

ORIGINAL



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INTERVENTION RECEIVED

2013 FEB 28 P 12:14

ARIZONA CORP COMMISSION DOCKET CONTROL

1 **COMMISSIONERS**
2 BOB STUMP, Chairman
3 GARY PIERCE
4 BRENDA BURNS
5 BOB BURNS
6 SUSAN BITTER SMITH

7
8 **BEFORE THE**
9 **ARIZONA CORPORATION COMMISSION**

10 IN THE MATTER OF THE APPLICATION OF) DOCKET NO. W-014454A-11-0310
11 ARIZONA WATER COMPANY, AN ARIZONA)
12 CORPORATION FOR THE DETERMINATION) **APPLICATION FOR LEAVE TO**
13 OF FAIR VALUE OF ITS UTILITY PLANT) **INTERVENE**
14 AND PROPERTY AND FOR ADJUSTMENTS)
15 TO ITS RATES AND CHARGES FOR UTILITY)
16 SERVICE FURNISHED BY ITS EASTERN)
17 GROUP AND FOR CERTAIN RELATED)
18 APPROVALS

19 Pursuant to A.A.C. R14-3-105 and Decision #73736, the City of Globe, Arizona, (the
20 "City" or "Globe") hereby applies to the Arizona Corporation Commission (the
21 "Commission") for an order granting Globe leave to intervene in the above captioned docket.

22 **INTRODUCTION**

23 Globe, an Arizona municipal corporation was founded in 1876 and formed under its
24 present incorporation in 1907. Globe is located in Gila County and has approximately 7,532
25 residents. The City has a water department that serves a large portion of Globe as well as
26 some areas outside the municipal boundaries.

Arizona Corporation Commission
DOCKETED
FEB 28 2013

DOCKETED BY *AM*

The Law Offices of Gary D. Hays PC
1702 East Highland Avenue, Suite 204
Phoenix, Arizona 85016

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**THE CITY AND ITS RESIDENTS WILL BE DIRECTLY AND
SUBSTANTIALLY AFFECTED**

Arizona Water Company (“AWC”) has served within the City boundaries for almost 50 years and serves as the water provider for numerous citizens of Globe. AWC refers to the system that serves the City as the Miami system which was acquired from the Arizona Public Service Company (APS). AWC has an emergency connection to the City’s water system in two locations. Globe serves as the wastewater provider for much of the area of the City where AWC is the water provider. Globe and its citizens will be directly and substantially affected by the decision of the Commission in this matter. There is no better entity to represent the interests of the City of Globe or its citizens than the City itself.

**GLOBE’S PARTICIPATION WILL NOT BROADEN THE ISSUES OR
UNDULY DELAY THE PROCEEDINGS**

The City is aware of the truncated schedule set forth in Decision # 73736 which calls for an intervention period to run from February 13 to February 20, with the ALJ ruling on all interventions by February 28, 2013. Unfortunately, the City did not become aware of the instant proceeding until after the intervention deadline had passed.¹ As the ACC is well aware, the City has to follow certain procedures and statutes before taking legal action on behalf of the City. The City was not able to schedule a special council meeting until 5:00 pm on February 27, 2013.² At that properly noticed meeting, the City Council voted unanimously to intervene in the above captioned docket.

Granting intervention will not prejudice or harm AWC in any manner. Additionally, Globe’s intervention will not broaden the issues nor unduly delay the proceeding.

¹ Decision #73736 was docketed on the same day as the last day to intervene.
² See Attachment A, Agenda for Special City Council Meeting

1 For the reasons outlined above, Globe respectfully requests the Commission grant this
2 Application for Leave to Intervene in this matter.

3 Globe requests that all communications in connection with the above captioned
4 proceeding be directed to:

5
6 Garry D. Hays
7 Law Offices of Garry D. Hays, P.C.
8 1702 E Highland Ave. Suite 204
9 Phoenix, AZ 85016
10 (602)-308-0579
11 ghays@lawgdh.com

12 RESPECTFULLY SUBMITTED this 28th day of February, 2013

13 
14 **Garry D. Hays**
15 The Law Offices of Garry D. Hays, PC
16 1702 East Highland Avenue, Suite 204
17 Phoenix, Arizona 85016

18 *Attorney for the City of Globe*

19 ORIGINAL and thirteen (13)
20 copies filed on February 28, 2013 with:

21 Docket Control
22 Arizona Corporation Commission
23 1200 West Washington Street
24 Phoenix, AZ 85007

25 Copies of the foregoing
26 Mailed/emailed on February 28, 2013 to:

Lyn A. Farmer, Esq.
Chief Administrative Law Judge
Hearing Division
Arizona Corporation Commission

