

ORIGINAL

BEFORE THE ARIZONA CORPORATION



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COMMISSIONERS

GARY PIERCE, Chairman
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2012 AUG 15 Arizona Corporation Commission
DOCKETED
ARIZONA CORPORATION COMMISSION
DOCKET CONTROL AUG 15 2012

DOCKETED BY [Signature]

IN THE MATTER OF THE APPLICATION
OF FAR WEST WATER & SEWER, INC.,
AN ARIZONA CORPORATION, FOR A
DETERMINATION OF THE CURRENT
FAIR VALUE OF ITS UTILITY PLANT
AND PROPERTY AND FOR INCREASES
IN ITS WASTEWATER RATES AND
CHARGES BASED THEREON FOR
UTILITY SERVICE

DOCKET NO. WS-03478A-12-0307
**REPLY IN SUPPORT OF APPLICATION
FOR LEAVE TO INTERVENE**

Brownstein Hyatt Farber Schreck, LLP
One East Washington Street, Suite 2400
Phoenix, AZ 85004

Spartan Homes & Construction, Inc. ("Spartan") is the developer of a residential subdivision known as Sierra Ridge which currently receives sewer service from Far West Water & Sewer, Inc. ("Far West"). On July 24, 2012, Spartan filed an Application for Leave to Intervene in the above-captioned rate case proceeding. However, on August 3, 2012, Far West filed its opposition to the intervention stating that "Spartan Homes is not a Far West sewer customer" and that Spartan "will not be directly and substantially affected by the proceedings." These statements by Far West are simply astounding given that the Arizona Corporation Commission ("Commission") ordered in Decision 72594 that "Far West Water and Sewer, Inc., must provide sewer service to the remaining 51 lots in [Spartan's] Sierra Ridge Unit 1, as depicted on the attached Exhibit B, on a nondiscriminatory basis, and charge its approved rates."¹ Further, Decision 72594 ordered Far West to "file with the Commission a sewer CC&N extension application encompassing the entire Spartan Property" within 90 days of the decision, or by December 14, 2011.² Far West has thus far refused to comply with this Commission

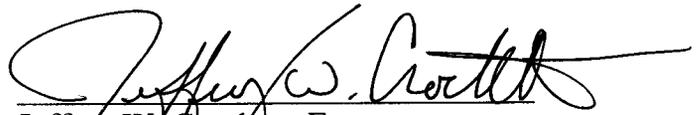
¹ Decision 72594 (Docket WS-03478A-08-0256) at 79, lines 23-25.

² *Id.* at 79-80

1 order, but Far West's refusal to seek the extension of its CC&N as ordered should not be
2 used as a basis for opposing Spartan's Application for Leave to Intervene. Spartan is the
3 owner of 51 lots in Sierra Ridge Unit 1. Far West has been ordered to provide sewer
4 service to those lots pursuant to Decision 72594. Thus, Spartan will be directly and
5 substantially affected by the decision of the Commission in this rate case. Accordingly,
6 Spartan respectfully requests that the Commission grant its Application for Leave to
7 Intervene.

8 RESPECTFULLY submitted this 15th day of August, 2012.

9 BROWNSTEIN HYATT FARBER SCHRECK
10 LLP

11 

12 Jeffrey W. Crockett, Esq.

13 One East Washington Street, Suite 2400

14 Phoenix, Arizona 85004

15 Attorneys for Spartan Homes & Construction,
16 Inc.

17 ORIGINAL and thirteen (13) copies of the
18 foregoing filed this 15th day of August, 2012, with:

19 Docket Control
20 ARIZONA CORPORATION COMMISSION
21 1200 West Washington Street
22 Phoenix, Arizona 85007

23 Copy of the foregoing hand-delivered
24 this 15th day of August, 2012, to:

25 Lyn A. Farmer, Chief Administrative Law Judge
26 Hearing Division
27 ARIZONA CORPORATION COMMISSION
28 1200 West Washington Street
Phoenix, Arizona 85007

1 Janice Alward, Chief Counsel
2 Legal Division
3 ARIZONA CORPORATION COMMISSION
4 1200 West Washington Street
5 Phoenix, Arizona 85007

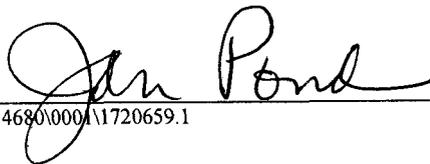
6 Steve Olea, Director
7 Utilities Division
8 ARIZONA CORPORATION COMMISSION
9 1200 West Washington Street
10 Phoenix, Arizona 85007

11 Copy of the foregoing mailed this
12 15th day of August, to:

13 Daniel W. Pozefsky, Chief Counsel
14 Residential Utility Consumer Office
15 1110 West Washington Street, Suite 200
16 Phoenix, Arizona 85007

17 Copy of the foregoing sent via first class
18 mail and e-mail this 15th day of August, to:

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