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BEFORE THE ARIZONA CORPORATIC

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AZ CORP COMMISSION  
LOCKET CONTROL

IN THE MATTER OF THE FORMAL  
COMPLAINT OF SWING FIRST GOLF  
LLC AGAINST JOHNSON UTILITIES  
L.L.C.

DOCKET NO. WS-02987A-13-0053

MOTION FOR SUMMARY  
JUDGMENT AS TO COUNT "C" OF  
SFG'S FORMAL COMPLAINT

(Oral Argument Requested)

Brownstein Hyatt Farber Schreck, LLP  
One East Washington, Suite 2400  
Phoenix, AZ 85004

On March 11, 2013, Swing First Golf, LLC ("SFG") filed with the Arizona Corporation Commission ("Commission") a Formal Complaint against Johnson Utilities, L.L.C. ("Johnson Utilities" or the "Company") containing four counts. On April 2, 2013, Johnson Utilities filed a Motion to Dismiss and Motion to Strike regarding Counts A, B and D of the Formal Complaint. On August 16, 2013, the Commission issued Decision 74036 dismissing Counts A and B, and ordering SFG to file within 60 days of the decision (by October 16, 2013), a more definite statement regarding Count D of the Formal Complaint. SFG did not seek rehearing of Decision 74036 within the time allotted under A.R.S. § 40-253(A) and Decision 74036 became final and non-appealable on September 5, 2013.

Pursuant to A.A.C. R14-3-106 and Rule 56, Arizona Rules of Civil Procedure, Johnson Utilities hereby requests that the Commission enter its order granting this Motion for Summary Judgment ("MSJ") as to Count C of SFG's Formal Complaint and dismissing Count C with prejudice. This MSJ is supported by the Memorandum of Points and Authorities as set forth below, the Statement of Facts ("SOF") of even date herewith, and the Affidavit of Daniel Hodges in Support of Motion for Summary Judgment dated September 26, 2013 ("Hodges Affidavit"), a copy of which is attached as Exhibit A to the SOF.

1 This MSJ does not address Count D of the Formal Complaint. In the event that SFG  
2 fails to provide a more definite statement regarding Count D of the Formal Complaint by  
3 October 16, 2013, as ordered in Decision 74036, Johnson Utilities will file a motion to dismiss  
4 Count D. However, if SFG does timely file a more definite statement regarding Count D of the  
5 Formal Complaint, Johnson Utilities reserves the right to supplement this MSJ to address  
6 Count D.

7 **INTRODUCTION**

8 The material facts in this case are not in dispute. After replacing a malfunctioning  
9 register in the meter which measures the effluent delivered by Johnson Utilities to SFG under  
10 Account No. 00120362-02, the Company inadvertently failed to input into its billing system a  
11 “stop” usage reading for the malfunctioning register and a “start” usage reading for the  
12 replacement register. As a result, the bills generated by the billing system for the five invoices  
13 issued from September 2012 through January 2013 did not include water usage charges for the  
14 effluent delivered to SFG, although the invoices did include the monthly water minimum charge  
15 of \$880, the associated privilege taxes, and late fees when applicable.

16 While SFG asserts that it discovered this problem sometime in November 2012,  
17 admittedly it did not notify Johnson Utilities of the problem until sometime in January or  
18 February 2013. When Johnson Utilities learned of the problem, it notified SFG that it would  
19 include the unbilled water usage for the prior billing periods on the February 25, 2013, invoice.  
20 The February 25, 2013 invoice totaled \$38,451.95 which included water usage charges for the  
21 previously unbilled effluent (covering five prior billing periods), the February 2013 meter  
22 charge of \$880, and water usage charges and applicable taxes for the January 14, 2013 to  
23 February 13, 2013 billing period. Of course, Johnson Utilities did not assess any late charges on  
24 the February 25, 2013 invoice for the previously unbilled water usage. The late fee of \$14.22 on  
25 the invoice is due to the fact that SFG late-paid the prior January 26, 2013 invoice.<sup>1</sup>

26 <sup>1</sup> See SFG Check No. 09669 dated February 19, 2013 attached as Exhibit JU 2.5 to Johnson Utilities’  
27 Second Set of Requests for Admission and Data Requests to SFG attached as Attachment 3 to the  
28 Hodges Affidavit. Payment for the January 26, 2013 invoice was due February 15, 2013, and SFG paid  
the invoice with a check dated February 19, 2013. The late fee of \$14.22 represents 1.5% of the prior  
month’s invoiced balance of \$950.83, as provided for in the Company’s tariff.

1 SFG alleges in Count C of its Formal Complaint that “[s]ince August 2012, Utility has  
2 not been billing Swing First for Effluent deliveries, in complete disregard of R14-2-409.A.1”<sup>2</sup>  
3 SFG asks the Commission to sanction Johnson Utilities “by relieving Swing First of paying all  
4 but the current charges on the February 25, 2013 bill.”<sup>3</sup> To date, SFG has not paid any portion  
5 of the February 25, 2013 invoice.

6 There is no basis to relieve SFG of its responsibility for paying the February 25, 2013  
7 invoice. SFG’s Director of Agronomy reads and photographs the effluent meter every day, and  
8 the daily meter readings are input into a spreadsheet, so SFG knows exactly how much effluent  
9 it receives on a daily basis. SFG’s General Manager reviews the invoices received from  
10 Johnson Utilities and authorizes payment of those invoices. SFG’s General Manager  
11 specifically reviewed the five disputed invoices and authorized payment of those invoices. SFG  
12 does not dispute the accuracy of the effluent meter or the accuracy of the water usage charges as  
13 set forth on the February 25, 2013 invoice. SFG does not dispute that it received the effluent  
14 which is quantified on the February 25, 2013 invoice. Under the facts and circumstances of this  
15 case, there is no Commission rule, statute, decision or policy which would relieve SFG of its  
16 responsibility to tariffed charges for the effluent received.

17 Johnson Utilities requests that the Commission grant this MSJ and dismiss Count C of  
18 SFG’s Formal Complaint with prejudice. Johnson Utilities further requests that the Commission  
19 issue its order finding that SFG owes Johnson Utilities \$38,451.95 as billed on the February 25,  
20 2013 invoice, and that SFG owes late fees on the unpaid balance at the tariff-authorized rate of  
21 1.5% per month from the date of the invoice through the date that SFG fully pays the invoice.  
22 Finally, Johnson Utilities requests that the Commission authorize the Company to terminate  
23 effluent service to SFG under Account No. 00120362-02 in accordance with the notice  
24 requirements of A.A.C. R14-2-410(D) in the event that SFG fails to timely pay the amount  
25 owed.

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28 <sup>2</sup> Formal Complaint at 11, lines 23-25.

<sup>3</sup> *Id.* at 12, lines 2-4.

**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. WHERE THERE ARE NO ISSUES OF MATERIAL FACT IN DISPUTE, THE COMPLAINT SHOULD BE DECIDED AS A MATTER OF LAW AND THE MOTION FOR SUMMARY JUDGMENT GRANTED.**

Summary judgment “shall be rendered forthwith if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law.” Ariz. R. Civ. P. 56(c)( 1); A.A.C. R14-3-101(A). The Commission may grant summary judgment “if the facts produced in support of the claim or defense have so little probative value, given the quantum of evidence required, that reasonable people could not agree with the conclusion advanced by the proponent of the claim or defense.” *Orme School v. Reeves*, 166 Ariz. 301, 309, 802 P.2d 1000, 1008 (1990) *quoted in Chantel v. Mohave Electric Coop.*, Docket No. E-01750A-04-0929, Decision 68592 at ¶ 51 (2006) (hereinafter, “Decision 68592”). “In applying the standard of review, ‘[t]he evidence of the non-movant is to be believed, and all justifiable inferences are to be drawn in his favor.’” Decision 68592 (*quoting Orme*, 166 Ariz. at 309-310, 802 P.2d at 1008-1009). If after applying this standard, the Commission determines that there are no issues of material fact in dispute, it may make its determination as a matter of law without the necessity of conducting an evidentiary hearing.

**II. FACTUAL BACKGROUND.**

Johnson Utilities has a certificate of convenience and necessity (“CC&N”) issued by the Commission to provide water and wastewater services in portions of Pinal County, Arizona. (SOF ¶ 1). SFG is the owner and operator of the Johnson Ranch Golf Club located in San Tan Valley, Arizona. The Johnson Ranch Golf Club includes a pro shop, a restaurant and an 18-hole golf course. The Johnson Ranch Golf Club is located within the CC&N of Johnson Utilities. (SOF ¶ 2).

Johnson Utilities provides potable water service and sewer service to the Golf Club at Johnson Ranch. The Company also supplies treated effluent and non-potable Central Arizona Project water for irrigation of the golf course. SFG has five active customer accounts with

1 Johnson Utilities. SFG's effluent account is Account No. 00120362-02. SFG has one effluent  
 2 account with Johnson Utilities and no other account is in dispute under Count C of the Formal  
 3 Complaint. (SOF ¶ 3).

4 Johnson Utilities bills SFG monthly for effluent under Account No. 00120362-02. The  
 5 bills include a monthly water minimum charge of \$880, a water usage charge for the quantity of  
 6 effluent delivered during the billing period (measured in thousands of gallons), privilege taxes,  
 7 superfund taxes and, when applicable, late fees. The bills also include the dates of meter  
 8 readings and the quantities of effluent delivered during the billing period. (SOF ¶ 10).

9 From January 1, 2012 through February 25, 2013 Johnson Utilities mailed 14 invoices to  
 10 SFG for Account No. 00120362-02. Each one of the 14 invoices was sent via United States mail  
 11 to SFG at the address on the invoices. (SOF ¶ 11). Copies of the invoices are attached as  
 12 Exhibits JU 1.1 to JU 1.14 of Johnson Utilities' First Set of Requests for Admission and Data  
 13 Requests to SFG, a copy of which is attached as Attachment 1 to the Hodges Affidavit which is  
 14 attached as Exhibit A to the SOF. SFG admits that it received each of the 14 invoices for  
 15 Account No. 00120362-02 (SOF ¶ 12), which are summarized in Table 1 (SOF ¶ 13) below:

16

Table 1--Account No. 00120362-02				
Reference No.	Billing Date	Billing Period	Due Date	Amount Due
JU 1.1	01/31/12	12/31/11 – 01/31/12	02/15/12	\$8,121.01
JU 1.2	02/24/12	01/31/12 – 02/24/12	03/15/12	\$6,944.33
JU 1.3	03/26/12	02/24/12 – 03/26/12	04/15/12	\$5,379.53
JU 1.4	04/24/12	03/26/12 – 04/24/12	05/15/12	\$8,020.35
JU 1.5	05/24/12	04/24/12 – 05/24/12	06/15/12	\$10,931.68
JU 1.6	06/25/12	05/24/12 – 06/25/12	07/15/12	\$25,445.23
JU 1.7	07/25/12	06/25/12 – 07/25/12	08/15/12	\$28,971.31
JU 1.8	08/27/12	07/25/12 – 08/27/12	09/15/12	\$9,091.31
JU 1.9	09/24/12	08/27/12 – 09/24/12	10/15/12	\$10,175.43
JU 1.10	10/25/12	09/24/12 – 10/25/12	11/15/12	\$2,046.10
JU 1.11	11/26/12	10/25/12 – 11/26/12	12/15/12	\$947.76
JU 1.12	12/27/12	11/26/12 – 12/26/12	01/15/13	\$204.53
JU 1.13	01/26/13	12/26/12 – 01/25/13	02/15/13	\$950.83
JU 1.14	02/25/13	01/25/13 – 02/25/13	03/15/13	\$38,451.95

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1 Of the 14 invoices listed in Table 1 above, the five invoices listed in Table 2 below were  
2 inaccurate because they omitted the “Water Usage” charge and associated “Water AZ Superfund  
3 Tax” for the effluent delivered to SFG during the applicable billing periods. However, the  
4 invoices did include the “Water Minimum” charge and “Water AZ Privilege Tax” applicable to  
5 the “Water Minimum” charge. (SOF ¶ 14). The five invoices in dispute in Count C of the  
6 Formal Complaint are:

7

Table 2—Disputed Bills for Account No. 00120362-02				
Reference No.	Billing Date	Billing Period	Due Date	Amount Due <sup>4</sup>
JU 1.9	09/24/12	08/27/12 – 09/24/12	10/15/12	\$10,175.43
JU 1.10	10/25/12	09/24/12 – 10/25/12	11/15/12	\$2,046.10
JU 1.11	11/26/12	10/25/12 – 11/26/12	12/15/12	\$947.76
JU 1.12	12/27/12	11/26/12 – 12/26/12	01/15/13	\$204.53
JU 1.13	01/26/13	12/26/12 – 01/25/13	02/15/13	\$950.83

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14 The omission of the water usage charges on the five invoices listed in Table 2 above was  
15 the result of the inadvertent failure of an employee to input "stop" and "start" readings into the  
16 Company's billing system following the repair of the effluent meter on August 16, 2012. On or  
17 about August 16, 2012, SFG notified Johnson Utilities that its effluent meter had stopped  
18 registering usage. Johnson Utilities immediately repaired SFG's effluent meter by replacing the  
19 malfunctioning register with a properly working register. Following the repair, the Company  
20 should have input into its billing system a “stop” usage reading for the malfunctioning register  
21 and a “start” usage reading for the replacement register. However, this did not happen. As a  
22 result, the billing system did not bill water usage on the five invoices at issue in the Formal  
23 Complaint. (SOF ¶ 15).

24 Johnson Utilities did not learn of the issue with water usage on the SFG bills until  
25 sometime in January or February 2013. As soon as the Company identified the billing issue, it  
26 took the necessary steps to correct the information in the billing system so that effluent usage  
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28 <sup>4</sup> The amount due on each of the disputed invoices was in error because it did not include the water usage associated with the effluent delivered by Johnson Utilities to SFG.

1 would again be billed to SFG. Johnson Utilities used the meter reading worksheets that were  
2 completed by the Company's meter reader to bill for the usage for the prior five-month period.  
3 Copies of the meter reading worksheets are attached to the Hodges Affidavit as Attachment 5.  
4 The readings on the meter reading worksheets correspond exactly to the meter readings on the  
5 February 25, 2013 invoice. (SOF ¶ 16).

6 Johnson Utilities notified SFG that it would be billed for the prior unbilled water usage  
7 and the Company included the usage on the February 25, 2013 invoice.<sup>5</sup> The February 25, 2013  
8 invoice totaled \$38,451.95 which included water usage charges for the previously unbilled  
9 effluent (covering five prior billing periods), the February 2013 meter charge of \$880, water  
10 usage charges and applicable taxes for the January 14, 2013 to February 13, 2013 billing period,  
11 and a late fee. Of course, Johnson Utilities did not assess any late charges on the February 25,  
12 2013 invoice for the previously unbilled water usage. (SOF ¶ 17).

13 Unless the Company is unable to read a customer meter on the scheduled meter reading  
14 date, Johnson Utilities reads all customer meters once per billing period. A billing period is  
15 approximately 30 days. Notwithstanding the Company's inadvertent omission of the water  
16 usage charges on the five invoices listed in Table 2 above, Johnson Utilities personnel read the  
17 SFG effluent meter for Account No. 00120362-02 at least one time each billing period for the  
18 five billing periods represented by the five invoices in dispute. The meter reading dates are  
19 listed on the February 25, 2013 invoice, and they also appear on the meter reading worksheets  
20 attached to the Hodges Affidavit as Attachment 5. (SOF ¶¶ 18-19). The effluent meter for  
21 Account No. 00120362-02 was read on the following dates:

22 August 14, 2012

23 August 16, 2012

24 September 17, 2012

25 October 17, 2012

26 November 14, 2012

27 December 17, 2012

28 <sup>5</sup> A copy of the February 25, 2013 invoice was also attached as Exhibit B to SFG's Formal Complaint.

1 January 14, 2013

2 February 13, 2013

3 Arizona Administrative Code (“A.A.C.”) R14-2-409(A)(1) states as follows:

4 Each utility shall bill monthly for services rendered. Meter readings shall be  
5 scheduled for periods of not less than 25 days or more than 35 days.

6 Each of the meter reading dates listed above falls within the parameters set in A.A.C.  
7 R14-2-409(A)(1). And, notwithstanding the Company’s inadvertent omission of the water usage  
8 charges and associated superfund charges on the five invoices listed in Table 2 above, Johnson  
9 Utilities mailed a copy of each invoice for Account No. 00120362-02 to SFG via United States  
10 mail to SFG at the address listed on the invoices. (SOF ¶ 20).

11 For each of the five invoices listed in Table 2 above, SFG paid only the “Water  
12 Minimum” charge, the “Water AZ Privilege Tax,” and in some cases a “Late Fee.” (SOF ¶ 21).  
13 SFG admits that it paid only the “Water Minimum” charge and the “Water AZ Privilege Tax”  
14 for each of the five invoices listed in Table 2 above. (SOF ¶ 22). Thus, SFG has not paid  
15 Johnson Utilities for any of the effluent that was received and used during the five billing  
16 periods at issue in this case.

17 Jeff Lundgren is the General Manager of SFG. Mr. Lundgren is the person at SFG who  
18 had responsibility for reviewing effluent invoices received from Johnson Utilities during the  
19 years 2012 and 2013. Mr. Lundgren is also the person at SFG who had responsibility for paying  
20 effluent invoices received from Johnson Utilities during the years 2012 and 2013. (SOF ¶ 23).  
21 Mr. Lundgren reviewed each and every effluent invoice identified in Table 1 above as JU 1.1  
22 through JU 1.13. Likewise, Mr. Lundgren authorized payment of each and every effluent  
23 invoice identified in Table 1 above as JU 1.1 through JU 1.13. (SOF ¶ 24).

24 Tim West is the Director of Agronomy for SFG. Mr. West is the person at SFG who has  
25 responsibility for reading the meter which measures the effluent delivered by Johnson Utilities  
26 to SFG. Mr. West reads the effluent meter each day and takes a daily photograph (or records an  
27 image) of the reading on the effluent meter. (SOF ¶ 25). Thus, there can be no doubt that SFG  
28 knows exactly how much effluent it receives from Johnson Utilities on a daily basis. This is

1 made crystal clear in an e-mail from Jeff Lundgren to David Ashton (one of the owners of SFG)  
2 dated February 28, 2008 at 12:02:47 PM:

3 “Ok, so Tim [West] and I have gone over their latest billing. In a nutshell, the  
4 overall usage is accurate. This was not surprising to me because Kenny knows  
5 we read and photo the meter every freaking day.”<sup>6</sup>

6 Since at least October 2008, SFG has taken a daily reading of the meter which measures  
7 the quantity of effluent delivered by Johnson Utilities to SFG. In response to Data Request JU  
8 1.28, SFG actually provided a spreadsheet containing the daily meter readings taken by SFG at  
9 the effluent meter for the period January 1, 2012 to June 30, 2013. A copy of the spreadsheet is  
10 attached as Exhibit JU 1.28(c) to SFG’s responses to Johnson Utilities’ First Set of Requests for  
11 Admission and Data Requests, a copy of which is attached as Attachment 2 to the Hodges  
12 Affidavit. (SOF ¶ 26). Periodically and randomly, SFG’s Tim West double checks the usage  
13 amounts on the Johnson Utilities invoices against the meter readings. (SOF ¶ 25).

14 Sometime in November 2012, SFG discovered that Johnson Utilities was not billing SFG  
15 the usage charge for effluent delivered during the months of August 2012 through January 2013.  
16 General Manager Lundgren made the discovery while he was “reviewing the bills.” (SOF ¶ 28).  
17 Mr. Lundgren notified Johnson Utilities that it was not billing SFG the effluent usage charge by  
18 telephone sometime in January or February 2013. (SOF ¶ 29).

19 SFG does not allege any problem with the accuracy of the meter that measured the  
20 quantity of effluent delivered by Johnson Utilities to SFG for the months of August 2012  
21 through February 2013. (SOF ¶ 27). SFG acknowledges that it “checked the meter readings  
22 reported on the [February 25, 2013 invoice] and believes that they are reasonably accurate.”  
23 (SOF ¶ 30). SFG further acknowledges that Johnson Utilities sent bills to SFG, but states that  
24 “they were defective in that they did not bill a commodity charge for deliveries.” SFG then  
25 adds, “Utility did not send bills for these deliveries until 2013.” (SOF ¶ 31).

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28 <sup>6</sup> A copy of the e-mail is attached as Exhibit JU 1.34 to SFG’s responses to Johnson Utilities’ First Set of  
Requests for Admission and Data Requests, which is attached as Attachment 2 to the Hodges Affidavit.

1 Data Request JU 1.40 of Johnson Utilities' First Set of Requests for Admission and Data  
2 Requests makes the following request: "Please state the exact dollar amount that SFG is  
3 disputing on the invoice attached hereto as Exhibit JU 1.14 (billing date of 02/25/13)." In  
4 response to this data request, SFG states only that "[b]ecause of Utility's failure to comply with  
5 Commission rules, Swing First does not believe that it should have to pay for any but the most  
6 recent (January 14-February 13) deliveries." (SOF ¶ 32). SFG does not dispute the amount of  
7 the February 25, 2013 invoice, but rather asserts that it should not be required to pay the invoice  
8 because of the billing error, except for effluent charges for the January 14, 2013 to February 13,  
9 2013 period.

10 As of September 26, 2013, SFG has not paid any portion of the \$38,451.95 billed on the  
11 February 25, 2013 invoice. (SOF ¶ 33). As of September 26, 2013, the amount that SFG owes  
12 Johnson Utilities with accrued late fees for the February 25, 2013 invoice is \$42,675.70, which  
13 includes the original invoice amount of \$38,451.95 plus \$4,223.75 in late fees. The amount due  
14 and late fees are shown on Attachment 6 of the Hodges Affidavit. (SOF ¶ 34).

15 **III. ARGUMENT**

16 SFG alleges in Count "C" of the Formal Complaint that "[s]ince August 2012, [Johnson  
17 Utilities] has not been billing Swing First for Effluent deliveries, in complete disregard of R14-  
18 2-409.A.1." (Formal Complaint at 11, lines 23-25). Based upon this assertion, SFG asks the  
19 Commission to sanction Johnson Utilities "by relieving Swing First of paying all but the current  
20 charges on the February 25, 2013 bill." (Formal Complaint at 12, lines 2-4). Simply stated,  
21 SFG's argument is that it should not be required to pay bills it received—for effluent it used—  
22 because Johnson Utilities had a billing problem following the repair of SFG's effluent meter.

23 There is no basis to relieve SFG of its responsibility for paying the February 25, 2013  
24 invoice. The undisputed facts show that:

- 25 • SFG reads and photographs its effluent meter each and every day.
- 26 • SFG takes the daily readings of its effluent usage and puts it in a spreadsheet.
- 27 • SFG received each of the disputed invoices from Johnson Utilities.
- 28 • SFG's General Manager reviewed each of the disputed invoices.

- 1 • SFG's General Manager approved each of the disputed invoices for payment.
- 2 • SFG does not dispute the accuracy of its effluent meter.
- 3 • SFG does not dispute the accuracy of the effluent usage charges on its bills.
- 4 • SFG learned of the billing problem sometime in November 2012.
- 5 • SFG did not notify Johnson Utilities of the billing problem until sometime in
- 6 January or February 2013.
- 7 • SFG used the effluent it received from Johnson Utilities.

8 Based upon the undisputed facts and circumstances of this case, there is no Commission  
9 rule, statute, decision or policy that would relieve SFG of its responsibility to pay tariffed  
10 charges for effluent actually received. Because there are no issues of material fact in dispute  
11 regarding Count C of SFG's Formal Complaint, the Commission should grant Johnson Utilities'  
12 MSJ for the reasons set forth herein.

13 **IV. RELIEF REQUESTED**

14 Johnson Utilities requests that the Commission issue its order as follows:

15 A. Granting the Company's MSJ and dismissing Count C of SFG's Formal  
16 Complaint with prejudice;

17 B. Finding that SFG owes the Company \$38,451.95 as billed on the February 25,  
18 2013 invoice, and further, that SFG owes late fees on the unpaid balance at the tariffed rate of  
19 1.5% per month from the date of the invoice through the date that SFG fully pays the invoice;  
20 and

21 C. Authorizing the Company to terminate effluent service to SFG under Account  
22 No. 00120362-02 in accordance with A.A.C. R14-2-410(D) in the event that SFG fails to timely  
23 pay the amount owed.

24 RESPECTFULLY submitted this 27<sup>th</sup> day of September, 2013.

25 BROWNSTEIN HYATT FARBER SCHRECK LLP

26 

27 Jeffrey W. Crockett, Esq.  
28 One East Washington Street, Suite 2400  
Phoenix, Arizona 85004  
Attorneys for Johnson Utilities, L.L.C.

1 ORIGINAL and thirteen (13) copies of the  
2 foregoing filed this 27<sup>th</sup> day of September, 2013, with:

3 Docket Control  
4 ARIZONA CORPORATION COMMISSION  
5 1200 West Washington Street  
6 Phoenix, Arizona 85007

7 COPY of the foregoing hand-delivered  
8 this 27<sup>th</sup> day of September, 2013, to:

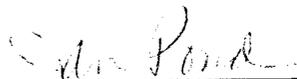
9 Yvette B. Kinsey, Administrative Law Judge  
10 Hearing Division  
11 ARIZONA CORPORATION COMMISSION  
12 1200 West Washington Street  
13 Phoenix, Arizona 85007

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

19 Steve Olea, Director  
20 Utilities Division  
21 ARIZONA CORPORATION COMMISSION  
22 1200 West Washington Street  
23 Phoenix, Arizona 85007

24 COPY of the foregoing sent via first class mail  
25 and e-mail this 27<sup>th</sup> day of September, 2013, to:

26 Craig A. Marks  
27 Craig A. Marks, PLC  
28 10645 N. Tatum Blvd., Suite 200-676  
Phoenix, Arizona 85028  
E-mail: craig.marks@azbar.org

  
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**BEFORE THE ARIZONA CORPORATION COMMISSION**

COMMISSIONERS

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

**IN THE MATTER OF THE FORMAL  
COMPLAINT OF SWING FIRST GOLF  
LLC AGAINST JOHNSON UTILITIES  
L.L.C.**

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JUDGMENT AS TO COUNT “C” OF  
SFG’S FORMAL COMPLAINT**

Johnson Utilities, LLC (“Johnson Utilities” or the “Company”) hereby submits this Statement of Facts (“Statement of Facts”) in Support of its Motion for Summary Judgment of even date herewith as to Count “C” of the Formal Complaint filed by Swing First Golf, LLC (“SFG”) on March 11, 2013. This Statement of Facts is supported by the Affidavit of Daniel Hodges in Support of Motion for Summary Judgment dated September 26, 2013 (the “Hodges Affidavit”), a copy of which is attached hereto as Exhibit A and incorporated herein by reference.

1. Johnson Utilities has a certificate of convenience and necessity (“CC&N”) issued by the Arizona Corporation Commission (“Commission”) to provide water and wastewater services in portions of Pinal County, Arizona. (Hodges Affidavit at ¶ 3).

2. SFG is the owner and operator of the Johnson Ranch Golf Club located in San Tan Valley, Arizona. (Formal Complaint at 2, lines 6-7). The Johnson Ranch Golf Club includes a pro shop, a restaurant and an 18-hole golf course. The Johnson Ranch Golf Club is located within the CC&N of Johnson Utilities. (Hodges Affidavit at ¶ 4).

3. Johnson Utilities provides potable water service and sewer service to the Golf Club at Johnson Ranch. The Company also supplies treated effluent and non-potable Central Arizona Project water for irrigation of the golf course. SFG has five

1 active customer accounts with Johnson Utilities. The effluent account is Account No.  
2 00120362-02. SFG has one effluent account with Johnson Utilities. No other account is  
3 in dispute under Count “C” of the Formal Complaint. (Hodges Affidavit at ¶ 5).

4 4. On March 11, 2013, SFG filed a Formal Complaint against Johnson  
5 Utilities in Docket WS-02987A-13-0053. The Company received a copy of the Formal  
6 Complaint through legal counsel on or about March 13, 2013. (Hodges Affidavit at ¶ 6).

7 5. SFG alleges in Count “C” of the Formal Complaint that “[s]ince August  
8 2012, [Johnson Utilities] has not been billing Swing First for Effluent deliveries, in  
9 complete disregard of R14-2-409.A.1.” (Formal Complaint at 11, lines 23-25). SFG  
10 asks the Commission to sanction Johnson Utilities for failing to send monthly bills to  
11 SFG as required by A.A.C. R14-2-409.A.1 “by relieving Swing First of paying all but  
12 the current charges on the February 25, 2013 bill.” (Formal Complaint at 12, lines 2-4).

13 6. Under cover letter dated May 6, 2013, Johnson Utilities sent its First Set of  
14 Requests for Admission and Data Requests to SFG in this docket. A true and correct  
15 copy of Johnson Utilities’ First Set of Requests for Admission and Data Requests in this  
16 docket is attached to the Hodges Affidavit as Attachment 1. (Hodges Affidavit at ¶ 9).

17 7. SFG provided its responses to Johnson Utilities’ First Set of Requests for  
18 Admission and Data Requests through legal counsel on or about June 17, 2013. A true  
19 and correct copy of SFG’s Responses to Johnson Utilities’ First Set of Requests for  
20 Admission and Data Requests (including all attachments) is attached to the Hodges  
21 Affidavit as Attachment 2. (Hodges Affidavit at ¶ 10).

22 8. Under cover letter dated August 8, 2013, Johnson Utilities sent its Second  
23 Set of Requests for Admission and Data Requests to SFG in this docket. A true and  
24 correct copy of Johnson Utilities’ Second Set of Requests for Admission and Data  
25 Requests in this docket is attached to the Hodges Affidavit as Attachment 3. (Hodges  
26 Affidavit at ¶ 11).

27 9. SFG provided its responses to Johnson Utilities’ Second Set of Requests  
28 for Admission and Data Requests through legal counsel on or about August 22, 2013. A

1 true and correct copy of SFG's Responses to Johnson Utilities' Second Set of Requests  
2 for Admission and Data Requests is attached to the Hodges Affidavit as Attachment 4.  
3 (Hodges Affidavit at ¶ 12).

4 10. Johnson Utilities bills SFG monthly for effluent under Account No.  
5 00120362-02. The bills include a monthly water minimum charge of \$880, a water  
6 usage charge for the quantity of effluent delivered during the billing period (measured in  
7 thousands of gallons), privilege taxes, superfund taxes and, when applicable, late  
8 charges. The bills also include the dates of meter readings and the quantities of effluent  
9 delivered during the billing period. (Hodges Affidavit at ¶ 13).

10 11. From January 1, 2012 through February 25, 2013 Johnson Utilities mailed  
11 14 invoices to SFG for Account No. 00120362-02. Each one of the 14 invoices was sent  
12 via United States mail to SFG at the address on the invoices. True and correct copies of  
13 the 14 invoices mailed to SFG with billing dates of January 31, 2012 through February  
14 25, 2013 are attached as Exhibits JU 1.1 to JU 1.14 to Johnson Utilities' First Set of  
15 Requests for Admission and Data Requests to SFG, a copy of which is attached to the  
16 Hodges Affidavit as Attachment 1. (Hodges Affidavit at ¶ 14; *see also* SFG's response  
17 to JU 1.20 of Johnson Utilities' First Set of Requests for Admission and Data Requests, a  
18 copy of which is attached as Attachment 2 to the Hodges Affidavit).

19 12. In its responses to Requests for Admission JU 1.1 to JU 1.14 of Johnson  
20 Utilities' First Set of Requests for Admission and Data Requests, SFG admits that it  
21 received each of the 14 invoices for Account No. 00120362-02 for the billing dates of  
22 January 31, 2012, through February 25, 2013. (*See Attachment 2* to Hodges Affidavit).

