

**INTERVENTION**

**ORIGINAL**



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William S. Omtvedt  
8125 W. Gunsight Ridge  
Payson, Arizona 85541  
(507) 210-5393  
In Propria Persona

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AZ CORP COMMISSION  
**BEFORE THE ARIZONA CORPORATION COMMISSION**

IN THE MATTER OF THE APPLICATION  
OF PAYSON WATER COMPANY FOR  
APPROVAL OF A WATER AUGMENTATION  
SURCHARGE TARIFF (MESA DEL CABALLO  
SYSTEM)

**DOCKET NO. W-03514A-10-0116**

IN THE MATTER OF THE NOTICE OF  
FILING OF PAYSON WATER COMPANY'S  
PROPOSED CHANGES TO ITS CURTAILMENT  
TARIFF (MESA DEL CABALLO SYSTEM)

**DOCKET NO. W-03514A-10-0117**

**APPLICATION FOR INTERVENTION  
MOTION TO INTERVENE**  
Pursuant to AAC R14-3-105 et seq.

**COMES NOW**, William S. Omtvedt, a Customer of BROOKE UTILITIES, INC./PAYSON WATER CO. INC. in the Mesa del Caballo System (PWS 04-030) to make his Application for Intervention and Motions to Intervene in the above captioned matter and proceedings in propria persona for the reasons cited in AAC R14-3-105 and the following:

- 1) That he is a Customer residing within the physical boundaries of the Community of Mesa del Caballo that is served by the Utility Company, Payson Water Co. Inc. (PWC 04-030) and has an invested interest in these proceedings;
- 2) That he like so many other Customers of PWC in the Mesa del Caballo System has been adversely affected by the ramifications, abuses and implementation of the Water Augmentation Surcharge(s) the Community has been made to suffer through this past summer as well as the so blatantly abused Modified Curtailment Plan now in effect;
- 3) That none of the ECC Water Committee ever possessed legal authority to represent the People of the Community of Mesa del Caballo or the Customers of the Mesa del Caballo System in these proceedings;
- 3) That he wishes to intervene in these proceedings and particularly in the Rate Increase Proceedings now scheduled for on or about March 30, 2012;

Respectfully submitted this 13 day of March 2012

*William S. Omtvedt*  
William S. Omtvedt, in Propria Persona

Arizona Corporation Commission  
**DOCKETED**

MAR 16 2012

DOCKETED BY *[Signature]*

**CERTIFICATE OF SERVICE**

The Original and 13 Copies of the foregoing has been mailed this 13 day March 2012 to the following:

**DOCKET CONTROL**  
ARIZONA CORPORATION COMMISSION  
1200 West Washington St.  
Phoenix, Arizona 85007

A Copy of the Original of the foregoing has been mailed this 13 day March 2012 to the following:

Patrick J. Black  
Fennemore & Craig, P.C.  
Attorneys for Payson Water Co. Inc./Brooke Utilities  
3003 N. Central Ave., Suite 2600  
Phoenix, Ariz. 85012

Marc E. Stern, ALJ  
Hearing Division  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, Arizona 85007

Kimberly Ruht, Esq.  
Legal Division  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, Arizona 85007

Mesa Del Caballo Water Committee  
c/o: El Caballo Club, Inc.  
8119 Mescallero Rd.  
Payson, Az. 85541

  
By: William S. Omtvedt

**R14-3-105. Intervention as party and other appearances**

**A. Intervention.** Persons, other than the original parties to the proceedings, who are directly and substantially affected by the proceedings, shall secure an order from the Commission or presiding officer granting leave to intervene before being allowed to participate.

**B. Application.** An application for leave to intervene shall be in writing and must state the basis for the application. Such application shall be served and filed by an applicant at least five days before the proceeding is called for hearing.

***Arizona Administrative Code Title 14, Ch. 3***

Corporation Commission - Rules of Practice and Procedure December 31, 2006 Page 3 Supp. No 06-4 application for leave to intervene shall be granted where by so doing the issues theretofore presented will be unduly broadened, except upon leave of the Commission first had and received. Upon the granting of an application to intervene by the Commission or the presiding officer, the intervening person shall thereafter be designated an "Intervenor".

**C. Other appearances.** Notwithstanding the provisions of subsections R14-3-105(A) and R14-3-105(B), any consumer or prospective consumer may appear at any proceeding and make a statement on his own behalf, at a time designated by the Commission or presiding officer. A person so appearing shall not be deemed a party to the proceedings. When two or more interested persons under this rule have substantially like interests and positions, the presiding officer may declare them a class of interested persons for purposes of the hearing. The members of the class shall designate to be spokesman for the class one of their number, or his attorney, or such greater of their number, or attorneys, as the presiding officer shall determine. More than one class may be established for a hearing.

**Historical Note**

Former Section R14-3-105 repealed, new Section R14-3-105 adopted effective December 17, 1975 (Supp. 75-2).