

ORIGINAL

Churchill & LaBenz

Lawyers



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John C. Churchill
Julie A. LaBenz

of counsel:
John A. Shannon, Jr.*

Faye Peters, Legal Assistant

2013 JUL -2 P 2:38

AZ CORP COMMISSION
DOCKET CONTROL

1300 Joshua Avenue, Suite B
Parker, Arizona 85344
Telephone (928) 669-6195
Fax (928) 669-5376
Toll Free (888)244-3887

Arizona Corporation Commission
DOCKETED

JUL -2 2013

July 1, 2013



Docket Control
Arizona Corporation Commission
1200 West Washington
Phoenix, Arizona 85007

Re: In the Matter of the Application of DII-Emerald Springs, L.L.C. for a Certificate of Convenience and Necessity to Provide Wastewater Services
DOCKET NO. WS-20794A-11-0140

In the Matter of the Application of DII-Emerald Springs, L.L.C. for Approval of Rates
DOCKET NO. WS-20794A-11-0279

In the Matter of the Application of Doyle Thompson for Approval of a Certificate of Convenience and Necessity to Provide Sewer Services
DOCKET NO. SW-20851A-12-0226

To Whom it May Concern:

Enclosed, please find, for filing an original and sixteen copies of the following document regarding the above-mentioned cases:

1. Motion to Continue July 23-26, 2013 Hearing.

I am enclosing a self-addressed stamped envelope for return of one conformed copy. If you have any questions concerning the enclosed documents, please do not hesitate to contact me

E-mail address: jchurchill@johnchurchill.com; johnchurchill@gmail.com or
jlabenz@johnchurchill.com

*on select contested litigation matters

July 1, 2013
Page Two

at our toll free number (888) 244-3887. Thank you.

Respectfully,



Carla M. Perez, Secretary to
Julie A. LaBenz, Attorney for
Emerald Springs HOA

JAL: 
enclosures

E-mail address: jchurchill@johnchurchill.com; johnchurchill@gmail.com or
jlabenz@johnchurchill.com

*on select contested litigation matters

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 COMMISSIONERS

3 BOB STUMP - Chairman
4 GARY PIERCE
5 BRENDA BURNS
6 BOB BURNS
7 SUSAN BITTER SMITH

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2013 JUL -2 P 2:38
CORP COMMISSION
DOCKET CONTROL

6	IN THE MATTER OF THE APPLICATION)	DOCKET NO. WS-20794A-11-0140
7	OF DII-EMERALD SPRINGS, L.L.C. FOR A)	
8	CERTIFICATE OF CONVENIENCE AND)	
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14	IN THE MATTER OF THE APPLICATION)	DOCKET NO. SW-20851A-12-0226
15	OF DOYLE THOMPSON FOR APPROVAL)	
16	OF A CERTIFICATE OF CONVENIENCE)	MOTION TO CONTINUE
17	AND NECESSITY TO PROVIDE SEWER)	JULY 23-26, 2013 HEARING
18	SERVICES.)	

14 COMES NOW Intervenor Emerald Springs Homeowners Association ("HOA"),
15 pursuant to Arizona Administrative Code Section R-14-3-109(Q), and hereby respectfully
16 requests that the hearing currently set for July 23-26, 2013 be continued for ninety (90) days.

17 This Motion is based upon the following:

18 The hearing set for July 23-26 involves two applications for a Certificate of
19 Convenience and Necessity ("CC&N") to provide sewer services in Ehrenberg, Arizona as well
20 as an application for approval of rates. The Arizona Corporation Commission Staff, in their
21 Staff Reports, recommend that neither applicant receive the CC&N and further recommend a
22 significant increase in sewer rates. Due in part to Staff's rate recommendation, Intervenor
23 Robhana and Emerald Springs HOA began exploring alternatives. From there, steps were
24 taken to begin to form a sewer district in Ehrenberg. As of the filing of this Motion, a petition
25 has been drafted and political support for the formation of the district is growing. In sum, it
26 appears that it is only a short matter of time, approximately ninety (90) days, before the district
27 is formed, and once formed, the pending applications would become moot.