23 13. The 14 invoices for Account No. 00120362-02 with billing dates of  
24 January 31, 2012, through February 25, 2013, are summarized in Table 1 (Hodges  
25 Affidavit at ¶ 14) below:  
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Table 1--Account No. 00120362-02				
Reference No.	Billing Date	Billing Period	Due Date	Amount Due
JU 1.1	01/31/12	12/31/11 – 01/31/12	02/15/12	\$8,121.01
JU 1.2	02/24/12	01/31/12 – 02/24/12	03/15/12	\$6,944.33
JU 1.3	03/26/12	02/24/12 – 03/26/12	04/15/12	\$5,379.53
JU 1.4	04/24/12	03/26/12 – 04/24/12	05/15/12	\$8,020.35
JU 1.5	05/24/12	04/24/12 – 05/24/12	06/15/12	\$10,931.68
JU 1.6	06/25/12	05/24/12 – 06/25/12	07/15/12	\$25,445.23
JU 1.7	07/25/12	06/25/12 – 07/25/12	08/15/12	\$28,971.31
JU 1.8	08/27/12	07/25/12 – 08/27/12	09/15/12	\$9,091.31
JU 1.9	09/24/12	08/27/12 – 09/24/12	10/15/12	\$10,175.43
JU 1.10	10/25/12	09/24/12 – 10/25/12	11/15/12	\$2,046.10
JU 1.11	11/26/12	10/25/12 – 11/26/12	12/15/12	\$947.76
JU 1.12	12/27/12	11/26/12 – 12/26/12	01/15/13	\$204.53
JU 1.13	01/26/13	12/26/12 – 01/25/13	02/15/13	\$950.83
JU 1.14	02/25/13	01/25/13 – 02/25/13	03/15/13	\$38,451.95

14. Of the 14 invoices listed in Table 1 above, the five invoices listed in Table 2 below were inaccurate because they omitted the “Water Usage” charge and associated “Water AZ Superfund Tax” for the effluent delivered to SFG during the applicable billing periods. However, the invoices did include the “Water Minimum” charge and “Water AZ Privilege Tax” applicable to the “Water Minimum” charge. (Hodges Affidavit at ¶ 15). The five invoices in dispute in Count “C” of the Formal Complaint are:

Table 2—Disputed Bills for Account No. 00120362-02

Reference No.	Billing Date	Billing Period	Due Date	Amount Due
JU 1.9	09/24/12	08/27/12 – 09/24/12	10/15/12	\$10,175.43
JU 1.10	10/25/12	09/24/12 – 10/25/12	11/15/12	\$2,046.10
JU 1.11	11/26/12	10/25/12 – 11/26/12	12/15/12	\$947.76
JU 1.12	12/27/12	11/26/12 – 12/26/12	01/15/13	\$204.53
JU 1.13	01/26/13	12/26/12 – 01/25/13	02/15/13	\$950.83

15. The omission of the water usage charges on the five invoices listed in Table 2 above was the result of the inadvertent failure of an employee to input "stop" and "start" readings into the Company's billing system following the repair of the effluent meter on August 16, 2012. On or about August 16, 2012, SFG notified Johnson Utilities that its effluent meter had stopped registering usage. Johnson Utilities immediately repaired SFG's effluent meter by replacing the malfunctioning register with a properly working register. Following the repair, the Company should have input into its billing system a "stop" usage reading for the malfunctioning register and a "start" usage reading for the replacement register. However, this did not happen. As a result, the billing system did not bill water usage on the five invoices at issue in the Formal Complaint. (Hodges Affidavit at ¶ 16).

16. Johnson Utilities did not learn of the issue with water usage on the SFG bills until sometime in January or February 2013. As soon as the Company identified the billing issue, it took the necessary steps to correct the information in the billing system so that water usage would again be billed to SFG. Johnson Utilities used the meter reading worksheets that were completed by the Company's meter reader to bill for the usage for the prior five-month period. Copies of the meter reading worksheets are attached to the Hodges Affidavit as Attachment 5. The readings on the meter reading

1 worksheets correspond exactly to the meter readings on the February 25, 2013 invoice.  
2 (Hodges Affidavit at ¶ 17).

3 17. Johnson Utilities notified SFG that it would be billed for the prior unbilled  
4 water usage and the Company included the usage on the February 25, 2013 invoice, a  
5 copy of which is attached as Exhibit JU 1.14 to Johnson Utilities' First Set of Requests  
6 for Admission and Data Requests to SFG, a copy of which is attached to the Hodges  
7 Affidavit as Attachment 1. A copy of the February 25, 2013, invoice was also attached  
8 as Exhibit B to SFG's Formal Complaint. The February 25, 2013 invoice totaled  
9 \$38,451.95 which included water usage charges for the previously unbilled effluent  
10 (covering five prior billing periods), the February 2013 meter charge of \$880, and water  
11 usage charges and applicable taxes for the January 14, 2013 to February 13, 2013 billing  
12 period. Of course, Johnson Utilities did not assess any late charges on the February 25,  
13 2013 invoice for the previously unbilled water usage. The small late fee of \$14.22 on the  
14 invoice is due to the fact that SFG late-paid the prior invoiced amount. (Hodges  
15 Affidavit at ¶ 18).

16 18. Unless the Company is unable to read a customer meter on the scheduled  
17 meter reading date, Johnson Utilities reads all customer meters once per billing period.  
18 A billing period is approximately 30 days. Notwithstanding the Company's inadvertent  
19 omission of the water usage charges on the five invoices listed in Table 2 above, Johnson  
20 Utilities personnel read the SFG effluent meter for Account No. 00120362-02 at least  
21 one time each billing period for the five billing periods represented by the five invoices  
22 in dispute. The meter reading dates are listed on the February 25, 2013 invoice. The  
23 meter reading dates also appear on the meter reading worksheets attached to the Hodges  
24 Affidavit as Attachment 5. (Hodges Affidavit at ¶ 19).

25 19. The effluent meter for Account No. 00120362-02 was read on the  
26 following dates (Hodges Affidavit ¶ 20), in compliance with A.A.C. R14-2-409(A)(1):

27 August 14, 2012

28 August 16, 2012

- 1           September 17, 2012
- 2           October 17, 2012
- 3           November 14, 2012
- 4           December 17, 2012
- 5           January 14, 2013
- 6           February 13, 2013

7           20. Notwithstanding the Company's inadvertent omission of the water usage  
8 charges and associated superfund charges on the five invoices listed in Table 2 above,  
9 Johnson Utilities mailed a copy of each invoice for Account No. 00120362-02 to SFG  
10 via United States mail at the address listed on the invoices. (Hodges Affidavit at ¶ 21).  
11 In its responses to JU 1.9 through JU 1.13 of Johnson Utilities' First Set of Requests for  
12 Admission and Data Requests, SFG admits that it received each of the five invoices for  
13 Account No. 00120362-02 for the billing dates September 24, 2012, October 25, 2012,  
14 November 26, 2012, December 27, 2012 and January 26, 2013. (*See Attachment 2* to  
15 Hodges Affidavit).

16           21. For each of the five invoices listed in Table 2 above, SFG paid only the  
17 "Water Minimum" charge, the "Water AZ Privilege Tax," and in some cases a "Late  
18 Fee." (Hodges Affidavit at ¶ 22).

19           22. In its responses to JU 1.15 through JU 1.19 of Johnson Utilities' First Set  
20 of Requests for Admission and Data Requests, SFG admits that it paid the "Water  
21 Minimum" charge and the "Water AZ Privilege Tax" for each of the five invoices listed  
22 in Table 2 above. (*See Attachment 2* to Hodges Affidavit).

23           23. Jeff Lundgren is the General Manager of SFG. Jeff Lundgren is the person  
24 at SFG who had responsibility for reviewing effluent invoices received from Johnson  
25 Utilities during the years 2012 and 2013. Jeff Lundgren is also the person at SFG who  
26 had responsibility for paying effluent invoices received from Johnson Utilities during the  
27 years 2012 and 2013. (SFG's response to JU 1.25 of Johnson Utilities' First Set of  
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1 Requests for Admission and Data Requests, a copy of which is attached as Attachment 2  
2 to the Hodges Affidavit).

3 24. General Manager Jeff Lundgren reviewed each and every effluent invoice  
4 identified in Table 1 above as JU 1.1 through JU 1.13. Likewise, Mr. Lundgren  
5 authorized payment of each and every effluent invoice identified in Table 1 above as JU  
6 1.1 through JU 1.13. (SFG's responses to JU 2.8 and JU 2.9 of Johnson Utilities' Second  
7 Set of Requests for Admission and Data Requests, a copy of which is attached as  
8 Attachment 4 to the Hodges Affidavit).

9 25. Tim West is the Director of Agronomy for SFG. Tim West is the person at  
10 SFG who has responsibility for reading the meter which measures the effluent delivered  
11 by Johnson Utilities to SFG. Tim West reads the effluent meter daily. In connection  
12 with reading the effluent meter each day, Tim West takes a daily photograph (or records  
13 an image) of the reading on the effluent meter. (SFG's responses to JU 1.28 and JU 1.29  
14 of Johnson Utilities' First Set of Requests for Admission and Data Requests, a copy of  
15 which is attached as Attachment 2 to the Hodges Affidavit). Periodically and randomly,  
16 Tim West double checks the usage amounts on the Johnson Utilities invoices against the  
17 meter readings. (SFG's response to JU 2.7 of Johnson Utilities' Second Set of Requests  
18 for Admission and Data Requests, a copy of which is attached as Attachment 4 to the  
19 Hodges Affidavit).

20 26. Since at least October 2008, SFG has taken a daily reading of the meter  
21 which measures the quantity of effluent delivered by Johnson Utilities to SFG. (See e-  
22 mail<sup>1</sup> from Timothy West to Kenny Watkins dated October 23, 2012 at 12:13 PM,  
23 included in Exhibit JU 1.34 to the responses of SFG to Johnson Utilities' First Set of  
24 Requests for Admission and Data Requests, a copy of which is attached as Attachment 2  
25 to the Hodges Affidavit). In response to Data Request JU 1.28, SFG provided a

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27 <sup>1</sup> The Timothy West e-mail states in part, "This way at least you can refer to our picture meter readings to  
28 show your guys in case they give you the run around. Like I mentioned, we take our reading every  
morning at 8:30 am and have been doing it for t [sic] least the past 4 years so now there will be a picture  
to go with it in case you need it on file."

1 spreadsheet containing the daily meter readings taken by SFG at the effluent meter for  
2 the period January 1, 2012 to June 30, 2013. A copy of the spreadsheet is attached as  
3 Exhibit JU 1.28(c) to SFG's responses to Johnson Utilities' First Set of Requests for  
4 Admission and Data Requests, a copy of which is attached as Attachment 2 to the  
5 Hodges Affidavit.

6 27. SFG does not allege any problem with the accuracy of the meter that  
7 measured the quantity of effluent delivered by Johnson Utilities to SFG for the months of  
8 August 2012 through February 2013. (SFG's response to JU 1.41 of Johnson Utilities'  
9 First Set of Requests for Admission and Data Requests, a copy of which is attached as  
10 Attachment 2 to the Hodges Affidavit).

11 28. Sometime in November 2012, SFG discovered that Johnson Utilities was  
12 not billing SFG the usage charge for effluent delivered during the months of August  
13 2012 through January 2013. (SFG's response to JU 1.30 of Johnson Utilities' First Set  
14 of Requests for Admission and Data Requests, a copy of which is attached as Attachment  
15 2 to the Hodges Affidavit). General Manager Jeff Lundgren made the discovery while  
16 "reviewing the bills." (SFG's responses to JU 1.31 and JU 1.32 of Johnson Utilities'  
17 First Set of Requests for Admission and Data Requests, a copy of which is attached as  
18 Attachment 2 to the Hodges Affidavit).

19 29. General Manager Jeff Lundgren notified Johnson Utilities that it was not  
20 billing SFG the effluent usage charge by telephone sometime in January or February  
21 2013. (SFG's response to JU 2.10 of Johnson Utilities' Second Set of Requests for  
22 Admission and Data Requests, a copy of which is attached as Attachment 4 to the  
23 Hodges Affidavit).

24 30. SFG "checked the meter readings reported on the [February 25, 2013  
25 invoice] and believes that they are reasonably accurate." (SFG's response to JU 1.42 of  
26 Johnson Utilities' First Set of Requests for Admission and Data Requests, a copy of  
27 which is attached as Attachment 2 to the Hodges Affidavit).

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1           31. SFG acknowledges in its response to Data Request JU 1.36 that Johnson  
2 Utilities sent bills to SFG, but states that “they were defective in that they did not bill a  
3 commodity charge for deliveries.” SFG then adds, “Utility did not send bills for these  
4 deliveries until 2013.” (SFG’s response to JU 1.36 of Johnson Utilities’ First Set of  
5 Requests for Admission and Data Requests, a copy of which is attached as Attachment 2  
6 to the Hodges Affidavit).

7           32. Data Request JU 1.40 of Johnson Utilities’ First Set of Requests for  
8 Admission and Data Requests in this docket asks: “Please state the exact dollar amount  
9 that SFG is disputing on the invoice attached hereto as Exhibit JU 1.14 (billing date of  
10 02/25/13).” In response to this data request, SFG states that “[b]ecause of Utility’s  
11 failure to comply with Commission rules, Swing First does not believe that it should  
12 have to pay for any but the most recent (January 14-February 13) deliveries.” (SFG’s  
13 response to JU 1.40 of Johnson Utilities’ First Set of Requests for Admission and Data  
14 Requests, a copy of which is attached as Attachment 2 to the Hodges Affidavit). SFG  
15 does not dispute the amount of the February 25, 2013 invoice, but rather asserts that it  
16 should not be required to pay the invoice, except for effluent charges for the January 14,  
17 2013 to February 13, 2013 period.

18           33. As of September 26, 2013, SFG has not paid any portion of the \$38,451.95  
19 billed on the February 25, 2013 invoice. (Hodges Affidavit at ¶ 23).

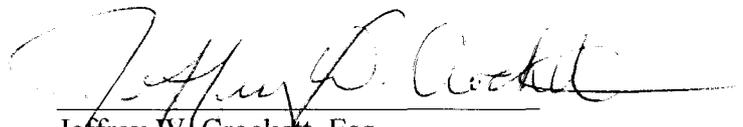
20           34. As of September 26, 2013, the amount that SFG owes Johnson Utilities  
21 with accrued late fees for the February 25, 2013 invoice is \$42,675.70, which includes  
22 the original invoice amount of \$38,451.95 plus \$4,223.75 in late fees. The amount due  
23 and late fees are shown on Attachment 6 of the Hodges Affidavit. (Hodges Affidavit at  
24 ¶ 23).

25           35. The bank checks attached as Exhibits JU 2.1 to JU 2.5 of Johnson Utilities’  
26 Second Set of Requests for Admission and Data Requests, a copy of which is attached to  
27 the Hodges Affidavit as Attachment 3, are true and correct copies of checks received by  
28 Johnson Utilities from SFG. (Hodges Affidavit at ¶ 24).

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RESPECTFULLY submitted this 27<sup>th</sup> day of September, 2013.

BROWNSTEIN HYATT FARBER SCHRECK LLP



Jeffrey W. Crockett, Esq.  
One East Washington Street, Suite 2400  
Phoenix, Arizona 85004  
Attorneys for Johnson Utilities, L.L.C.

ORIGINAL and thirteen (13) copies of the  
foregoing filed this 27<sup>th</sup> day of September, 2013,  
with:

Docket Control  
ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, Arizona 85007

COPY of the foregoing hand-delivered  
this 27<sup>th</sup> day of September, 2013, to:

Yvette B. Kinsey, Administrative Law Judge  
Hearing Division  
ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, Arizona 85007

Janice Alward, Chief Counsel  
Legal Division  
ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, Arizona 85007

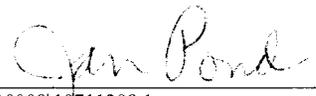
Steve Olea, Director  
Utilities Division  
ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, Arizona 85007

**Brownstein Hyatt Farber Schreck, LLP**  
One East Washington, Suite 2400  
Phoenix, AZ 85004

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COPY of the foregoing sent via first class mail  
and e-mail this 27<sup>th</sup> day of September, 2013, to:

Craig A. Marks  
Craig A. Marks, PLC  
10645 N. Tatum Blvd., Suite 200-676  
Phoenix, Arizona 85028  
E-mail: craig.marks@azbar.org

  
\_\_\_\_\_  
014676\0009\10711298.1

# EXHIBIT A



1 its legal counsel on or about March 13, 2013. I have read the Formal Complaint and I am  
2 personally familiar with its contents.

3 7. SFG's Formal Complaint includes four counts. In Decision 74036 (August 16,  
4 2013), the Commission dismissed Counts "A" and "B" of the Formal Complaint and ordered SFG  
5 to provide a more definite statement of its claim in Count "D" of the Formal Complaint. As of  
6 the date of this affidavit, SFG had not provided a more definite statement of its claim with regard  
7 to Count "D" of the Formal Complaint.

8 8. SFG alleges in Count "C" of its Formal Complaint that "[s]ince August 2012,  
9 [Johnson Utilities] has not been billing Swing First for Effluent deliveries, in complete disregard  
10 of R14-2-409.A.1."<sup>1</sup> SFG asks the Commission to sanction Johnson Utilities for failing to send  
11 monthly bills to SFG as required by A.A.C. R14-2-409.A.1 "by relieving Swing First of paying  
12 all but the current charges on the February 25, 2013 bill."<sup>2</sup>

13 9. In May 2013, I directed the Company's attorney in this docket to prepare and send  
14 Johnson Utilities' First Set of Requests for Admission and Data Requests to SFG regarding Count  
15 "C" of the Formal Complaint. A true and correct copy of Johnson Utilities' First Set of Requests  
16 for Admission and Data Requests in Docket WS-02987A-13-0053 (under cover letter from legal  
17 counsel dated May 6, 2013) is attached hereto as Attachment 1.

18 10. SFG provided responses to Johnson Utilities' First Set of Requests for Admission  
19 and Data Requests through legal counsel on or about June 17, 2013. A true and correct copy of  
20 SFG's Responses to Johnson Utilities' First Set of Requests for Admission and Data Requests  
21 (including all attachments) is attached hereto as Attachment 2. I have personally reviewed SFG's  
22 responses and I am familiar with their contents.

23 11. In August 2013, I directed the Company's attorney in this docket to prepare and  
24 send Johnson Utilities' Second Set of Requests for Admission and Data Requests to SFG  
25 regarding Count "C" of the Formal Complaint. A true and correct copy of Johnson Utilities'  
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27 \_\_\_\_\_  
28 <sup>1</sup> Formal Complaint at 11, lines 23-25.

<sup>2</sup> *Id.* at 12, lines 2-4.

1 Second Set of Requests for Admission and Data Requests in Docket WS-02987A-13-0053 (under  
2 cover letter from legal counsel dated August 8, 2013) is attached hereto as Attachment 3.

3 12. SFG provided responses to Johnson Utilities' Second Set of Requests for  
4 Admission and Data Requests through legal counsel on or about August 22, 2013. A true and  
5 correct copy of SFG's Responses to Johnson Utilities' Second Set of Requests for Admission and  
6 Data Requests is attached hereto as Attachment 4. I have personally reviewed SFG's responses  
7 and am I familiar with their contents.

8 13. Johnson Utilities bills SFG monthly for effluent under Account No. 00120362-02.  
9 The bills include a monthly water minimum charge of \$880, a water usage charge for the quantity  
10 of effluent delivered during the billing period (measured in thousands of gallons), privilege taxes,  
11 superfund taxes and, when applicable, late charges. The bills also include the dates of meter  
12 reads and the quantities of effluent delivered during the billing period.

13 14. From January 1, 2012 through February 25, 2013 Johnson Utilities mailed 14  
14 invoices to SFG for Account No. 00120362-02. Each one of the 14 invoices was sent via United  
15 States mail to SFG at the address on the invoices. True and correct copies of the 14 invoices  
16 mailed to SFG with billing dates of January 31, 2012 through February 25, 2013 are attached as  
17 Exhibits JU 1.1 through JU 1.14 of Johnson Utilities' First Set of Requests for Admission and  
18 Data Requests to SFG, a copy of which is attached hereto as Attachment 1. These invoices are  
19 summarized in Table 1 below:

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<b>Table 1--Account No. 00120362-02</b>				
<b>Reference No.</b>	<b>Billing Date</b>	<b>Billing Period</b>	<b>Due Date</b>	<b>Amount Due</b>
JU 1.1	01/31/12	12/31/11 – 01/31/12	02/15/12	\$8,121.01
JU 1.2	02/24/12	01/31/12 – 02/24/12	03/15/12	\$6,944.33
JU 1.3	03/26/12	02/24/12 – 03/26/12	04/15/12	\$5,379.53
JU 1.4	04/24/12	03/26/12 – 04/24/12	05/15/12	\$8,020.35
JU 1.5	05/24/12	04/24/12 – 05/24/12	06/15/12	\$10,931.68
JU 1.6	06/25/12	05/24/12 – 06/25/12	07/15/12	\$25,445.23
JU 1.7	07/25/12	06/25/12 – 07/25/12	08/15/12	\$28,971.31
JU 1.8	08/27/12	07/25/12 – 08/27/12	09/15/12	\$9,091.31
JU 1.9	09/24/12	08/27/12 – 09/24/12	10/15/12	\$10,175.43
JU 1.10	10/25/12	09/24/12 – 10/25/12	11/15/12	\$2,046.10
JU 1.11	11/26/12	10/25/12 – 11/26/12	12/15/12	\$947.76
JU 1.12	12/27/12	11/26/12 – 12/26/12	01/15/13	\$204.53
JU 1.13	01/26/13	12/26/12 – 01/25/13	02/15/13	\$950.83
JU 1.14	02/25/13	01/25/13 – 02/25/13	03/15/13	\$38,451.95

15. Of the 14 invoices listed in Table 1 above, the five invoices listed in Table 2 below were inaccurate because they omitted the “Water Usage” charge and associated “Water AZ Superfund Tax” for the effluent delivered to SFG during the applicable billing periods. However, the invoices did include the “Water Minimum” charge and “Water AZ Privilege Tax” applicable to the “Water Minimum” charge. It is the Company’s omission of the water usage charges from these five invoices that is the basis of Count “C” of SFG’s Formal Complaint.

<b>Table 2—Disputed Bills for Account No. 00120362-02</b>				
<b>Reference No.</b>	<b>Billing Date</b>	<b>Billing Period</b>	<b>Due Date</b>	<b>Amount Due</b>
JU 1.9	09/24/12	08/27/12 – 09/24/12	10/15/12	\$10,175.43
JU 1.10	10/25/12	09/24/12 – 10/25/12	11/15/12	\$2,046.10
JU 1.11	11/26/12	10/25/12 – 11/26/12	12/15/12	\$947.76
JU 1.12	12/27/12	11/26/12 – 12/26/12	01/15/13	\$204.53
JU 1.13	01/26/13	12/26/12 – 01/25/13	02/15/13	\$950.83

1           16.     The omission of the water usage charges on the five invoices listed in Table 2  
2 above was the result of the inadvertent failure of an employee to input “stop” and “start” readings  
3 into the Company’s billing system following the repair of the effluent meter on August 16, 2012.  
4 On or about August 16, 2012, SFG notified Johnson Utilities that its effluent meter had stopped  
5 registering usage. Johnson Utilities immediately repaired SFG’s effluent meter by replacing the  
6 malfunctioning register with a properly working register. Following the repair, the Company  
7 should have input into its billing system a “stop” usage reading for the malfunctioning register  
8 and a “start” usage reading for the replacement register. However, this did not happen. As a  
9 result, the billing system did not bill water usage on the five invoices at issue in the Formal  
10 Complaint.

11           17.     Johnson Utilities did not learn of the issue with water usage on the SFG bills until  
12 sometime in January or February 2013. As soon as the Company identified the billing issue, it  
13 took the necessary steps to correct the information in the billing system so that water usage would  
14 again be billed to SFG. Johnson Utilities used the meter reading worksheets that were completed  
15 by the Company’s meter reader to bill for the usage for the prior five-month period. Copies of the  
16 meter reading worksheets are attached hereto as Attachment 5. The readings on the meter reading  
17 worksheets correspond exactly to the meter readings on the February 25, 2013 invoice.

18           18.     Johnson Utilities notified SFG that it would be billed for the prior unbilled water  
19 usage and the Company included the usage on the February 25, 2013 invoice, a copy of which is  
20 attached as Exhibit JU 1.14 to Johnson Utilities’ First Set of Requests for Admission and Data  
21 Requests to SFG, a copy of which is attached hereto as Attachment 1. A copy of the February 25,  
22 2013, invoice was also attached as Exhibit B to SFG’s Formal Complaint. The February 25, 2013  
23 invoice totaled \$38,451.95 which included water usage charges for the previously unbilled  
24 effluent (covering five prior billing periods), the February 2013 meter charge of \$880, and water  
25 usage charges and applicable taxes for the January 14, 2013 to February 13, 2013 billing period.  
26 Of course, Johnson Utilities did not assess any late charges on the February 25, 2013 invoice for  
27  
28

1 the previously unbilled water usage. The late fee of \$14.22 on the invoice is due to the fact that  
2 SFG late-paid the prior January 26, 2013 invoice.<sup>3</sup>

3 19. Unless the Company is unable to read a customer meter on the scheduled meter  
4 reading date, Johnson Utilities reads all customer meters once per billing period. A billing period  
5 is approximately 30 days. Notwithstanding the Company's inadvertent omission of the water  
6 usage charges on the five invoices listed in Table 2 above, Johnson Utilities personnel read the  
7 SFG effluent meter for Account No. 00120362-02 at least one time each billing period for the five  
8 billing periods represented by the five invoices in dispute. The meter reading dates are listed on  
9 the February 25, 2013 invoice attached as Exhibit JU 1.14 to Johnson Utilities' First Set of  
10 Requests for Admission and Data Requests to SFG, a copy of which is attached hereto as  
11 Attachment 1. The meter reading dates also appear on the meter reading worksheets attached  
12 hereto as Attachment 5.

13 20. The effluent meter for Account No. 00120362-02 was read on the following dates,  
14 in compliance with A.A.C. R14-2-409(A)(1):

15 August 14, 2012

16 August 16, 2012

17 September 17, 2012

18 October 17, 2012

19 November 14, 2012

20 December 17, 2012

21 January 14, 2013

22 February 13, 2013

23 21. Notwithstanding the Company's inadvertent omission of the water usage charges  
24 and associated superfund charges on the five invoices listed in Table 2 above, Johnson Utilities  
25

26 <sup>3</sup> See SFG Check No. 09669 dated February 19, 2013 attached as Exhibit JU 2.5 to Johnson  
27 Utilities' Second Set of Requests for Admission and Data Requests to SFG attached as  
28 Attachment 3 hereto. Payment for the January 26, 2013 invoice was due February 15, 2013, and  
SFG paid the invoice with a check dated February 19, 2013. The late fee of \$14.22 represents  
1.5% of the prior month's invoiced balance of \$950.83, as provided for in the Company's tariff.

1 mailed a copy of each invoice for Account No. 00120362-02 to SFG via United States mail at the  
2 address listed on the invoices.

3 22. For each of the five invoices listed in Table 2 above, SFG paid only the "Water  
4 Minimum" charge, the "Water AZ Privilege Tax," and in some cases, a "Late Fee."

5 23. As of September 26, 2013, SFG has not paid any portion of the \$38,451.95 billed  
6 on the February 25, 2013 invoice. As of September 26, 2013, the amount that SFG owes Johnson  
7 Utilities with accrued late fees for the February 25, 2013 invoice is \$42,675.70, which includes  
8 the original invoice amount of \$38,451.95 plus \$4,223.75 in late fees. The amount due and late  
9 fees are shown on Attachment 6 hereto.

10 24. The bank checks attached as Exhibits JU 2.1 to JU 2.5 of Johnson Utilities'  
11 Second Set of Requests for Admission and Data Requests to SFG, a copy of which is attached  
12 hereto as Attachment 3, are true and correct copies of checks received by Johnson Utilities from  
13 SFG.<sup>4</sup>

14 25. Pursuant to Part One, Section 1(D) of Johnson Utilities' approved tariff, the  
15 Company must impose a late fee of 1.5% per month on the unpaid balance of a customer bill.  
16 Footnote (d) to this section states as follows:

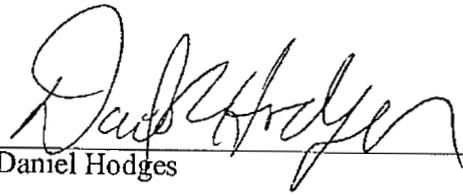
17 Bills for water utility service are due and payable when rendered. Any payment  
18 not received by the Company within fifteen (15) days from the date a bill is  
19 rendered shall be considered delinquent and service shall be subject to a late  
20 charge and/or termination as set forth herein. A customer's failure to receive bills  
21 or notices which have been properly placed in the United States mail shall not  
22 prevent a bill from becoming delinquent nor relieve the customer of his or her  
23 obligations to pay a bill which is due. All late payment penalties shall be billed  
24 on the customer's next regularly scheduled billing. If a customer fails to pay the  
25 outstanding balance by the due date on the bill, the customer will receive a written  
26 notice that service will be terminated in ten (10) days from the date of the notice.  
27 If the customer does not pay the outstanding balance and the late payment penalty  
28 by the date in the termination notice, service will be terminated on the date in the  
notice. Service shall be terminated only for that service for which the customer is  
delinquent or in violation. All customers whose service is terminated for failure  
to pay a bill or a late payment penalty are subject to the Company's reconnection  
charge as set forth in this tariff.

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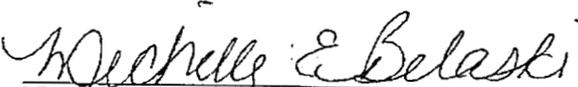
<sup>4</sup> Johnson Utilities has redacted the account information from the checks provided with this affidavit.

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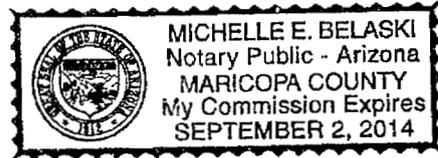
FURTHER THE AFFIANT SAYETH NOT.

  
Daniel Hodges

SUBSCRIBED and sworn to before me this 26<sup>th</sup> day of September, 2013.

  
Notary Public

My Commission Expires: 9-2-14



# **ATTACHMENT 1**

May 6, 2013

Jeffrey W. Crockett  
Attorney at Law  
602.382.4062 tel  
480.428.6076 fax  
jcrockett@bhfs.com

**VIA FIRST CLASS MAIL AND E-MAIL**

Craig A. Marks, Esq.  
Craig A. Marks, PLC  
10645 N. Tatum Blvd., Suite 200-676  
Phoenix, Arizona 85028

**Re: Johnson Utilities' First Set of Requests for Admission and Data Requests to Swing  
First Golf in Docket No. WS-02987A-13-0053**

Dear Craig:

Enclosed please find Johnson Utilities' First Set of Requests for Admission and Data Requests to Swing First Golf ("SFG") in the above-referenced docket. These requests pertain to Count C of SFG's Formal Complaint. I recognize that Counts A, B and D are subject to Johnson Utilities' Motion to Dismiss and Motion to Strike which is pending before Judge Kinsey, and that Johnson Utilities has not yet filed an answer to the complaint. However, Johnson Utilities believes it is in the best interest of both parties to move the complaint forward expeditiously, and Count C is not subject to the motion to dismiss. Accordingly, we would appreciate SFG's responses by close of business Thursday, May 16, 2013.

For purposes of these requests, the words "Swing First Golf," "SFG," "you," and "your" refer to Swing First Golf, LLC, and any representative, including every person and/or entity acting with, under the control of, or on behalf of Swing First Golf. For each answer, please identify by name, title, and address each person providing information that forms the basis for the response provided.

These data requests are continuing, and SFG's answers or any documents supplied in response to these data requests should be supplemented with any additional information or documents that come to SFG's attention after you have provided the initial responses.

Very truly yours,

  
Jeffrey W. Crockett

JWC/jp  
Enclosures  
014676\0009\10296007.1

One East Washington Street, Suite 2400  
Phoenix, AZ 85004  
main 602.382.4040

**JOHNSON UTILITIES' FIRST SET OF REQUESTS FOR ADMISSION  
AND DATA REQUESTS TO SWING FIRST GOLF, LLC  
DOCKET WS-02987A-13-0053**

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**REQUESTS FOR ADMISSION**

JU 1.1 Admit that Swing First Golf, LLC ("SFG") received from Johnson Utilities a copy of the invoice attached hereto as Exhibit JU 1.1 which shows an amount due of \$8,121.01 and a billing date of 01/31/12 for Account No. 00120362-02.

