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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

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AUG 31 2012

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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

RUCO'S RESPONSE IN SUPPORT OF SPARTAN'S MOTION FOR RECONSIDERATION RE: INTERVENTION

The Residential Utility Consumer Office ("RUCO") hereby files this response in support of the Request for Reconsideration filed by Spartan's Homes and Construction ("Spartan"). RUCO supports Spartan's request because Spartan has clarified its status as a current *albeit*, recent customer, demonstrated that it will be directly and substantially impacted by the proceedings and its participation will not hamper, but assist the Commission in deciding this matter.

Spartan is a "person directly and substantially affected by the proceedings" within the meaning of A.A.C. Rule 14-3-105(A) and as the Rule has been applied by the Commission in a variety of cases. See *In the Matter of Tucson Electric Power*, Docket Nos. E-01933A-07-0402, E-01933A-05-0650 (permitting the intervention of Cynthia Zwick who is not a customer of TEP and does not live in its service territory); *In the Matter of Arizona*

1 *Public Service*, Docket No. E-01345A-11-0224 (allowing the intervention of SWEEP); *In*
2 *the Matter of Montezuma Rimrock Water Company, LLC*, Docket No. W-04254A-12-0207
3 (allowing the intervention by resident who lived within the service area, but who was not
4 yet a customer). Although the Commission's prior rulings on intervention are not directly
5 on point, they do demonstrate that the Commissions' prior determinations on intervention
6 have not hinged on a party's status as a customer or resident within a utility's service area,
7 alone. Historically, the Commission has exercised broad discretion favoring participation
8 by parties with a variety of interests. Consistent with these rulings and with Spartan's
9 clarification of its current status as a customer, RUCO has no objection to Spartan's
10 intervention and encourages the Commission to allow its participation in these
11 proceedings.

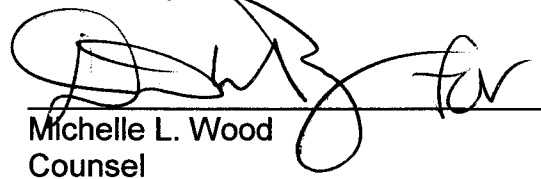
12 Aside from the legal reasons, it is good policy for the Commission to consider
13 intervention more from an inclusive viewpoint, then an exclusive viewpoint. It would not be
14 good policy for the public to have the impression that Commission proceedings are closed
15 and/or exclusive. Intervention in this case will also assure a more thorough record.
16 Unless the situation clearly shows a lack of interest, which is not the case here, the
17 Commission should lean towards intervention.

18 In its Motion for Reconsideration, Spartan has identified multiple concerns which it
19 expects will be at issue in this rate proceeding. RUCO notes these are the same or similar
20 issues addressed by the Commission in the last Far West proceeding and which will
21 inevitably remain at issue in this proceeding. RUCO does not believe Spartan's
22 participation will unnecessarily expand the proceedings. In fact, because Spartan's
23 principals live and do business in Yuma, RUCO believes that Spartan may be able to
24 provide additional insight to the Commission and help establish a more complete record

1 which should assist the Commission in deciding this matter. Moreover, Spartan is a
2 sophisticated intervenor who is represented by counsel. Spartan is not a party who's apt
3 to raise irrelevant arguments or delay the proceedings.

4 Because RUCO believes that Spartan's concerns are focused and will not
5 unnecessarily expand the proceeding and because Spartan and its principals will be able
6 aid the Commission in establishing a more complete record, RUCO supports Spartan's
7 intervention and encourages the Commission to reconsider its request to intervene and
8 grant the same.

9 RESPECTFULLY SUBMITTED this 31st day of August, 2012.

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11 Michelle L. Wood
12 Counsel

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