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AZ CORP COMMISSION  
DOCKET CONTROL

Arizona Corporation Commission  
DOCKETED

DEC 5 2011

DOCKETED BY

5 Attorneys for Valle Vista Property Owners Association, Inc.

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**BEFORE THE ARIZONA CORPORATION COMMISSION**

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IN THE MATTER OF THE  
COMMISSION ON ITS OWN MOTION  
INVESTIGATING THE FAILURE OF  
TRUXTON CANYON WATER  
COMPANY TO COMPLY WITH  
COMMISSION RULES AND  
REGULATIONS.

DOCKET NO. W-02168A-10-0247

**VALLE VISTA PROPERTY OWNERS  
ASSOCIATION, INC.'S NOTICE OF  
TESTIMONY AND EXHIBITS**

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14 In accordance with the Procedural Order dated September 27, 2001, Valle Vista  
15 Property Owners Association ("VVPOA") submits the following notice of testimony and  
16 exhibits relating to the rehearing proceeding currently scheduled for February 16-17,  
17 2012. Unfortunately, at this juncture, it is unclear exactly what the purpose of the  
18 rehearing proceeding is and what issues remain for rehearing. From VVPOA's  
19 perspective, the two primary issues that need to be resolved are the interim rates to be  
20 charged by Truxton for water service to VVPOA and Truxton's failure to provide  
21 adequate water service to VVPOA.

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On September 1, 2011, Truxton filed its proposed interim tariff applicable to  
VVPOA. On September 16, 2011, VVPOA filed its response to Truxton's proposed  
interim tariff. VVPOA understood that the Commission would address the interim tariff  
issue at Open Meeting, but that has not occurred yet. If the interim tariff issue is  
addressed at open meeting on December 13-14, 2011, then Valle Vista does not intend to

1 present any witness at the rehearing on February 16-17, 2012, but Valle Vista would  
2 cross-examine Truxton's witnesses and representatives.

3 If, however, these issues remain undecided as of the February 16-17, 2012  
4 rehearing dates, VVPOA will call Bill Meehan and Bob Lathroum as witnesses to discuss  
5 the interim rate issues and Truxton's failure to provide water service to VVPOA.  
6 Specifically, Mr. Meehan and Mr. Lathroum would testify as to the facts and positions set  
7 forth by VVPOA in its Closing Brief filed on March 25, 2011, VVPOA's Brief  
8 Regarding Reconsideration filed on August 11, 2011 and VVPOA's Response to Notice  
9 of Filing Interim Tariff filed on September 16, 2011. Mr. Neal and Mr. Lathroum also  
10 would testify regarding the dealings between the parties and the attached correspondence  
11 and billings. VVPOA also would cross-examine Rick Neal and other representatives of  
12 VVPOA on these interim rate and water service issues.

13 If that testimony is necessary and those issues remain unresolved as of February  
14 16-17, 2012, VVPOA also would present the following exhibits at rehearing through Mr.  
15 Meehan and Mr. Lathroum.

16 1. April 24, 2002, VVPOA Agreement between VVPOA and the Neal Family  
17 Trust for water, with agreed five year option executed in December 2006.

18 2. September 1, 2010 "Water Supply Agreement for Truxton Canyon Water  
19 Company" between Truxton and the Neal Family Trust.

20 3. Billings and Invoices by Truxton and the Neal Family Trust to VVPOA for  
21 water service.

22 4. Correspondence regarding Truxton's failure to provide water service to  
23 VVPOA during the summer of 2011.

24 5. Chart regarding VVPOA Water Usage and projected charges.

25 6. September 15, 2011 letter from Truxton Water to VVPOA.

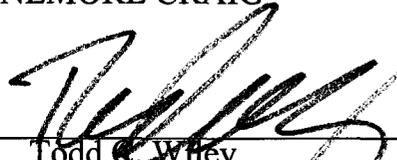
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- 1           7.     Summary of VVPOA July and August Water Issues with Truxton Canyon  
2 Water Company.
- 3           8.     Spreadsheet regarding Water Usage and Supply in 2011.
- 4           9.     Charts regarding VVPOA Water 2011.
- 5           10.    December 27, 2010 letter from M. Neal to VVPOA.
- 6           11.    August 8, 2011 Report regarding Truxton water service.
- 7           12.    June 30, 2011 letter from B. Meehan to Neal Family Trust (with attached  
8 check).
- 9           13.    June 2, 2011 letter from VVPOA to Neal Family Trust.
- 10          14.    June 1, 2011 letter from Neal Family Trust to VVPOA (with attached  
11 December 30, 2010 letters from Neal Family Trust).
- 12          15.    March 22, 2011 letter from VVPOA to Neal Family Trust/Truxton.
- 13          16.    March 16, 2011 letter from Truxton Canyon Water Company to B. Meehan.
- 14          17.    March 7, 2011 letter from Truxton Canyon Water Company to VVPOA  
15 Board of Directors.
- 16          18.    December 30, 2010 letter from Neal Family Trust to VVPOA Board of  
17 Directors.
- 18          19.    December 30, 2010 letter from Neal Family Trust to VVPOA Board of  
19 Directors.
- 20          20.    February 25, 2011 letter from VVPOA to Neal Family Trust/Truxton.
- 21          21.    February 24, 2011 letter from Truxton to VVPOA Board of Directors.
- 22          22.    October 20, 2006 letter from VVPOA to Neal Family Trust.
- 23          23.    December 8, 2006 letter from VVPOA to Neal Family Trust.
- 24          24.    April 2 2007 letter from M. Neal to VVPOA.
- 25          25.    April 2, 2007 letter from M. Neal to VVPOA.
- 26          26.    December 17, 2007 letter from M. Neal to VVPOA.

- 1 27. December 21, 2008 letter from M. Neal to VVPOA.
- 2 28. December 23, 2008 letter from M. Neal to VVPOA.
- 3 29. Any and all data requests and responses to data requests.
- 4 30. October 5, 2011 letter from VVPOA to R. Neal.
- 5 31. September 7, 2011 letter from Truxton to VVPOA.
- 6 32. February 11, 2011 letter from VVPOA to R. Neal (with attachments).
- 7 33. Letter invoices from Neal Family Trust dated February 24, 2011 and
- 8 December 30, 2010.

9 RESPECTFULLY SUBMITTED this 5<sup>th</sup> day of December, 2011.

10 FENNEMORE CRAIG

11  
12 By   
13 Todd C. Wiley  
14 3003 North Central, Suite 2600  
15 Phoenix, AZ 85012  
16 Attorneys for Valle Vista Property Owners  
17 Association, Inc.

18 ORIGINAL and 13 copies  
19 of the foregoing was filed  
20 this 5<sup>th</sup> day of December 2011:

21 Docket Control  
22 Arizona Corporation Commission  
23 1200 West Washington Street  
24 Phoenix, Arizona 85007

25 COPY of the foregoing  
26 was hand-delivered this 5<sup>th</sup> day of  
December, 2011, to:

Kimberly Ruht  
Legal Division  
Arizona Corporation Commission  
1200 W. Washington  
Phoenix, AZ 85007

1 A copy of the foregoing  
2 was mailed this 5th  
3 day of December, 2011, to:

4 Steve Wene  
5 Moyes Sellers Ltd.  
6 1850 N. Central Ave., Suite 1100  
7 Phoenix, AZ 85004

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