ADMIT: \_\_\_\_\_ DENY: \_\_\_\_\_

JU 1.2 Admit that SFG received from Johnson Utilities a copy of the invoice attached hereto as Exhibit JU 1.2 which shows an amount due of \$6,944.33 and a billing date of 02/24/12 for Account No. 00120362-02.

ADMIT: \_\_\_\_\_ DENY: \_\_\_\_\_

JU 1.3 Admit that SFG received from Johnson Utilities a copy of the invoice attached hereto as Exhibit JU 1.3 which shows an amount due of \$5,379.53 and a billing date of 03/26/12 for Account No. 00120362-02.

ADMIT: \_\_\_\_\_ DENY: \_\_\_\_\_

JU 1.4 Admit that SFG received from Johnson Utilities a copy of the invoice attached hereto as Exhibit JU 1.4 which shows an amount due of \$8,020.35 and a billing date of 04/24/12 for Account No. 00120362-02.

ADMIT: \_\_\_\_\_ DENY: \_\_\_\_\_

JU 1.5 Admit that SFG received from Johnson Utilities a copy of the invoice attached hereto as Exhibit JU 1.5 which shows an amount due of \$10,931.68 and a billing date of 05/24/12 for Account No. 00120362-02.

ADMIT: \_\_\_\_\_ DENY: \_\_\_\_\_

JU 1.6 Admit that SFG received from Johnson Utilities a copy of the invoice attached hereto as Exhibit JU 1.6 which shows an amount due of \$25,445.23 and a billing date of 06/25/12 for Account No. 00120362-02.

ADMIT: \_\_\_\_\_ DENY: \_\_\_\_\_

**JOHNSON UTILITIES' FIRST SET OF REQUESTS FOR ADMISSION  
AND DATA REQUESTS TO SWING FIRST GOLF, LLC  
DOCKET WS-02987A-13-0053**

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JU 1.7 Admit that SFG received from Johnson Utilities a copy of the invoice attached hereto as Exhibit JU 1.7 which shows an amount due of \$28,971.31 and a billing date of 07/25/12 for Account No. 00120362-02.

ADMIT: \_\_\_\_\_ DENY: \_\_\_\_\_

JU 1.8 Admit that SFG received from Johnson Utilities a copy of the invoice attached hereto as Exhibit JU 1.8 which shows an amount due of \$9,091.31 and a billing date of 08/27/12 for Account No. 00120362-02.

ADMIT: \_\_\_\_\_ DENY: \_\_\_\_\_

JU 1.9 Admit that SFG received from Johnson Utilities a copy of the invoice attached hereto as Exhibit JU 1.9 which shows an amount due of \$10,175.43 and a billing date of 09/24/12 for Account No. 00120362-02.

ADMIT: \_\_\_\_\_ DENY: \_\_\_\_\_

JU 1.10 Admit that SFG received from Johnson Utilities a copy of the invoice attached hereto as Exhibit JU 1.10 which shows an amount due of \$2,046.10 and a billing date of 10/25/12 for Account No. 00120362-02.

ADMIT: \_\_\_\_\_ DENY: \_\_\_\_\_

JU 1.11 Admit that SFG received from Johnson Utilities a copy of the invoice attached hereto as Exhibit JU 1.11 which shows an amount due of \$947.76 and a billing date of 11/26/12 for Account No. 00120362-02.

ADMIT: \_\_\_\_\_ DENY: \_\_\_\_\_

JU 1.12 Admit that SFG received from Johnson Utilities a copy of the invoice attached hereto as Exhibit JU 1.12 which shows an amount due of \$204.53 and a billing date of 12/27/12 for Account No. 00120362-02.

ADMIT: \_\_\_\_\_ DENY: \_\_\_\_\_

**JOHNSON UTILITIES' FIRST SET OF REQUESTS FOR ADMISSION  
AND DATA REQUESTS TO SWING FIRST GOLF, LLC  
DOCKET WS-02987A-13-0053**

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JU 1.13 Admit that SFG received from Johnson Utilities a copy of the invoice attached hereto as Exhibit JU 1.13 which shows an amount due of \$950.83 and a billing date of 1/26/13 for Account No. 00120362-02.

ADMIT: \_\_\_\_\_ DENY: \_\_\_\_\_

JU 1.14 Admit that SFG received from Johnson Utilities a copy of the invoice attached hereto as Exhibit JU 1.14 which shows a total due of \$38,451.95 and a billing date of 02/25/13 for Account No. 00120362-02.

ADMIT: \_\_\_\_\_ DENY: \_\_\_\_\_

JU 1.15 Regarding the invoice attached hereto as Exhibit JU 1.9 (billing date of 09/24/12), admit that SFG paid the \$880 "Water Minimum" charge and the \$67.76 "Water AZ Privilege Tax" contained in the invoice.

ADMIT: \_\_\_\_\_ DENY: \_\_\_\_\_

JU 1.16 Regarding the invoice attached hereto as Exhibit JU 1.10 (billing date of 10/25/12), admit that SFG paid the \$880 "Water Minimum" charge and the \$67.76 "Water AZ Privilege Tax" contained in the invoice.

ADMIT: \_\_\_\_\_ DENY: \_\_\_\_\_

JU 1.17 Regarding the invoice attached hereto as Exhibit JU 1.11 (billing date of 11/26/12), admit that SFG paid the \$880 "Water Minimum" charge and the \$67.76 "Water AZ Privilege Tax" contained in the invoice.

ADMIT: \_\_\_\_\_ DENY: \_\_\_\_\_

JU 1.18 Regarding the invoice attached hereto as Exhibit JU 1.12 (billing date of 12/27/12), admit that SFG paid the \$880 "Water Minimum" charge and the \$67.76 "Water AZ Privilege Tax" contained in the invoice, less the amount of a "Water Usage Credit" totaling \$683.55.

ADMIT: \_\_\_\_\_ DENY: \_\_\_\_\_

**JOHNSON UTILITIES' FIRST SET OF REQUESTS FOR ADMISSION  
AND DATA REQUESTS TO SWING FIRST GOLF, LLC  
DOCKET WS-02987A-13-0053**

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JU 1.19 Regarding the invoice attached hereto as Exhibit JU 1.13 (billing date of 1/26/13), admit that SFG paid the \$880 "Water Minimum" charge and the \$67.76 "Water AZ Privilege Tax" contained in the invoice.

ADMIT: \_\_\_\_\_ DENY: \_\_\_\_\_

JU 1.20 Regarding the invoices attached hereto as Exhibits JU 1.1 through Exhibit JU 1.14, admit that the invoices are copies of original invoices received by SFG from Johnson Utilities.

ADMIT: \_\_\_\_\_ DENY: \_\_\_\_\_

**DATA REQUESTS**

JU 1.21 If SFG responded to any of the above Requests for Admission (JU 1.1 through 1.20) with anything other than an unqualified admission, for each such response:

- (a) State the basis for the denial or qualification;
- (b) State all facts that support the denial or qualified admission;
- (c) Identify each person that has knowledge of each such fact; and
- (d) Identify every document which refers to, relates to, or evidences such fact.

JU 1.22 With regard to the invoice attached hereto as Exhibit JU 1.7 (billing date of 07/25/12), please identify the person who made each of the following notes on the invoice and explain what is meant by each note:

- (a) "check and make sure it matches up"
- (b) "20,380,000 62.54"
- (c) "253.27 YRTD 2011"
- (d) "under 4.1 acre YRTD"
- (e) "41.45 July"
- (f) "YRTD 2012 249.17"

**JOHNSON UTILITIES' FIRST SET OF REQUESTS FOR ADMISSION  
AND DATA REQUESTS TO SWING FIRST GOLF, LLC  
DOCKET WS-02987A-13-0053**

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- JU 1.23 With regard to the invoice attached hereto as Exhibit JU 1.9 (billing date of 09/24/12), please identify the person who drew the circle around the words "28 Days" at the bottom of the invoice. Also, please explain why the words were circled.
- JU 1.24 With regard to the invoice attached hereto as Exhibit JU 1.10 (billing date of 10/25/12), please identify the person who drew the circle around the words "31 Days" at the bottom of the invoice. Also, please explain why the words were circled.
- JU 1.25 Please provide the name and title of each and every person at SFG (including past employees) who has or who had responsibility for reviewing effluent invoices received from Johnson Utilities during 2012 and 2013.
- JU 1.26 Please provide the name and title of each and every person at SFG (including past employees) who has or who had responsibility for paying effluent invoices received from Johnson Utilities during 2012 and 2013.
- JU 1.27 Does David Ashton personally approve the payment of effluent invoices received from Johnson Utilities?
- JU 1.28 During 2012 and 2013, did any officer, employee, contractor or agent of SFG read the meter which measures the quantity of effluent delivered by Johnson Utilities to SFG? If yes, please respond to the following:
- (a) Provide the name and title of each and every person at SFG (including any former employees) who has read the effluent meter.
  - (b) State whether the effluent meter was read on a daily, weekly or monthly basis.
  - (c) State whether SFG has any written or electronic records of effluent meter readings for the years 2012 and 2013. If SFG has written records of effluent meter readings, please provide a copy of the meter readings. If SFG has an electronic copy of effluent meter readings, please provide a printout of the electronic records.
- JU 1.29 During 2012 and 2013, did any officer, employee, contractor or agent of SFG take photographs or capture images (using a camera, cell phone or other device capable of capturing electronic images) of the readings on the effluent meter? If yes, please respond to the following:
- (a) Provide the name and title of each and every person who has taken photographs or captured images of readings on the effluent meter.
  - (b) State whether the photographs or images of the readings on the effluent meter were taken or captured on a daily, weekly or monthly basis.

**JOHNSON UTILITIES' FIRST SET OF REQUESTS FOR ADMISSION  
AND DATA REQUESTS TO SWING FIRST GOLF, LLC  
DOCKET WS-02987A-13-0053**

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- (c) Provide copies of all photographs of effluent meter readings during 2012 and 2013. If images of meter readings were captured on an electronic device, please provide electronic copies of the images.
- JU 1.30 Please provide the date or approximate date that SFG discovered that Johnson Utilities was not billing SFG the commodity charge for effluent delivered during the months of August 2012 through January 2013.
- JU 1.31 Please describe how SFG discovered that Johnson Utilities was not billing SFG the commodity charge for effluent delivered during the months of August 2012 through January 2013.
- JU 1.32 Please identify the name and title of the person at SFG who first discovered that Johnson Utilities was not billing SFG the commodity charge for effluent delivered during the months of August 2012 through January 2013.
- JU 1.33 Please provide a copy of all written communications between officers, employees, contractors or agents of SFG discussing the delivery of effluent to SFG by Johnson Utilities. For purposes of this data request, please provide written communications created on or after May 1, 2012, through the date of SFG's response to this data request.
- JU 1.34 Please provide a printout of all electronic communications between officers, employees, contractors or agents of SFG discussing the delivery of effluent to SFG by Johnson Utilities. For purposes of this data request, please provide a printout of electronic communications created on or after May 1, 2012, through the date of SFG's response to this data request.
- JU 1.35 Did SFG prepare a budget of estimated effluent deliveries and effluent delivery charges by month for the years 2012 or 2013? If yes, please provide a copy of such budgets. If a budget is in electronic form, please provide a printout of the budget.
- JU 1.36 In SFG's Formal Complaint at page 11, lines 20-21, SFG alleges that "Utility has ... not sent bills to Swing First." Please explain this statement.
- JU 1.37 In SFG's Formal Complaint at page 12, lines 18-19, SFG states that there has been "formal judicial acknowledgement that Utility had grossly mistreated Swing First Golf." With regard to this statement, please identify each and every "formal judicial acknowledgement" that Johnson Utilities grossly mistreated SFG, and please provide a copy of each document containing such a formal judicial acknowledgement.

**JOHNSON UTILITIES' FIRST SET OF REQUESTS FOR ADMISSION  
AND DATA REQUESTS TO SWING FIRST GOLF, LLC  
DOCKET WS-02987A-13-0053**

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- JU 1.38 In SFG's Formal Complaint at page 12, line 22, SFG alleges that it made "good faith efforts to resolve its current issues with Utility." Please provide a detailed description of all "good faith efforts" by SFG as referenced in this statement. As part of your response: (i) provide a copy of all written communications between SFG and Johnson Utilities pertaining to the "current issues" referenced in the above statement; (ii) provide a printed copy of all electronic communications between SFG and Johnson Utilities pertaining to the "current issues" referenced in the above statement; (iii) provide the date of all phone calls between representatives of SFG and Johnson Utilities pertaining to the "current issues" referenced in the above statement, and include the name and title of each person who was a party to such phone calls; and (iv) provide the date of all meetings between representatives of SFG and Johnson Utilities pertaining to the "current issues" referenced in the above statement, and include the name and title of each person who was a party to such meetings.
- JU 1.39 In SFG's Formal Complaint at page 12, lines 23-24, SFG alleges that it incurred the expense of filing a complaint at the Arizona Corporation Commission. Please provide the amount of the expense incurred by SFG for the preparation and filing of the formal complaint in docket WS-02987A-13-0053.
- JU 1.40 Please state the exact dollar amount that SFG is disputing on the invoice attached hereto as Exhibit JU 1.14 (billing date of 02/25/13).
- JU 1.41 For the months of August 2012 through February 2013, does SFG allege any problem with the accuracy of the meter which measures the quantity of effluent delivered by Johnson Utilities to SFG?
- JU 1.42 Does SFG allege any error in any of the meter readings for effluent usage by SFG for the months of August 2012 through February 2013 as such usage is depicted in the invoice attached hereto as Exhibit JU 1.14 (billing date of 02/25/13)? If yes, please respond to the following:
- (a) Identify each and every meter reading which is in error.
  - (b) For each and every meter reading which is in error, state the basis of the error, provide all documentation in the possession of SFG evidencing the error, and provide the correct meter reading.
  - (c) Identify all officers, employees, contractors or agents of SFG having information or knowledge regarding the error.
- JU 1.43 In the event the Arizona Corporation Commission rules against SFG on Count C of the Formal Complaint in this docket, does SFG have the funds immediately available to pay the disputed portion of the invoice attached hereto as Exhibit JU 1.14 (billing date of 02/25/13)?

# **Exhibit JU 1.1**

# Johnson Utilities

968 E Hunt Hwy  
Queen Creek, AZ 85143  
(480) 987-9870

SWING FIRST GOLF  
30761 N GOLF CLUB DR  
QUEEN CREEK, AZ 85143

|||||d|||||b|b|d|b|b|b|f|f|

00120362020008121010

AMOUNT PAID \_\_\_\_\_

BILLING DATE	ACCOUNT NUMBER
01/31/12	00120362-02
DUE DATE	AMOUNT DUE
02/15/12	\$8,121.01

PLEASE MAKE ADDRESS CORRECTIONS BELOW



Meter Readings  
DETACH AND MAIL ABOVE PORTION WITH PAYMENT. KEEP BOTTOM PORTION FOR YOUR RECORDS.  
Readings Dates

Description	Previous	Present	Usage	Read Code	Previous	Present
	529505000	534466000	4961000	Normal Rd.	12/15/2011	1/17/2012

### WATER SERVICE

Water Minimum	\$880.00	Water Usage	\$2,619.41
Water AZ Privilege Tax	\$259.45	Water AZ Superfund Tax	\$32.25
		<b>Total Water Charges</b>	<b>\$3,801.11</b>

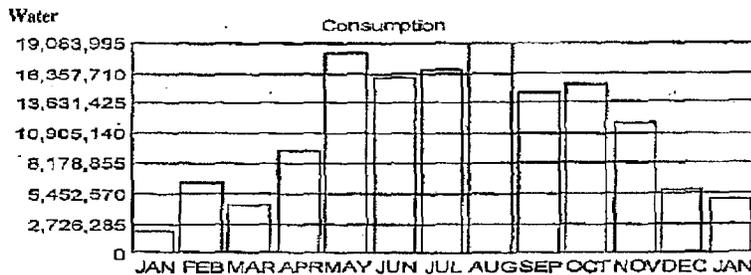
### OTHER CHARGES

Late Fee-Water	\$63.84		
		<b>Total Other Charges</b>	<b>\$63.84</b>

Previous Balance	\$4,256.06		
Payment	\$0.00	Total Due	\$8,121.01

PREVIOUS BALANCE DUE UPON RECEIPT TO AVOID DISCONNECTION  
A late fee of 1.5% will be charged for payments not received by the 15th of each month.  
Make payments online, sign up for auto pay, or go green and sign up for Ebill by visiting [www.johnsonutilities.com](http://www.johnsonutilities.com)

CUSTOMER	
SWING FIRST GOLF	
SERVICE ADDRESS	
433 GOLF CLUB DR	
ACCOUNT NUMBER	BILLING DATE
00120362-02	01/31/12
METER NUMBER	DUE DATE
53303	02/15/12
BILLING PERIOD	
From 12/31/11 to 01/31/12 = 31 Days	



BILLING ID: 5310 00020536

### Johnson Utilities

968 E Hunt Hwy  
Queen Creek, AZ 85143  
(480) 987-9870

# **Exhibit JU 1.2**

# Johnson Utilities

968 E Hunt Hwy  
Queen Creek, AZ 85143  
(480) 987-9870

SWING FIRST GOLF  
30761 N GOLF CLUB DR  
QUEEN CREEK, AZ 85143



00120362020006944330

AMOUNT PAID \_\_\_\_\_

BILLING DATE	ACCOUNT NUMBER
02/24/12	00120362-02
DUE DATE	AMOUNT DUE
03/15/12	\$6,944.33

PLEASE MAKE ADDRESS CORRECTIONS BELOW

Description	Meter Readings		Usage	Read Code	Readings Dates	
	Previous	Present			Previous	Present
	534466000	538073000	3607000	Normal Rd.	1/17/2012	2/13/2012

**WATER SERVICE**

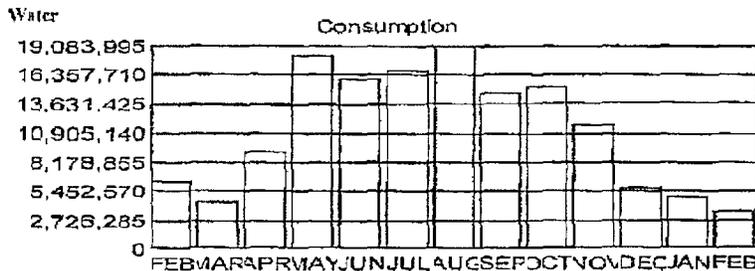
Water Minimum	\$880.00	Water Usage	\$1,904.50
Water AZ Privilege Tax	\$214.41	Water AZ Superfund Tax	\$23.45
		<b>Total Water Charges</b>	<b>\$3,022.36</b>

**OTHER CHARGES**

Late Fee-Water	\$57.02	<b>Total Other Charges</b>	<b>\$57.02</b>
----------------	---------	----------------------------	----------------

Previous Balance	\$8,121.01	<b>Total Due</b>	<b>\$6,944.33</b>
Payment	(\$4,256.06)		

PREVIOUS BALANCE DUE UPON RECEIPT TO AVOID DISCONNECTION  
A late fee of 1.5% will be charged for payments not received by the 15th of each month.  
Make payments online, sign up for auto pay, or go green and sign up for Ebill by visiting [www.johnsonutilities.com](http://www.johnsonutilities.com)



BILLING ID: 5310 00020536

CUSTOMER	
SWING FIRST GOLF	
SERVICE ADDRESS	
433 GOLF CLUB DR	
ACCOUNT NUMBER	BILLING DATE
00120362-02	02/24/12
METER NUMBER	DUE DATE
53303	03/15/12
BILLING PERIOD	
From 01/31/12 to 02/24/12 = 24 Days	

**Johnson Utilities**  
968 E Hunt Hwy  
Queen Creek, AZ 85143  
(480) 987-9870

# **Exhibit JU 1.3**

### Johnson Utilities

968 E Hunt Hwy  
San Tan Valley, AZ 85143  
(480) 987-9870

AMOUNT PAID \_\_\_\_\_

BILLING DATE	ACCOUNT NUMBER
03/26/12	00120362-02
DUE DATE	AMOUNT DUE
04/15/12	\$5,379.53

PLEASE MAKE ADDRESS CORRECTIONS BELOW

SWING FIRST GOLF  
30761 N GOLF CLUB DR  
SAN TAN VALLEY, AZ 85143

|||||

00120362020005379538

Description	Meter Readings		Usage	Read Code	Readings Dates	
	Previous	Present			Previous	Present
	538073000	544538000	6465000	Normal Rd.	2/13/2012	3/13/2012

**WATER SERVICE**

Water Minimum	\$880.00	Water Usage	\$4,072.95
Water AZ Privilege Tax	\$381.38	Water AZ Superfund Tax	\$42.02
		<b>Total Water Charges</b>	<b>\$5,376.35</b>

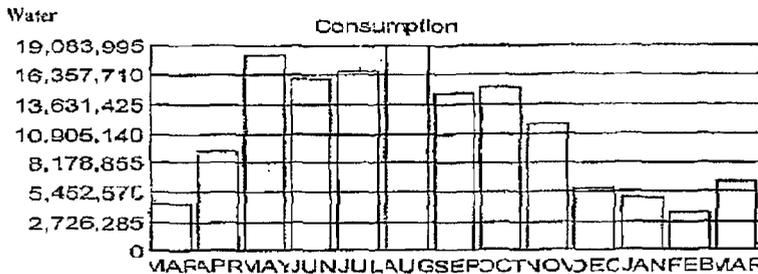
**OTHER CHARGES**

Late Fee-Water	\$0.05	<b>Total Other Charges</b>	<b>\$0.05</b>
----------------	--------	----------------------------	---------------

Previous Balance	\$6,944.33		
Payment	(\$6,941.20)	Total Due	\$5,379.53

PREVIOUS BALANCE DUE UPON RECEIPT TO AVOID DISCONNECTION  
A late fee of 1.5% will be charged for payments not received by the 15th of each month.  
Make payments online, sign up for auto pay, or go green and sign up for Ebill by visiting [www.johnsonutilities.com](http://www.johnsonutilities.com)

CUSTOMER	
SWING FIRST GOLF	
SERVICE ADDRESS	
433 GOLF CLUB DR	
ACCOUNT NUMBER	BILLING DATE
00120362-02	03/26/12
METER NUMBER	DUE DATE
53303	04/15/12
BILLING PERIOD	
From 02/24/12 to 03/26/12 = 31 Days	



BILLING ID: 5310 00020536

**Johnson Utilities**

968 E Hunt Hwy  
San Tan Valley, AZ 85143  
(480) 987-9870

# **Exhibit JU 1.4**

**Johnson Utilities**

968 E Hunt Hwy  
 San Tan Valley, AZ 85143  
 (480) 987-9870

AMOUNT PAID \_\_\_\_\_

BILLING DATE	ACCOUNT NUMBER
04/24/12	00120362-02
DUE DATE	AMOUNT DUE
05/15/12	\$8,020.35

PLEASE MAKE ADDRESS CORRECTIONS BELOW

SWING FIRST GOLF  
 30761 N GOLF CLUB DR  
 SAN TAN VALLEY, AZ 85143



00120362020008020352

DETACH AND MAIL ABOVE PORTION WITH PAYMENT. KEEP BOTTOM PORTION FOR YOUR RECORDS.

Description	Meter Readings		Usage	Read Code	Readings Dates	
	Previous	Present			Previous	Present
	544538000	554745000	10207000	Normal Rd.	3/13/2012	4/16/2012

**WATER SERVICE**

Water Minimum	\$880.00	Water Usage	\$6,430.41
Water AZ Privilege Tax	\$562.90	Water AZ Superfund Tax	\$66.35
		<b>Total Water Charges</b>	<b>\$7,939.66</b>

**OTHER CHARGES**

Late Fee-Water	\$80.69	<b>Total Other Charges</b>	<b>\$80.69</b>
----------------	---------	----------------------------	----------------

Previous Balance	\$5,379.53		
Payment	(\$5,379.53)	<b>Total Due</b>	<b>\$8,020.35</b>

PREVIOUS BALANCE DUE UPON RECEIPT TO AVOID DISCONNECTION

A late fee of 1.5% will be charged for payments not received by the 15th of each month.

Make payments online, sign up for auto pay, or go green and sign up for Ebill by visiting [www.johnsonutilities.com](http://www.johnsonutilities.com)

CUSTOMER  
 SWING FIRST GOLF

SERVICE ADDRESS  
 433 GOLF CLUB DR

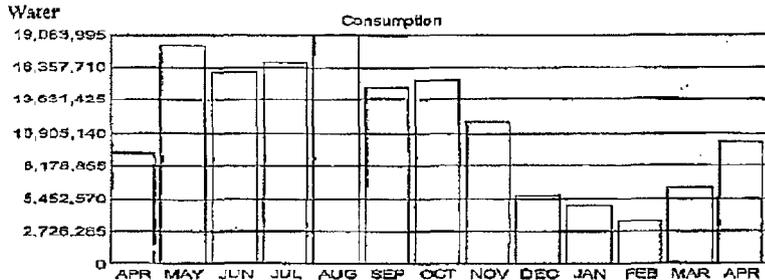
ACCOUNT NUMBER  
 00120362-02

BILLING DATE  
 04/24/12

METER NUMBER  
 53303

DUE DATE  
 05/15/12

BILLING PERIOD  
 From 03/26/12 to 04/24/12 = 29 Days



BILLING ID: 5310 00020536

**Johnson Utilities**

968 E Hunt Hwy  
 San Tan Valley, AZ 85143  
 (480) 987-9870

# **Exhibit JU 1.5**

### Johnson Utilities

968 E Hunt Hwy  
 San Tan Valley, AZ 85143  
 (480) 987-9870

SWING FIRST GOLF  
 30761 N GOLF CLUB DR  
 SAN TAN VALLEY, AZ 85143



00120362020010931687

AMOUNT PAID \_\_\_\_\_

BILLING DATE	ACCOUNT NUMBER
05/24/12	00120362-02
DUE DATE	AMOUNT DUE
06/15/12	\$10,931.68

PLEASE MAKE ADDRESS CORRECTIONS BELOW

DETACH AND MAIL ABOVE PORTION WITH PAYMENT. KEEP BOTTOM PORTION FOR YOUR RECORDS.

Description	Meter Readings		Usage	Read Code	Readings Dates	
	Previous	Present			Previous	Present
	554745000	569146000	14401000	Normal Rd.	4/16/2012	5/15/2012

**WATER SERVICE**

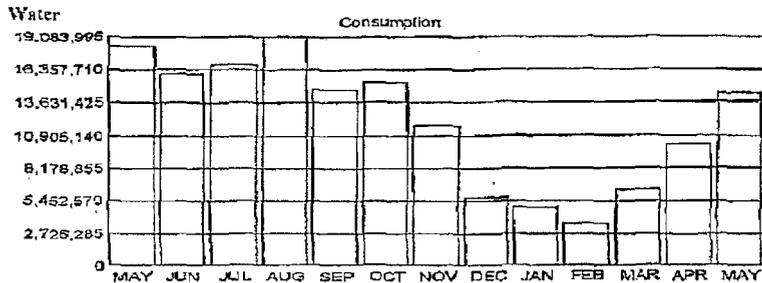
Water Minimum	\$880.00	Water Usage	\$9,072.63
Water AZ Privilege Tax	\$766.35	Water AZ Superfund Tax	\$93.61
		<b>Total Water Charges</b>	<b>\$10,812.59</b>

**OTHER CHARGES**

Late Fee-Water	\$119.09	<b>Total Other Charges</b>	<b>\$119.09</b>
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Previous Balance	\$8,020.35		
Payment	(\$8,928.35)	Total Due	\$10,931.68

PREVIOUS BALANCE DUE UPON RECEIPT TO AVOID DISCONNECTION  
 A late fee of 1.5% will be charged for payments not received by the 15th of each month.  
 Make payments online, sign up for auto pay, or go green and sign up for Ebill by visiting [www.johnsonutilities.com](http://www.johnsonutilities.com)



BILLING ID: 5310 00020536

CUSTOMER	
SWING FIRST GOLF	
SERVICE ADDRESS	
433 GOLF CLUB DR	
ACCOUNT NUMBER	BILLING DATE
00120362-02	05/24/12
METER NUMBER	DUE DATE
53303	06/15/12
BILLING PERIOD	
From 04/24/12 to 05/24/12 = 30 Days	

**Johnson Utilities**

968 E Hunt Hwy  
 San Tan Valley, AZ 85143  
 (480) 987-9870

# **Exhibit JU 1.6**

### Johnson Utilities

968 E Hunt Hwy  
 San Tan Valley, AZ 85143  
 (480) 987-9870

AMOUNT PAID \_\_\_\_\_

BILLING DATE	ACCOUNT NUMBER
06/25/12	00120362-02
DUE DATE	AMOUNT DUE
07/15/12	\$25,445.23

PLEASE MAKE ADDRESS CORRECTIONS BELOW

SWING FIRST GOLF  
 30761 N GOLF CLUB DR  
 SAN TAN VALLEY, AZ 85143



00120362020025445236

Description	Meter Readings		Usage	Read Code	Readings Dates	
	Previous	Present			Previous	Present
	569146000	588713000	19567000	Normal Rd.	5/13/2012	6/14/2012

**WATER SERVICE**

Water Minimum	\$880.00	Water Usage	\$12,327.21
Water AZ Privilege Tax	\$1,016.96	Water AZ Superfund Tax	\$127.19
		<b>Total Water Charges</b>	<b>\$14,351.36</b>

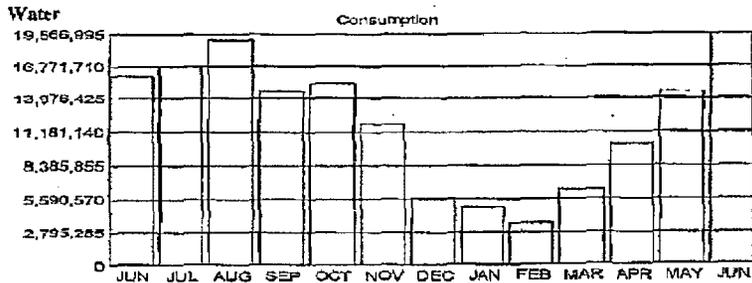
**OTHER CHARGES**

Late Fee-Water	\$162.19	<b>Total Other Charges</b>	<b>\$162.19</b>
----------------	----------	----------------------------	-----------------

Previous Balance	\$10,931.68		
Payment	\$0.00	Total Due	\$25,445.23

PREVIOUS BALANCE DUE UPON RECEIPT TO AVOID DISCONNECTION  
 A late fee of 1.5% will be charged for payments not received by the 15th of each month.  
 Make payments online, sign up for auto pay, or go green and sign up for Ebill by visiting [www.johnsonutilities.com](http://www.johnsonutilities.com)

CUSTOMER	
SWING FIRST GOLF	
SERVICE ADDRESS	
433 GOLF CLUB DR	
ACCOUNT NUMBER	BILLING DATE
00120362-02	06/25/12
METER NUMBER	DUE DATE
53303	07/15/12
BILLING PERIOD	
From 05/24/12 to 06/25/12 = 32 Days	



BILLING ID: 5310 00020536

**Johnson Utilities**

968 E Hunt Hwy  
 San Tan Valley, AZ 85143  
 (480) 987-9870

# **Exhibit JU 1.7**

### Johnson Utilities

968 E Hunt Hwy  
San Tan Valley, AZ 85143  
(480) 987-9870

SWING FIRST GOLF  
30761 N GOLF CLUB DR  
SAN TAN VALLEY, AZ 85143  
00120362020028971311

*check  
make sure  
it matches up*

AMOUNT PAID

BILLING DATE	ACCOUNT NUMBER
07/25/12	00120362-02
DUE DATE	AMOUNT DUE
08/15/12	\$28,971.31

PLEASE MAKE ADDRESS CORRECTIONS BELOW

Description	Meter Readings		Usage	Read Code	Readings Dates	
	Previous	Present			Previous	Present
	588713000	608184000	19471000	Normal Rd.	6/14/2012	7/16/2012

*20,380,000 62,54*

#### WATER SERVICE

Water Minimum	\$880.00	Water Usage	\$12,266.73
Water AZ Privilege Tax	\$1,012.30	Water AZ Superfund Tax	\$126.56
		<b>Total Water Charges</b>	<b>\$14,285.59</b>

#### OTHER CHARGES

Late Fee-Water	\$215.27	Total Other Charges	\$215.27
----------------	----------	---------------------	----------

*253.27  
YRTD 2011*

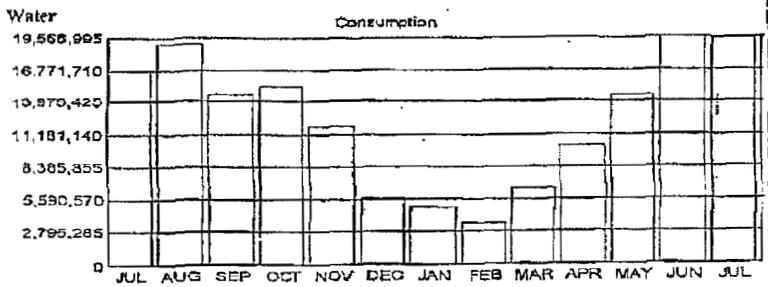
*UNDER  
4.1 ACRES  
YRTD*

*41.45 JULY  
YRTD 2012 249.17*

Previous Balance	\$25,445.73	Total Due	\$28,971.31
Payment	(\$10,974.78)		

PREVIOUS BALANCE DUE UPON RECEIPT TO AVOID DISCONNECTION  
A late fee of 1.5% will be charged for payments not received by the 15th of each month.  
Make payments online, sign up for auto pay, or go green and sign up for Ebill by visiting [www.johnsonutilities.com](http://www.johnsonutilities.com)

CUSTOMER	
SWING FIRST GOLF	
SERVICE ADDRESS	
433 GOLF CLUB DR	
ACCOUNT NUMBER	BILLING DATE
00120362-02	07/25/12
METER NUMBER	DUE DATE
53303	08/15/12
BILLING PERIOD	
From 06/25/12 to 07/25/12 = 30 Days	



BILLING ID: 5310 00020536

Johnson Utilities  
968 E Hunt Hwy  
San Tan Valley, AZ 85143  
(480) 987-9870

# **Exhibit JU 1.8**

**Johnson Utilities**

968 E Hunt Hwy  
San Tan Valley, AZ 85143  
(480) 987-9870

SWING FIRST GOLF  
30761 N GOLF CLUB DR  
SAN TAN VALLEY, AZ 85143



00120362020009091311

AMOUNT PAID

BILLING DATE	ACCOUNT NUMBER
08/27/12	00120362-02
DUE DATE	AMOUNT DUE
09/15/12	\$9,091.31

PLEASE MAKE ADDRESS CORRECTIONS BELOW

DETACH AND MAIL ABOVE PORTION WITH PAYMENT. KEEP BOTTOM PORTION FOR YOUR RECORDS.

