. Civic Center Plaza
18 Surprise, AZ 85374
Attorney for City of Surprise
19
- 20 Garry Hays, Esq.
1702 E. Highland Ave., Suite 204
Phoenix, AZ 85016
21 Attorney for Cross River HOA
- 22 Frederick G. and Mary L. Botha
23024 N. Giovota Drive
23 Sun City West, AZ 85375
- 24 Peter and Rochanne Corpus
8425 N. 181st Drive
25 Waddell, AZ 85355
- 26 Thomas and Laurie Decatur
8426 N. 181st Drive
Waddell, AZ 85355

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20
21
22
23
24
25
26

Timothy L. and Cindy J. Duffy
19997 N. Half Moon Drive
Surprise, AZ 85374-4747

William and Erin Parr
18044 W. Georgia Court
Litchfield Park, AZ 85340

Craig and Nancy Plummer
17174 W. Saguaro Lane
Surprise, AZ 85388

Sharon Wolcott
20117 N. Painted Cove Lane
Surprise, AZ 85387

Brian O'Neal
21373 W. Brittle Bush Lane
Buckeye, AZ 85396

Mike Albertson
6634 N. 176th Ave.
Waddell, AZ 85355

By: 