28 Intervenor Emerald Springs HOA, therefore, respectfully requests that the matter be

1 continued for ninety (90) days to allow for the final steps to be taken to form a sewer district in
2 Ehrenberg, as with the formation of the district, the pending applications would be moot.

3 Intervenor Emerald Springs HOA consulted ACC Staff attorney Scott Hesla and he has
4 no objection to this Motion.

5 Intervenor Emerald Springs HOA consulted Steven Wene, attorney for Intervenor
6 Robhana, and he has no objection to this Motion.

7 Intervenor Emerald Springs HOA consulted Applicant, Doyle Thomspson, and he has no
8 objection to this Motion.

9 Intervenor Emerald Springs HOA consulted Applicant, Henry Melendez of DII-
10 Emerald Springs, and he objects to this Motion.

11 For the foregoing reasons, Intervenor Emerald Springs HOA respectfully requests that
12 the July 23-26, 2013 hearing be continued for ninety (90) days.

13 RESPECTFULLY SUBMITTED this 1 day of July, 2013.

14 **CHURCHILL & LaBENZ**

15
16 By:



17 Julie A. LaBenz
18 Churchill & LaBenz
19 1300 Joshua Ave., Ste. B
20 Parker, AZ 85344
21 (928) 669-6195
22 (928) 669-5376 (fax)
23 jlabenz@johnchurchill.com
24 Attorney for Intervenor Emerald Springs HOA
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26
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1 Original and 15 copies mailed
this 1st day of July, 2013, to:

2 Docket Control
3 Arizona Corporation Commission
4 1200 West Washington
Phoenix, Arizona 85007

5 Copy of the foregoing mailed
this 1st day of July, 2013, to:

6 Henry Melendez
7 DII-Emerald Springs, L.L.C.
8 212 East Rowland Street, No. 423
9 Covina, CA 97723
diiigroup@aol.com
Applicant

10 Steven Wene
11 MOYES SELLERS & HENDRICKS
12 1850 N. Central Ave., Ste. 1100
Phoenix, AZ 85004
Attorney for Robhana, Inc. and Charles Dunn Capital, Inc.

13 Doyle Thompson
14 COPPER STATE GAME CLUB, R.V. AND MOBILE HOME PARK
15 P.O. Box 287
Ehrenberg, AZ 85334
Applicant

16 Janice Alward, Chief Counsel
17 Legal Division
18 ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, AZ 85007

19 Steven M. Olea, Director
20 Utilities Division
21 ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, AZ 85007

22 Courtesy Copy provided by mail
this 1st day of June, 2013, to:

23 Dennis Price
24 P.O. Box 1125
25 Ehrenberg, AZ 85334-1125

26 By:  _____

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

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3 BOB STUMP - Chairman
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14 **CHURCHILL & LaBENZ**

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15 APPROVAL OF RATES.)

16 IN THE MATTER OF THE APPLICATION) DOCKET NO. SW-20851A-12-0226
17 OF DOYLE THOMPSON FOR APPROVAL)
18 OF A CERTIFICATE OF CONVENIENCE) **ORDER; re: MOTION TO**
19 AND NECESSITY TO PROVIDE SEWER) **CONTINUE JULY 23-26, 2013**
20 SERVICES.) **HEARING**

21 _____
22 BASED UPON Intervenor Emerald Springs HOA's Motion to Continue July 23-26,
23 2013 hearing, and good cause appearing therefor;

24 IT IS HEREBY ORDERED:

25 _____
26 Continuing the July 23-26, 2013 hearing to _____

27 _____
28 Denying Intervenor Emerald Springs HOA's Motion to Continue July 23-26, 2013
Hearing.

DATED _____

Administrative Law Judge

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this ___ day of July, 2013, to:

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3 Arizona Corporation Commission
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Phoenix, Arizona 85007

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