Description	Meter Readings		Usage	Read Code	Readings Dates	
	Previous	Present			Previous	Present
	608184000	620071000	11887000	Normal Rd.	7/16/2012	8/20/2012

**WATER SERVICE**

Water Minimum	\$880.00	Water Usage	\$7,488.81
Water AZ Privilege Tax	\$644.40	Water AZ Superfund Tax	\$77.27
		<b>Total Water Charges</b>	<b>\$9,090.48</b>

**OTHER CHARGES**

Late Fee-Water	\$216.07	<b>Total Other Charges</b>	<b>\$216.07</b>
----------------	----------	----------------------------	-----------------

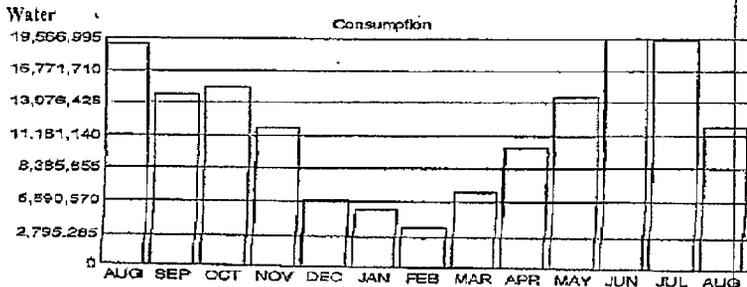
Previous Balance	\$28,971.31	Total Due	\$9,091.31
Payment	(\$29,186.55)		

PREVIOUS BALANCE DUE UPON RECEIPT TO AVOID DISCONNECTION

A late fee of 1.5% will be charged for payments not received by the 15th of each month.

Make payments online, sign up for auto pay, or go green and sign up for Ebill by visiting [www.johnsonutilities.com](http://www.johnsonutilities.com)

CUSTOMER	
SWING FIRST GOLF	
SERVICE ADDRESS	
433 GOLF CLUB DR	
ACCOUNT NUMBER	BILLING DATE
00120362-02	08/27/12
METER NUMBER	DUE DATE
53303	09/15/12
BILLING PERIOD	
From 07/25/12 to 08/27/12 = 33 Days	



BILLING ID: 5310 00020536

**Johnson Utilities**

968 E Hunt Hwy  
San Tan Valley, AZ 85143  
(480) 987-9870

# **Exhibit JU 1.9**

# Johnson Utilities

968 E Hunt Hwy  
 San Tan Valley, AZ 85143  
 (480) 987-9870

SWING FIRST GOLF  
 30761 N GOLF CLUB DR  
 SAN TAN VALLEY, AZ 85143



00120362020010175434

AMOUNT PAID

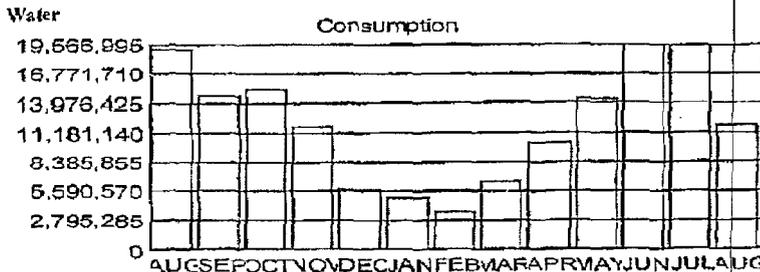
BILLING DATE	ACCOUNT NUMBER
09/24/12	00120362-02
DUE DATE	AMOUNT DUE
10/15/12	\$10,175.43

PLEASE MAKE ADDRESS CORRECTIONS BELOW

Description	Meter Readings		Usage	Read Code	Readings Dates	
	Previous	Present			Previous	Present
<b>WATER SERVICE</b>						
Water Minimum			\$880.00			
				Water AZ Privilege Tax		\$67.76
				<b>Total Water Charges</b>		<b>\$947.76</b>
<b>OTHER CHARGES</b>						
Late Fee-Water			\$136.36			
				<b>Total Other Charges</b>		<b>\$136.36</b>

Previous Balance	\$9,091.31		
Payment	\$0.00	Total Due	\$10,175.43

PREVIOUS BALANCE DUE UPON RECEIPT TO AVOID DISCONNECTION  
 A late fee of 1.5% will be charged for payments not received by the 15th of each month.  
 Make payments online, sign up for auto pay, or go green and sign up for Ebill by visiting [www.johnsonutilities.com](http://www.johnsonutilities.com)



BILLING ID: 5310 00020536

CUSTOMER	
SWING FIRST GOLF	
SERVICE ADDRESS	
433 GOLF CLUB DR	
ACCOUNT NUMBER	BILLING DATE
00120362-02	09/24/12
METER NUMBER	DUE DATE
	10/15/12
BILLING PERIOD	
From 08/27/12 to 09/24/12 = 28 Days	

**Johnson Utilities**

968 E Hunt Hwy  
 San Tan Valley, AZ 85143  
 (480) 987-9870

**Exhibit JU 1.10**

### Johnson Utilities

968 E Hunt Hwy  
San Tan Valley, AZ 85143  
(480) 987-9870

SWING FIRST GOLF  
30761 N GOLF CLUB DR  
SAN TAN VALLEY, AZ 85143



00120362020002046106

AMOUNT PAID

BILLING DATE	ACCOUNT NUMBER
10/25/12	00120362-02
DUE DATE	AMOUNT DUE
11/15/12	\$2,046.10

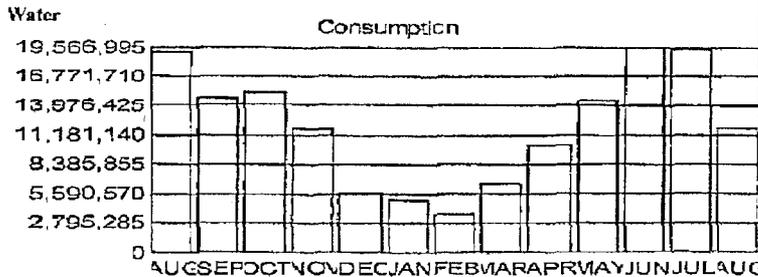
PLEASE MAKE ADDRESS CORRECTIONS BELOW

Meter Readings  
DETACH AND MAIL ABOVE PORTION WITH PAYMENT. KEEP BOTTOM PORTION FOR YOUR RECORDS.  
Readings Dates

Description	Meter Readings		Usage	Read Code	Readings Dates	
	Previous	Present			Previous	Present
<b>WATER SERVICE</b>						
Water Minimum			\$880.00			
				Water AZ Privilege Tax		\$67.76
				<b>Total Water Charges</b>		<b>\$947.76</b>
<b>OTHER CHARGES</b>						
Late Fee-Water			\$14.22			
				<b>Total Other Charges</b>		<b>\$14.22</b>

Previous Balance	\$10,175.43		
Payments	(\$9,091.31)	Total Due	\$2,046.10

PREVIOUS BALANCE DUE UPON RECEIPT TO AVOID DISCONNECTION  
A late fee of 1.5% will be charged for payments not received by the 15th of each month.  
Make payments online, sign up for auto pay, or go green and sign up for Ebill by visiting [www.johnsonutilities.com](http://www.johnsonutilities.com)



BILLING ID: 5310 00020536

CUSTOMER	
SWING FIRST GOLF	
SERVICE ADDRESS	
433 GOLF CLUB DR	
ACCOUNT NUMBER	BILLING DATE
00120362-02	10/25/12
METER NUMBER	DUE DATE
	11/15/12
BILLING PERIOD	
From 09/24/12 to 10/25/12 = 31 Days	

### Johnson Utilities

968 E Hunt Hwy  
San Tan Valley, AZ 85143  
(480) 987-9870

# **Exhibit JU 1.11**

### Johnson Utilities

968 E Hunt Hwy  
San Tan Valley, AZ 85143  
(480) 987-9870

SWING FIRST GOLF  
30761 N GOLF CLUB DR  
SAN TAN VALLEY, AZ 85143

|||||

00120362020000947768

AMOUNT PAID

BILLING DATE	ACCOUNT NUMBER
11/26/12	00120362-02
DUE DATE	AMOUNT DUE
12/15/12	\$947.76

PLEASE MAKE ADDRESS CORRECTIONS BELOW

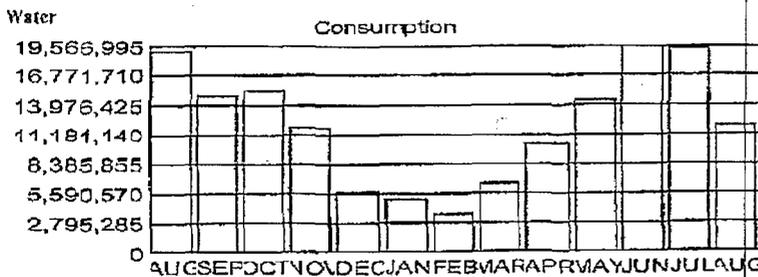
Meter Readings  
DETACH AND MAIL ABOVE PORTION WITH PAYMENT. KEEP BOTTOM PORTION FOR YOUR RECORDS.

Description	Meter Readings		Usage	Read Code	Readings Dates	
	Previous	Present			Previous	Present
<b>WATER SERVICE</b>						
Water Minimum			\$880.00	Water AZ Privilege Tax		\$67.76
				<b>Total Water Charges</b>		<b>\$947.76</b>

Previous Balance	\$2,046.10		
Payment	(\$2,046.10)	Total Due	\$947.76

PREVIOUS BALANCE DUE UPON RECEIPT TO AVOID DISCONNECTION  
A late fee of 1.5% will be charged for payments not received by the 15th of each month.  
Make payments online, sign up for auto pay, or go green and sign up for Ebill by visiting [www.johnsonutilities.com](http://www.johnsonutilities.com)

CUSTOMER	
SWING FIRST GOLF	
SERVICE ADDRESS	
433 GOLF CLUB DR	
ACCOUNT NUMBER	BILLING DATE
00120362-02	11/26/12
METER NUMBER	DUE DATE
	12/15/12
BILLING PERIOD	
From 10/25/12 to 11/26/12 = 32 Days	



BILLING ID: 5310 00020536

### Johnson Utilities

968 E Hunt Hwy  
San Tan Valley, AZ 85143  
(480) 987-9870

# **Exhibit JU 1.12**

Jan 27 13 12:08p

Johnson Ranch Golf Club

**Johnson Utilities**

968 E. Hunt Hwy  
San Tan Valley, AZ 85143

(480) 987-9870

Please Make Address Corrections Here

SWING FIRST GOLF  
30761 N GOLF CLUB DR  
SANTAN VALLEY, AZ 85143

00120362020000204533

4809873800

p.1

Amount Paid

<b>Billing Date</b>	<b>Account Number</b>
12/27/2012	00120362-02
<b>Due Date</b>	<b>Amount Due</b>
1/15/2013	\$204.53

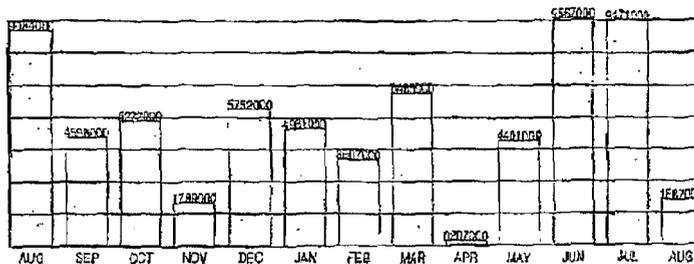
Remit To:

Johnson Utilities  
968 E Hunt Highway  
San Tan Valley AZ 85143-7450

Description	Meter Readings		Usage	Read Code	Readings Dates	
	Previous	Present			Previous	Present
<b>WATER SERVICE</b>						
Water Minimum		\$880.00				Water AZ Privilege Tax \$67.76
Water Usage Credit*		-\$683.55				Water AZ Privilege Tax Cr -\$52.63
						<b>Total Water Charges \$211.58</b>
<b>OTHER CHARGES</b>						
Water AZ Superfund Tax Cr		-\$7.05				
						<b>Total Other Charges -\$7.05</b>
<b>Previous Balance</b>		\$947.76				
<b>Payments</b>		-\$947.76				<b>Total Due \$204.53</b>

PREVIOUS BALANCE DUE UPON RECEIPT TO AVOID DISCONNECTION A late fee of 1.5% will be charged for payments not received by the 15th of each month. Make payments online, sign up for auto pay, or go green and sign up for Ebill by visiting [www.johnsonutilities.com](http://www.johnsonutilities.com)

Consumption



<b>Billing ID</b>	
5310 00020536	
<b>Customer</b>	
SWING FIRST GOLF	
<b>Service Address</b>	
433 GOLF CLUB DR	
<b>Billing Date</b>	<b>Account Number</b>
12/27/2012	00120362-02
<b>Due Date</b>	<b>Amount Due</b>
1/15/2013	\$204.53
<b>Billing Period</b>	
From 11/26/2012 to 12/26/2012 = 30 Days	

# **Exhibit JU 1.13**

Feb 07 13 04:30p Johnson Ranch Golf Club

4809873800

p.1

**Johnson Utilities**  
 968 E. Hunt Hwy  
 San Tan Valley, AZ 85143  
 (480) 987-9870

Please Make Address Corrections Here

Amount Paid \_\_\_\_\_

<b>Billing Date</b>	<b>Account Number</b>
1/26/2013	00120362-02
<b>Due Date</b>	<b>Amount Due</b>
2/15/2013	\$950.83

SWING FIRST GOLF  
 30761 N GOLF CLUB DR  
 SAN TAN VALLEY, AZ 85143

Remit To:

Johnson Utilities  
 968 E Hunt Highway  
 San Tan Valley AZ 85143-7450

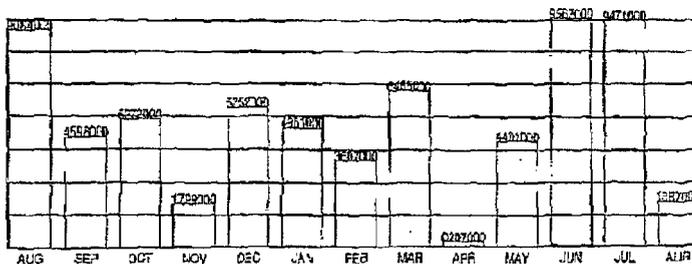
00120362020000950838

Description	Meter Readings		Usage	Read Code	Readings Dates	
	Previous	Present			Previous	Present
<b>WATER SERVICE</b>						
Water Minimum		\$880.00				
			Water AZ Privilege Tax			\$67.76
			Total Water Charges			\$947.76
<b>OTHER CHARGES</b>						
Late Fee-Water		\$3.07				
			Total Other Charges			\$3.07

<b>Previous Balance</b>	\$204.53		
<b>Payments</b>	-\$204.53	<b>Total Due</b>	\$950.83

PREVIOUS BALANCE DUE UPON RECEIPT TO AVOID DISCONNECTION A late fee of 1.5% will be charged for payments not received by the 15th of each month. Make payments online, sign up for auto pay, or go green and sign up for Ebill by visiting [www.johnsonutilities.com](http://www.johnsonutilities.com)

**Consumption**



<b>Billing ID</b>	
5310 00020536	
<b>Customer</b>	
SWING FIRST GOLF	
<b>Service Address</b>	
433 GOLF CLUB DR	
<b>Billing Date</b>	<b>Account Number</b>
1/26/2013	00120362-02
<b>Due Date</b>	<b>Amount Due</b>
2/15/2013	\$950.83
<b>Billing Period</b>	
From 12/26/2012 to 01/25/2013 = 30 Days	

# **Exhibit JU 1.14**

Exhibit B

Johnson Utilities

968 E Hunt Hwy  
 San Tan Valley, AZ 85143  
 (480) 987-9870

02/25/13 00120362-02  
 03/15/13 \$38,451.95

SWING FIRST GOLF  
 30761 N GOLF CLUB DR.  
 SAN TAN VALLEY, AZ 85143

00120362020038451957

Description	Meter Readings			Read Code	Readings Dates	
	Previous	Present	Usage		Previous	Present
	620071000	621516000	1445000	Final Reading	8/14/2012	8/16/2012
	0	0	0	Initial Read	8/16/2012	8/16/2012
	0	13920000	13920000	Normal Rd.	8/16/2012	9/17/2012
	13920000	25436000	11516000	Normal Rd.	9/17/2012	10/17/2012
	25436000	38953000	13517000	Normal Rd.	10/17/2012	11/14/2012
	38953000	46383000	7430000	Normal Rd.	11/14/2012	12/17/2012
	46383000	50396000	4013000	Normal Rd.	12/17/2012	1/14/2013
	50396000	53383000	2987000	Normal Rd.	1/14/2013	2/13/2013

**WATER SERVICE**

Water Minimum*	\$880.00	Water AZ Superfund Tax	\$356.38
		<b>Total Water Charges</b>	<b>\$1,236.38</b>

**SEWER SERVICE**

Sewer AZ Privilege Tax	\$2,659.71	<b>Total Sewer Charges</b>	<b>\$2,659.71</b>
------------------------	------------	----------------------------	-------------------

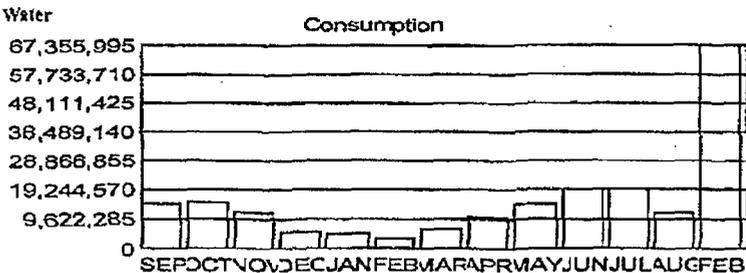
**OTHER CHARGES**

Effluent Usage	\$34,541.64	Late Fee-Water	\$14.22
Previous Balance	\$950.83	<b>Total Due</b>	<b>\$38,451.95</b>
Payment	(\$950.83)		

**PREVIOUS BALANCE DUE UPON RECEIPT TO AVOID DISCONNECTION**

A late fee of 1.5% will be charged for payments not received by the 15th of each month.  
 Make payments online, sign up for auto pay, or go green and sign up for Ebill by visiting [www.johnsonutilities.com](http://www.johnsonutilities.com)

SWING FIRST GOLF  
 433 GOLF CLUB DR



00120362-02 02/25/13  
 53303 03/15/13  
 From 01/25/13 to 02/25/13 = 31 Days

**Johnson Utilities**  
 968 E Hunt Hwy  
 San Tan Valley, AZ 85143  
 (480) 987-9870

BILLING ID: 5310 00020536

# **ATTACHMENT 2**

**JOHNSON UTILITIES' FIRST SET OF REQUESTS FOR ADMISSION  
AND DATA REQUESTS TO SWING FIRST GOLF, LLC  
DOCKET WS-02987A-13-0053  
SWING FIRST GOLF LLC'S RESPONSES DATED JUNE 17, 2013**

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**REQUESTS FOR ADMISSION**

JU 1.1 Admit that Swing First Golf, LLC ("SFG") received from Johnson Utilities a copy of the invoice attached hereto as Exhibit JU 1.1 which shows an amount due of \$8,121.01 and a billing date of 01/31/12 for Account No. 00120362-02.

ADMIT:   x   DENY: \_\_\_\_\_

JU 1.2 Admit that SFG received from Johnson Utilities a copy of the invoice attached hereto as Exhibit JU 1.2 which shows an amount due of \$6,944.33 and a billing date of 02/24/12 for Account No. 00120362-02.

ADMIT:   x   DENY: \_\_\_\_\_

JU 1.3 Admit that SFG received from Johnson Utilities a copy of the invoice attached hereto as Exhibit JU 1.3 which shows an amount due of \$5,379.53 and a billing date of 03/26/12 for Account No. 00120362-02.

ADMIT:   x   DENY: \_\_\_\_\_

JU 1.4 Admit that SFG received from Johnson Utilities a copy of the invoice attached hereto as Exhibit JU 1.4 which shows an amount due of \$8,020.35 and a billing date of 04/24/12 for Account No. 00120362-02.

ADMIT:   x   DENY: \_\_\_\_\_

JU 1.5 Admit that SFG received from Johnson Utilities a copy of the invoice attached hereto as Exhibit JU 1.5 which shows an amount due of \$10,931.68 and a billing date of 05/24/12 for Account No. 00120362-02.

ADMIT:   x   DENY: \_\_\_\_\_

JU 1.6 Admit that SFG received from Johnson Utilities a copy of the invoice attached hereto as Exhibit JU 1.6 which shows an amount due of \$25,445.23 and a billing date of 06/25/12 for Account No. 00120362-02.

ADMIT:   x   DENY: \_\_\_\_\_

**JOHNSON UTILITIES' FIRST SET OF REQUESTS FOR ADMISSION  
AND DATA REQUESTS TO SWING FIRST GOLF, LLC  
DOCKET WS-02987A-13-0053  
SWING FIRST GOLF LLC'S RESPONSES DATED JUNE 17, 2013**

---

JU 1.7 Admit that SFG received from Johnson Utilities a copy of the invoice attached hereto as Exhibit JU 1.7 which shows an amount due of \$28,971.31 and a billing date of 07/25/12 for Account No. 00120362-02.

ADMIT:     x     DENY: \_\_\_\_\_

JU 1.8 Admit that SFG received from Johnson Utilities a copy of the invoice attached hereto as Exhibit JU 1.8 which shows an amount due of \$9,091.31 and a billing date of 08/27/12 for Account No. 00120362-02.

ADMIT:     x     DENY: \_\_\_\_\_

JU 1.9 Admit that SFG received from Johnson Utilities a copy of the invoice attached hereto as Exhibit JU 1.9 which shows an amount due of \$10,175.43 and a billing date of 09/24/12 for Account No. 00120362-02.

ADMIT:     x     DENY: \_\_\_\_\_

JU 1.10 Admit that SFG received from Johnson Utilities a copy of the invoice attached hereto as Exhibit JU 1.10 which shows an amount due of \$2,046.10 and a billing date of 10/25/12 for Account No. 00120362-02.

ADMIT:     x     DENY: \_\_\_\_\_

JU 1.11 Admit that SFG received from Johnson Utilities a copy of the invoice attached hereto as Exhibit JU 1.11 which shows an amount due of \$947.76 and a billing date of 11/26/12 for Account No. 00120362-02.

ADMIT:     x     DENY: \_\_\_\_\_

JU 1.12 Admit that SFG received from Johnson Utilities a copy of the invoice attached hereto as Exhibit JU 1.12 which shows an amount due of \$204.53 and a billing date of 12/27/12 for Account No. 00120362-02.

ADMIT:     x     DENY: \_\_\_\_\_

**JOHNSON UTILITIES' FIRST SET OF REQUESTS FOR ADMISSION  
AND DATA REQUESTS TO SWING FIRST GOLF, LLC  
DOCKET WS-02987A-13-0053  
SWING FIRST GOLF LLC'S RESPONSES DATED JUNE 17, 2013**

---

JU 1.13 Admit that SFG received from Johnson Utilities a copy of the invoice attached hereto as Exhibit JU 1.13 which shows an amount due of \$950.83 and a billing date of 1/26/13 for Account No. 00120362-02.

ADMIT:  \_\_\_\_\_ DENY: \_\_\_\_\_

JU 1.14 Admit that SFG received from Johnson Utilities a copy of the invoice attached hereto as Exhibit JU 1.14 which shows a total due of \$38,451.95 and a billing date of 02/25/13 for Account No. 00120362-02.

ADMIT:  \_\_\_\_\_ DENY: \_\_\_\_\_

JU 1.15 Regarding the invoice attached hereto as Exhibit JU 1.9 (billing date of 09/24/12), admit that SFG paid the \$880 "Water Minimum" charge and the \$67.76 "Water AZ Privilege Tax" contained in the invoice.

ADMIT:  \_\_\_\_\_ DENY: \_\_\_\_\_

JU 1.16 Regarding the invoice attached hereto as Exhibit JU 1.10 (billing date of 10/25/12), admit that SFG paid the \$880 "Water Minimum" charge and the \$67.76 "Water AZ Privilege Tax" contained in the invoice.

ADMIT:  \_\_\_\_\_ DENY: \_\_\_\_\_

JU 1.17 Regarding the invoice attached hereto as Exhibit JU 1.11 (billing date of 11/26/12), admit that SFG paid the \$880 "Water Minimum" charge and the \$67.76 "Water AZ Privilege Tax" contained in the invoice.

ADMIT:  \_\_\_\_\_ DENY: \_\_\_\_\_

JU 1.18 Regarding the invoice attached hereto as Exhibit JU 1.12 (billing date of 12/27/12), admit that SFG paid the \$880 "Water Minimum" charge and the \$67.76 "Water AZ Privilege Tax" contained in the invoice, less the amount of a "Water Usage Credit" totaling \$683.55.

ADMIT:  \_\_\_\_\_ DENY: \_\_\_\_\_

**JOHNSON UTILITIES' FIRST SET OF REQUESTS FOR ADMISSION  
AND DATA REQUESTS TO SWING FIRST GOLF, LLC  
DOCKET WS-02987A-13-0053  
SWING FIRST GOLF LLC'S RESPONSES DATED JUNE 17, 2013**

---

JU 1.19 Regarding the invoice attached hereto as Exhibit JU 1.13 (billing date of 1/26/13), admit that SFG paid the \$880 "Water Minimum" charge and the \$67.76 "Water AZ Privilege Tax" contained in the invoice.

ADMIT:   x              DENY: \_\_\_\_\_

JU 1.20 Regarding the invoices attached hereto as Exhibits JU 1.1 through Exhibit JU 1.14, admit that the invoices are copies of original invoices received by SFG from Johnson Utilities.

ADMIT:   x              DENY: \_\_\_\_\_

**JOHNSON UTILITIES' FIRST SET OF REQUESTS FOR ADMISSION  
AND DATA REQUESTS TO SWING FIRST GOLF, LLC  
DOCKET WS-02987A-13-0053  
SWING FIRST GOLF LLC'S RESPONSES DATED JUNE 17, 2013**

---

JU 1.21 If SFG responded to any of the above Requests for Admission (JU 1.1 through 1.20) with anything other than an unqualified admission, for each such response:

- (a) State the basis for the denial or qualification;
- (b) State all facts that support the denial or qualified admission;
- (c) Identify each person that has knowledge of each such fact; and
- (d) Identify every document which refers to, relates to, or evidences such fact.

**Response:**

No response required.

**JOHNSON UTILITIES' FIRST SET OF REQUESTS FOR ADMISSION  
AND DATA REQUESTS TO SWING FIRST GOLF, LLC  
DOCKET WS-02987A-13-0053  
SWING FIRST GOLF LLC'S RESPONSES DATED JUNE 17, 2013**

---

JU 1.22 With regard to the invoice attached hereto as Exhibit JU 1.7 (billing date of 07/25/12), please identify the person who made each of the following notes on the invoice and explain what is meant by each note:

- (a) "check and make sure it matches up"
- (b) "20,380,000 62.54"
- (c) "253.27 YRTD 2011"
- (d) "under 4.1 acre YRTD"
- (e) "41.45 July"
- (f) "YRTD 2012 249.17"

**Response:**

- (a) The note was made by Tim West, Swing First's Director of Agronomy. He was making sure that Swing First's meter readings matched up with Utility's for the same time period.
- (b) The note was made by Tim West, Swing First's Director of Agronomy. This is Swing First's reading for the same time period.
- (c) The note was made by Tim West, Swing First's Director of Agronomy. This is Swing First's reading for 2011 through the same time period.
- (d) The note was made by Tim West, Swing First's Director of Agronomy. This is the year-to-year difference between 2011 and 2012 for the same time periods.
- (e) The note was made by Tim West, Swing First's Director of Agronomy. This is Swing First's reading for July 2012.
- (f) The note was made by Tim West, Swing First's Director of Agronomy. This is Swing First's year-to-date reading for 2012.

**Response provided by Jeff Lundgren, General Manager.**

**JOHNSON UTILITIES' FIRST SET OF REQUESTS FOR ADMISSION  
AND DATA REQUESTS TO SWING FIRST GOLF, LLC  
DOCKET WS-02987A-13-0053  
SWING FIRST GOLF LLC'S RESPONSES DATED JUNE 17, 2013**

---

JU 1.23 With regard to the invoice attached hereto as Exhibit JU 1.9 (billing date of 09/24/12), please identify the person who drew the circle around the words "28 Days" at the bottom of the invoice. Also, please explain why the words were circled.

**Response:**

We do not know who circled these words.

**Response provided by Jeff Lundgren, General Manager.**

**JOHNSON UTILITIES' FIRST SET OF REQUESTS FOR ADMISSION  
AND DATA REQUESTS TO SWING FIRST GOLF, LLC  
DOCKET WS-02987A-13-0053  
SWING FIRST GOLF LLC'S RESPONSES DATED JUNE 17, 2013**

---

JU 1.24 With regard to the invoice attached hereto as Exhibit JU 1.10 (billing date of 10/25/12), please identify the person who drew the circle around the words "31 Days" at the bottom of the invoice. Also, please explain why the words were circled.

**Response:**

We do not know who circled these words.

**Response provided by Jeff Lundgren, General Manager.**

**JOHNSON UTILITIES' FIRST SET OF REQUESTS FOR ADMISSION  
AND DATA REQUESTS TO SWING FIRST GOLF, LLC  
DOCKET WS-02987A-13-0053  
SWING FIRST GOLF LLC'S RESPONSES DATED JUNE 17, 2013**

---

JU 1.25 Please provide the name and title of each and every person at SFG (including past employees) who has or who had responsibility for reviewing effluent invoices received from Johnson Utilities during 2012 and 2013.

