

ORIGINAL  
Law Office of John C. Chu



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John C. Churchill  
Julie A. LaBenz

of counsel:  
John A. Shannon, Jr.\*  
Faye Peters, Legal Assistant

RECEIVED

2012 MAR 16 A 9:47

ARIZONA CORP COMMISSION  
DOCKET CONTROL

March 14, 2012

1300 Joshua Avenue, Suite B  
Parker, Arizona 85344  
Telephone (928) 669-6195  
Fax (928) 669-5376  
Toll Free (888)244-3887

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

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:

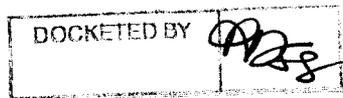
1. Motion/Order to Appear by Telephone

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.

Arizona Corporation Commission  
DOCKETED

MAR 16 2012

enclosure



Respectfully,

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

E-mail address: [jchurchill@johnchurchill.com](mailto:jchurchill@johnchurchill.com); [johnchurchill@gmail.com](mailto:johnchurchill@gmail.com) or  
[jlabenz@johnchurchill.com](mailto:jlabenz@johnchurchill.com)

\*on select contested litigation matters

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

RECEIVED

2012 MAR 16 A 9:47

AZ CORP COMMISSION  
DOCKET CONTROL

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  
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 APPEAR BY  
16 TELEPHONE**

17 COMES NOW Intervenor Emerald Springs HOA (hereinafter "HOA") and hereby  
18 moves for an order to appear by telephone for the March 20, 2012 procedural conference in the  
19 above-referenced matters. Counsel for the HOA is located about a three hour one-way drive  
20 from the Corporate Commission Office. As a result, the HOA respectfully requests an order  
21 allowing undersigned counsel to appear by telephone. The HOA consulted with Staff Attorney  
22 Kimberly Ruht, Dr. Henry Melendez, Steve Wene, and Steven M. Olea and each party does not  
23 object to undersigned counsel appearing by telephone for the March 20, 2012 procedural  
24 conference. Exhibit 1: copies of email correspondence.

25 RESPECTFULLY SUBMITTED this 14 day of March, 2012.

26 **LAW OFFICE OF JOHN C. CHURCHILL**

27 By:



28 Julie A. LaBenz  
Law Office of John C. Churchill  
1300 Joshua Ave., Ste. B  
Parker, AZ 85344  
(928) 669-6195  
(928) 669-5376 (fax)  
[jlabenz@johnchurchill.com](mailto:jlabenz@johnchurchill.com)  
[parkerazatty@yahoo.com](mailto:parkerazatty@yahoo.com)  
Attorney for Emerald Springs HOA

1 Original and 15 copies mailed  
this 19<sup>th</sup> day of March, 2012, to:

2 Docket Control  
3 Arizona Corporation Commission  
4 1200 West Washington  
Phoenix, Arizona 85007

5 Copy of the foregoing mailed  
this 14<sup>th</sup> day of March, 2012, to:

6 Henry Melendez  
7 DII-Emerald Springs, L.L.C.  
8 212 East Rowland Street, No. 423  
Covina, CA 97723  
diigroup@aol.com

9 Janice Alward, Chief Counsel  
10 Legal Division  
11 ARIZONA CORPORATION COMMISSION  
12 1200 West Washington Street  
Phoenix, AZ 85007

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

17 Steve Wene  
18 MOYES SELLERS & HENDRICKS  
19 1850 North Central Avenue, Ste. 1100  
Phoenix, AZ 85004  
swene@law-msh.com  
Attorney for Robhana, Inc. and Charles  
Dunn Capital, Inc.

20 Courtesy Copy provided by mail  
this 14<sup>th</sup> day of March, 2012, to:

21 Dennis Price  
22 P.O. Box 1125  
Ehrenberg, AZ 85334-1125

23 By: Y. Castillo  
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**EXHIBIT 1**

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**Subject:** FW: Proc. Conf. for Docket No. WS-20794A-11-0140 & WS-20794A-11-0279

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**From:** Kimberly Ruht (KRuht@azcc.gov)

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**To:** parkerazatty@yahoo.com;

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**Date:** Tuesday, March 13, 2012 2:57 PM

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I received a notification that this email did not go through to the Churchill email account, so I am forwarding it to your yahoo account as well.

