

**ORIGINAL**

**INTERVENTION**



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ARIZONA CORPORATION COMMISSION  
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Arizona Corporation Commission

**DOCKETED**

NOV -1 2012

Attorneys for Intervenor-Applicant  
Beaver Dam Prop. Owners' Assn.

**BEFORE THE ARIZONA  
CORPORATION COMMISSION**

DOCKETED BY	<i>ML</i>
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11 IN THE MATTER OF THE  
12 APPLICATION OF BEAVER DAM  
13 WATER COMPANY, INC. FOR A  
14 RATE INCREASE.

Docket No. W-03067A-12-0232

**APPLICATION TO INTERVENE  
ON BEHALF OF INTERVENOR-  
APPLICANT BEAVER DAM  
PROPERTY OWNERS'  
ASSOCIATION**

15 Pursuant to A.A.C. R14-3-105(A) and (B), the Beaver Dam Property Owners'  
16 Association ("BDPOA"), an Arizona non-profit corporation, by and through undersigned  
17 counsel, hereby moves the Arizona Corporation Commission ("ACC") for leave to  
18 intervene as a party in the above-captioned matter.

19 The BDPOA is a homeowners' association established to protect and serve the  
20 interests of the owner-members within the subdivision. Among its many purposes, the  
21 BDPOA was created to "[i]nstitute, defend or intervene in litigation or administrative  
22 proceedings in its own name on behalf of itself or two or more Owners on matters  
23 affecting the subdivision," as set forth in Section 2.4(d) of its Articles of Incorporation.

24 The BDPOA is "directly and substantially affected by the proceedings," *id.*,  
25 inasmuch as the Beaver Dam Water Company ("the Company") seeks, in this rate case, to  
26 make dramatic and unwarranted changes to the way it has historically billed the members  
27 of the BDPOA. In particular, the Company proposes to increase its annual revenue by  
28 more than forty-two thousand dollars (\$42,000.00) via a proposal to bill the 185 BDPOA

1 units separately at 5/8x3/4 inch residential rates. See the Company's Rate Application  
2 dated June 8, 2012, Attachments 3A (pp. 1-3), 3B (p. 2) & PROFORMA  
3 ADJUSTMENTS: Adjustment 4 at p. 19e. At this juncture, the BDPOA believes that the  
4 Company's request is not only unwarranted but, if adopted by the ACC, it would be  
5 contrary to the principle of gradualism and it would certainly lead to rate shock.

6 In addition to this issue, the BDPOA is also concerned, and wants to inquire, about  
7 the size of the Company's Adjusted Rate Base and the Required Rate of Return. *Id.* at  
8 SUPPLEMENTAL S-1. At first blush, it appears to the BDPOA that both of these  
9 numbers may be too high.

10 Based on the above, the BDPOA not only has a direct interest in the outcome of  
11 this proceeding, but there is a substantial risk that this case may impair its interest absent  
12 permission to intervene into the above-captioned matter. Because Article XV, § 3 of the  
13 Arizona Constitution expressly provides that "[t]he Corporation Commission shall ...  
14 make and enforce reasonable rules, regulations, and orders for the convenience, comfort,  
15 and safety, and the preservation of the health, of the employees and patrons of [public  
16 service corporations]," BDPOA is confident that its participation in this proceeding will  
17 not unduly broaden the topics presented herein. Similarly, because no existing (or  
18 potential) party adequately protects the interests of BDPOA, it is confident that its  
19 participation in these proceedings will lead to a more well-reasoned decision on the part  
20 of the ACC.

21 **WHEREFORE**, it is respectfully requested that BDPOA be permitted to intervene  
22 in the above-captioned matter as a party.

23 RESPECTFULLY SUBMITTED this 1<sup>st</sup> day of November 2012.

24 LUBIN & ENOCH, P.C.

25   
26 Nicholas J. Enoch, Esq.  
27 Attorney for Intervenor-Applicant BDPOA

1 Original and thirteen (13) copies  
2 of BDPOA's Application  
3 to Intervene filed this 1<sup>st</sup> day  
4 of November 2012, with:

5 Arizona Corporation Commission  
6 Docket Control Center  
7 1200 West Washington Street  
8 Phoenix, Arizona 85007-2996

9 Copies of the foregoing mailed  
10 this same date to:

11 Bob Frisby, President  
12 Beaver Dam Water Company, Inc.  
13 P.O. Box 550  
14 Littlefield, Arizona 86432

15 Janice Alward, Esq.  
16 Arizona Corporation Commission  
17 1200 West Washington  
18 Phoenix, Arizona 85007

19 Steven M. Olea, Director  
20 Utilities Division  
21 Arizona Corporation Commission  
22 1200 West Washington  
23 Phoenix, Arizona 85007-2927

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