

ORIGINAL



0000145278

1 John E. Dougherty
2 PO Box 501
3 Rimrock, AZ 86335
4 Complainant & Intervenor

5
6 **BEFORE THE ARIZONA CORPORATION COMMISSION**
7

Arizona Corporation Commission
DOCKETED

JUN 03 2013

8
9 **COMMISSIONERS**

10
11 BOB STUMP-Chairman
12 GARY PIERCE
13 BRENDA BURNS
14 BOB BURNS
15 SUSAN BITTER SMITH
16

DOCKETED BY 

17
18 IN THE MATTER OF THE APPLICATION OF
19 MONTEZUMA RIMROCK WATER COMPANY,
20 LLC FOR APPROVAL OF FINANCING TO
21 INSTALL A WATER LINE FROM THE WELL ON
22 TIEMAN TO WELL NO. 1 ON TOWERS
23

W-04254A-12-0204

24 IN THE MATTER OF THE APPLICATION OF
25 MONTEZUMA RIMROCK WATER COMPANY,
26 LLC FOR APPROVAL OF FINANCING TO
27 PURCHASE THE WELL NO. 4 SITE AND THE
28 COMPANY VEHICLE.
29

W-04254A-12-0205

30 IN THE MATTER OF THE APPLICATION OF
31 MONTEZUMA RIMROCK WATER COMPANY,
32 LLC FOR APPROVAL OF FINANCING FOR AN
33 8,000-GALLON HYDRO-PNEUMATIC TANK
34

W-04254A-12-0206

35 IN THE MATTER OF THE RATE
36 APPLICATION OF MONTEZUMA RIMROCK
37 WATER COMPANY, LLC.
38

W-04254A-12-0207

39 JOHN E. DOUGHERTY,
40 COMPLAINANT,
41 V.
42 MONTEZUMA RIMROCK WATER
43 COMPANY, LLC,
44 RESPONDENT.
45
46
47

W-04254A-11-0323

ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

2013 JUN - 3 A 8 43

RECEIVED

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

W-04254A-08-0361

5
6 IN THE MATTER OF THE APPLICATION OF
7 MONTEZUMA RIMROCK WATER
8 COMPANY, LLC FOR APPROVAL OF A
9 FINANCING APPLICATION.

W-04254A-08-0362

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**Motion to Order Staff
To File Response to
Formal Complaint**

**Motion to Order Staff to
Determine Whether
March 22, 2012 Leases are
Capital Leases**

20 By the Complainant/Intervenor:

21
22 On February 25, 2013, the Administrative Law Judge ordered Montezuma and Staff to
23 each file a response within 20 days to the Amended Formal Complaint that was docketed
24 on February 27, 2013. Montezuma filed its response on March 18, 2013.

25
26 Staff, however, has not filed a response to the Amended Formal Complaint.

27
28 By failing to do so, Staff has not provided an analysis of whether the March 22, 2012
29 lease agreements signed by MRWC with Financial Pacific Leasing and Nile River
30 Leasing for the arsenic treatment system and building are Capital Leases.

31
32 The Company has stated both leases are Capital Leases.¹

33
34 Complainant/Intervenor on April 15, 2013 docketed the true and correct March 22, 2012
35 lease agreements provided by Financial Pacific and Nile River under subpoena.²

36
37 **Complainant/Intervenor respectfully moves the Court to order Staff to docket its**
38 **response to the Amended Formal Complaint no later than June 10, 2013.**

¹ Montezuma Response to Amended Formal Complaint, March 18, 2013, Page 11, Lines 11-13; Montezuma Response to Motion for Partial Summary Judgment, May 15, 2013, Page 5, Line 22, Page 6, Lines 1-2.

² Exhibits 2 and 3, Complainant/Intervenor's Statement of Facts In Support of Motion for Partial Summary Judgment, April 15, 2013.

1 **Complainant/Intervenor respectfully moves the Court to Order Staff to docket its**
2 **analysis of whether the June 22, 2012 lease agreements between Montezuma and**
3 **Financial Pacific and Montezuma and Nile River are Capital Leases no later than**
4 **June 10, 2013.**

5
6 **RESPECTFULLY SUBMITTED** this 3rd Day of June, 2013.

7
8 
9

10 **John E. Dougherty**
11 **Complainant/Intervenor**

12
13 **Copies of the foregoing Mailed/Hand Delivered**
14 **This 3rd day of June, 2013 to:**

15
16 **Todd C. Wiley**
17 **2934 E. Camelback Rd.**
18 **Suite 600**
19 **Phoenix, AZ 85016**

Janice Alward
Arizona Corporation Commission
1200 W. Washington St.
Phoenix, AZ 85007

20
21 **Patricia D. Olsen, Manager**
22 **Montezuma Rimrock Water Company**
23 **PO Box 10**
24 **Rimrock AZ 86335**

Steve Olea
Arizona Corporation Commission
1200 W. Washington St.
Phoenix, AZ 85007

25
26 **Lyn Farmer**
27 **Arizona Corporation Commission**
28 **1200 W. Washington St.**
29 **Phoenix, AZ 85007**

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