

ORIGINAL

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of counsel:

2012 MAR - 7 A 9:42

John A. Shannon, Jr.*

Faye Peters, Legal Assistant

AZ CORP COMMISSION
DOCKET CONTROL

March 6, 2012

Arizona Corporation Commission
DOCKETED

MAR - 7 2012

Docket Control
Arizona Corporation Commission
1200 West Washington
Phoenix, Arizona 85007

DOCKETED BY	<i>MLA</i>
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Re: In the Matter of the Application of DII-Emerald Springs, L.L.C. for a Certificate of Convenience and Necessity to Provide Wastewater Services
DOCKET NO. WS-20794A-11-0140

In the Matter of the Application of DII-Emerald Springs, L.L.C. for Approval of Rates
DOCKET NO. WS-20794A-11-0279

To Whom it May Concern:

Enclosed, please find, for filing an original and fourteen copies of the following document regarding the above-mentioned cases:

1. Motion/Order to Continue

I am enclosing a self-addressed stamped envelope for return of one conformed copy. If you have any questions concerning the enclosed documents, please do not hesitate to contact me at our toll free number (888) 244-3887. Thank you.

Respectfully,

Yesenia Castillo
Yesenia Castillo, Secretary to
Julie A. LaBenz, Attorney for
Emerald Springs HOA

enclosure

E-mail address: jchurchill@johnchurchill.com; johnchurchill@gmail.com or
jlabenz@johnchurchill.com

*on select contested litigation matters

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

RECEIVED

2 COMMISSIONERS

3 GARY PIERCE – Chairman
4 BOB STUMP
5 SANDRA D. KENNEDY
6 PAUL NEWMAN
7 BRENDA BURNS

2012 MAR - 7 A 9:42

AZ CORP COMMISSION
DOCKET CONTROL

8 IN THE MATTER OF THE APPLICATION)
9 OF DII-EMERALD SPRINGS, L.L.C. FOR A)
10 CERTIFICATE OF CONVENIENCE AND)
11 NECESSITY TO PROVIDE WASTEWATER)
12 SERVICES.)

DOCKET NO. WS-20794A-11-0140

13 IN THE MATTER OF THE APPLICATION)
14 OF DII-EMERALD SPRINGS, L.L.C. FOR)
15 APPROVAL OF RATES.)

DOCKET NO. WS-20794A-11-0279

MOTION TO CONTINUE

16 Pursuant to A.A.C. R14-3-109(Q), the Emerald Springs Homeowners' Association
17 (hereinafter "HOA"), hereby moves to continue the March 12, 2012 deadline to file an
18 objection or response to the Staff Report and the evidentiary hearing scheduled for April 10,
19 2012 in the above-captioned proceeding for sixty (60) days. In support of its motion, the HOA
20 states as follows:

21 On February 24, 2012, the HOA filed a Motion to Intervene pursuant to A.A.C. R14-3-
22 105 and the Procedural Order entered in this matter dated January 4, 2012. The HOA seeks
23 to continue both the March 12, 2012 deadline to file an objection or response to the Staff
24 Report and the evidentiary hearing scheduled for April 10, 2012 for sixty (60) days to give the
25 HOA an opportunity to complete a data request and allow adequate time to draft an objection
26 or response to the Staff Report and prepare for the evidentiary hearing.

27 This request is made in an effort to obtain adequate time to seek further or additional
28 evidence for submission to this commission and to allow undersigned counsel sufficient time to
object or respond to the Staff Report and to prepare for the evidentiary hearing.

1 RESPECTFULLY SUBMITTED this 2 day of March, 2012.

2 LAW OFFICE OF JOHN C. CHURCHILL

3
4 By: 
5 Julie A. LaBenz
6 Law Office of John C. Churchill
7 1300 Joshua Ave., Ste. B
8 Parker, AZ 85344
9 (928) 669-6195
10 (928) 669-5376 (fax)
11 jlabenz@johnchurchill.com
12 Attorney for Emerald Springs HOA

9 Original and 15 copies mailed
10 this 2nd day of March, 2012, to:

11 Docket Control
12 Arizona Corporation Commission
13 1200 West Washington
14 Phoenix, Arizona 85007

15 Copy of the foregoing mailed
16 this 2nd day of March, 2012, to:

17 Henry Melendez
18 DII-Emerald Springs, L.L.C.
19 212 East Rowland Street, No. 423
20 Covina, CA 97723
21 diigroup@aol.com

22 Janice Alward, Chief Counsel
23 Legal Division
24 ARIZONA CORPORATION COMMISSION
25 1200 West Washington Street
26 Phoenix, AZ 85007

27 Steven M. Olea, Director
28 Utilities Division
29 ARIZONA CORPORATION COMMISSION
30 1200 West Washington Street
31 Phoenix, AZ 85007

32 Courtesy Copy provided by mail
33 this 2nd day of March, 2012, to:

34 Dennis Price
35 P.O. Box 1125
36 Ehrenberg, AZ 85334-1125

37 By: 
38

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 COMMISSIONERS

3 GARY PIERCE – Chairman
4 BOB STUMP
5 SANDRA D. KENNEDY
6 PAUL NEWMAN
7 BRENDA BURNS

8 IN THE MATTER OF THE APPLICATION)
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DOCKET NO. WS-20794A-11-0140

13 IN THE MATTER OF THE APPLICATION)
14 OF DII-EMERALD SPRINGS, L.L.C. FOR)
15 APPROVAL OF RATES.)

DOCKET NO. WS-20794A-11-0279

**ORDER; re INTERVENOR HOA'S
MOTION TO CONTINUE**

16 **BY THE COMMISSION:**

17 BASED UPON the Intervenor HOA's Motion to Continue and good cause appearing
18 therefor;

19 IT IS HEREBY ORDERED that any objection or response to the Staff Report from any
20 intervenor shall be made in writing and filed on or before the ___ day of _____,
21 2012.

22 IT IS FURTHER ORDERED continuing the April 10, 2012 evidentiary hearing in the
23 above-captioned matter to the ___ day of _____, 2012.

24 DATED this ___ day of _____, 2012.

25 _____
26 ADMINISTRATIVE LAW JUDGE
27
28

1 Copies of the foregoing mailed/delivered
2 this ___ day of _____, 2012, to:

3 Henry Melendez
4 DII-Emerald Springs, L.L.C.
5 212 East Rowland Street, No. 423
6 Covina, CA 97723

7 Janice Alward, Chief Counsel
8 Legal Division
9 ARIZONA CORPORATION COMMISSION
10 1200 West Washington Street
11 Phoenix, AZ 85007

12 Steven M. Olea, Director
13 Utilities Division
14 ARIZONA CORPORATION COMMISSION
15 1200 West Washington Street
16 Phoenix, AZ 85007

17 ARIZONA REPORTING SERVICE, INC.
18 2200 N. Central Ave., Suite 502
19 Phoenix, AZ 85004-1481

20 Julie A. LaBenz
21 LAW OFFICE OF JOHN C. CHURCHILL
22 1300 Joshua Ave., Ste. B
23 Parker, AZ 85344
24 Attorney for Emerald Springs Homeowners Association

25 Courtesy Copy provided by mail
26 this ___ day of February, 2012, to:

27 Dennis Price
28 P.O. Box 1125
Ehrenberg, AZ 85334-1125

By: _____