

ORIGINAL



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Intervener

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ARIZONA CORPORATION COMMISSION
FINANCIAL CONTROL

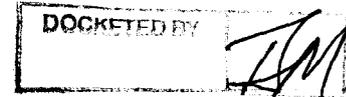
BEFORE THE ARIZONA CORPORATION COMMISSION

Commissioners

BOB STUMP – Chairman
GARY PIERCE
SUSAN BITTER SMITH
BRENDA BURNS
BOB BURNS

Arizona Corporation Commission
DOCKETED

JAN 14 2013



IN THE MATTER OF THE APPLICATION OF
MONTEZUMA RIMROCK WATER
COMPANY, LLC FOR APPROVAL OF A
RATE INCREASE.

W-04254A-08-0361

IN THE MATTER OF THE APPLICATION OF
MONTEZUMA RIMROCK WATER
COMPANY, LLC FOR APPROVAL OF A
FINANCING APPLICATION.

W-04254A-08-0362

**Motion to Bar Olsen's
Submittals and Imposition
Of Appropriate Penalties**

By the Intervener:

On January 6, 2012, Ms. Patricia Olsen, apparently without the involvement of counsel, filed a "Request to have John Dougherty Removed as Intervener". At the time, Montezuma was represented by Attorney Doug Fitzpatrick.

On January 11, 2012, the Administrative Law Judge issued a ruling stating:

"Ms. Olsen is not a party to this matter as an individual and thus has no standing to file motions on her own behalf herein. In addition, while Montezuma Rimrock is represented herein by counsel, Ms. Olsen has no right to make filings on behalf of Montezuma Rimrock as its representative. (Lincoln v. Lincoln, 155 Ariz. 272, 746 P.2d 13 (Ariz. Ct. App. 1987).) Thus, Ms. Olsen has no right to conduct any aspect of the litigation of this case except through counsel, until such time as Montezuma Rimrock is no longer represented by counsel..."

On March 9, 2012, Montezuma Rimrock filed "Notice of Replacement Counsel" whereby Mr. Fitzpatrick withdrew as the Company's attorney and was replaced by Todd C. Wiley.

Mr. Wiley has never filed a subsequent motion to withdraw as Montezuma Rimrock's attorney in this Docket and remains on the Service List as the Company's counsel of record in this Docket as of the date of the filing of this motion.

On December 4, 2012, Ms. Olsen, apparently without the involvement of counsel, filed three separate documents in this docket:

1. "WIFA loan request withdrawal"
2. "Approval of Construction"
3. "Approval of Construction of Well No. 4 Extension"

These three submittals are in direct violation of the Judge's explicit Jan. 11, 2012 order that clearly stated "Ms. Olsen has no right to make filings on behalf of Montezuma Rimrock as its representative...until such time as Montezuma Rimrock is no longer represented by counsel..."

Intervener respectfully Moves the Commission to reject Ms. Olsen's three Dec. 4 filings as improper and issue notice in this docket that they will not be considered.

In addition, Intervener respectfully Moves the Court to impose appropriate sanctions against Ms. Olsen for violating the Jan. 11, 2012 order, including finding her in Contempt of the Commission and imposing a suitable penalty under A.R.S. S40-424.

Submitted on January 11, 2013 by


John E. Dougherty III

I certify that a copy of this Motion has been mailed on January 11, 2013 to:

Ms. Patricia Olsen
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