- Kim Ruht

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**From:** Kimberly Ruht  
**Sent:** Tuesday, March 13, 2012 2:55 PM  
**To:** 'Steve Wene'; 'Julie Labenz'; diigroup@aol.com  
**Cc:** Steven Olea  
**Subject:** RE: Proc. Conf. for Docket No. WS-20794A-11-0140 & WS-20794A-11-0279

Julie,

Staff does not have an objection to you appearing telephonically on March 20. However, Staff does not support a continuance of the hearing and we'll be filing a response to the HOA's motion either this afternoon or tomorrow.

Thanks,

Kimberly A. Ruht

Attorney, Legal Division

Arizona Corporation Commission

(602)542-3402

[KRuht@azcc.gov](mailto:KRuht@azcc.gov)

---

**From:** Steve Wene [<mailto:swene@law-msh.com>]

**Julie Labenz**

---

**From:** Henry A. Melendez [diigroup@aol.com]  
**Sent:** Tuesday, March 13, 2012 4:24 PM  
**To:** swene@law-msh.com; jlabenz@johnchurchill.com; kruht@azcc.gov; solea@azcc.gov  
**Subject:** Re: Proc. Conf. for Docket No. WS-20794A-11-0140 & WS-20794A-11-0279

Hello Julie;

I do not have an objection to you appearing via telephone. However, I have already filed an objection to your request to continue the hearing.

Thanks,

Henry A. Melendez  
T: 626-664-0602  
F: 626-529-1573  
E: Diigroup@aol.com

-----Original Message-----

**From:** Steve Wene <swene@law-msh.com>  
**To:** 'Julie Labenz' <jlabenz@johnchurchill.com>; kruht <kruht@azcc.gov>; diigroup <diigroup@aol.com>; solea <solea@azcc.gov>  
**Sent:** Tue, Mar 13, 2012 2:29 pm  
**Subject:** RE: Proc. Conf. for Docket No. WS-20794A-11-0140 & WS-20794A-11-0279

Hello Julie,

I have no objection to your proposed telephonic appearance. I will need to discuss the continuance with my client. Thanks for timely response to the procedural order.

 **Moyes Sellers & Hendricks**

---

**Steve Wene**

**1850 N. Central Avenue, Suite 1100**  
**Phoenix, Arizona 85004-4541**  
**Office (602) 604-2189**  
**swene@law-msh.com**

---

**From:** Julie Labenz [mailto:jlabenz@johnchurchill.com]  
**Sent:** Tuesday, March 13, 2012 2:04 PM  
**To:** kruht@azcc.gov; diigroup@aol.com; Steve Wene; solea@azcc.gov  
**Subject:** Proc. Conf. for Docket No. WS-20794A-11-0140 & WS-20794A-11-0279

Dear Kimberly Ruht, Steven M. Olea, Henry Melendez, and Steve Wene,

Today I received a Procedural Order from the ACC dated March 13, 2012 in Docket No. WS-20794A-11-0140 & WS-20794A-11-0279, setting a procedural conference for March 20, 2012.

Given that I am located about a three hour drive from Phoenix, I'd like to request to appear by telephone for the procedural conference. Thus, please respond to this email and let me know if you have any objection to me appearing by telephone for the March 20<sup>th</sup> procedural conference. Please keep in mind that time is of the essence.

3/13/2012

**Julie Labenz**

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**From:** Steve Wene [swene@law-msh.com]  
**Sent:** Tuesday, March 13, 2012 2:30 PM  
**To:** 'Julie Labenz'; kruht@azcc.gov; diigroup@aol.com; solea@azcc.gov  
**Subject:** RE: Proc. Conf. for Docket No. WS-20794A-11-0140 & WS-20794A-11-0279  
**Attachments:** image001.wmz; oledata.mso

Hello Julie,

I have no objection to your proposed telephonic appearance. I will need to discuss the continuance with my client. Thanks for timely response to the procedural order.



**Steve Wene**

**1850 N. Central Avenue, Suite 1100  
Phoenix, Arizona 85004-4541  
Office (602) 604-2189  
swene@law-msh.com**

---

**From:** Julie Labenz [mailto:jlabenz@johnchurchill.com]  
**Sent:** Tuesday, March 13, 2012 2:04 PM  
**To:** kruht@azcc.gov; diigroup@aol.com; Steve Wene; solea@azcc.gov  
**Subject:** Proc. Conf. for Docket No. WS-20794A-11-0140 & WS-20794A-11-0279

Dear Kimberly Ruht, Steven M. Olea, Henry Melendez, and Steve Wene,

Today I received a Procedural Order from the ACC dated March 13, 2012 in Docket No. WS-20794A-11-0140 & WS-20794A-11-0279, setting a procedural conference for March 20, 2012.

