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Date: August 1, 2012

To: **Docket Control**
Arizona Corporation Commission
1200 West Washington St.
Phoenix, AZ 85007

From: Robert T. Hardcastle
Payson Water Co., Inc.
(661) 633-7526

FOR FILING ORIGINAL AND 13 COPIES INTO:

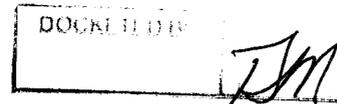
DOCKET NO. W-03514A-12-0007

Smith vs. Payson Water Co.

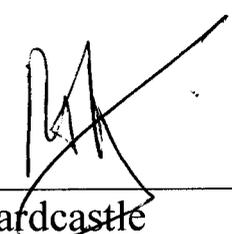
Arizona Corporation Commission

DOCKETED

AUG 20 2012



By:



Robert T. Hardcastle

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BEFORE THE ARIZONA CORPORATION COMMISSION

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Robert T. Hardcastle
Payson Water Co., Inc.
P.O. Box 82218
Bakersfield, CA 93380-2218
Representing Itself In Propria Persona

COMMISSIONERS

Gary Pierce, Chairman
Paul Newman, Commissioner
Brenda Burns, Commissioner
Bob Stump, Commissioner
Sandra D. Kennedy, Commissioner

IN THE MATTER OF J. ALAN SMITH)	Docket No. W-03514A-12-0007
COMPLAINANT)	
)	NOTICE OF TIMELY
)	COMPLIANCE WITH
VS.)	SUBPOENA
)	
PAYSON WATER CO., INC.,)	
<u>RESPONDENT</u>)	

On January 10, 2012 Complainant Smith (hereafter “Complainants”) filed a Formal Complaint into Docket No. W-03514A-12-0007 based on previously submitted informal complaint number 2011-99889.

On February 2, 2012 Payson Water Co filed an Answer to the Complaint and a Motion to Dismiss.

On February 16, 2012 Complainant filed a Reply to Payson Water Co.’s Answer.

On February 23, 2012 a Procedural Order was issued scheduling a procedural conference for March 9, 2012.

On March 9, 2012 a Procedural Conference was conducted with the Parties.

On March 29, 2012 Payson Water Co. filed a supplemental Motion to Dismiss.

On March 30, 2012 Payson Water Co. filed a Motion to Quash Brooke Utilities, Inc. as a party to the Complaint.

1 On April 3, 2012 Complainant filed a Response and Objection to Respondent's
2 Motion to Quash Brooke Utilities, Inc. as a party to the Complaint.

3 On April 3, 2012 Complainant filed a Response and Objection to Respondent's
4 Motion to Dismiss and Motion to Deny.

5 On April 9, 2012 Payson Water Co. filed a Reply to Complainant's Response to
6 Payson Water Co.'s Motion to Dismiss and Motion to Deny.

7 On April 9, 2012 Payson Water Co. also filed a Reply by Payson Water Co. to
8 Complainant's Response and Objection to Respondent's Motion to Quash Brooke
9 Utilities, Inc. as a Party to the Complaint.

10 On April 13, 2012 Complainant filed a Response and Objection to Respondent's
11 Reply to Complainant's Response to Respondent's Motion to Dismiss and Deny.

12 On April 20, 2012 the Utilities Division of the Arizona Corporation Commission
13 ("Staff") filed a Notice of Filing regarding the status of a subpoena issued to Martin's
14 Trucking.

15 On May 3, 2012 Staff filed a Status of Mediation indicating that a settlement was
16 not reached by the parties and requested a hearing be scheduled.

17 On June 18, 2012 a Procedural Order was issued which set forth the hearing date
18 of August 7, 2012 and the compliance dates and deadlines as it relates to this Docket. In
19 addition, the Procedural Order provided that Payson Water Co. and Staff shall file
20 responsive rejoinder testimony no later than July 30, 2012 (see Procedural Order at page
21 2, lines 19-20).

22 On July 18, 2012 Complainant Smith filed a Notice of Complainant's Initial
23 Discovery and Disclosure.

24 On July 23, 2012 Complainant Smith filed a Notice of Complainant's Second
25 Discovery and Disclosure.

26 On July 30, 2012 Payson Water Co. timely filed its Rejoinder Testimony.

27 On July 30, 2012 the Utilities Division of the Commission's Staff timely filed its
28 Staff Response.

1 On July 30, 2012 Payson Water Co. filed its Supplemental Motion to Quash
2 Brooke Utilities, Inc. as a party to this Complaint.

3 On July 31, 2012 Payson Water Co. filed its Initial Disclosure and Discovery
4 pleading.

5 On August 1, 2012 Payson Water Co. filed its Supplemental Motion to Dismiss the
6 Complaint.

7 On August 2, 2012 Payson Water Co. filed its Initial Notice of Disclosure.

8 On August 6, 2012 Payson Water Co. filed its Supplemental Motion to Dismiss the
9 Complaint.

10 On August 7, 2012 a Hearing was conducted where various pending Motions were
11 heard, argued, and ruled upon. The Administrative Law Judge ruled that Payson Water
12 Co.'s Motion to Quash Brooke Utilities, Inc. as a Party to the Complaint would be
13 granted subject to the same conditions granted under Docket No. W-03514A-12-008. The
14 Administrative Law Judge also denied Payson Water Co.'s Supplemental Motion to
15 Dismiss. The Administrative Law Judge also granted Complainant's Motion for to
16 Continue Hearing on the Complaint for a period not to exceed 90 days. The
17 Administrative Law Judge did not issue a dispositive ruling on Complainant's Motion to
18 Compel compliance with its Subpoena of Jim Pearson previously filed in this matter.