**Response:**

Jeff Lundgren, General Manager.

**Response provided by Jeff Lundgren, General Manager.**

**JOHNSON UTILITIES' FIRST SET OF REQUESTS FOR ADMISSION  
AND DATA REQUESTS TO SWING FIRST GOLF, LLC  
DOCKET WS-02987A-13-0053  
SWING FIRST GOLF LLC'S RESPONSES DATED JUNE 17, 2013**

---

JU 1.26 Please provide the name and title of each and every person at SFG (including past employees) who has or who had responsibility for paying effluent invoices received from Johnson Utilities during 2012 and 2013.

**Response:**

Jeff Lundgren, General Manager.

**Response provided by Jeff Lundgren, General Manager.**

**JOHNSON UTILITIES' FIRST SET OF REQUESTS FOR ADMISSION  
AND DATA REQUESTS TO SWING FIRST GOLF, LLC  
DOCKET WS-02987A-13-0053  
SWING FIRST GOLF LLC'S RESPONSES DATED JUNE 17, 2013**

---

JU 1.27 Does David Ashton personally approve the payment of effluent invoices received from Johnson Utilities?

**Response:**

No.

**Response provided by Jeff Lundgren, General Manager**

**JOHNSON UTILITIES' FIRST SET OF REQUESTS FOR ADMISSION  
AND DATA REQUESTS TO SWING FIRST GOLF, LLC  
DOCKET WS-02987A-13-0053  
SWING FIRST GOLF LLC'S RESPONSES DATED JUNE 17, 2013**

---

JU 1.28 During 2012 and 2013, did any officer, employee, contractor or agent of SFG read the meter which measures the quantity of effluent delivered by Johnson Utilities to SFG? If yes, please respond to the following:

- (a) Provide the name and title of each and every person at SFG (including any former employees) who has read the effluent meter.
- (b) State whether the effluent meter was read on a daily, weekly or monthly basis.
- (c) State whether SFG has any written or electronic records of effluent meter readings for the years 2012 and 2013. If SFG has written records of effluent meter readings, please provide a copy of the meter readings. If SFG has an electronic copy of effluent meter readings, please provide a printout of the electronic records.

**Response:**

- (a) Tim West, Director of Agronomy.
- (b) Daily.
- (c) Yes. Please see Exhibit JU 1.28(c), attached hereto.

**Response provided by Jeff Lundgren, General Manager**

**JOHNSON UTILITIES' FIRST SET OF REQUESTS FOR ADMISSION  
AND DATA REQUESTS TO SWING FIRST GOLF, LLC  
DOCKET WS-02987A-13-0053  
SWING FIRST GOLF LLC'S RESPONSES DATED JUNE 17, 2013**

---

JU 1.29 During 2012 and 2013, did any officer, employee, contractor or agent of SFG take photographs or capture images (using a camera, cell phone or other device capable of capturing electronic images) of the readings on the effluent meter? If yes, please respond to the following:

- (a) Provide the name and title of each and every person who has taken photographs or captured images of readings on the effluent meter.
- (b) State whether the photographs or images of the readings on the effluent meter were taken or captured on a daily, weekly or monthly basis.
- (c) Provide copies of all photographs of effluent meter readings during 2012 and 2013. If images of meter readings were captured on an electronic device, please provide electronic copies of the images.

**Response:**

- (a) Tim West, Director of Agronomy.
- (b) Daily.

**Response provided by Jeff Lundgren, General Manager**

- (c) **Objection by Counsel.** The requested information would be burdensome to provide and is not relevant or likely to lead to relevant, admissible evidence.

**JOHNSON UTILITIES' FIRST SET OF REQUESTS FOR ADMISSION  
AND DATA REQUESTS TO SWING FIRST GOLF, LLC  
DOCKET WS-02987A-13-0053  
SWING FIRST GOLF LLC'S RESPONSES DATED JUNE 17, 2013**

---

JU 1.30 Please provide the date or approximate date that SFG discovered that Johnson Utilities was not billing SFG the commodity charge for effluent delivered during the months of August 2012 through January 2013.

**Response:**

Sometime in November 2012.

**Response provided by Jeff Lundgren, General Manager**

**JOHNSON UTILITIES' FIRST SET OF REQUESTS FOR ADMISSION  
AND DATA REQUESTS TO SWING FIRST GOLF, LLC  
DOCKET WS-02987A-13-0053  
SWING FIRST GOLF LLC'S RESPONSES DATED JUNE 17, 2013**

---

JU 1.31 Please describe how SFG discovered that Johnson Utilities was not billing SFG the commodity charge for effluent delivered during the months of August 2012 through January 2013.

**Response:**

In reviewing the bills I saw that Utility was not billing us the commodity charge for effluent delivered during the months of August 2012 through January 2013.

**Response provided by Jeff Lundgren, General Manager**

**JOHNSON UTILITIES' FIRST SET OF REQUESTS FOR ADMISSION  
AND DATA REQUESTS TO SWING FIRST GOLF, LLC  
DOCKET WS-02987A-13-0053  
SWING FIRST GOLF LLC'S RESPONSES DATED JUNE 17, 2013**

---

JU 1.32 Please identify the name and title of the person at SFG who first discovered that Johnson Utilities was not billing SFG the commodity charge for effluent delivered during the months of August 2012 through January 2013.

**Response:**

Jeff Lundgren, General Manager.

**Response provided by Jeff Lundgren, General Manager**

**JOHNSON UTILITIES' FIRST SET OF REQUESTS FOR ADMISSION  
AND DATA REQUESTS TO SWING FIRST GOLF, LLC  
DOCKET WS-02987A-13-0053  
SWING FIRST GOLF LLC'S RESPONSES DATED JUNE 17, 2013**

---

JU 1.33 Please provide a copy of all written communications between officers, employees, contractors or agents of SFG discussing the delivery of effluent to SFG by Johnson Utilities. For purposes of this data request, please provide written communications created on or after May 1, 2012, through the date of SFG's response to this data request.

**Response:**

There were no written communications.

**Response provided by Jeff Lundgren, General Manager**

**JOHNSON UTILITIES' FIRST SET OF REQUESTS FOR ADMISSION  
AND DATA REQUESTS TO SWING FIRST GOLF, LLC  
DOCKET WS-02987A-13-0053  
SWING FIRST GOLF LLC'S RESPONSES DATED JUNE 17, 2013**

---

JU 1.34 Please provide a printout of all electronic communications between officers, employees, contractors or agents of SFG discussing the delivery of effluent to SFG by Johnson Utilities. For purposes of this data request, please provide a printout of electronic communications created on or after May 1, 2012, through the date of SFG's response to this data request.

**Response:**

Attached as Exhibit JU 1.34 is a copy of a February 28, 2013, e-mail between David Ashton and me.

**Response provided by Jeff Lundgren, General Manager**

**Objection by Counsel.** All other e-mails included Counsel and are therefore privileged.

**JOHNSON UTILITIES' FIRST SET OF REQUESTS FOR ADMISSION  
AND DATA REQUESTS TO SWING FIRST GOLF, LLC  
DOCKET WS-02987A-13-0053  
SWING FIRST GOLF LLC'S RESPONSES DATED JUNE 17, 2013**

---

JU 1.35 Did SFG prepare a budget of estimated effluent deliveries and effluent delivery charges by month for the years 2012 or 2013? If yes, please provide a copy of such budgets. If a budget is in electronic form, please provide a printout of the budget.

**Response:**

We have historical usage information that we use to estimate future budgets. Basically, we never have enough effluent delivered in the summer so we just take as much effluent as Utility will deliver.

**Response provided by Jeff Lundgren, General Manager**

**JOHNSON UTILITIES' FIRST SET OF REQUESTS FOR ADMISSION  
AND DATA REQUESTS TO SWING FIRST GOLF, LLC  
DOCKET WS-02987A-13-0053  
SWING FIRST GOLF LLC'S RESPONSES DATED JUNE 17, 2013**

---

JU 1.36 In SFG's Formal Complaint at page 11, lines 20-21, SFG alleges that "Utility has ... not sent bills to Swing First." Please explain this statement.

**Response:**

Utility sent "bills" but they were defective in that they did not bill a commodity charge for deliveries. Utility did not send bills for these deliveries until 2013.

**Response provided by Counsel**

**JOHNSON UTILITIES' FIRST SET OF REQUESTS FOR ADMISSION  
AND DATA REQUESTS TO SWING FIRST GOLF, LLC  
DOCKET WS-02987A-13-0053  
SWING FIRST GOLF LLC'S RESPONSES DATED JUNE 17, 2013**

---

JU 1.37 In SFG's Formal Complaint at page 12, lines 18-19, SFG states that there has been "formal judicial acknowledgement that Utility had grossly mistreated Swing First Golf." With regard to this statement, please identify each and every "formal judicial acknowledgement" that Johnson Utilities grossly mistreated SFG, and please provide a copy of each document containing such a formal judicial acknowledgement.

**Response:**

Swing First has received two jury verdicts in its favor concerning the parties contract disputes, one jury verdict in its favor for quantum meruit, and one jury verdict in its favor for trespass. Mr. Ashton, Swing First's manager, also received a jury verdict against Utility and George Johnson for defamation, including a punitive damages award. For a jury to award punitive damages, Swing First had to meet the burden of proving by clear and convincing evidence, either direct or circumstantial, that Johnson Utilities acted with an evil mind. These verdicts have been reduced to a judgment against Utility and Mr. Johnson. Utility already has copies of each of these documents.

When taken together with the evidence in the two trials, these documents fairly support Swing First's statement that there has been "formal judicial acknowledgement that Utility had grossly mistreated Swing First Golf" including acting with an evil mind.

**Response provided by Counsel**

**JOHNSON UTILITIES' FIRST SET OF REQUESTS FOR ADMISSION  
AND DATA REQUESTS TO SWING FIRST GOLF, LLC  
DOCKET WS-02987A-13-0053  
SWING FIRST GOLF LLC'S RESPONSES DATED JUNE 17, 2013**

---

JU 1.38 In SFG's Formal Complaint at page 12, line 22, SFG alleges that it made "good faith efforts to resolve its current issues with Utility." Please provide a detailed description of all "good faith efforts" by SFG as referenced in this statement. As part of your response: (i) provide a copy of all written communications between SFG and Johnson Utilities pertaining to the "current issues" referenced in the above statement; (ii) provide a printed copy of all electronic communications between SFG and Johnson Utilities pertaining to the "current issues" referenced in the above statement; (iii) provide the date of all phone calls between representatives of SFG and Johnson Utilities pertaining to the "current issues" referenced in the above statement, and include the name and title of each person who was a party to such phone calls; and (iv) provide the date of all meetings between representatives of SFG and Johnson Utilities pertaining to the "current issues" referenced in the above statement, and include the name and title of each person who was a party to such meetings.

**Response.**

I would define our main issue with the Utility with getting enough effluent. When Kenny Watkins first started at JU, Tim West gave him a copy of our water agreement that talked about us having the first right of refusal and that we should get all of the effluent. Since then, Tim has basically simply been trying to get enough effluent to water the golf course. The issue really ramped up August 16, 2012 when Rod (who works for Kenny and is not Tim's primary contact) called Tim and told him that we would be getting no more than 400,000 gallons per day of effluent until he hears otherwise. This really put us on a collision course with not having enough effluent water. We wound up making do with what they sent us and trying to get through the overseed period with enough water. In the winter, we can make due with that allotment but we know that come late spring, we would need more effluent than they had told us they were going to send us.

Every year they simply started sending us more effluent as we needed it as the weather warmed up but this year, they did not. Because of the reduced deliveries, Tim West and I have had numerous discussions with Kenny Watkins about getting sufficient effluent. Then they started sending us way less than 400,000/day. Basically, they just stopped sending us enough effluent to water the golf course, something they had never done before. For a golf course, that is a major problem.

Mr. Ashton also tried to communicate with Mr. Hodges.

Copies of all e-mails and correspondence with Utility are attached as Exhibit JU-1.38.

**Response by Jeff Lundgren, General Manager**

**JOHNSON UTILITIES' FIRST SET OF REQUESTS FOR ADMISSION  
AND DATA REQUESTS TO SWING FIRST GOLF, LLC  
DOCKET WS-02987A-13-0053  
SWING FIRST GOLF LLC'S RESPONSES DATED JUNE 17, 2013**

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JU 1.39 In SFG's Formal Complaint at page 12, lines 23-24, SFG alleges that it incurred the expense of filing a complaint at the Arizona Corporation Commission. Please provide the amount of the expense incurred by SFG for the preparation and filing of the formal complaint in docket WS-02987A-13-0053.

**Response:**

Through June 17, 2013, legal fees and expenses for Swing First in the new Complaint Docket total \$17,080.80.

**Response provided by Counsel**

**JOHNSON UTILITIES' FIRST SET OF REQUESTS FOR ADMISSION  
AND DATA REQUESTS TO SWING FIRST GOLF, LLC  
DOCKET WS-02987A-13-0053  
SWING FIRST GOLF LLC'S RESPONSES DATED JUNE 17, 2013**

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JU 1.40 Please state the exact dollar amount that SFG is disputing on the invoice attached hereto as Exhibit JU 1.14 (billing date of 02/25/13).

**Response:**

Because of Utility's failure to comply with Commission rules, Swing First does not believe that it should have to pay for any but the most recent (January 14 – February 13) deliveries.

**Response by Jeff Lundgren, General Manager**

**JOHNSON UTILITIES' FIRST SET OF REQUESTS FOR ADMISSION  
AND DATA REQUESTS TO SWING FIRST GOLF, LLC  
DOCKET WS-02987A-13-0053  
SWING FIRST GOLF LLC'S RESPONSES DATED JUNE 17, 2013**

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JU 1.41 For the months of August 2012 through February 2013, does SFG allege any problem with the accuracy of the meter which measures the quantity of effluent delivered by Johnson Utilities to SFG?

**Response:**

No.

**Response by Jeff Lundgren, General Manager**

**JOHNSON UTILITIES' FIRST SET OF REQUESTS FOR ADMISSION  
AND DATA REQUESTS TO SWING FIRST GOLF, LLC  
DOCKET WS-02987A-13-0053  
SWING FIRST GOLF LLC'S RESPONSES DATED JUNE 17, 2013**

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JU 1.42 Does SFG allege any error in any of the meter readings for effluent usage by SFG for the months of August 2012 through February 2013 as such usage is depicted in the invoice attached hereto as Exhibit JU 1.14 (billing date of 02/25/13)? If yes, please respond to the following:

- (a) Identify each and every meter reading which is in error.
- (b) For each and every meter reading which is in error, state the basis of the error, provide all documentation in the possession of SFG evidencing the error, and provide the correct meter reading.
- (c) Identify all officers, employees, contractors or agents of SFG having information or knowledge regarding the error.

**Response:**

(a-c) Swing First has checked the meter readings reported on the bills and believes that they are reasonably accurate.

**Response by Jeff Lundgren, General Manager**

**JOHNSON UTILITIES' FIRST SET OF REQUESTS FOR ADMISSION  
AND DATA REQUESTS TO SWING FIRST GOLF, LLC  
DOCKET WS-02987A-13-0053  
SWING FIRST GOLF LLC'S RESPONSES DATED JUNE 17, 2013**

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JU 1.43 In the event the Arizona Corporation Commission rules against SFG on Count C of the Formal Complaint in this docket, does SFG have the funds immediately available to pay the disputed portion of the invoice attached hereto as Exhibit JU 1.14 (billing date of 02/25/13)?

**Response:**

No. Swing First would expect and deserve some sort of payment arrangement as a result of Utility's multiple payment violations of the Commission's rules.

**Response by Jeff Lundgren, General Manager**

**Exhibit JU 1.28(c)**

<b>DATE</b>	<b>START</b>	<b>END</b>	<b>EFFLUENT METER</b>
1-Jan-12	531,694,000.00	531,694,000.00	0.00
2-Jan-12	531,694,000.00	531,694,000.00	0.00
3-Jan-12	531,694,000.00	531,694,000.00	0.00
4-Jan-12	531,694,000.00	532,263,000.00	569,000.00
5-Jan-12	532,263,000.00	532,263,000.00	0.00
6-Jan-12	532,263,000.00	532,763,000.00	500,000.00
7-Jan-12	532,763,000.00	533,411,000.00	648,000.00
8-Jan-12	533,411,000.00	533,411,000.00	0.00
9-Jan-12	533,411,000.00	533,411,000.00	0.00
10-Jan-12	533,411,000.00	533,411,000.00	0.00
11-Jan-12	533,411,000.00	533,411,000.00	0.00
12-Jan-12	533,411,000.00	533,411,000.00	0.00
13-Jan-12	533,411,000.00	533,411,000.00	0.00
14-Jan-12	533,411,000.00	533,411,000.00	0.00
15-Jan-12	533,411,000.00	533,411,000.00	0.00
16-Jan-12	533,411,000.00	533,411,000.00	0.00
17-Jan-12	533,411,000.00	534,466,000.00	1,055,000.00
18-Jan-12	534,466,000.00	534,466,000.00	0.00
19-Jan-12	534,466,000.00	534,466,000.00	0.00
20-Jan-12	534,466,000.00	534,466,000.00	0.00
21-Jan-12	534,466,000.00	534,466,000.00	0.00
22-Jan-12	534,466,000.00	534,466,000.00	0.00
23-Jan-12	534,466,000.00	534,466,000.00	0.00
24-Jan-12	534,466,000.00	534,466,000.00	0.00
25-Jan-12	534,466,000.00	535,115,000.00	649,000.00
26-Jan-12	535,115,000.00	535,115,000.00	0.00
27-Jan-12	535,115,000.00	535,220,000.00	105,000.00
28-Jan-12	535,220,000.00	535,220,000.00	0.00
29-Jan-12	535,220,000.00	535,220,000.00	0.00
30-Jan-12	535,220,000.00	535,220,000.00	0.00
31-Jan-09	535,220,000.00	535,953,000.00	733,000.00
		<b>TOTAL</b>	<b>4,259,000.00</b>
		<b>AVERAGE</b>	<b>137,387.10</b>

<b>DATE</b>	<b>START</b>	<b>END</b>	<b>EFFLUENT METER</b>
1-Feb-12	535,953,000.00	535,953,000.00	0.00
2-Feb-12	535,953,000.00	535,953,000.00	0.00
3-Feb-12	535,953,000.00	535,953,000.00	0.00
4-Feb-12	535,953,000.00	536,407,000.00	454,000.00
5-Feb-12	536,407,000.00	536,407,000.00	0.00
6-Feb-12	536,407,000.00	536,594,000.00	187,000.00
7-Feb-12	536,594,000.00	537,276,000.00	682,000.00
8-Feb-12	537,276,000.00	537,321,000.00	45,000.00
9-Feb-12	537,321,000.00	537,321,000.00	0.00
10-Feb-12	537,321,000.00	537,661,000.00	340,000.00
11-Feb-12	537,661,000.00	537,931,000.00	270,000.00
12-Feb-12	537,931,000.00	537,931,000.00	0.00
13-Feb-12	537,931,000.00	538,016,000.00	85,000.00
14-Feb-12	538,016,000.00	538,420,000.00	404,000.00
15-Feb-12	538,420,000.00	538,952,000.00	532,000.00
16-Feb-12	538,952,000.00	538,955,000.00	3,000.00
17-Feb-12	538,955,000.00	538,955,000.00	0.00
18-Feb-12	538,955,000.00	538,955,000.00	0.00
19-Feb-12	538,955,000.00	539,427,000.00	472,000.00
20-Feb-12	539,427,000.00	539,600,000.00	173,000.00
21-Feb-12	539,600,000.00	539,838,000.00	238,000.00
22-Feb-12	539,838,000.00	539,838,000.00	0.00
23-Feb-12	539,838,000.00	539,875,000.00	37,000.00
24-Feb-12	539,875,000.00	540,074,000.00	199,000.00
25-Feb-12	540,074,000.00	540,389,000.00	315,000.00
26-Feb-12	540,389,000.00	540,389,000.00	0.00
27-Feb-12	540,389,000.00	540,389,000.00	0.00
28-Feb-12	540,389,000.00	541,242,000.00	853,000.00
29-Feb-12	541,242,000.00	541,379,000.00	137,000.00
		<b>TOTAL</b>	<b>5,426,000.00</b>
		<b>AVERAGE</b>	<b>187,103.45</b>

<i>DATE</i>	<i>START</i>	<i>END</i>	<i>EFFLUENT METER</i>
1-Mar-12	541,379,000.00	541,540,000.00	161,000.00
2-Mar-12	541,540,000.00	541,935,000.00	395,000.00
3-Mar-12	541,935,000.00	542,064,000.00	129,000.00
4-Mar-12	542,064,000.00	542,064,000.00	0.00
5-Mar-12	542,064,000.00	542,971,000.00	907,000.00
6-Mar-12	542,971,000.00	542,971,000.00	0.00
7-Mar-12	542,971,000.00	542,971,000.00	0.00
8-Mar-12	542,971,000.00	543,548,000.00	577,000.00
9-Mar-12	543,548,000.00	543,548,000.00	0.00
10-Mar-12	543,548,000.00	543,915,000.00	367,000.00
11-Mar-12	543,915,000.00	543,915,000.00	0.00
12-Mar-12	543,915,000.00	544,538,000.00	623,000.00
13-Mar-12	544,538,000.00	544,859,000.00	321,000.00
14-Mar-12	544,859,000.00	545,021,000.00	162,000.00
15-Mar-12	545,021,000.00	545,429,000.00	408,000.00
16-Mar-12	545,429,000.00	545,592,000.00	163,000.00
17-Mar-12	545,592,000.00	545,592,000.00	0.00
18-Mar-12	545,592,000.00	545,592,000.00	0.00
19-Mar-12	545,592,000.00	546,805,000.00	1,213,000.00
20-Mar-12	546,805,000.00	546,805,000.00	0.00
21-Mar-12	546,805,000.00	546,838,000.00	33,000.00
22-Mar-12	546,838,000.00	546,838,000.00	0.00
23-Mar-12	546,838,000.00	547,517,000.00	679,000.00
24-Mar-12	547,517,000.00	547,801,000.00	284,000.00
25-Mar-12	547,801,000.00	547,801,000.00	0.00
26-Mar-12	547,801,000.00	548,191,000.00	390,000.00
27-Mar-12	548,191,000.00	548,572,000.00	381,000.00
28-Mar-12	548,572,000.00	549,006,000.00	434,000.00
29-Mar-12	549,006,000.00	549,181,000.00	175,000.00
30-Mar-12	549,181,000.00	549,181,000.00	0.00
31-Mar-12	549,181,000.00	549,764,000.00	583,000.00
		<b>TOTAL</b>	<b>8,385,000.00</b>
		<b>AVERAGE</b>	<b>270,483.87</b>

<b>DATE</b>	<b>START</b>	<b>END</b>	<b>EFFLUENT METER</b>
1-Apr-12	549,764,000.00	549,764,000.00	0.00
2-Apr-12	549,764,000.00	549,906,000.00	142,000.00
3-Apr-12	549,906,000.00	550,482,000.00	576,000.00
4-Apr-12	550,482,000.00	551,279,000.00	797,000.00
5-Apr-12	551,279,000.00	551,717,000.00	438,000.00
6-Apr-12	551,717,000.00	551,979,000.00	262,000.00
7-Apr-12	551,979,000.00	552,289,000.00	310,000.00
8-Apr-12	552,289,000.00	552,289,000.00	0.00
9-Apr-12	552,289,000.00	552,939,000.00	650,000.00
10-Apr-12	552,939,000.00	553,555,000.00	616,000.00
11-Apr-12	553,555,000.00	553,968,000.00	413,000.00
12-Apr-12	553,968,000.00	554,105,000.00	137,000.00
13-Apr-12	554,105,000.00	554,745,000.00	640,000.00
14-Apr-12	554,745,000.00	554,988,000.00	243,000.00
15-Apr-12	554,988,000.00	554,988,000.00	0.00
16-Apr-12	554,988,000.00	554,988,000.00	0.00
17-Apr-12	554,988,000.00	555,803,000.00	815,000.00
18-Apr-12	555,803,000.00	556,043,000.00	240,000.00
19-Apr-12	556,043,000.00	556,928,000.00	885,000.00
20-Apr-12	556,928,000.00	557,383,000.00	455,000.00
21-Apr-12	557,383,000.00	557,948,000.00	565,000.00
22-Apr-12	557,948,000.00	558,728,000.00	780,000.00
23-Apr-12	558,728,000.00	559,571,000.00	843,000.00
24-Apr-12	559,571,000.00	559,829,000.00	258,000.00
25-Apr-12	559,829,000.00	560,317,000.00	488,000.00
26-Apr-12	560,317,000.00	560,642,000.00	325,000.00
27-Apr-12	560,642,000.00	561,394,000.00	752,000.00
28-Apr-12	561,394,000.00	561,631,000.00	237,000.00
29-Apr-12	561,631,000.00	562,194,000.00	563,000.00
30-Apr-12	562,194,000.00	562,629,000.00	435,000.00
1-May-12	562,629,000.00		
		<b>TOTAL</b>	<b>12,865,000.00</b>
		<b>AVERAGE</b>	<b>428 833 33</b>

<b>DATE</b>	<b>START</b>	<b>END</b>	<b>EFFLUENT METER</b>
1-May-12	562,629,000.00	563,111,000.00	482,000.00
2-May-12	563,111,000.00	563,508,000.00	397,000.00
3-May-12	563,508,000.00	563,684,000.00	176,000.00
4-May-12	563,684,000.00	564,397,000.00	713,000.00
5-May-12	564,397,000.00	565,030,000.00	633,000.00
6-May-12	565,030,000.00	565,680,000.00	650,000.00
7-May-12	565,680,000.00	566,283,000.00	603,000.00
8-May-12	566,283,000.00	566,918,000.00	635,000.00
9-May-12	566,918,000.00	567,400,000.00	482,000.00
10-May-12	567,400,000.00	567,901,000.00	501,000.00
11-May-12	567,901,000.00	567,901,000.00	0.00
12-May-12	567,901,000.00	568,058,000.00	157,000.00
13-May-12	568,058,000.00	568,854,000.00	796,000.00
14-May-12	568,854,000.00	569,032,000.00	178,000.00
15-May-12	569,032,000.00	569,731,000.00	699,000.00
16-May-12	569,731,000.00	570,598,000.00	867,000.00
17-May-12	570,598,000.00	571,069,000.00	471,000.00
18-May-12	571,069,000.00	571,531,000.00	462,000.00
19-May-12	571,531,000.00	572,104,000.00	573,000.00
20-May-12	572,104,000.00	572,104,000.00	0.00
21-May-12	572,104,000.00	573,441,000.00	1,337,000.00
22-May-12	573,441,000.00	574,274,000.00	833,000.00
23-May-12	574,274,000.00	574,825,000.00	551,000.00
24-May-12	574,825,000.00	575,577,000.00	752,000.00
25-May-12	575,577,000.00	576,035,000.00	458,000.00
26-May-12	576,035,000.00	576,457,000.00	422,000.00
27-May-12	576,457,000.00	576,972,000.00	515,000.00
28-May-12	576,972,000.00	577,683,000.00	711,000.00
29-May-12	577,683,000.00	578,585,000.00	902,000.00
30-May-12	578,585,000.00	579,469,000.00	884,000.00
31-May-12	579,469,000.00	580,157,000.00	688,000.00
		<b>TOTAL</b>	<b>17,528,000.00</b>
		<b>AVERAGE</b>	<b>565,419.35</b>

<b>DATE</b>	<b>START</b>	<b>END</b>	<b>EFFLUENT METER</b>
1-Jun-12	580,157,000.00	580,949,000.00	792,000.00
2-Jun-12	580,949,000.00	581,460,000.00	511,000.00
3-Jun-12	581,460,000.00	581,832,000.00	372,000.00
4-Jun-12	581,832,000.00	582,697,000.00	865,000.00
5-Jun-12	582,697,000.00	583,486,000.00	789,000.00
6-Jun-12	583,486,000.00	583,986,000.00	500,000.00
7-Jun-12	583,986,000.00	584,581,000.00	595,000.00
8-Jun-12	584,581,000.00	585,152,000.00	571,000.00
9-Jun-12	585,152,000.00	585,779,000.00	627,000.00
10-Jun-12	585,779,000.00	586,366,000.00	587,000.00
11-Jun-12	586,366,000.00	587,002,000.00	636,000.00
12-Jun-12	587,002,000.00	587,760,000.00	758,000.00
13-Jun-12	587,760,000.00	587,895,000.00	135,000.00
14-Jun-12	587,895,000.00	588,758,000.00	863,000.00
15-Jun-12	588,758,000.00	589,643,000.00	885,000.00
16-Jun-12	589,643,000.00	590,253,000.00	610,000.00
17-Jun-12	590,253,000.00	590,642,000.00	389,000.00
18-Jun-12	590,642,000.00	591,063,000.00	421,000.00
19-Jun-12	591,063,000.00	591,896,000.00	833,000.00
20-Jun-12	591,896,000.00	592,643,000.00	747,000.00
21-Jun-12	592,643,000.00	593,431,000.00	788,000.00
22-Jun-12	593,431,000.00	594,074,000.00	643,000.00
23-Jun-12	594,074,000.00	594,537,000.00	463,000.00
24-Jun-12	594,537,000.00	595,288,000.00	751,000.00
25-Jun-12	595,288,000.00	595,933,000.00	645,000.00
26-Jun-12	595,933,000.00	596,813,000.00	880,000.00
27-Jun-12	596,813,000.00	597,424,000.00	611,000.00
28-Jun-12	597,424,000.00	598,212,000.00	788,000.00
29-Jun-12	598,212,000.00	598,904,000.00	692,000.00
30-Jun-12	598,904,000.00	599,407,000.00	503,000.00
1-Jul-12	599,407,000.00		
		<b>TOTAL</b>	<b>19,250,000.00</b>
		<b>AVERAGE</b>	<b>641,666.67</b>

<b>DATE</b>	<b>START</b>	<b>END</b>	<b>EFFLUENT METER</b>
1-Jul-12	599,407,000.00	599,878,000.00	471,000.00
2-Jul-12	599,878,000.00	600,633,000.00	755,000.00
3-Jul-12	600,633,000.00	601,429,000.00	796,000.00
4-Jul-12	601,429,000.00	602,112,000.00	683,000.00
5-Jul-12	602,112,000.00	602,322,000.00	210,000.00
6-Jul-12	602,322,000.00	602,554,000.00	232,000.00
7-Jul-12	602,554,000.00	603,230,000.00	676,000.00
8-Jul-12	603,230,000.00	603,979,000.00	749,000.00
9-Jul-12	603,979,000.00	604,670,000.00	691,000.00
10-Jul-12	604,670,000.00	605,401,000.00	731,000.00
11-Jul-12	605,401,000.00	606,074,000.00	673,000.00
12-Jul-12	606,074,000.00	606,736,000.00	662,000.00
13-Jul-12	606,736,000.00	607,320,000.00	584,000.00
14-Jul-12	607,320,000.00	607,320,000.00	0.00
15-Jul-12	607,320,000.00	608,184,000.00	864,000.00
16-Jul-12	608,184,000.00	608,184,000.00	0.00
17-Jul-12	608,184,000.00	608,184,000.00	0.00
18-Jul-12	608,184,000.00	608,184,000.00	0.00
19-Jul-12	608,184,000.00	609,106,000.00	922,000.00
20-Jul-12	609,106,000.00	609,751,000.00	645,000.00
21-Jul-12	609,751,000.00	609,823,000.00	72,000.00
22-Jul-12	609,823,000.00	609,826,000.00	3,000.00
23-Jul-12	609,826,000.00	609,849,000.00	23,000.00
24-Jul-12	609,849,000.00	609,849,000.00	0.00
25-Jul-12	609,849,000.00	610,400,000.00	551,000.00
26-Jul-12	610,400,000.00	610,982,000.00	582,000.00
27-Jul-12	610,982,000.00	611,575,000.00	593,000.00
28-Jul-12	611,575,000.00	612,159,000.00	584,000.00
29-Jul-12	612,159,000.00	612,552,000.00	393,000.00
30-Jul-12	612,552,000.00	612,585,000.00	33,000.00
31-Jul-12	612,585,000.00	612,915,000.00	330,000.00
		<b>TOTAL</b>	<b>13,508,000.00</b>
		<b>AVERAGE</b>	<b>435,741.94</b>

