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COMMISSIONERS

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

Arizona Corporation Commission  
DOCKETED

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AZ CORP COMMISSION  
DOCKET

BEFORE THE ARIZONA CORPORATION COMMISSION

IN THE MATTER OF THE APPLICATION  
OF H2O, INC. FOR APPROVAL OF SALE  
OF ASSETS AND CONDITIONAL  
CANCELLATION OF ITS CERTIFICATE  
OF CONVENIENCE AND NECESSITY

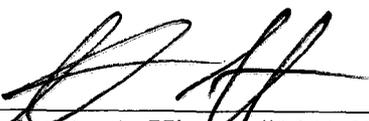
DOCKET NO. W-02234A-13-0237

NOTICE OF FILING AFFIDAVIT  
OF PUBLICATION AND  
CERTIFICATE OF MAILING

Applicant H2O, Inc. ("H2O") hereby provides notice of (1) the filing of the Affidavit of Publication received from the East Valley Tribune, a newspaper of general circulation in the County of Maricopa, State of Arizona, which is attached as Exhibit "A", and (2) the Certificate of Mailing, which is attached as Exhibit "B."

RESPECTFULLY SUBMITTED this 12<sup>th</sup> day of August, 2013.

BRYAN CAVE LLP

By 

Steven A. Hirsch, #006360

Stanley B. Lutz, #021195

Two N. Central Avenue, Suite 2200

Phoenix, AZ 85004-4406

Attorneys for H2O, Inc.

Bryan Cave LLP  
Two North Central Avenue, Suite 2200  
Phoenix, Arizona 85004-4406  
(602) 364-7000

1 ORIGINAL and 13 copies of the foregoing  
2 filed this 12<sup>th</sup> day of August, 2013, with:

3 Docket Control Division  
4 Arizona Corporation Commission  
5 1200 W. Washington Street  
6 Phoenix, AZ 85007

7 COPIES of the foregoing hand-delivered  
8 this 12<sup>th</sup> day of August, 2013, to:

9 Lyn A. Farmer, Esq.  
10 Chief Administrative Law Judge  
11 Hearing Division  
12 Arizona Corporation Commission  
13 1200 W. Washington Street  
14 Phoenix, AZ 85007

15 Janice Alward, Chief Counsel  
16 Legal Division  
17 Arizona Corporation Commission  
18 1200 W. Washington Street  
19 Phoenix, AZ 85007

20 Steven M. Olea  
21 Director, Utilities Division  
22 Arizona Corporation Commission  
23 1200 W. Washington Street  
24 Phoenix, AZ 85007

25 Copy sent by regular mail this  
26 12<sup>th</sup> day of August, 2013 to:

27 Fredda J. Bisman, Esq.  
28 James T. Braselton, Esq.  
Dickinson Wright Mariscal Weeks  
2901 N. Central Avenue, Suite 200  
Phoenix, Arizona 85012  
Attorneys for Town of Queen Creek

  
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# **EXHIBIT A**

**Daily News-Sun**  
10102 Santa Fe Drive  
Sun City, Arizona 85351  
623.977.8351  
Fax 623.876.2589

**East Valley Tribune**  
1620 W.Fountainhead Pkwy  
Tempe, AZ 85282  
480.898.6371  
Fax 480.898.6463

**Affidavit of Publication**

07/31/2013 thru 08/07/2013 Issues 2

PUBLICNOTICEOFTHEAPPI

PUBLICNOTICEOFTHEAPP

I, Christine Carlston, Legal Advertising Representative, acknowledge that the attached ad was published in a newspaper of general circulation. The dates of the publication and description are stated above.

Daily News-Sun and  
The East Valley Tribune

Christine Carlston, Legal Advertising Representative

**Account :** 0211612  
**Ad Number:** 17029119  
**Price:** \$515.00

On 8/7/2013 Christine Carlston appeared before me, whom I know personally to be the person who signed the above document and proved she signed it.

Theresa DiBona Notary Public



**PUBLIC NOTICE OF THE APPLICATION OF  
H2O, INC. FOR APPROVAL OF SALE OF ASSETS  
AND  
CONDITIONAL CANCELLATION OF ITS  
CERTIFICATE  
OF CONVENIENCE AND NECESSITY.  
(Docket No. W-02234A-13-0237)**

On July 3, 2013, H2O, Inc. ("H2O") filed with the Arizona Corporation Commission ("Commission") an application for approval to sell its assets and operations to the Town of Queen Creek ("Town") and to cancel its Certificate of Convenience and Necessity ("CC&N") upon consummation of the sale of H2O to the Town. The Commission's Utilities Division ("Staff") has not yet made a recommendation regarding H2O's application, and the Commission is not bound by the proposals made by H2O, Staff, or any intervenors. The Commission will issue a decision regarding H2O's application following consideration of testimony and evidence. Copies of the application are available at H2O's offices at 41502 N. Schneft Road, San Tan Valley, Arizona and the Commission's offices at 1200 West Washington, Phoenix, Arizona, for public inspection during regular business hours and on the internet via the Commission website ([www.azcc.gov](http://www.azcc.gov)) using the e-docket function.