19 On August 7, 2012 Complainant filed its Fourth Notice of Discovery and
20 Disclosure.

21 On August 7, 2012 Complainant filed its Motion to Continue Hearing on the
22 Complaint.

23 On August 7, 2012 Complainant filed on behalf of prospective intervenor Tresca
24 an Application for Intervention and Motion to Intervene into Docket No. W-03514A-12-
25 0007.

26 On August 7, 2012 Complainant filed its Response and Objection to Respondent's
27 Motion to Dismiss and Motion to Deny.

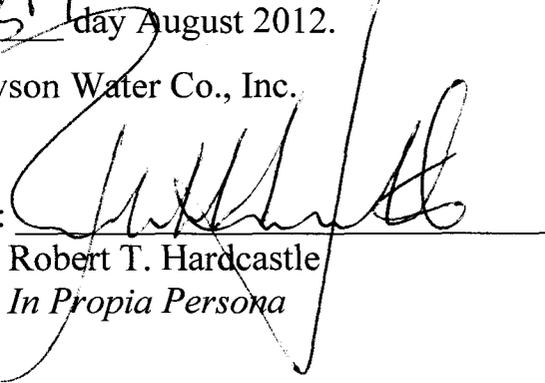
28 On August 8, 2012 Complainant filed its Notice of Service of Subpoena dated
29 August 2, 2012 on Payson Water Co., Inc.

1 On August 16, 2012 Payson Water Co. timely filed its responses to Complainant's
2 Subpoena dated August 2, 2012.

3 Pursuant to the attached Exhibit 1 Payson Water Co., Inc. timely provides its
4 responses to Complainant's Subpoena dated August 2, 2012.

5
6 RESPECTFULLY SUBMITTED this 15th day August 2012.

7 Payson Water Co., Inc.

8
9 By: 

10 Robert T. Hardcastle
11 *In Propria Persona*
12

13 ORIGINAL and 13 copies filed
14 this 15th day August 2012, with:

15
16 **Docket Control**
17 **Arizona Corporation Commission**
18 **1200 West Washington St.**
19 **Phoenix, AZ 85007**

20
21 And copies mailed to the following:

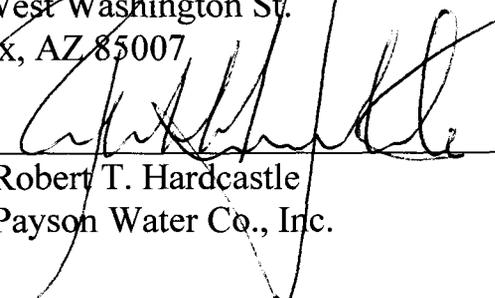
22
23 Dwight Nodes, Administrative Law Judge
24 HEARING DIVISION
25 Arizona Corporation Commission
26 1200 West Washington St.
27 Phoenix, AZ 85007

28
29 J. Alan Smith
30 8166 Barranca
31 Payson, AZ 85541

32
33 Janice Alward, Chief Counsel
34 Legal Division
35 Arizona Corporation Commission
36 1200 West Washington St.
37 Phoenix, AZ 85007

1
2 Steve Olea
3 Utilities Division
4 Arizona Corporation Commission
5 1200 West Washington St.
6 Phoenix, AZ 85007
7

8 Robin Mitchell, Esq.
9 Arizona Corporation Commission
10 1200 West Washington St.
11 Phoenix, AZ 85007
12

13 By: 
14 Robert T. Hardcastle
15 Payson Water Co., Inc.
16

17 **END**

EXHIBIT 1

BROOKE UTILITIES, INC.

Mailing Address: P.O. Box 82218, Bakersfield, CA 93380
Customer Service Call Center (800) 270-6084, (855) 508-5507 fax

ROBERT T. HARDCASTLE
(855) 672-5057 Fax
RTH@brookeutilities.com

August 16, 2012

J. Alan Smith
8166 Barranca Rd.
Payson, AZ 85541



In re: *Docket No. W-03514A-12-007, Smith vs. Payson Water Co.*

Dear Mr. Smith,

Pursuant to your Subpoena dated August 2, 2012 in the above referenced Docket, please find Payson Water Co.'s responses timely provided attached.

Sincerely,

Robert T. Hardcastle
President

EC:

PAYSON WATER CO., INC.'S RESPONSES TO
SMITH SUBPOENA DATED AUGUST 2, 2012
ARIZONA CORPORATION COMMISSION
DOCKET NO. W-03514A-12-0007
SMITH vs. PAYSON WATER CO., INC.



At the August 7, 2012 Hearing the Administrative Law Judge stated for the record that he was taking Administrative Notice of all documents in the record under Docket No. W-03514A-12-0008. Accordingly, Payson Water Co. answers the questions related to the Subpoena referenced above as follows:

Question 1 (a, b, c): All documents related to answering this Subpoena have previously been provided and are contained within Docket No. W-03514A-12-008.