<b>DATE</b>	<b>START</b>	<b>END</b>	<b>EFFLUENT METER</b>
1-Aug-12	612,915,000.00	612,921,000.00	6,000.00
2-Aug-12	612,921,000.00	613,014,000.00	93,000.00
3-Aug-12	613,014,000.00	613,808,000.00	794,000.00
4-Aug-12	613,808,000.00	614,451,000.00	643,000.00
5-Aug-12	614,451,000.00	614,907,000.00	456,000.00
6-Aug-12	614,907,000.00	614,936,000.00	29,000.00
7-Aug-12	614,936,000.00	615,721,000.00	785,000.00
8-Aug-12	615,721,000.00	616,477,000.00	756,000.00
9-Aug-12	616,477,000.00	617,354,000.00	877,000.00
10-Aug-12	617,354,000.00	618,001,000.00	647,000.00
11-Aug-12	618,001,000.00	618,001,000.00	0.00
12-Aug-12	618,001,000.00	619,353,000.00	1,352,000.00
13-Aug-12	619,353,000.00	619,353,000.00	0.00
14-Aug-12	619,353,000.00	620,531,000.00	1,178,000.00
15-Aug-12	620,531,000.00	621,086,000.00	555,000.00
16-Aug-12	621,086,000.00	621,516,000.00	430,000.00
17-Aug-12	0.00	388,000.00	388,000.00
18-Aug-12	388,000.00	897,000.00	509,000.00
19-Aug-12	897,000.00	1,183,000.00	286,000.00
20-Aug-12	1,183,000.00	1,183,000.00	0.00
21-Aug-12	1,183,000.00	1,578,000.00	395,000.00
22-Aug-12	1,578,000.00	1,888,000.00	310,000.00
23-Aug-12	1,888,000.00	2,294,000.00	406,000.00
24-Aug-12	2,294,000.00	2,983,000.00	689,000.00
25-Aug-12	2,983,000.00	3,294,000.00	311,000.00
26-Aug-12	3,294,000.00	3,294,000.00	0.00
27-Aug-12	3,294,000.00	4,102,000.00	808,000.00
28-Aug-12	4,102,000.00	4,800,000.00	698,000.00
29-Aug-12	4,800,000.00	5,254,000.00	454,000.00
30-Aug-12	5,254,000.00	5,614,000.00	360,000.00
31-Aug-12	5,614,000.00	6,055,000.00	441,000.00
		<b>TOTAL</b>	<b>14,656,000.00</b>
		<b>AVERAGE</b>	<b>472,774.19</b>

NEW METER

<b>DATE</b>	<b>START</b>	<b>END</b>	<b>EFFLUENT METER</b>
1-Sep-12	6,055,000.00	6,496,000.00	441,000.00
2-Sep-12	6,496,000.00	6,968,000.00	472,000.00
3-Sep-12	6,968,000.00	7,446,000.00	478,000.00
4-Sep-12	7,446,000.00	8,107,000.00	661,000.00
5-Sep-12	8,107,000.00	8,742,000.00	635,000.00
6-Sep-12	8,742,000.00	9,224,000.00	482,000.00
7-Sep-12	9,224,000.00	9,680,000.00	456,000.00
8-Sep-12	9,680,000.00	9,680,000.00	0.00
9-Sep-12	9,680,000.00	10,736,000.00	1,056,000.00
10-Sep-12	10,736,000.00	11,587,000.00	851,000.00
11-Sep-12	11,587,000.00	12,136,000.00	549,000.00
12-Sep-12	12,136,000.00	12,136,000.00	0.00
13-Sep-12	12,136,000.00	12,487,000.00	351,000.00
14-Sep-12	12,487,000.00	12,591,000.00	104,000.00
15-Sep-12	12,591,000.00	12,790,000.00	199,000.00
16-Sep-12	12,790,000.00	13,262,000.00	472,000.00
17-Sep-12	13,262,000.00	14,011,000.00	749,000.00
18-Sep-12	14,011,000.00	14,476,000.00	465,000.00
19-Sep-12	14,476,000.00	14,997,000.00	521,000.00
20-Sep-12	14,997,000.00	15,551,000.00	554,000.00
21-Sep-12	15,551,000.00	15,943,000.00	392,000.00
22-Sep-12	15,943,000.00	16,423,000.00	480,000.00
23-Sep-12	16,423,000.00	16,919,000.00	496,000.00
24-Sep-12	16,919,000.00	17,517,000.00	598,000.00
25-Sep-12	17,517,000.00	18,081,000.00	564,000.00
26-Sep-12	18,081,000.00	18,407,000.00	326,000.00
27-Sep-12	18,407,000.00	18,542,000.00	135,000.00
28-Sep-12	18,542,000.00	19,044,000.00	502,000.00
29-Sep-12	19,044,000.00	19,171,000.00	127,000.00
30-Sep-12	19,171,000.00	19,513,000.00	342,000.00
1-Oct-12	19,513,000.00		0.00
		<b>TOTAL</b>	<b>13,458,000.00</b>
		<b>AVERAGE</b>	<b>448,600.00</b>

<b>DATE</b>	<b>START</b>	<b>END</b>	<b>EFFLUENT METER</b>
1-Oct-12	19,513,000.00	20,190,000.00	677,000.00
2-Oct-12	20,190,000.00	20,190,000.00	0.00
3-Oct-12	20,190,000.00	20,345,000.00	155,000.00
4-Oct-12	20,345,000.00	20,697,000.00	352,000.00
5-Oct-12	20,697,000.00	20,924,000.00	227,000.00
6-Oct-12	20,924,000.00	21,223,000.00	299,000.00
7-Oct-12	21,223,000.00	21,956,000.00	733,000.00
8-Oct-12	21,956,000.00	22,613,000.00	657,000.00
9-Oct-12	22,613,000.00	22,968,000.00	355,000.00
10-Oct-12	22,968,000.00	23,317,000.00	349,000.00
11-Oct-12	23,317,000.00	23,722,000.00	405,000.00
12-Oct-12	23,722,000.00	24,183,000.00	461,000.00
13-Oct-12	24,183,000.00	24,587,000.00	404,000.00
14-Oct-12	24,587,000.00	25,063,000.00	476,000.00
15-Oct-12	25,063,000.00	25,360,000.00	297,000.00
16-Oct-12	25,360,000.00	25,360,000.00	0.00
17-Oct-12	25,360,000.00	25,524,000.00	164,000.00
18-Oct-12	25,524,000.00	25,774,000.00	250,000.00
19-Oct-12	25,774,000.00	26,279,000.00	505,000.00
20-Oct-12	26,279,000.00	26,579,000.00	300,000.00
21-Oct-12	26,579,000.00	26,952,000.00	373,000.00
22-Oct-12	26,952,000.00	27,170,000.00	218,000.00
23-Oct-12	27,170,000.00	27,656,000.00	486,000.00
24-Oct-12	27,656,000.00	28,451,000.00	795,000.00
25-Oct-12	28,451,000.00	29,029,000.00	578,000.00
26-Oct-12	29,029,000.00	29,603,000.00	574,000.00
27-Oct-12	29,603,000.00	29,865,000.00	262,000.00
28-Oct-12	29,865,000.00	29,970,000.00	105,000.00
29-Oct-12	29,970,000.00	30,115,000.00	145,000.00
30-Oct-12	30,115,000.00	30,815,000.00	700,000.00
31-Oct-12	30,815,000.00	31,479,000.00	664,000.00
		<b>TOTAL</b>	<b>11,966,000.00</b>
		<b>AVERAGE</b>	<b>386,000.00</b>

<b>DATE</b>	<b>START</b>	<b>END</b>	<b>EFFLUENT METER</b>
1-Nov-12	31,479,000.00	32,129,000.00	32,129.00
2-Nov-12	32,129,000.00	32,765,000.00	636,000.00
3-Nov-12	32,765,000.00	32,204,000.00	-561,000.00
4-Nov-12	32,204,000.00	33,683,000.00	1,479,000.00
5-Nov-12	33,683,000.00	34,266,000.00	583,000.00
6-Nov-12	34,266,000.00	34,729,000.00	463,000.00
7-Nov-12	34,729,000.00	35,356,000.00	627,000.00
8-Nov-12	35,356,000.00	36,253,000.00	897,000.00
9-Nov-12	36,253,000.00	36,736,000.00	483,000.00
10-Nov-12	36,736,000.00	37,597,000.00	861,000.00
11-Nov-12	37,597,000.00	38,488,000.00	891,000.00
12-Nov-12	38,488,000.00	38,488,000.00	0.00
13-Nov-12	38,488,000.00	38,488,000.00	0.00
14-Nov-12	38,488,000.00	38,996,000.00	508,000.00
15-Nov-12	38,996,000.00	39,517,000.00	521,000.00
16-Nov-12	39,517,000.00	39,517,000.00	0.00
17-Nov-12	39,517,000.00	39,517,000.00	0.00
18-Nov-12	39,517,000.00	39,517,000.00	0.00
19-Nov-12	39,517,000.00	39,561,000.00	44,000.00
20-Nov-12	39,561,000.00	40,267,000.00	706,000.00
21-Nov-12	40,267,000.00	40,951,000.00	684,000.00
22-Nov-12	40,951,000.00	41,658,000.00	707,000.00
23-Nov-12	41,658,000.00	41,658,000.00	0.00
24-Nov-12	41,658,000.00	41,658,000.00	0.00
25-Nov-12	41,658,000.00	41,731,000.00	73,000.00
26-Nov-12	41,731,000.00	42,493,000.00	762,000.00
27-Nov-12	42,493,000.00	42,497,000.00	4,000.00
28-Nov-12	42,497,000.00	42,559,000.00	62,000.00
29-Nov-12	42,559,000.00	43,150,000.00	591,000.00
30-Nov-12	43,150,000.00	44,066,000.00	916,000.00
<b>TOTAL</b>			<b>11,969,129.00</b>
<b>AVERAGE</b>			<b>398,970.97</b>

<b>DATE</b>	<b>START</b>	<b>END</b>	<b>EFFLUENT METER</b>
1-Dec-12	44,066,000.00	44,066,000.00	0.00
2-Dec-12	44,066,000.00	44,066,000.00	0.00
3-Dec-12	44,066,000.00	44,066,000.00	0.00
4-Dec-12	44,066,000.00	44,066,000.00	0.00
5-Dec-12	44,066,000.00	44,364,000.00	298,000.00
6-Dec-12	44,364,000.00	44,432,000.00	68,000.00
7-Dec-12	44,432,000.00	44,868,000.00	436,000.00
8-Dec-12	44,868,000.00	45,124,000.00	256,000.00
9-Dec-12	45,124,000.00	45,245,000.00	121,000.00
10-Dec-12	45,245,000.00	45,376,000.00	131,000.00
11-Dec-12	45,376,000.00	45,376,000.00	0.00
12-Dec-12	45,376,000.00	45,478,000.00	102,000.00
13-Dec-12	45,478,000.00	46,071,000.00	593,000.00
14-Dec-12	46,071,000.00	46,383,000.00	312,000.00
15-Dec-12	46,383,000.00	46,456,000.00	73,000.00
16-Dec-12	46,456,000.00	46,573,000.00	117,000.00
17-Dec-12	46,573,000.00	46,980,000.00	407,000.00
18-Dec-12	46,980,000.00	46,980,000.00	0.00
19-Dec-12	46,980,000.00	47,017,000.00	37,000.00
20-Dec-12	47,017,000.00	47,017,000.00	0.00
21-Dec-12	47,017,000.00	47,107,000.00	90,000.00
22-Dec-12	47,107,000.00	47,246,000.00	139,000.00
23-Dec-12	47,246,000.00	47,312,000.00	66,000.00
24-Dec-12	47,312,000.00	47,520,000.00	208,000.00
25-Dec-12	47,520,000.00	47,520,000.00	0.00
26-Dec-12	47,520,000.00	47,676,000.00	156,000.00
27-Dec-12	47,676,000.00	47,746,000.00	70,000.00
28-Dec-12	47,746,000.00	48,054,000.00	308,000.00
29-Dec-12	48,054,000.00	48,112,000.00	58,000.00
30-Dec-12	48,112,000.00	48,112,000.00	0.00
31-Dec-12	48,112,000.00	48,119,000.00	7,000.00
		<b>TOTAL</b>	4,053,000.00
		<b>AVERAGE</b>	130,741.94

<b>DATE</b>	<b>START</b>	<b>END</b>	<b>EFFLUENT METER</b>
1-Jan-13	48,119,000.00	48,287,000.00	168,000.00
2-Jan-13	48,287,000.00	48,326,000.00	39,000.00
3-Jan-13	48,326,000.00	48,565,000.00	239,000.00
4-Jan-13	48,565,000.00	48,901,000.00	336,000.00
5-Jan-13	48,901,000.00	49,097,000.00	196,000.00
6-Jan-13	49,097,000.00	49,285,000.00	188,000.00
7-Jan-13	49,285,000.00	49,441,000.00	156,000.00
8-Jan-13	49,441,000.00	49,628,000.00	187,000.00
9-Jan-13	49,628,000.00	49,717,000.00	89,000.00
10-Jan-13	49,717,000.00	49,796,000.00	79,000.00
11-Jan-13	49,796,000.00	49,857,000.00	61,000.00
12-Jan-13	49,857,000.00	49,992,000.00	135,000.00
13-Jan-13	49,992,000.00	50,221,000.00	229,000.00
14-Jan-13	50,221,000.00	50,396,000.00	175,000.00
15-Jan-13	50,396,000.00	50,606,000.00	210,000.00
16-Jan-13	50,606,000.00	50,817,000.00	211,000.00
17-Jan-13	50,817,000.00	50,817,000.00	0.00
18-Jan-13	50,817,000.00	50,817,000.00	0.00
19-Jan-13	50,817,000.00	50,817,000.00	0.00
20-Jan-13	50,817,000.00	50,817,000.00	0.00
21-Jan-13	50,817,000.00	50,817,000.00	0.00
22-Jan-13	50,817,000.00	51,508,000.00	691,000.00
23-Jan-13	51,508,000.00	51,519,000.00	11,000.00
24-Jan-13	51,519,000.00	51,690,000.00	171,000.00
25-Jan-13	51,690,000.00	51,782,000.00	92,000.00
26-Jan-13	51,782,000.00	52,001,000.00	219,000.00
27-Jan-13	52,001,000.00	52,001,000.00	0.00
28-Jan-13	52,001,000.00	52,001,000.00	0.00
29-Jan-13	52,001,000.00	52,001,000.00	0.00
30-Jan-13	52,001,000.00	52,001,000.00	0.00
31-Jan-13	52,001,000.00	52,001,000.00	0.00
		<b>TOTAL</b>	<b>3,882,000.00</b>
		<b>AVERAGE</b>	<b>125,226.07</b>

<b>DATE</b>	<b>START</b>	<b>END</b>	<b>EFFLUENT METER</b>
1-Feb-13	52,001,000.00	52,001,000.00	0.00
2-Feb-13	52,001,000.00	52,001,000.00	0.00
3-Feb-13	52,001,000.00	52,001,000.00	0.00
4-Feb-13	52,001,000.00	52,001,000.00	0.00
5-Feb-13	52,001,000.00	52,001,000.00	0.00
6-Feb-13	52,001,000.00	52,001,000.00	0.00
7-Feb-13	52,001,000.00	52,019,000.00	18,000.00
8-Feb-13	52,019,000.00	52,921,000.00	902,000.00
9-Feb-13	52,921,000.00	52,931,000.00	10,000.00
10-Feb-13	52,931,000.00	52,931,000.00	0.00
11-Feb-13	52,931,000.00	52,955,000.00	24,000.00
12-Feb-13	52,955,000.00	53,383,000.00	428,000.00
13-Feb-13	53,383,000.00	53,383,000.00	0.00
14-Feb-13	53,383,000.00	53,383,000.00	0.00
15-Feb-13	53,383,000.00	53,736,000.00	353,000.00
16-Feb-13	53,736,000.00	53,751,000.00	15,000.00
17-Feb-13	53,751,000.00	53,751,000.00	0.00
18-Feb-13	53,751,000.00	53,780,000.00	29,000.00
19-Feb-13	53,780,000.00	54,219,000.00	439,000.00
20-Feb-13	54,219,000.00	54,219,000.00	0.00
21-Feb-13	54,219,000.00	54,219,000.00	0.00
22-Feb-13	54,219,000.00	54,958,000.00	739,000.00
23-Feb-13	54,958,000.00	54,958,000.00	0.00
24-Feb-13	54,958,000.00	54,958,000.00	0.00
25-Feb-13	54,958,000.00	54,958,000.00	0.00
26-Feb-13	54,958,000.00	54,958,000.00	0.00
27-Feb-13	54,958,000.00	54,958,000.00	0.00
28-Feb-13	54,958,000.00	55,228,000.00	270,000.00
		<b>TOTAL</b>	<b>3,227,000.00</b>
		<b>AVERAGE</b>	<b>115,250.00</b>

<b>DATE</b>	<b>START</b>	<b>END</b>	<b>EFFLUENT METER</b>
1-Mar-13	55,228,000.00	55,228,000.00	0.00
2-Mar-13	55,228,000.00	55,470,000.00	242,000.00
3-Mar-13	55,470,000.00	55,470,000.00	0.00
4-Mar-13	55,470,000.00	56,033,000.00	563,000.00
5-Mar-13	56,033,000.00	56,033,000.00	0.00
6-Mar-13	56,033,000.00	56,186,000.00	153,000.00
7-Mar-13	56,186,000.00	56,498,000.00	312,000.00
8-Mar-13	56,498,000.00	56,726,000.00	228,000.00
9-Mar-13	56,726,000.00	56,726,000.00	0.00
10-Mar-13	56,726,000.00	56,726,000.00	0.00
11-Mar-13	56,726,000.00	56,744,000.00	18,000.00
12-Mar-13	56,744,000.00	56,974,000.00	230,000.00
13-Mar-13	56,974,000.00	57,348,000.00	374,000.00
14-Mar-13	57,348,000.00	57,348,000.00	0.00
15-Mar-13	57,348,000.00	57,352,000.00	4,000.00
16-Mar-13	57,352,000.00	57,630,000.00	278,000.00
17-Mar-13	57,630,000.00	57,955,000.00	325,000.00
18-Mar-13	57,955,000.00	58,304,000.00	349,000.00
19-Mar-13	58,304,000.00	58,650,000.00	346,000.00
20-Mar-13	58,650,000.00	58,827,000.00	177,000.00
21-Mar-13	58,827,000.00	59,166,000.00	339,000.00
22-Mar-13	59,166,000.00	59,909,000.00	743,000.00
23-Mar-13	59,909,000.00	60,075,000.00	166,000.00
24-Mar-13	60,075,000.00	60,075,000.00	0.00
25-Mar-13	60,075,000.00	60,096,000.00	21,000.00
26-Mar-13	60,096,000.00	60,783,000.00	687,000.00
27-Mar-13	60,783,000.00	61,473,000.00	690,000.00
28-Mar-13	61,473,000.00	61,773,000.00	300,000.00
29-Mar-13	61,773,000.00	61,773,000.00	0.00
30-Mar-13	61,773,000.00	62,021,000.00	248,000.00
31-Mar-13	62,021,000.00	62,021,000.00	0.00
		<b>TOTAL</b>	<b>6,793,000.00</b>
		<b>AVERAGE</b>	<b>219,129.03</b>

<b>DATE</b>	<b>START</b>	<b>END</b>	<b>EFFLUENT METER</b>
1-Apr-13	62,021,000.00	62,021,000.00	0.00
2-Apr-13	62,021,000.00	62,652,000.00	631,000.00
3-Apr-13	62,652,000.00	63,184,000.00	532,000.00
4-Apr-13	63,184,000.00	63,763,000.00	579,000.00
5-Apr-13	63,763,000.00	64,053,000.00	290,000.00
6-Apr-13	64,053,000.00	64,235,000.00	182,000.00
7-Apr-13	64,235,000.00	64,817,000.00	582,000.00
8-Apr-13	64,817,000.00	65,396,000.00	579,000.00
9-Apr-13	65,396,000.00	65,681,000.00	285,000.00
10-Apr-13	65,681,000.00	65,681,000.00	0.00
11-Apr-13	65,681,000.00	65,955,000.00	274,000.00
12-Apr-13	65,955,000.00	66,456,000.00	501,000.00
13-Apr-13	66,456,000.00	66,758,000.00	302,000.00
14-Apr-13	66,758,000.00	67,112,000.00	354,000.00
15-Apr-13	67,112,000.00	67,762,000.00	650,000.00
16-Apr-13	67,762,000.00	67,869,000.00	107,000.00
17-Apr-13	67,869,000.00	68,263,000.00	394,000.00
18-Apr-13	68,263,000.00	68,784,000.00	521,000.00
19-Apr-13	68,784,000.00	68,939,000.00	155,000.00
20-Apr-13	68,939,000.00	69,101,000.00	162,000.00
21-Apr-13	69,101,000.00	69,316,000.00	215,000.00
22-Apr-13	69,316,000.00	69,602,000.00	286,000.00
23-Apr-13	69,602,000.00	69,875,000.00	273,000.00
24-Apr-13	69,875,000.00	70,509,000.00	634,000.00
25-Apr-13	70,509,000.00	71,099,000.00	590,000.00
26-Apr-13	71,099,000.00	71,652,000.00	553,000.00
27-Apr-13	71,652,000.00	72,066,000.00	414,000.00
28-Apr-13	72,066,000.00	72,538,000.00	472,000.00
29-Apr-13	72,538,000.00	72,946,000.00	408,000.00
30-Apr-13	72,946,000.00	73,196,000.00	250,000.00
1-May-13	73,196,000.00		
		<b>TOTAL</b>	<b>11,175,000.00</b>
		<b>AVERAGE</b>	<b>372,500.00</b>

<b>DATE</b>	<b>START</b>	<b>END</b>	<b>EFFLUENT METER</b>
1-May-13	73,196,000.00	73,761,000.00	565,000.00
2-May-13	73,761,000.00	74,001,000.00	240,000.00
3-May-13	74,001,000.00	74,417,000.00	416,000.00
4-May-13	74,417,000.00	74,842,000.00	425,000.00
5-May-13	74,842,000.00	75,326,000.00	484,000.00
6-May-13	75,326,000.00	75,881,000.00	555,000.00
7-May-13	75,881,000.00	76,366,000.00	485,000.00
8-May-13	76,366,000.00	76,974,000.00	608,000.00
9-May-13	76,974,000.00	77,195,000.00	221,000.00
10-May-13	77,195,000.00	77,478,000.00	283,000.00
11-May-13	77,478,000.00	78,060,000.00	582,000.00
12-May-13	78,060,000.00	78,331,000.00	271,000.00
13-May-13	78,331,000.00	78,609,000.00	278,000.00
14-May-13	78,609,000.00	78,609,000.00	0.00
15-May-13	78,609,000.00	78,959,000.00	350,000.00
16-May-13	78,959,000.00	79,220,000.00	261,000.00
17-May-13	79,220,000.00	79,684,000.00	464,000.00
18-May-13	79,684,000.00	80,179,000.00	495,000.00
19-May-13	80,179,000.00	80,781,000.00	602,000.00
20-May-13	80,781,000.00	81,405,000.00	624,000.00
21-May-13	81,405,000.00	81,690,000.00	285,000.00
22-May-13	81,690,000.00	81,860,000.00	170,000.00
23-May-13	81,860,000.00	82,449,000.00	589,000.00
24-May-13	82,449,000.00	83,291,000.00	842,000.00
25-May-13	83,291,000.00	84,115,000.00	824,000.00
26-May-13	84,115,000.00	84,931,000.00	816,000.00
27-May-13	84,931,000.00	85,547,000.00	616,000.00
28-May-13	85,547,000.00	86,094,000.00	547,000.00
29-May-13	86,094,000.00	86,446,000.00	352,000.00
30-May-13	86,446,000.00	86,563,000.00	117,000.00
31-May-13	86,563,000.00	87,251,000.00	688,000.00
		<b>TOTAL</b>	<b>14,055,000.00</b>
		<b>AVERAGE</b>	<b>453,387.10</b>

<i>DATE</i>	<i>START</i>	<i>END</i>	<i>EFFLUENT METER</i>
1-Jun-13	87,251,000.00	87,838,000.00	587,000.00
2-Jun-13	87,838,000.00	88,436,000.00	598,000.00
3-Jun-13	88,436,000.00	89,037,000.00	601,000.00
4-Jun-13	89,037,000.00	89,762,000.00	725,000.00
5-Jun-13	89,762,000.00	90,446,000.00	684,000.00
6-Jun-13	90,446,000.00	91,224,000.00	778,000.00
7-Jun-13	91,224,000.00	91,957,000.00	733,000.00
8-Jun-13	91,957,000.00	92,715,000.00	758,000.00
9-Jun-13	92,715,000.00	93,483,000.00	768,000.00
10-Jun-13	93,483,000.00	94,334,000.00	851,000.00
11-Jun-13	94,334,000.00	95,152,000.00	818,000.00
12-Jun-13	95,152,000.00	95,939,000.00	787,000.00
13-Jun-13	95,939,000.00		-95,939,000.00
14-Jun-13	0.00		0.00
15-Jun-13	0.00		0.00
16-Jun-13	0.00		0.00
17-Jun-13	0.00		0.00
18-Jun-13	0.00		0.00
19-Jun-13	0.00		0.00
20-Jun-13	0.00		0.00
21-Jun-13	0.00		0.00
22-Jun-13	0.00		0.00
23-Jun-13	0.00		0.00
24-Jun-13	0.00		0.00
25-Jun-13	0.00		0.00
26-Jun-13	0.00		0.00
27-Jun-13	0.00		0.00
28-Jun-13	0.00		0.00
29-Jun-13	0.00		0.00
30-Jun-13	0.00		0.00
1-Jul-13	0.00		0.00
		<b>TOTAL</b>	<b>-87,251,000.00</b>
		<b>AVERAGE</b>	<b>2,908,366.67</b>

# **Exhibit JU 1.34**

## Craig Marks

---

**From:** Jeff Lundgren <jeff.lundgren@gmail.com>  
**Sent:** Friday, June 14, 2013 10:17 AM  
**To:** Craig A. Marks  
**Subject:** Fwd: JU

Begin forwarded message:

**From:** Jeff Lundgren <jeff.lundgren@gmail.com>  
**Subject:** JU  
**Date:** February 28, 2013 12:02:47 PM MST  
**To:** Dave Ashton <daveashton@gmail.com>

Ok, so Tim and I have gone over their latest billing. In a nutshell, the overall usage is accurate. This was not surprising to me because Kenny knows we read and photo the meter every freaking day. Not that it matters but what does not match up is billing periods on the bills they originally sent us and the billing periods for the revised bills. This may be due to the fact that the original bills were based off the old meter and those those billing periods remained constant. Once they realized they had to revise the bills, they essentially started over on 8/17 when they changed out the meter. However, the dates don't have an impact on the overall amount of water. Franny went out and measure the meter today. The current meter right now is 8".

So some random stuff:

Tim and I can't quite figure out how they justify saying that they stopped billing us on August 13th. The meter was changed out on the 17th and I assumed that the August bill included water usage read off the old meter up through the 16th or the day before the new meter was put in. It seems like what they are saying is that for some reason, on the August bill, they stopped billing us on the 13th because they are charging us for the mini period from the 14th through the 16th and then starting the billing again on the 17th moving forward. Strange.

They have only credited us for one flooding, which was on the December bill. We are still due a credit of about 900,000 gallons. We are also due a credit of around 200,000 gallons when we took water to help Kenny out when his water treatment plant flooded.

Regarding our 2012 budget, it goes like this:

September

I entered an expense of \$9091.31, they are charging us \$9535.34, they are also charging us that weird \$989.84 from Aug 14-16. So Sept we are off \$1433.87 if we are going to agree to the charges from Aug 14-16.

Oct

Off \$7888.58

Nov

Off \$9259.28

Dec

Off \$5089.62

Assuming that they reduced these amounts by what we paid. Total unaccounted for water expense for 2012 then was \$23,671.35.

Overall water usage for the year was then the \$86741.47 that was already in there and then the \$23,671.35 for a total of \$110,412.82. The overage on this budget line item was planned as we are trying to restore and repair turf lost and damaged from years of not enough water etc.

2013 water usage is below budget because of rain and really cold weather.

Jeff Lundgren  
General Manager  
The Golf Club at Johnson Ranch  
[jeff.lundgren@gmail.com](mailto:jeff.lundgren@gmail.com)

Jeff Lundgren  
General Manager  
The Golf Club at Johnson Ranch  
[jeff.lundgren@gmail.com](mailto:jeff.lundgren@gmail.com)

**Exhibit JU 1.38**

**Craig Marks**

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**From:** Jeff Lundgren <jeff.lundgren@gmail.com>  
**Sent:** Wednesday, June 12, 2013 10:23 AM  
**To:** Craig A. Marks  
**Subject:** Fwd: The Golf Club @ Johnson Ranch

Craig,

Begin forwarded message:

**From:** Timothy West <timothy.west@yahoo.com>  
**Subject:** Fw: The Golf Club @ Johnson Ranch  
**Date:** June 12, 2013 9:46:53 AM MST  
**To:** Jeff Lundgren <jeff.lundgren@gmail.com>  
**Reply-To:** Timothy West <timothy.west@yahoo.com>

----- Forwarded Message -----

**From:** Kenny Watkins <kwatkins@johnsonutilities.com>  
**To:** 'Timothy West' <timothy.west@yahoo.com>  
**Sent:** Monday, August 6, 2012 3:28 PM  
**Subject:** RE: The Golf Club @ Johnson Ranch

Are you prepping before the 8<sup>th</sup> and starting to use a lot of water on the 9<sup>th</sup> or starting to scalp and start watering 12<sup>th</sup>.?

Just trying to set a start time when we will need to send a lot of water to you and San Tan HOA.

**From:** Timothy West [mailto:timothy.west@yahoo.com]  
**Sent:** Friday, August 03, 2012 8:42 AM  
**To:** Kenny Watkins  
**Cc:** Jeff Lundgren  
**Subject:** The Golf Club @ Johnson Ranch

Kenny,

Overseed dates for the 2012-2013 season @ The Golf Club @ Johnson Ranch

October 8th -26th 2012

PROJECTED WATER USE 2012

AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER
52@'	49@'	45@'	18@'	17@'

SUBJECTED TO WEATHER.....

Timothy S. West GCS  
The Golf Club @ Johnson Ranch  
480-226-1293

Jeff Lundgren  
General Manager  
The Golf Club at Johnson Ranch  
[jeff.lundgren@gmail.com](mailto:jeff.lundgren@gmail.com)

## Craig Marks

---

**From:** Jeff Lundgren <jeff.lundgren@gmail.com>  
**Sent:** Wednesday, June 12, 2013 10:24 AM  
**To:** Craig A. Marks  
**Subject:** Fwd: Overseed 2012

Craig,

Jeff

Begin forwarded message:

**From:** Timothy West <timothy.west@yahoo.com>  
**Subject: Fw: Overseed 2012**  
**Date:** June 12, 2013 9:48:01 AM MST  
**To:** Jeff Lundgren <jeff.lundgren@gmail.com>  
**Reply-To:** Timothy West <timothy.west@yahoo.com>

----- Forwarded Message -----

**From:** Kenny Watkins <kwatkins@johnsonutilities.com>  
**To:** [timothy.west@yahoo.com](mailto:timothy.west@yahoo.com)  
**Sent:** Friday, September 28, 2012 12:27 PM  
**Subject:** RE: Overseed 2012

I'll let him know, Thanks.

**From:** [timothy.west@yahoo.com](mailto:timothy.west@yahoo.com) [mailto:[timothy.west@yahoo.com](mailto:timothy.west@yahoo.com)]  
**Sent:** Friday, September 28, 2012 12:14 PM  
**To:** Kenny Watkins  
**Subject:** RE: Overseed 2012

3:05 pm today....its under Tim West

*Sent from my Motorola Smartphone on the Now Network from Sprint!*

-----Original message-----

**From:** Kenny Watkins <kwatkins@johnsonutilities.com>  
**To:** 'Timothy West' <[timothy.west@yahoo.com](mailto:timothy.west@yahoo.com)>  
**Sent:** Fri, Sep 28, 2012 11:32:50 MST  
**Subject:** RE: Overseed 2012

I remember. I'll talk to Rod when he get back.