H2O has requested that the Commission consider this matter as soon as practicable at a regularly scheduled Open Meeting at the Commission's offices, 1200 West Washington, Phoenix, Arizona. Public comments will be taken at such Open Meeting. Please check <http://www.azcc.gov/Divisions/Administration/Meetings/> for the schedule and agendas for the Commission's upcoming Open Meetings. Written public comments may be submitted via email (visit <http://www.azcc.gov/Divisions/Utilities/Forms/PublicCommentForm1.pdf> for instructions), or by mailing a letter referencing Docket Number W-02234A-13-0237 to: Arizona Corporation Commission, Consumer Services Section, 1200 West Washington, Phoenix, AZ 85007.

The law provides for an open public hearing at which, under appropriate circumstances, interested parties may intervene. Any person or entity entitled by law to intervene and having a direct and substantial interest in the matter will be permitted to intervene. If you would like to intervene, you must file a written motion to intervene with the Commission, and you must send copies of the motion to the Company or its counsel, and to all parties of record in the case. Your motion to intervene must contain the following:

1. Your name, address, and telephone number, and the name, address, and telephone number of any party upon whom documents are to be served in your place, if desired;
2. A short statement of your interest in the proceeding (e.g., a customer of the Company, a shareholder of the Company, etc.); and
3. A statement certifying that a copy of your motion to intervene has been mailed to the Company or its counsel and to all parties of record in the case.

The granting of motions to intervene shall be governed by A.A.C. R14-3-105. If representation by counsel is required by Rule 31 of the Rules of the Arizona Supreme Court, intervention will be conditioned upon the intervenor obtaining counsel to represent the intervenor. For information about requesting intervention, visit the Arizona Corporation Commission's <http://www.azcc.gov/divisions/utilities/forms/interven.pdf>. The granting of intervention, among other things, entitles a party to present sworn evidence at hearing and to cross-examine other witnesses. However, failure to intervene will not preclude any customer from appearing at the hearing and making a statement on such customer's own behalf.

If you have any question about this application, you may contact H2O at 480-491-6970. If you wish to file written comments on the application or want further information on intervention you may contact the Consumer Services Section of the Commission at 1200 West Washington St., Phoenix, AZ 85007, or call 602-542-4251 or 1-800-222-7000 if outside the metro Phoenix area.

The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request a reasonable accommodation such as a sign language interpreter, as well as request this document in an alternative format, by contacting the ADA Coordinator Shaylin Bernal, E-mail [sabern.al@azcc.gov](mailto:sabern.al@azcc.gov), voice phone number 602-542-3931. Requests should be made as early as possible to allow time to arrange the accommodation.

July 31 August 7, 2013/17029119

# **EXHIBIT B**

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**COMMISSIONERS**

- BOB STUMP, Chairman**
- GARY PIERCE**
- BRENDA BURNS**
- BOB BURNS**
- SUSAN BITTER SMITH**

**BEFORE THE ARIZONA CORPORATION COMMISSION**

IN THE MATTER OF THE APPLICATION  
OF H2O, INC. FOR APPROVAL OF SALE  
OF ASSETS AND CONDITIONAL  
CANCELLATION OF ITS CERTIFICATE  
OF CONVENIENCE AND NECESSITY

DOCKET NO. W-02234A-13-0237

**CERTIFICATE OF MAILING**

Doug Odom certifies and states:

- 1) I am the President of Applicant, H2O, Inc. ("H2O").
- 2) I arranged for notice of the above-entitled matter to be mailed on August 6, 2013, via first class U.S. Mail, postage prepaid, to all of H2O's customers.
- 3) A copy of the notice mailed by H2O, after Staff approval, is attached as Exhibit "1".
- 4) A copy of H2O's mailing vendor's Processing Confirmation Report evidencing mailing is attached as Exhibit "2".
- 5) In addition, I arranged for a copy of the notice to be placed on H2O's website. The notice can be accessed at the following web address:  
[http://www.h2oincwater.com/uploads/2013-07\\_H2O\\_QC\\_Notice\\_W-02234A-13-0237.pdf](http://www.h2oincwater.com/uploads/2013-07_H2O_QC_Notice_W-02234A-13-0237.pdf).

# **EXHIBIT 1**

**PUBLIC NOTICE OF THE APPLICATION OF  
H2O, INC. FOR APPROVAL OF SALE OF ASSETS AND  
CONDITIONAL CANCELLATION OF ITS CERTIFICATE  
OF CONVENIENCE AND NECESSITY.  
(Docket No. W-02234A-13-0237)**

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1. Your name, address, and telephone number, and the name, address, and telephone number of any party upon whom documents are to be served in your place, if desired;
2. A short statement of your interest in the proceeding (e.g., a customer of the Company, a shareholder of the Company, etc.); and
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# **EXHIBIT 2**

TO : H2O INC

FROM : INFOSEND, INC.  
DATE : 08/06/2013  
RE : PROCESSING CONFIRMATION REPORT

IF YOU HAVE ANY QUESTIONS ABOUT THIS DOCUMENT, PLEASE CONTACT US AT  
(714) 993.2690 OR TOLL-FREE (800) 955.9330. THANK YOU.

NO.	REFERENCE FILE(S)/SPECIAL NOTE	AMOUNT(\$)	ORIGINAL	SINGLES	MULTIPLES	UAR/SPECIAL	TOTAL
1.	H2Z0805A LETTER DATE: FROM: CUSTOMER LIST LEGAL MAILING 7-	0.00	9146	9146	0	0 !B_IND_FCM_LTR_3	9146
TOTALS =		0.00	9146	9146	0	0	9146