



1 initial brief to be comprehensive of its position on all contested matters in the consolidated docket.  
2 Staff stands by the arguments provided in its Opening Brief on all issues regarding the rate case and  
3 Mr. Dougherty's complaint as well as the analysis of the three questions posed by the Administrative  
4 Law Judge. ("ALJ").

5 Staff would observe that Mr. Dougherty's initial brief only discussed his analysis of the three  
6 ALJ questions and did not address either the rate case issues or even his complaint. With regard to  
7 Mr. Dougherty's response to the three ALJ questions, Staff finds Mr. Dougherty's brief unpersuasive  
8 and relies on the discussion provided within Staff's Opening Brief. However, as Staff is not in a  
9 position to know if Mr. Dougherty has waived arguments regarding rate case or complaint issues,  
10 Staff reserves the right to file a supplemental brief in response to Mr. Dougherty's reply brief should  
11 he address those issues for the first time on reply.

12 RESPECTFULLY SUBMITTED this 20<sup>th</sup> day of September, 2013.

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15 Charles H. Hains  
16 Wesley C. Van Cleve  
17 Attorneys, Legal Division  
18 Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, Arizona 85007  
(602) 542-3402

19 Original and thirteen (13) copies  
20 of the foregoing filed this  
20<sup>th</sup> day of September, 2013, with:

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

24 Copy of the foregoing EMAILED this  
20<sup>th</sup> day of September, 2013, to:

25 Todd C. Wiley - [twiley@fclaw.com](mailto:twiley@fclaw.com)  
26 Patricia Olsen - [patsy@montezumawater.com](mailto:patsy@montezumawater.com)  
27 John E. Daugherty, III - [jd.investigativemedia@gmail.com](mailto:jd.investigativemedia@gmail.com)  
28 John Hestand - [environmental@azag.gov](mailto:environmental@azag.gov)

1 Copy of the foregoing mailed this  
20th day of September, 2013, to:

2 Todd C. Wiley  
3 FENNEMORE CRAIG  
2394 East Camelback Road, Suite 600  
4 Phoenix, Arizona 85016-3429

5 Patricia D. Olsen  
Montezuma Rimrock Water Co.  
6 3031 E. Beaver Creek Rd.  
Rimrock, AZ 86335

7 John E. Dougherty III  
8 P.O. Box 501  
Rimrock, Arizona 86335

9 John Hestand  
10 Office of the Attorney General  
1275 West Washington  
11 Phoenix, Arizona 85007

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