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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

- Bob Stump - Chairman
- Gary Pierce
- Brenda Burns
- Bob Burns
- Susan Bitter Smith

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2013 MAR 1 10 4 55

Arizona Corporation Commission  
**DOCKETED**  
MAR 1 2013

DOCKETED BY 

IN THE MATTER OF THE APPLICATION OF ARIZONA WATER COMPANY, AN ARIZONA CORPORATION, FOR A DETERMINATION OF THE FAIR VALUE OF ITS UTILITY PLANT AND PROPERTY, AND FOR ADJUSTMENTS TO ITS RATES AND CHARGES FOR UTILITY SERVICE FURNISHED BY ITS EASTERN GROUP AND FOR CERTAIN RELATED APPROVALS.

DOCKET NO. W-01445A-11-0310

**APPLICANT ARIZONA WATER COMPANY'S RESPONSE IN OPPOSITION TO CITY OF GLOBE'S LATE-FILED APPLICATION FOR LEAVE TO INTERVENE**

A procedural order (the "Procedural Order") entered by Assistant Chief Administrative Law Judge Dwight D. Nodes on February 21, 2013 established a procedural schedule for consideration of Applicant Arizona Water Company's (the "Company") proposed Distribution System Improvement Charge ("DSIC"), including, but not limited to, an intervention request deadline of February 20, 2013.

On February 28, 2013 the City of Globe (the "City") late-filed an Application for Leave to Intervene in the DSIC Phase of this docket. The Company herein responds in opposition to the City's Application for Leave to Intervene. The City's intervention should not be granted for the following reasons.

First, the Commission's Decision and Order in this docket (No. 73736 dated February 20, 2013) at p. 113 at lines 21-22 expressly provides for a deadline of February 20, 2013 for filing such requests. Moreover, the Commission fully discussed and explained how interested parties could intervene during the Open Meeting at which the Commission adopted the Decision and Order before the public on February 12, 2013. The City's application is over one week late.

1 Second, on October 5, 2011, the Company published notice of the filing of its  
2 application, the procedures and deadline for intervention, and notice of the dates that  
3 the Commission would conduct public hearings, in two newspapers published in the  
4 service territory that includes the City with a description of the approvals requested in  
5 the Company's application, including authorization to implement a DSIC (See Certificate  
6 of Notice filed in this docket on November 3, 2011).

7 Third, a copy of the published notice was also mailed to each of the  
8 approximately 500 Company customers who are located within the City's municipal  
9 boundaries, including the City itself, between October 3, 2011 and October 28, 2011.

10 Fourth, no customers, including the City, sought to intervene or filed any  
11 comments in the docket or made any comments at the public comment session about  
12 the Company's application for the DSIC.

13 The sole issue to be considered in the Phase 2 proceedings relates exclusively  
14 to negotiating the elements of the DSIC procedures which affect public service  
15 corporations, not municipal water providers such as the City. The City has not shown  
16 that it will be directly and substantially affected by what form of DSIC is adopted; it did  
17 not identify anything whatsoever relevant to add to the issues remaining under  
18 consideration. Moreover, interjection of the City into the settlement  
19 discussions and deliberations concerning DSIC will prolong and unduly burden the  
20 proceedings.

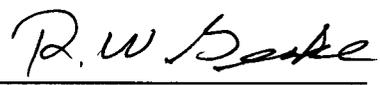
21 For the foregoing reasons, the City's Application for Leave to Intervene should  
22 not be granted.

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RESPECTFULLY SUBMITTED this 1st day of March, 2013.

**ARIZONA WATER COMPANY**

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1 An original and thirteen (13) copies of the foregoing were delivered  
2 this 1st day of March, 2013, to:

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