Given that I am located about a three hour drive from Phoenix, I'd like to request to appear by telephone for the procedural conference. Thus, please respond to this email and let me know if you have any objection to me appearing by telephone for the March 20<sup>th</sup> procedural conference. Please keep in mind that time is of the essence.

Additionally, the March 13<sup>th</sup> Procedural Order urged the parties to engage in discussions prior to the procedural conference and I'd like to initiate the discussions through this email. Overall, my position is that I'd like to continue the evidentiary hearing currently scheduled for April 10<sup>th</sup> and 11<sup>th</sup> for 30-60 days in order to complete a data request and to provide adequate time to all parties to prepare for the evidentiary hearing.

Thank you for your attention to this matter and I look forward to receiving your responses.

Sincerely,

Julie A. LaBenz  
Law Office of John C. Churchill  
1300 Joshua Ave.  
Parker, AZ 85344  
(928) 669-6195  
(888) 244-3887  
Fax: (928) 669-5376

3/13/2012

**Yesenia Castillo**

---

**From:** Yesenia Castillo [ycastillo@johnccchurchill.com]

**Sent:** Wednesday, March 14, 2012 12:23 PM

**To:** 'Julie Labenz'

**Subject:** Emerald Springs

Julie,

I spoke to Steven Olea's assistant to inquire about the Motion to Appear Telephonically. She let me know that their attorney, Kim Rhut, responded for him. She emailed you on your yahoo account because the johnccchurchill email kept bouncing back.

Please let me know if you did not receive an answer on that account either.

Yesenia Castillo, Legal Secretary  
Law Office of John C. Churchill  
1300 Joshua Ave., Suite B  
Parker, AZ 85344  
Phone: (928) 669-6195  
Toll-free: (888) 244-3887  
Fax: (928) 669-5376  
[ycastillo@johnccchurchill.com](mailto:ycastillo@johnccchurchill.com)

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 )  
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

**ORDER; re: MOTION TO  
APPEAR BY TELEPHONE**

16 BASED UPON Intervenor Emerald Springs HOA Motion to Appear by Telephone and  
17 that all parties do not object to counsel for Intervenor Emerald Springs appearance by telephone  
18 for the March 20, 2012 procedural conference,

19 IT IS HEREBY ORDERED that counsel for Intervenor Emerald Springs HOA may  
20 appear by telephone for the March 20, 2012 procedural conference. Counsel for Intervenor  
21 Emerald Springs HOA shall call the Arizona Corporate Commission at \_\_\_\_:\_\_\_\_.m. at the  
22 following phone number: \_\_\_\_\_.

23 DATED this \_\_\_\_ day of March, 2012.

24 \_\_\_\_\_  
25 Administrative Law Judge  
26  
27  
28

1 Copies of the foregoing  
2 emailed/mailed/delivered  
3 this \_\_\_ day of March, 2012, to:

3 Henry Melendez  
4 DII-Emerald Springs, L.L.C.  
5 212 East Rowland Street, No. 423  
6 Covina, CA 97723  
7 [diigroup@aol.com](mailto:diigroup@aol.com)

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

9 Steven M. Olea, Director  
10 Utilities Division  
11 ARIZONA CORPORATION COMMISSION  
12 1200 West Washington Street  
13 Phoenix, AZ 85007

12 Julie A. LaBenz  
13 Law Office of John C. Churchill  
14 1300 Joshua Ave., Ste. B  
15 Parker, AZ 85344  
16 [parkerazatty@yahoo.com](mailto:parkerazatty@yahoo.com)  
17 Attorney for Emerald Springs HOA

15 Steve Wene  
16 MOYES SELLERS & HENDRICKS  
17 1850 North Central Avenue, Ste. 1100  
18 Phoenix, AZ 85004  
19 [swene@law-msh.com](mailto:swene@law-msh.com)  
20 Attorney for Robhana, Inc. and Charles  
21 Dunn Capital, Inc.

19 ARIZONA REPORTING SERVICE, INC.  
20 2200 North Central Avenue, Suite 502  
21 Phoenix, AZ 85004-1481

21 Courtesy Copy provided by mail  
22 this \_\_\_ day of March, 2012, to:

23 Dennis Price  
24 P.O. Box 1125  
25 Ehrenberg, AZ 85334-1125

25 By: \_\_\_\_\_

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27  
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