Thomas would like to know if you can get him and his wife on this afternoon around 3.

**From:** Timothy West [<mailto:timothy.west@yahoo.com>]  
**Sent:** Friday, September 28, 2012 10:10 AM  
**To:** Kenny Watkins  
**Subject:** Overseed 2012

Kenny,

Just wanted to remind you we will be seeding next week 10/1/12

We will be using approximately 850,000 - 900,000 gallons starting 10/4/12

I will call you and update as needed.

Thank you,  
Timothy S. West GCS  
The Golf Club @ Johnson Ranch  
480-226-1293

Jeff Lundgren  
General Manager  
The Golf Club at Johnson Ranch  
[jeff.lundgren@gmail.com](mailto:jeff.lundgren@gmail.com)

## Craig Marks

---

**From:** Jeff Lundgren <jeff.lundgren@gmail.com>  
**Sent:** Wednesday, June 12, 2013 10:25 AM  
**To:** Craig A. Marks  
**Subject:** Fwd: The Lake

Begin forwarded message:

**From:** Timothy West <[timothy.west@yahoo.com](mailto:timothy.west@yahoo.com)>  
**Subject:** Fw: The Lake  
**Date:** June 12, 2013 9:49:00 AM MST  
**To:** Jeff Lundgren <jeff.lundgren@gmail.com>  
**Reply-To:** Timothy West <[timothy.west@yahoo.com](mailto:timothy.west@yahoo.com)>

----- Forwarded Message -----

**From:** Kenny Watkins <[kwatkins@johnsonutilities.com](mailto:kwatkins@johnsonutilities.com)>  
**To:** 'Timothy West' <[timothy.west@yahoo.com](mailto:timothy.west@yahoo.com)>  
**Sent:** Tuesday, October 23, 2012 4:28 PM  
**Subject:** RE: The Lake

I'll take a look at this and this one does have the signatures on it.

I have spoke to the plant operators and they are meeting tomorrow on how to set the water flows.

**From:** Timothy West [<mailto:timothy.west@yahoo.com>]  
**Sent:** Tuesday, October 23, 2012 12:13 PM  
**To:** Kenny Watkins  
**Subject:** The Lake

Kenny,

Looks like from yesterday to today's reading is 480,000. I attached a picture of our meter reading today and will have my guys take the picture along with their regular reading so that there is also a time stamp. I know you have been thinking we have been receiving more water than we have been and at this point are not sure where the water is going since we are not actually receiving it. This way at least you can refer to our picture meter readings to show your guys in case they give you the run around. Like I mentioned, we take our reading every morning at 8:30 am and have been doing it for at least the past 4 years so now there will be a picture to go with it in case you need it on file.

Also, I have enclosed the full utility agreement. I gave you the same one before but the copies were mixed up and I think you mentioned they were missing signatures. Jeff had Sunbelt Holdings send this over to us directly from their archives so the agreement is fully intact and it has all of the information and signatures. I know that HOA guy has been giving you a hard time over the distribution of the effluent. This agreement predates any agreement he has and clearly states that we have first right on all the effluent necessary to water the golf course. So if he gives you any more trouble regarding our receiving the majority if not all of the effluent, especially when we are trying to catch up on our lake, then you can use this agreement to back up your position

So even if your guys can't help you figure out where the water is going or why the amounts we are getting are so low, at least now you and I can use the meter pictures as a consistent reference point for the water we are receiving and use the agreement to get a fresh start with San Tan HOA to get the lake caught back up.

Timothy S. West GCS  
The Golf Club @ Johnson Ranch  
480-226-1293

Jeff Lundgren  
General Manager  
The Golf Club at Johnson Ranch  
[jeff.lundgren@gmail.com](mailto:jeff.lundgren@gmail.com)

## Craig Marks

---

**From:** Jeff Lundgren <jeff.lundgren@gmail.com>  
**Sent:** Wednesday, June 12, 2013 10:26 AM  
**To:** Craig A. Marks  
**Subject:** Fwd: lunch

Begin forwarded message:

**From:** Timothy West <[timothy.west@yahoo.com](mailto:timothy.west@yahoo.com)>  
**Subject:** Fw: lunch  
**Date:** June 12, 2013 9:49:32 AM MST  
**To:** Jeff Lundgren <jeff.lundgren@gmail.com>  
**Reply-To:** Timothy West <[timothy.west@yahoo.com](mailto:timothy.west@yahoo.com)>

----- Forwarded Message -----

**From:** Kenny Watkins <[kwatkins@johnsonutilities.com](mailto:kwatkins@johnsonutilities.com)>  
**To:** [timothy.west@yahoo.com](mailto:timothy.west@yahoo.com)  
**Sent:** Wednesday, November 7, 2012 5:25 PM  
**Subject:** RE: lunch

Never got them sorry.

Maybe later this week.

**From:** [timothy.west@yahoo.com](mailto:timothy.west@yahoo.com) [<mailto:timothy.west@yahoo.com>]  
**Sent:** Wednesday, November 07, 2012 5:15 PM  
**To:** Kenny Watkins  
**Subject:** lunch

hey I have texted you a few times not sure if you are getting them.....lake is looking good!....come by for lunch

*Sent from my Motorola Smartphone on the Now Network from Sprint!*

Jeff Lundgren  
General Manager  
The Golf Club at Johnson Ranch  
[jeff.lundgren@gmail.com](mailto:jeff.lundgren@gmail.com)

**Craig Marks**

---

**From:** Jeff Lundgren <jeff.lundgren@gmail.com>  
**Sent:** Wednesday, June 12, 2013 10:29 AM  
**To:** Craig A. Marks  
**Subject:** Fwd: Lake Flooded Sunday Morning 11/11/12

[REDACTED]

Begin forwarded message:

**From:** Timothy West <timothy.west@yahoo.com>  
**Subject:** Fw: Lake Flooded Sunday Morning 11/11/12  
**Date:** June 12, 2013 9:50:10 AM MST  
**To:** Jeff Lundgren <jeff.lundgren@gmail.com>  
**Reply-To:** Timothy West <timothy.west@yahoo.com>

----- Forwarded Message -----

**From:** Jeff Lundgren <jeff.lundgren@gmail.com>  
**To:** Timothy West <timothy.west@yahoo.com>  
**Sent:** Monday, November 12, 2012 8:13 AM  
**Subject:** Re: Lake Flooded Sunday Morning 11/11/12

Did you take lots of pics

Jeff Lundgren  
General Manager  
The Golf Club at Johnson Ranch

On Nov 12, 2012, at 5:45 AM, Timothy West <timothy.west@yahoo.com> wrote:

This happened after they put 891,000 gallons in our lake Saturday night.  
Kenny Watkins was called Sunday morning.

----- Forwarded Message -----

**From:** "franciscoc@live.com" <franciscoc@live.com>  
**To:** Timothy West <timothy.west@yahoo.com>  
**Sent:** Sunday, November 11, 2012 7:56 AM  
**Subject:**

*Sent from my Motorola Smartphone on the Now Network from Sprint!*

<2012-11-11\_07-56-09\_908.jpg>

Jeff Lundgren  
General Manager  
The Golf Club at Johnson Ranch  
[jeff.lundgren@gmail.com](mailto:jeff.lundgren@gmail.com)

## Craig Marks

---

**From:** Jeff Lundgren <jeff.lundgren@gmail.com>  
**Sent:** Wednesday, June 12, 2013 10:30 AM  
**To:** Craig A. Marks  
**Subject:** Fwd: Irrigation Lake # 18

Begin forwarded message:

**From:** Timothy West <[timothy.west@yahoo.com](mailto:timothy.west@yahoo.com)>  
**Subject:** Fw: Irrigation Lake # 18  
**Date:** June 12, 2013 9:52:19 AM MST  
**To:** Jeff Lundgren <jeff.lundgren@gmail.com>  
**Reply-To:** Timothy West <[timothy.west@yahoo.com](mailto:timothy.west@yahoo.com)>

----- Forwarded Message -----

**From:** Jeff Lundgren <jeff.lundgren@gmail.com>  
**To:** Timothy West <[timothy.west@yahoo.com](mailto:timothy.west@yahoo.com)>  
**Sent:** Thursday, November 15, 2012 12:05 PM  
**Subject:** Re: Irrigation Lake # 18

Perfect. Can you forward Kenny's email to me?

Jeff Lundgren  
General Manager  
The Golf Club at Johnson Ranch

On Nov 15, 2012, at 12:01 PM, Timothy West <[timothy.west@yahoo.com](mailto:timothy.west@yahoo.com)> wrote:

> Jeff,  
>  
> On Friday morning 11/9/12, I drove the Johnson Utilities Meter service man out to the meter on lake # 18.  
> I told him the lake was finally full and that with the rain in the forecast we would not be watering much if at all this weekend.  
> Below are the meter readings for that weekend.  
>  
> 11/9/12 - 11/12/12 2,235,000 gallons  
>  
> Friday 11/9/12 483,000 gallons  
> Saturday 11/10/12 861,000 gallons  
> Sunday 11/11/12 891,000 gallons.....lake flooded # 18 fairway and HOA park / called  
Kenny Watkins 8:15 am  
> Monday 11/12/12 0 gallons  
>  
> Below are the 3 weekends before....  
>

> 10/12/12 - 10/15/12 654,000 gallons  
> 10/19/12 - 10/22/12 1,947,000 gallons  
> 11/2/12 - 11/5/12 1,501,000 gallons  
>  
> Below are the last 4 years  
>  
>  
> October 1-31/ 2009 15,743,000 gallons.... daily average 507,839 gallons  
>  
> October 1-31/ 2010 13,464,000 gallons.... daily average 434,323 gallons  
>  
> October 1-31/ 2011 14,634,000 gallons.... daily average 472,065 gallons  
>  
> October 1-31/ 2012 11,966,000 gallons.... daily average 386,000 gallons  
>  
>  
>  
> Timothy S. West GCS  
> The Golf Club @ Johnson Ranch  
> 480-226-1293  
> <2012-11-11\_07-20-23\_284.jpg>  
> <2012-11-11\_07-47-45\_333 (1) (1).jpg>  
> <2012-11-11\_07-47-52\_172 (1).jpg>  
> <2012-11-11\_07-48-00\_689.jpg>  
> <2012-11-11\_07-52-04\_311.jpg>  
> <overseed 2012.jpg>

Jeff Lundgren  
General Manager  
The Golf Club at Johnson Ranch  
[jeff.lundgren@gmail.com](mailto:jeff.lundgren@gmail.com)

## Craig Marks

---

**From:** Jeff Lundgren <jeff.lundgren@gmail.com>  
**Sent:** Wednesday, June 12, 2013 10:32 AM  
**To:** Craig A. Marks  
**Subject:** Fwd: Lake

Begin forwarded message:

**From:** Timothy West <[timothy.west@yahoo.com](mailto:timothy.west@yahoo.com)>  
**Subject: Fw: Lake**  
**Date:** June 12, 2013 9:52:55 AM MST  
**To:** Jeff Lundgren <jeff.lundgren@gmail.com>  
**Reply-To:** Timothy West <[timothy.west@yahoo.com](mailto:timothy.west@yahoo.com)>

----- Forwarded Message -----

**From:** Kenny Watkins <[kwatkins@johnsonutilities.com](mailto:kwatkins@johnsonutilities.com)>  
**To:** 'Timothy West' <[timothy.west@yahoo.com](mailto:timothy.west@yahoo.com)>  
**Sent:** Wednesday, November 28, 2012 8:33 AM  
**Subject:** RE: Lake

Ok.

Thanks

**From:** Timothy West [<mailto:timothy.west@yahoo.com>]  
**Sent:** Wednesday, November 28, 2012 6:04 AM  
**To:** Kenny Watkins  
**Subject:** Re: Lake

Kenny,

Jeff said to go ahead and put the credit threv for the overflow in the irrigation lake back on November 11.

Thank you,  
Timothy S. West GCS  
The Golf Club @ Johnson Ranch  
480-226-1293

**From:** Kenny Watkins <[kwatkins@johnsonutilities.com](mailto:kwatkins@johnsonutilities.com)>  
**To:** [timothy.west@yahoo.com](mailto:timothy.west@yahoo.com)  
**Sent:** Tuesday, November 13, 2012 7:35 AM  
**Subject:** RE: Lake

Let me know.

If you like I can come over to your office and show you how to do this on your computer.

**From:** [timothy.west@yahoo.com](mailto:timothy.west@yahoo.com) [<mailto:timothy.west@yahoo.com>]  
**Sent:** Tuesday, November 13, 2012 7:24 AM  
**To:** Kenny Watkins  
**Subject:** RE: Lake

let me run that by Jeff...that's pretty good math anytime of the day....lol

*Sent from my Motorola Smartphone on the Now Network from Sprint!*

-----Original message-----

**From:** Kenny Watkins <[kwatkins@johnsonutilities.com](mailto:kwatkins@johnsonutilities.com)>  
**To:** 'Timothy West' <[timothy.west@yahoo.com](mailto:timothy.west@yahoo.com)>  
**Sent:** Tue, Nov 13, 2012 06:49:17 MST  
**Subject:** RE: Lake

Looking at the pictures your lake is 2.14 ac.

If I look at where the water is on the pictures I can figure that the water as increased the surface of the lake to 2.5 ac. using that number and say it was 4 in. deep that would mean that:

1" water = 27,154.25 gallons per ac. x 4" x 2.5 surface area = 230,811.12 gal. or .70 ac.ft.

How does that look to you.

It a little early in the morning for me to be doing figures.

**From:** Timothy West [<mailto:timothy.west@yahoo.com>]  
**Sent:** Tuesday, November 13, 2012 5:52 AM  
**To:** Kenny Watkins  
**Subject:** Lake

Kenny,

891,000 gallons in 24hrs

Timothy S. West GCS  
The Golf Club @ Johnson Ranch  
480-226-1293

Jeff Lundgren  
General Manager  
The Golf Club at Johnson Ranch  
[jeff.lundgren@gmail.com](mailto:jeff.lundgren@gmail.com)

## Craig Marks

---

**From:** Jeff Lundgren <jeff.lundgren@gmail.com>  
**Sent:** Wednesday, June 12, 2013 10:41 AM  
**To:** Craig A. Marks  
**Subject:** Fwd: JR Lake

Begin forwarded message:

**From:** Timothy West <[timothy.west@yahoo.com](mailto:timothy.west@yahoo.com)>  
**Subject:** Fw: JR Lake  
**Date:** June 12, 2013 9:56:59 AM MST  
**To:** Jeff Lundgren <[jeff.lundgren@gmail.com](mailto:jeff.lundgren@gmail.com)>  
**Reply-To:** Timothy West <[timothy.west@yahoo.com](mailto:timothy.west@yahoo.com)>

----- Forwarded Message -----

**From:** Kenny Watkins <[kwatkins@johnsonutilities.com](mailto:kwatkins@johnsonutilities.com)>  
**To:** [timothy.west@yahoo.com](mailto:timothy.west@yahoo.com)  
**Cc:** Rich Connally <[rconnally@johnsonutilities.com](mailto:rconnally@johnsonutilities.com)>  
**Sent:** Monday, December 10, 2012 1:36 PM  
**Subject:** RE: JR Lake

Ok, I'll have then send some to you.

Rich,

Can you make sure they read the meter and send in the total gallons so JR doesn't pay for this water.

**From:** [timothy.west@yahoo.com](mailto:timothy.west@yahoo.com) [<mailto:timothy.west@yahoo.com>]  
**Sent:** Monday, December 10, 2012 1:11 PM  
**To:** Kenny Watkins  
**Subject:** Re: JR Lake

we have about 2ft of room in the lake right now....

*Sent from my Motorola Smartphone on the Now Network from Sprint!*

-----Original message-----

**From:** Kenny Watkins <[kwatkins@johnsonutilities.com](mailto:kwatkins@johnsonutilities.com)>

**To:** Timothy West <[timothy.west@yahoo.com](mailto:timothy.west@yahoo.com)>

**Sent:** Mon, Dec 10, 2012 12:59:23 MST

**Subject:** Re: JR Lake

If I need any water let me know it will be no charge need to get rid of it.

Sent from Kenny Watkins iPhone

On Dec 10, 2012, at 12:57 PM, Timothy West <[timothy.west@yahoo.com](mailto:timothy.west@yahoo.com)> wrote:

Kenny,

Okay, Thank you.

Timothy S. West GCS  
The Golf Club @ Johnson Ranch  
480-226-1293

**From:** Kenny Watkins <[kwatkins@johnsonutilities.com](mailto:kwatkins@johnsonutilities.com)>

**To:** Tim West <[timothy.west@yahoo.com](mailto:timothy.west@yahoo.com)>

**Cc:** Stephanie Poulin <[spoulin@johnsonutilities.com](mailto:spoulin@johnsonutilities.com)>; Greg Brown <[GBrown@azvision.net](mailto:GBrown@azvision.net)>

**Sent:** Monday, December 10, 2012 11:14 AM

**Subject:** FW: JR Lake

Tim,

**This is the credit that I came up with for over filling the lake last month, let me know how does it look to you.**

**Tuesday November 22, 2012**

After receiving your call Rich Connally and I drove over to the lake and looked at the level of the lake. Looking over the area it doesn't seem to be as high as it was back on 11-13-12. I'm going to use the same total as the one on Nov. 13<sup>th</sup> for the credit. Again I apologize for letting the lake run over, we have disciplined the plant operators for not monitoring the lake level better.

For Tuesday November 22 credit is also 1.66 ac,. ft.

**Tuesday November 13, 2012.**

Looking at the pictures your lake is 2.14 ac.

If I look at where the water is on the pictures I can figure that the water as increased the surface of the lake to 2.5 ac. using that number and say it was 4 in. deep that would mean that:

1" water = 27,154.25 gallons per ac. x 4" x 2.5 surface area = 271,542.5 gal. or .833 ac.ft.

We will double that number to insure you get the adequate credit to your account.

You will have a total credit of 1.66 ac. ft.

**The total credit that will be applied to your account in December is 3.33ac. ft. or \$  
0.63/1000 gal. = \$683.55.**

Jeff Lundgren  
General Manager  
The Golf Club at Johnson Ranch  
[jeff.lundgren@gmail.com](mailto:jeff.lundgren@gmail.com)

## Craig Marks

---

**From:** Jeff Lundgren <jeff.lundgren@gmail.com>  
**Sent:** Friday, June 14, 2013 10:18 AM  
**To:** Craig A. Marks  
**Subject:** Fwd: information needed

Begin forwarded message:

**From:** Dave Ashton <daveashton@gmail.com>  
**Subject:** information needed  
**Date:** February 22, 2013 4:01:54 PM MST  
**To:** kwatkins@johnsonutilities.com  
**Cc:** Jeff Lundgren <jeff.lundgren@gmail.com>  
**Reply-To:** daveashton@gmail.com

hi kenny: thanks for taking my call earlier. per our conversation, please send me confirmation of the following later today:

1. the size meter we have on our effluent line, and when that meter was installed
2. the appropriate acc tariff rate for a 3", 6" and 8" meter
3. when johnson utilities began charging swing first golf \$880 a month in meter minimums

please send that information today.

then (not today but as soon as possible), please send to both jeff and me proper effluent bills for the last six months.

1. a separate, unique bill for each month
2. with appropriate water usage numbers on each bill
3. appropriate taxes and charges

please don't calculate in those bills any amounts we've paid you since august, as it will just confuse everything. we (and you) know how much we've paid since august. the important thing is to make sure we know how much we should have been billed, so we can then calculate together how much may be owed.

don't hesitate to put danny in copy on your reply if you need to do that.

all the best  
dave

Jeff Lundgren  
General Manager  
The Golf Club at Johnson Ranch  
[jeff.lundgren@gmail.com](mailto:jeff.lundgren@gmail.com)

## Craig Marks

---

**From:** Jeff Lundgren <jeff.lundgren@gmail.com>  
**Sent:** Friday, June 14, 2013 10:17 AM  
**To:** Craig A. Marks  
**Subject:** Fwd: JU

Begin forwarded message:

**From:** Jeff Lundgren <jeff.lundgren@gmail.com>  
**Subject:** JU  
**Date:** February 28, 2013 12:02:47 PM MST  
**To:** Dave Ashton <daveashton@gmail.com>

Ok, so Tim and I have gone over their latest billing. In a nutshell, the overall usage is accurate. This was not surprising to me because Kenny knows we read and photo the meter every freaking day. Not that it matters but what does not match up is billing periods on the bills they originally sent us and the billing periods for the revised bills. This may be due to the fact that the original bills were based off the old meter and those those billing periods remained constant. Once they realized they had to revise the bills, they essentially started over on 8/17 when they changed out the meter. However, the dates don't have an impact on the overall amount of water. Franny went out and measure the meter today. The current meter right now is 8".

So some random stuff:

Tim and I can't quite figure out how they justify saying that they stopped billing us on August 13th. The meter was changed out on the 17th and I assumed that the August bill included water usage read off the old meter up through the 16th or the day before the new meter was put in. It seems like what they are saying is that for some reason, on the August bill, they stopped billing us on the 13th because they are charging us for the mini period from the 14th through the 16th and then starting the billing again on the 17th moving forward. Strange.

They have only credited us for one flooding, which was on the December bill. We are still due a credit of about 900,000 gallons. We are also due a credit of around 200,000 gallons when we took water to help Kenny out when his water treatment plant flooded.

Regarding our 2012 budget, it goes like this:

September

I entered an expense of \$9091.31, they are charging us \$9535.34, they are also charging us that weird \$989.84 from Aug 14-16. So Sept we are off \$1433.87 if we are going to agree to the charges from Aug 14-16.

Oct

Off \$7888.58

Nov

Off \$9259.28

Dec

Off \$5089.62

Assuming that they reduced these amounts by what we paid. Total unaccounted for water expense for 2012 then was \$23,671.35.

Overall water usage for the year was then the \$86741.47 that was already in there and then the \$23,671.35 for a total of \$110,412.82. The overage on this budget line item was planned as we are trying to restore and repair turf lost and damaged from years of not enough water etc.

2013 water usage is below budget because of rain and really cold weather.

Jeff Lundgren  
General Manager  
The Golf Club at Johnson Ranch  
[jeff.lundgren@gmail.com](mailto:jeff.lundgren@gmail.com)

Jeff Lundgren  
General Manager  
The Golf Club at Johnson Ranch  
[jeff.lundgren@gmail.com](mailto:jeff.lundgren@gmail.com)

## Craig Marks

---

**From:** Jeff Lundgren <jeff.lundgren@gmail.com>  
**Sent:** Friday, June 14, 2013 10:18 AM  
**To:** Craig A. Marks  
**Subject:** Fwd: information needed

Begin forwarded message:

**From:** Dave Ashton <daveashton@gmail.com>  
**Subject: Re: FW: information needed**  
**Date:** March 1, 2013 1:00:59 AM MST  
**To:** Daniel Hodges <DHodges@azvision.net>  
**Cc:** Kenny Watkins <kwatkins@johnsonutilities.com>, Jeff Lundgren <jeff.lundgren@gmail.com>, Craig Marks <craig.marks@azbar.org>  
**Reply-To:** [daveashton@gmail.com](mailto:daveashton@gmail.com)

hi danny - thanks for your reply. i'll talk with jeff and craig and will come back to you as soon as i can.  
all the best,  
dave

On Thu, Feb 28, 2013 at 1:15 AM, Daniel Hodges <DHodges@azvision.net> wrote:

Hi David,

Sorry for the delay in my response. I wanted to include the February Billing in my reply. Please see the answers to your questions below. If you have any other questions please let me know.

Thank you,

Daniel Hodges

Johnson Utilities

[480-998-3300](tel:480-998-3300)

**From:** Dave Ashton [<mailto:daveashton@gmail.com>]  
**Sent:** Friday, February 22, 2013 4:02 PM  
**To:** [kwatkins@johnsonutilities.com](mailto:kwatkins@johnsonutilities.com)

**Cc:** Jeff Lundgren  
**Subject:** information needed

hi kenny: thanks for taking my call earlier. per our conversation, please send me confirmation of the following later today:

1. the size meter we have on our effluent line, and when that meter was installed- The 8" meter was installed in January, 2008.
2. the appropriate acc tariff rate for a 3", 6" and 8" meter. The tariff rates are currently \$176.00, \$550.00, \$880.00, respectively.
3. when johnson utilities began charging swing first golf \$880 a month in meter minimums. The meter minimum from January, 2008, until the end of our rate case in 2010, was charged at the 4" rate. The rate was not increased when the meter was changed out due to the complaints that were pending at that time. After the rate case decision, the rate changed to the current 8" meter rate of \$880 on the September 30, 2010 bill. Swing First was billed a \$880 a month minimum from this point forward. If you need further information on why a meter size of larger than 3" is needed to provide you service, please let me know.

please send that information today.

then (not today but as soon as possible), please send to both jeff and me proper effluent bills for the last six months.

1. a separate, unique bill for each month
2. with appropriate water usage numbers on each bill
3. appropriate taxes and charges

The bills for the prior months have already been issued and sent to Swing First and we do not revise bills that are already rendered. I did attach the February bill that itemizes the usage for the months of September through February based on the meter reads. I also included a schedule showing the usage and the charges by month if that helps. It is my understanding that your crew tracks the meter reads and takes a picture of the reading on a regular basis. Therefore, you can confirm the accuracy of the usage figures. I apologize for the inconvenience and will give you time to get this bill paid. Let me know how long you think you will need. If you ever see that there is no usage on a bill in the future please feel free to call Mr. Watkins or myself and we will look into the issue. Thank you for understanding.

please don't calculate in those bills any amounts we've paid you since august, as it will just confuse everything. we (and you) know how much we've paid since august. the important thing is to make sure we know how much we should have been billed, so we can then calculate together how much may be owed. We have not included in the February bill the monthly meter charges for the months of September through January which were already invoiced and paid. The only meter charge on the February bill is the meter charge for February.

don't hesitate to put danny in copy on your reply if you need to do that.

all the best

dave

Jeff Lundgren  
General Manager  
The Golf Club at Johnson Ranch  
[jeff.lundgren@gmail.com](mailto:jeff.lundgren@gmail.com)

## Craig Marks

---

**From:** Jeff Lundgren <jeff.lundgren@gmail.com>  
**Sent:** Wednesday, June 12, 2013 10:47 AM  
**To:** Craig A. Marks  
**Subject:** Fwd: Effluent Meter

Begin forwarded message:

**From:** Timothy West <[timothy.west@yahoo.com](mailto:timothy.west@yahoo.com)>  
**Subject:** Effluent Meter  
**Date:** May 1, 2013 11:23:08 AM MST  
**To:** "[kwatkins@johnsonutilities.com](mailto:kwatkins@johnsonutilities.com)" <[kwatkins@johnsonutilities.com](mailto:kwatkins@johnsonutilities.com)>  
**Cc:** Jeff Lundgren <[jeff.lundgren@gmail.com](mailto:jeff.lundgren@gmail.com)>  
**Reply-To:** Timothy West <[timothy.west@yahoo.com](mailto:timothy.west@yahoo.com)>

Kenny,

We have been cutting back on watering the golf course for the past couple weeks in order to try to help raise our lake level. As you know, the lower our lake goes, the more stuck heads and irrigation problems we have. We had to cut back on our normal watering schedule because last month we received the least amount of water we ever have in April. An average of 372,500 gallons went into the lake per day. Now that we are heading into May and the temperature begins to rise, I wanted to let you know how much effluent water we will need on a daily basis this month in order to meet our minimum watering requirements to at least minimize the amount of turf loss. The last three years you have sent us an average of 545,000 gallons per day in May. We have had to manage turf loss because this amount is simply not enough. I need 700,000 gallons per day to keep the turf we have and to properly water the golf course in May. This is the actual minimum amount of water to keep most of our grass alive. 700,000 gallons per day of effluent allows me to properly water the golf course in May and minimize the amount of irrigation issues associated with having a low lake level. Receiving less than 545,000 gallons per day will cause us to lose so much of our bermuda base that we will have to pay to resod large parts of the golf course as well as cause us problems and additional costs associated with this years overseed. In order to properly water the golf course, I need 700,000 gallons per day of effluent. I would love to get more but 700,000 allows us to at least keep what grass we do have alive. This is especially important in order to have control over our transition from rye grass back to our bermuda base this May and June. So I am requesting that we receive 700,000 gallons per day of effluent for the month of May.

Thank you,

Timothy S. West GCS  
The Golf Club at Johnson Ranch

Jeff Lundgren  
General Manager  
The Golf Club at Johnson Ranch  
[jeff.lundgren@gmail.com](mailto:jeff.lundgren@gmail.com)

## Craig Marks

---

**From:** Jeff Lundgren <jeff.lundgren@gmail.com>  
**Sent:** Wednesday, June 12, 2013 10:49 AM  
**To:** Craig A. Marks  
**Subject:** Fwd: Effluent Meter

[REDACTED]

Begin forwarded message:

**From:** "Kenny Watkins" <[kwatkins@johnsonutilities.com](mailto:kwatkins@johnsonutilities.com)>  
**Subject:** RE: Effluent Meter  
**Date:** May 3, 2013 3:48:39 PM MST  
**To:** "Timothy West" <[timothy.west@yahoo.com](mailto:timothy.west@yahoo.com)>  
**Cc:** "Jeff Lundgren" <[jeff.lundgren@gmail.com](mailto:jeff.lundgren@gmail.com)>

Tim,

You state that in order to properly water the Johnson Ranch golf course during the month of May, you will need 700,000 gallons per day of effluent, and that you would love to get even more effluent. As you know, Johnson Utilities can deliver as much water as Swing First Golf requests using a combination of effluent, Central Arizona Project water, and if necessary, non-potable groundwater. Therefore, we can certainly deliver 700,000 gallons of water or more per day if SFG requests. I understand your desire to receive effluent because it is cheaper water compared to the other sources. However, with the variability of the influent flow rates at the San Tan wastewater treatment plant, capacity constraints on the delivery of effluent through the existing pipeline to the golf course, and the competing demand for effluent from Johnson Utilities' other residential effluent customer, we simply cannot commit to deliver 700,000 gallons per day of effluent to the golf course. That being said, we will continue to work to deliver as much effluent as we can on a daily basis given the constraining factors listed above. We can also deliver additional quantities of CAP water that SFG may reasonably request at the current rate of \$0.84 per thousand gallons plus applicable taxes. In addition, we have a newly approved tariff for non-potable water service where we can deliver non-potable groundwater at a rate of \$0.84 per thousand gallons plus applicable taxes, including a Central Arizona Groundwater Replenishment District Charge of \$1.51 per thousand gallons.

As you know, the CAP delivery line and meter are in place, and Johnson Utilities can immediately deliver CAP water to the golf course in whatever quantities you request. In fact, Swing First Golf has always had the ability to receive CAP water from Johnson Utilities. Therefore, Johnson Utilities is not responsible for the low water level in the golf course lake, stuck sprinkler heads or other irrigation problems, the decision by SFG to cut back on its normal watering schedule, turf loss, re-sodding, or problems with over-seeding or a transition from rye grass back to the Bermuda base. These issues have arisen (to the extent they have arisen) solely as a result of SFG's decision to water the golf course using only effluent.

Again, we understand your desire to receive as much effluent as possible, and we will continue to work to deliver as much effluent as we can on a daily basis given the constraining factors listed above. If SFG requires additional water, we can deliver as much CAP or as a backup non-potable irrigation water as you request. Please confirm in writing your request that Johnson Utilities supplement the delivery of effluent with the delivery of CAP water at the tariffed rate. If SFG refuses to accept CAP water and insists on using only

effluent, then Johnson Utilities is not responsible for any damage to the golf course or the irrigation system that is caused by your decision.

I am available any time to discuss any additional questions which you may have.