- 1 1200 West Washington Street
Phoenix, AZ 85007
- 2 Janice Alward, Esq.
Chief Council, Legal Division
- 3 Arizona Corporation Commission
1200 West Washington Street
- 4 Phoenix, AZ 85007
- 5 Steve Olea
Director, Utilities Division
- 6 Arizona Corporation Commission
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- 7 Phoenix, AZ 85007
- 8 Tim Sabo
Michael Patten
- 9 Attorneys for Global Utilities
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Stanley B. Lutz
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Attorneys for Arizona Water Company
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- 15 Robert Geake
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- 17 Daniel W. Pozefsky
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Phoenix, AZ 85007
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- 20 Jay L. Shapiro
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2 Phoenix, AZ 85027

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12 Ron Fleming
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14 Phoenix, AZ 85027

15 Kathie Wyatt
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16 Apache Junction, AZ 85120

17 Greg Patterson
WATER UTILITY ASSOCIATION OF ARIZONA
18 916 W. Adams, Suite 3
Phoenix, AZ 85007

19 Janice Alward, Chief Counsel
20 Legal Division
ARIZONA CORPORATION COMMISSION
21 1200 West Washington Street
Phoenix, AZ 85007

22 Steven M. Olea, Director
23 Utilities Division
ARIZONA CORPORATION COMMISSION
24 1200 West Washington Street
Phoenix, AZ 85007

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By Lindsay Stringer
Lindsay Stringer
Paralegal to Garry D. Hays

The Law Offices of Garry D. Hays PC
1702 East Highland Avenue, Suite 204
Phoenix, Arizona 85016

Attachment A

CITY OF GLOBE

Special City Council Meeting Agenda

Amended 4:50 p.m. 2/26/13

Mayor Terence "Terry" Wheeler
Vice Mayor Eric Mariscal
Councilmember James Haley II
Councilmember C.M." Mike" Humphrey
Councilmember Mary Ann Uhl
Councilmember Desmond "Dezi" Baker
Council Member Lerry Alderman



Globe City Hall
150 N. Pine St.
Globe, AZ 85501
Ph: 928-425-7147
www.globeaz.gov

Wednesday, February 27, 2013

5:00 PM

PURSUANT to A.R.S. Section 38-431.02, notice is hereby given to the Globe City Council and to the general public, that a Special Meeting of the Globe City Council will be held on Wednesday, February 27, 2013, at 5:00 p.m. in the City Council Chambers, 150 N. Pine Street, Globe, Gila County, Arizona. The agenda for this meeting is as follows:

Call to Order.
Roll Call.
Invocation.
Pledge of Allegiance.

1. **ACTION ITEM:**

- A. Discussion and Action regarding the Retention of an Attorney in connection with Arizona Corporation Commission Docket No. W-014454A-11-0310 and possibly authorize intervention in the matter.
- B. Discussion of Resolution Copper Company HR687

2. **CALL TO THE PUBLIC:**

Any citizen desiring to speak on a matter that IS NOT scheduled on this agenda may do so at this time. Comments will be limited to **three minutes per person** and shall be addressed to the City Council as a whole, and not to any individual member. **Please complete a "Request to Speak Card", located with the Agendas at the rear of the Council Chambers and turn it in to the City Clerk prior to the beginning of the meeting.** Issues raised shall be limited to those within the jurisdiction of the City Council. Pursuant to the Arizona Open Meeting Law, the City Council cannot discuss or act on items presented at this

CITY OF GLOBE

Special City Council Meeting Agenda

February 27, 2013

time. At the conclusion of the call to the public, individual City Council members may (1) respond to criticism made by those who have spoken, (2) ask staff to review a matter, and (3) ask that a matter be put on a future agenda.

3. ADJOURNMENT.

SCHEDULED MEETINGS / EVENTS:

THE CITY COUNCIL RESERVES THE RIGHT TO ADJOURN INTO EXECUTIVE SESSION WHEN NEEDED FOR LEGAL CONSULTATION OF THE ABOVE SHOWN ITEMS. A.R.S. § 38-431.03 (A)(3) AND (A)(4).

HANDICAPPED INDIVIDUALS WITH SPECIAL ACCESSIBILITY NEEDS MAY CONTACT THE CITY OF GLOBE AT 425-7146 OR 425-5330 (TDD) AT LEAST 72 HOURS IN ADVANCE.

I, Gina Paul, do hereby certify that the foregoing notice was posted on February 26, 2013 at 4:45 p.m.

Gina A. Paul, CMC City Clerk