Thank you,  
Kenny Watkins

**From:** Timothy West [mailto:[timothy.west@yahoo.com](mailto:timothy.west@yahoo.com)]  
**Sent:** Wednesday, May 01, 2013 11:23 AM  
**To:** [kwatkins@johnsonutilities.com](mailto:kwatkins@johnsonutilities.com)  
**Cc:** Jeff Lundgren  
**Subject:** Effluent Meter

Kenny,

We have been cutting back on watering the golf course for the past couple weeks in order to try to help raise our lake level. As you know, the lower our lake goes, the more stuck heads and irrigation problems we have. We had to cut back on our normal watering schedule because last month we received the least amount of water we ever have in April. An average of 372,500 gallons went into the lake per day. Now that we are heading into May and the temperature begins to rise, I wanted to let you know how much effluent water we will need on a daily basis this month in order to meet our minimum watering requirements to at least minimize the amount of turf loss. The last three years you have sent us an average of 545,000 gallons per day in May. We have had to manage turf loss because this amount is simply not enough. I need 700,000 gallons per day to keep the turf we have and to properly water the golf course in May. This is the actual minimum amount of water to keep most of our grass alive. 700,000 gallons per day of effluent allows me to properly water the golf course in May and minimize the amount of irrigation issues associated with having a low lake level. Receiving less than 545,000 gallons per day will cause us to lose so much of our bermuda base that we will have to pay to resod large parts of the golf course as well as cause us problems and additional costs associated with this years overseed. In order to properly water the golf course, I need 700,000 gallons per day of effluent. I would love to get more but 700,000 allows us to at least keep what grass we do have alive. This is especially important in order to have control over our transition from rye grass back to our bermuda base this May and June. So I am requesting that we receive 700,000 gallons per day of effluent for the month of May.

Thank you,

Timothy S. West GCS  
The Golf Club at Johnson Ranch

Jeff Lundgren  
General Manager  
The Golf Club at Johnson Ranch  
[jeff.lundgren@gmail.com](mailto:jeff.lundgren@gmail.com)

# *JOHNSON UTILITIES, L.L.C.*

5230 East Shea Boulevard, Suite 200 \* Scottsdale, Arizona 85254  
PH: (480) 998-3300; FAX: (480) 483-7908

May 15, 2013

Via E-Mail and First Class Mail

Mr. David Ashton  
Johnson Ranch Golf Club  
30761 N. Golf Club Drive  
San Tan Valley, Arizona 85143

Mr. Tim West  
Johnson Ranch Golf Club  
30761 N. Golf Club Drive  
San Tan Valley, Arizona 85143

***Re: Effluent Deliveries to Swing First Golf***

Dear David and Tim:

I have received a copy of the Second Supplement to Complaint filed yesterday with the Arizona Corporation Commission. I wish you would have taken a few minutes to contact me or my staff with questions regarding the delivery of effluent to Swing First Golf (SFG), rather than spending the extra time to prepare and file another pleading with the Commission. On May 8, 2013, Johnson Utilities commenced repairs to the remote terminal unit at the San Tan wastewater treatment plant (WTP). While these repairs were being made, the Company was unable to deliver effluent to SFG or its other effluent customer. Yesterday, the Company experienced a power interruption at the San Tan WTP and the treatment process which reduces turbidity in the effluent was interrupted, requiring that we temporarily suspend effluent deliveries to our customers. We are investigating the cause of the power interruption, but we believe that effluent deliveries will resume in the next day or two.

As Kenny Watkins communicated to you at the beginning of the month, Johnson Utilities can deliver as much water as Swing First Golf requests using a combination of effluent, Central Arizona Project (CAP) water, and if necessary, non-potable groundwater. However, with the variability of the influent flow rates at the San Tan wastewater treatment plant, capacity constraints on the delivery of effluent through the existing pipeline to the golf course, periodic operational interruptions due to required maintenance or unforeseen events (such as we have experienced over the past week), and the competing demand for effluent from the San Tan Heights Homeowners Association, we simply cannot commit to deliver a specific quantity of effluent on a specific day. That being said, we understand SFG's desire to receive effluent because it is cheaper

May 14, 2013

Page 2

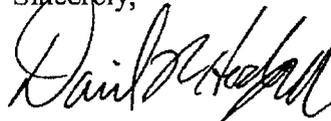
water compared to the other options, and we will continue to work to deliver as much effluent as we can on a daily basis given the constraining factors mentioned above.

We have urged SFG before (and I will do so again now) to accept CAP water when Johnson Utilities is unable to deliver the full amount of effluent that SFG requests. We currently have access to excess CAP water through the end of 2014, and we are considering the feasibility of submitting an application to the CAP for a permanent allocation of Non-Indian Agricultural ("NIA") water later this summer. If the Company is successful in obtaining an NIA allocation for recharge, we will continue to have access to CAP water beyond 2014.

Johnson Utilities values SFG as a customer and is committed to make sure that SFG has the water it needs for its golf course operations. However, it is not realistic for SFG to believe that the Company can supply enough effluent to satisfy all of SFG's demand for water. Therefore, I urge you to reconsider your decision not to receive any source of water other than effluent.

If you would like to discuss this matter further, please contact me at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel R. Hodges". The signature is fluid and cursive, with the first name being the most prominent.

Daniel R. Hodges  
JOHNSON UTILITIES, LLC

## Craig Marks

---

**From:** Crockett, Jeffrey W. <JCrockett@BHFS.com>  
**Sent:** Tuesday, May 21, 2013 4:15 PM  
**To:** 'Craig Marks'  
**Subject:** RE: Possible Resolution of Irrigation Issue

Craig,

I forwarded your e-mail to Johnson Utilities this morning and discussed it with the Company this afternoon. Johnson Utilities believes it is in the best interests of all of its customers that the Company adhere to the tariffed rates and charges for the type of water actually delivered. As a result, the Company cannot accept the possible solution set forth in your e-mail.

Regards,

Jeff

**Jeffrey W. Crockett**

**Brownstein Hyatt Farber Schreck, LLP**  
One East Washington Street, Suite 2400  
Phoenix, AZ 85004  
602.382.4062 tel  
602.999.4188 cell

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**From:** Craig Marks [<mailto:craig.marks@azbar.org>]  
**Sent:** Tuesday, May 21, 2013 8:22 AM  
**To:** Crockett, Jeffrey W.  
**Subject:** Possible Resolution of Irrigation Issue

Jeff,

I know that passions are running high, but we owe it to our clients to try to get this issue resolved if possible. I have an idea that might work for everyone, including the HOA.

What if both customers agreed to take deliveries at a blended rate of \$0.74 per thousand gallons (the average of the effluent and CAP water rates)? This would be an increase for Swing First and a decrease for the HOA. Utility would charge only one minimum bill, based on a six-inch meter. Utility could deliver at its discretion, either CAP water or effluent.

I think we could get Staff to support this and the Commission to approve this as a win for everyone.

I have not raised this possible solution with Dave, but I would push hard for him to take it.

What do you think?

Craig

**Craig A. Marks**  
**Craig A. Marks PLC**  
10645 N. Tatum Blvd.  
Suite 200-676  
Phoenix, AZ 85028  
[Craig.Marks@azbar.org](mailto:Craig.Marks@azbar.org)  
(480) 367-1956 Work  
(480) 518-6857 Mobile

Craig A. Marks  
10645 N. Tatum Blvd.  
Suite 200-676  
Phoenix, AZ 85028  
[Craig.Marks@azbar.org](mailto:Craig.Marks@azbar.org)  
(480) 367-1956 Office  
(480) 304-4821 Fax  
(480) 518-6857 Cell

[CraigAMarksPLC.com](http://CraigAMarksPLC.com)

[LinkedIn Profile](#)

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## Craig Marks

---

**From:** Dave Ashton <daveashton@gmail.com>  
**Sent:** Wednesday, May 22, 2013 2:30 PM  
**To:** Craig Marks  
**Cc:** Jeff Lundgren  
**Subject:** Fwd: Delivery of Water to Swing First Golf  
**Attachments:** Water Delivery 5.15.2013.PDF

[REDACTED]

dave

----- Forwarded message -----

**From:** **Dave Ashton** <daveashton@gmail.com>  
**Date:** Wed, May 22, 2013 at 9:04 AM  
**Subject:** Fwd: Delivery of Water to Swing First Golf  
**To:** Daniel Hodges <dhodges@azvision.net>  
**Cc:** Jeff Lundgren <jeff.lundgren@gmail.com>

hi danny - hope you're doing well. given the dialogue between us, which i hope will continue, i wanted to reach out to let you know that if effluent flows remain as they have been for the last few weeks, we're likely to have to place a CAP order this week.

the golf course and retaining lake will soon be badly damaged if both don't get more water. could you please send us more effluent?

if you're not able to do so, could you please re-confirm that you can send us CAP if we order it?

as we haven't placed a CAP order in more than five years i just wanted to confirm that if that happens we would plan to do it via normal channels - i.e. from tim or jeff to kenny watkins (hence i've cc'd jeff here). we'd obviously like to keep the amount of CAP received to the minimum necessary, so tim/jeff will work with kenny on that. if for some reason the channel for ordering CAP would need to be different than for ordering effluent, please let me know.

if there's anything else we need to discuss, please let me know and keep jeff in copy, as he's best placed to react in real time. many thanks in advance for your help.

all the best,  
dave

----- Forwarded message -----

**From:** **Daniel Hodges** <DHodges@azvision.net>  
**Date:** Thu, May 16, 2013 at 4:08 AM  
**Subject:** Delivery of Water to Swing First Golf  
**To:** "daveashton@gmail.com" <daveashton@gmail.com>, "Tim West (timothy.west@yahoo.com)" <timothy.west@yahoo.com>

David and Tim,

Please see my attached letter regarding water delivery to Swing First Golf.

Sincerely,

Daniel Hodges

Johnson Utilities

480-998-3300

## Craig Marks

---

**From:** Jeff Lundgren <jeff.lundgren@gmail.com>  
**Sent:** Wednesday, June 12, 2013 10:52 AM  
**To:** Craig A. Marks  
**Subject:** Fwd: C.A.P.

Begin forwarded message:

**From:** Tim West <timothy.west@yahoo.com>  
**Subject: Re: C.A.P.**  
**Date:** May 22, 2013 11:07:55 AM MST  
**To:** Jeff Lundgren <jeff.lundgren@gmail.com>

ASAP.

Would you please send me the meter reading when you start the water?

Thank you,

Timothy S. West GCS  
The Golf Club @ Johnson Ranch

On May 22, 2013, at 11:05 AM, Jeff Lundgren <jeff.lundgren@gmail.com> wrote:

Jeff Lundgren  
General Manager  
The Golf Club at Johnson Ranch

Begin forwarded message:

**From:** "Kenny Watkins" <kwatkins@johnsonutilities.com>  
**Date:** May 22, 2013, 9:41:03 AM MST  
**To:** "'Timothy West'" <timothy.west@yahoo.com>  
**Cc:** "'Jeff Lundgren'" <jeff.lundgren@gmail.com>, "Greg Brown" <GBrown@azvision.net>  
**Subject: RE: C.A.P.**

When do you want this to start?

**From:** Timothy West [mailto:timothy.west@yahoo.com]  
**Sent:** Wednesday, May 22, 2013 9:36 AM  
**To:** kwatkins@johnsonutilities.com  
**Cc:** Jeff Lundgren  
**Subject:** C.A.P.

Kenny,

Looks like we are going to need C.A.P. in order to keep the grass going. I want to get some holes punched as well.

Please send 500,000 per day of C.A.P. to our lake. I will email you if and when that amount needs to change.

Thanks for your help. As you know, Jeff and I don't care about all the legal stuff, we just want to take care of the course.

We should plan on having lunch as soon as you are able to on your end.

Thank you,  
Timothy S. West GCS  
The Golf Club @ Johnson Ranch

Jeff Lundgren  
General Manager  
The Golf Club at Johnson Ranch  
[jeff.lundgren@gmail.com](mailto:jeff.lundgren@gmail.com)

## Craig Marks

---

**From:** Jeff Lundgren <jeff.lundgren@gmail.com>  
**Sent:** Wednesday, June 12, 2013 10:52 AM  
**To:** Craig A. Marks  
**Subject:** Fwd: C.A.P.

Begin forwarded message:

**From:** Tim West <timothy.west@yahoo.com>  
**Subject: Fwd: C.A.P.**  
**Date:** June 12, 2013 10:50:01 AM MST  
**To:** Jeff Lundgr <jeff.lundgren@gmail.com>

Thank you,

Timothy S. West GCS  
The Golf Club @ Johnson Ranch

Begin forwarded message:

**From:** Tim West <timothy.west@yahoo.com>  
**Date:** May 22, 2013, 11:29:17 AM MST  
**To:** Jeff Lundgren <jefflungren@gmail.com>  
**Subject: Fwd: C.A.P.**

Thank you,

Timothy S. West GCS  
The Golf Club @ Johnson Ranch

Begin forwarded message:

**From:** "Kenny Watkins" <kwatkins@johnsonutilities.com>  
**Date:** May 22, 2013, 11:30:42 AM MST  
**To:** "Rod Spencer" <rspencer@johnsonutilities.com>  
**Cc:** "Tim West" <timothy.west@yahoo.com>, "Greg Brown" <GBrown@azvision.net>  
**Subject: FW: C.A.P.**

Rod,

Can you contact New Magma and see if we can get JR CAP water today. I know that all orders need to be in by 9am the day before but can you see what you can do.

Also can you get with Tim and show him where the pump is so he can met someone there in the mornings to read the meter.

**From:** Timothy West [<mailto:timothy.west@yahoo.com>]  
**Sent:** Wednesday, May 22, 2013 11:21 AM  
**To:** [kwatkins@johnsonutilities.com](mailto:kwatkins@johnsonutilities.com)  
**Subject:** C.A.P.

Kenny,

Please turn the C.A.P. on A.S.A.P.  
Also send me the meter reading at the start.

Thank you,  
Timothy S. West GCS  
The Golf Club @ Johnson Ranch

Jeff Lundgren  
General Manager  
The Golf Club at Johnson Ranch  
[jeff.lundgren@gmail.com](mailto:jeff.lundgren@gmail.com)

## Craig Marks

---

**From:** Jeff Lundgren <jeff.lundgren@gmail.com>  
**Sent:** Wednesday, June 12, 2013 10:51 AM  
**To:** Craig A. Marks  
**Subject:** Fwd: Delivery of Water to Swing First Golf

[REDACTED]

Begin forwarded message:

**From:** Tim West <timothy.west@yahoo.com>  
**Subject:** Fwd: Delivery of Water to Swing First Golf  
**Date:** June 12, 2013 10:49:13 AM MST  
**To:** Jeff Lundgr <jeff.lundgren@gmail.com>

Thank you,

Timothy S. West GCS  
The Golf Club @ Johnson Ranch

Begin forwarded message:

**From:** Timothy West <timothy.west@yahoo.com>  
**Date:** May 23, 2013, 11:02:19 AM MST  
**To:** Rod Spencer <rspencer@johnsonutilities.com>  
**Cc:** "kwatkins@johnsonutilities.com" <kwatkins@johnsonutilities.com>, Jeff Lundgren <jeff.lundgren@gmail.com>  
**Subject:** Re: Delivery of Water to Swing First Golf  
**Reply-To:** Timothy West <timothy.west@yahoo.com>

Rod,

Please send Johnson Ranch Golf Course C.A.P. water May 24, 2013.  
The above request is for CAP water at 1,000 gpm for 8 hours for a total of 480,000 gallons.

Thank you,  
Timothy S. West GCS  
The Golf Club @ Johnson Ranch

**From:** Rod Spencer <rspencer@johnsonutilities.com>  
**To:** 'Timothy West' <timothy.west@yahoo.com>  
**Cc:** 'Kenny Watkins' <kwatkins@johnsonutilities.com>; 'Greg Brown' <gbrown@azvision.net>; 'Daniel Hodges' <DHodges@azvision.net>; 'Velma Huntley' <vhuntley@johnsonutilities.com>

**Sent:** Thursday, May 23, 2013 8:50 AM  
**Subject:** FW: Delivery of Water to Swing First Golf

Tim

Please see below terms and conditions # 5 for CAP water delivery .  
E-mail orders to all concerned parties and also to [vhuntley@johnsonutilities.com](mailto:vhuntley@johnsonutilities.com) and she will fax orders over to New Magma  
Note – Pump station produces 1000 GPM

Thanks  
Rod Spencer  
Johnson Utilities

**From:** Daniel Hodges [<mailto:DHodges@azvision.net>]  
**Sent:** Wednesday, May 22, 2013 5:53 PM  
**To:** [daveashton@gmail.com](mailto:daveashton@gmail.com)  
**Cc:** Jeff Lundgren; 'Kenny Watkins ([kwatkins@johnsonutilities.com](mailto:kwatkins@johnsonutilities.com)) ([kwatkins@johnsonutilities.com](mailto:kwatkins@johnsonutilities.com))'; Rod Spencer  
**Subject:** RE: Delivery of Water to Swing First Golf

Hi David,

You have requested that Johnson Utilities deliver Central Arizona Project (“CAP”) to Swing First Golf (“SFG”). We will do so subject to the following terms and conditions, as well as all other terms and conditions of the Company’s tariff and the rules, regulations and orders of the Arizona Corporation Commission:

1. Johnson Utilities will open a new CAP water account for SFG with the account number 119200-03. The requested CAP water will be billed under this new account number. The existing account 119200-02 will remain in place with an outstanding balance until a final judgment has been entered in the Maricopa County Superior Court case and any appeals have been resolved.
2. SFG will pay a monthly meter charge for CAP account no. 119200-03 based upon a 6-inch meter at a charge of \$550 per month. This meter charge does not include any water.
3. Commodity charges for CAP water are based upon the quantity of water that is ordered by SFG.
4. The current commodity charge for CAP water is \$0.84 per thousand gallons, calculated pursuant to the Company’s Non-Potable Central Arizona Project Water Service tariff.
5. Orders for CAP water must be submitted in writing at least 24 hours prior to the requested delivery date. The order must include the requested gallons per minute and the number of hours of delivery. Orders must be submitted to Rod Spencer with a copy to Kenny Watkins.
6. SFG will comply with all other terms and conditions of Johnson Utilities’ tariff.

Please acknowledge your acceptance of these terms and conditions of service in a response to this e-mail.

Thank you,  
Daniel Hodges  
Johnson Utilities

480-998-3300

**From:** Dave Ashton [<mailto:daveashton@gmail.com>]  
**Sent:** Wednesday, May 22, 2013 12:04 AM  
**To:** Daniel Hodges  
**Cc:** Jeff Lundgren  
**Subject:** Fwd: Delivery of Water to Swing First Golf

hi danny - hope you're doing well. given the dialogue between us, which i hope will continue, i wanted to reach out to let you know that if effluent flows remain as they have been for the last few weeks, we're likely to have to place a CAP order this week.

the golf course and retaining lake will soon be badly damaged if both don't get more water. could you please send us more effluent?

if you're not able to do so, could you please re-confirm that you can send us CAP if we order it?

as we haven't placed a CAP order in more than five years i just wanted to confirm that if that happens we would plan to do it via normal channels - i.e. from tim or jeff to kenny watkins (hence i've cc'd jeff here). we'd obviously like to keep the amount of CAP received to the minimum necessary, so tim/jeff will work with kenny on that. if for some reason the channel for ordering CAP would need to be different than for ordering effluent, please let me know.

if there's anything else we need to discuss, please let me know and keep jeff in copy, as he's best placed to react in real time. many thanks in advance for your help.  
all the best,  
dave

----- Forwarded message -----

**From:** Daniel Hodges <[DHodges@azvision.net](mailto:DHodges@azvision.net)>  
**Date:** Thu, May 16, 2013 at 4:08 AM  
**Subject:** Delivery of Water to Swing First Golf  
**To:** "daveashton@gmail.com" <[daveashton@gmail.com](mailto:daveashton@gmail.com)>, "Tim West ([timothy.west@yahoo.com](mailto:timothy.west@yahoo.com))" <[timothy.west@yahoo.com](mailto:timothy.west@yahoo.com)>

David and Tim,

Please see my attached letter regarding water delivery to Swing First Golf.

Sincerely,  
Daniel Hodges  
Johnson Utilities  
[480-998-3300](tel:480-998-3300)

Jeff Lundgren  
General Manager  
The Golf Club at Johnson Ranch  
[jeff.lundgren@gmail.com](mailto:jeff.lundgren@gmail.com)

**Craig Marks**

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**From:** Jeff Lundgren <jeff.lundgren@gmail.com>  
**Sent:** Wednesday, June 12, 2013 10:50 AM  
**To:** Craig A. Marks  
**Subject:** Fwd: Effluent Water

Begin forwarded message:

**From:** Tim West <timothy.west@yahoo.com>  
**Subject: Fwd: Effluent Water**  
**Date:** June 12, 2013 10:47:36 AM MST  
**To:** Jeff Lundgr <jeff.lundgren@gmail.com>

Thank you,

Timothy S. West GCS  
The Golf Club @ Johnson Ranch

Begin forwarded message:

**From:** Tim West <timothy.west@yahoo.com>  
**Date:** May 30, 2013, 11:08:17 AM MST  
**To:** Jeff Lundgr <jeff.lundgren@gmail.com>  
**Subject: Fwd: Effluent Water**

Thank you,

Timothy S. West GCS  
The Golf Club @ Johnson Ranch

Begin forwarded message:

**From:** "Rod Spencer" <rspencer@johnsonutilities.com>  
**Date:** May 30, 2013, 10:40:33 AM MST  
**To:** "Timothy West" <timothy.west@yahoo.com>  
**Subject: Re: Effluent Water**

Tim

Spoke to plant supervisor and informed him to send effluent to pond 24/7 beginning today. Had to turn off effluent yesterday due to level of pond and delivery of CAP water to avoid overflowing pond.

Thanks  
Rod

*Sent from my Motorola Smartphone on the Now Network from Sprint!*

-----Original message-----

**From:** Timothy West <[timothy.west@yahoo.com](mailto:timothy.west@yahoo.com)>

**To:** "[rspencer@johnsonutilities.com](mailto:rspencer@johnsonutilities.com)" <[rspencer@johnsonutilities.com](mailto:rspencer@johnsonutilities.com)>

**Sent:** Thu, May 30, 2013 10:24:54 MST

**Subject:** Effluent Water

Rod,

I wanted to follow up on our conversation last week and let you know our effluent delivery has dropped considerably. In fact, we only received 117,000 yesterday. As you know, I just want to be able to plan my agronomy practices based on our effluent delivery first. I was expecting to receive all of the effluent until you began to fill up the San Tan lake and then receive half as you fill their lake up. I figured you guys would not cut my effluent delivery simply because of a screw up over at the HOA lake. I really appreciate your communication and cooperation. I think we are moving in the right direction. Please give me the heads up!

Best,

Tim West, GCS  
The Golf Club at Johnson Ranch

Jeff Lundgren  
General Manager  
The Golf Club at Johnson Ranch  
[jeff.lundgren@gmail.com](mailto:jeff.lundgren@gmail.com)

# **ATTACHMENT 3**

Jeffrey W. Crockett  
Attorney at Law  
602.382.4062 tel  
480.428.6076 fax  
jcrockett@bhfs.com

August 8, 2013

**VIA FIRST CLASS MAIL AND E-MAIL**

Craig A. Marks, Esq.  
Craig A. Marks, PLC  
10645 N. Tatum Blvd., Suite 200-676  
Phoenix, Arizona 85028  
E-mail: Craig.Marks@azbar.org

**Re: *Johnson Utilities' Second Set of Requests for Admission and Data Requests to Swing First Golf in Docket No. WS-02987A-13-0053***

Dear Craig:

Enclosed please find Johnson Utilities' Second Set of Requests for Admission and Data Requests to Swing First Golf ("SFG") in the above-referenced docket. These requests pertain to Count C of SFG's Formal Complaint, and they follow up the responses of SFG to Johnson Utilities' First Set of Requests for Admission and Data Requests. I would appreciate SFG's responses by close of business Monday, August 19, 2013.

Attached as Exhibits JU 2.1 through JU 2.5 to the data requests are copies of checks from SFG to Johnson Utilities for effluent payments. These documents are marked "CONFIDENTIAL" and copied on yellow paper because they contain confidential financial information of both SFG and Johnson Utilities. If we use these checks as evidence in this case, I will redact any confidential financial information before they are used.

For purposes of these requests, the words "Swing First Golf," "SFG," "you," and "your" refer to Swing First Golf, LLC, and any representative, including every person and/or entity acting with, under the control of, or on behalf of Swing First Golf, LLC. For each answer, please identify by name, title, and address each person providing information that forms the basis for the response provided.

One East Washington Street, Suite 2400  
Phoenix, AZ 85004  
main 602.382.4040

Craig A. Marks, Esq.  
August 8, 2013  
Page 2

These data requests are continuing, and SFG's answers or any documents supplied in response to these data requests should be supplemented with any additional information or documents that come to SFG's attention after you have provided the initial responses.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jeff Crockett", with a long horizontal flourish extending to the right.

Jeffrey W. Crockett

JWC/jjp  
Enclosures  
014676\0009\10633287.1

**JOHNSON UTILITIES' SECOND SET OF REQUESTS FOR ADMISSION AND DATA  
REQUESTS TO SWING FIRST GOLF, LLC  
DOCKET WS-02987A-13-0053**

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**REQUESTS FOR ADMISSION**

JU 2.1 Attached hereto as Exhibit JU 2.1 is a copy (marked confidential) of Swing First Golf, LLC ("SFG") Check No. 09359 dated 8/31/2012 in the amount of \$9,091.31 made payable to Johnson Utilities. Admit that Exhibit JU 2.1 is a true and correct copy of SFG Check 09359 which was sent by SFG to Johnson Utilities.

ADMIT \_\_\_\_\_ DENY \_\_\_\_\_

JU 2.2 Attached hereto as Exhibit JU 2.2 is a copy (marked confidential) of SFG Check No. 09412 dated 10/30/2012 in the amount of \$2,046.10 made payable to Johnson Utilities. Admit that Exhibit JU 2.2 is a true and correct copy of SFG Check 09412 which was sent by SFG to Johnson Utilities.

ADMIT \_\_\_\_\_ DENY \_\_\_\_\_

JU 2.3 Attached hereto as Exhibit JU 2.3 is a copy (marked confidential) of SFG Check No. 09551 dated 12/13/2012 in the amount of \$947.76 made payable to Johnson Utilities. Admit that Exhibit JU 2.3 is a true and correct copy of SFG Check 09551 which was sent by SFG to Johnson Utilities.

ADMIT \_\_\_\_\_ DENY \_\_\_\_\_

JU 2.4 Attached hereto as Exhibit JU 2.4 is a copy (marked confidential) of SFG Check No. 09593 dated 12/31/2012 in the amount of \$204.53 made payable to Johnson Utilities. Admit that Exhibit JU 2.4 is a true and correct copy of SFG Check 09593 which was sent by SFG to Johnson Utilities.

ADMIT \_\_\_\_\_ DENY \_\_\_\_\_

JU 2.5 Attached hereto as Exhibit JU 2.5 is a copy (marked confidential) of SFG Check No. 09669 dated 2/19/2013 in the amount of \$950.83 made payable to Johnson Utilities. Admit that Exhibit JU 2.5 is a true and correct copy of SFG Check 09669 which was sent by SFG to Johnson Utilities.

ADMIT \_\_\_\_\_ DENY \_\_\_\_\_

**JOHNSON UTILITIES' SECOND SET OF REQUESTS FOR ADMISSION AND DATA  
REQUESTS TO SWING FIRST GOLF, LLC  
DOCKET WS-02987A-13-0053**

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**DATA REQUESTS**

JU 2.6 If SFG responded to any of the above Requests for Admission (JU 2.1 through 2.5) with anything other than an unqualified admission, for each such response:

- (a) State the basis for the denial or qualification;
- (b) State all facts that support the denial or qualified admission;
- (c) Identify each person that has knowledge of each such fact; and
- (d) Identify every document which refers to, relates to, or evidences such fact.

JU 2.7 In response to Data Request JU 1.22, SFG stated that the annotations on the invoice from Johnson Utilities in the amount of \$28,971.31 with a billing date of 07/25/12 for Account No. 00120362-02 were made by Tim West, SFG's Director of Agronomy. Does Tim West review effluent invoices that are received from Johnson Utilities?

JU 2.8 In response to Data Request JU 1.25, SFG stated that Jeff Lundgren was responsible for reviewing effluent invoices received from Johnson Utilities during 2012 and 2013. With regard to this response, please answer the following questions:

- (a) Did Mr. Lundgren review the invoice from Johnson Utilities in the amount of \$8,121.01 with a billing date of 01/31/12 for Account No. 00120362-02?
- (b) Did Mr. Lundgren review the invoice from Johnson Utilities in the amount of \$6,944.33 with a billing date of 02/24/12 for Account No. 00120362-02?
- (c) Did Mr. Lundgren review the invoice from Johnson Utilities in the amount of \$5,379.53 with a billing date of 03/26/12 for Account No. 00120362-02?
- (d) Did Mr. Lundgren review the invoice from Johnson Utilities in the amount of \$8,020.35 with a billing date of 04/24/12 for Account No. 00120362-02?
- (e) Did Mr. Lundgren review the invoice from Johnson Utilities in the amount of \$10,931.68 with a billing date of 05/24/12 for Account No. 00120362-02?
- (f) Did Mr. Lundgren review the invoice from Johnson Utilities in the amount of \$25,445.23 with a billing date of 06/25/12 for Account No. 00120362-02?

**JOHNSON UTILITIES' SECOND SET OF REQUESTS FOR ADMISSION AND DATA  
REQUESTS TO SWING FIRST GOLF, LLC  
DOCKET WS-02987A-13-0053**

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- (g) Did Mr. Lundgren review the invoice from Johnson Utilities in the amount of \$28,971.31 with a billing date of 07/25/12 for Account No. 00120362-02?
- (h) Did Mr. Lundgren review the invoice from Johnson Utilities in the amount of \$9,091.31 with a billing date of 08/27/12 for Account No. 00120362-02?
- (i) Did Mr. Lundgren review the invoice from Johnson Utilities in the amount of \$10,175.43 with a billing date of 09/24/12 for Account No. 00120362-02?
- (j) Did Mr. Lundgren review the invoice from Johnson Utilities in the amount of \$2,046.10 with a billing date of 10/25/12 for Account No. 00120362-02?
- (k) Did Mr. Lundgren review the invoice from Johnson Utilities in the amount of \$947.76 with a billing date of 11/26/12 for Account No. 00120362-02?
- (l) Did Mr. Lundgren review the invoice from Johnson Utilities in the amount of \$204.53 with a billing date of 12/27/12 for Account No. 00120362-02?
- (m) Did Mr. Lundgren review the invoice from Johnson Utilities in the amount of \$950.83 with a billing date of 1/26/13 for Account No. 00120362-02?

JU 2.9 In response to Data Request JU 1.26, SFG stated that Jeff Lundgren was responsible for paying effluent invoices received from Johnson Utilities during 2012 and 2013. With regard to this response, please answer the following questions:

- (a) Did Mr. Lundgren authorize payment of the invoice from Johnson Utilities in the amount of \$8,121.01 with a billing date of 01/31/12 for Account No. 00120362-02?
- (b) Did Mr. Lundgren authorize payment of the invoice from Johnson Utilities in the amount of \$6,944.33 with a billing date of 02/24/12 for Account No. 00120362-02?
- (c) Did Mr. Lundgren authorize payment of the invoice from Johnson Utilities in the amount of \$5,379.53 with a billing date of 03/26/12 for Account No. 00120362-02?
- (d) Did Mr. Lundgren authorize payment of the invoice from Johnson Utilities in the amount of \$8,020.35 with a billing date of 04/24/12 for Account No. 00120362-02?

**JOHNSON UTILITIES' SECOND SET OF REQUESTS FOR ADMISSION AND DATA  
REQUESTS TO SWING FIRST GOLF, LLC  
DOCKET WS-02987A-13-0053**

---

- (e) Did Mr. Lundgren authorize payment of the invoice from Johnson Utilities in the amount of \$10,931.68 with a billing date of 05/24/12 for Account No. 00120362-02?
- (f) Did Mr. Lundgren authorize payment of the invoice from Johnson Utilities in the amount of \$25,445.23 with a billing date of 06/25/12 for Account No. 00120362-02?
- (g) Did Mr. Lundgren authorize payment of the invoice from Johnson Utilities in the amount of \$28,971.31 with a billing date of 07/25/12 for Account No. 00120362-02?
- (h) Did Mr. Lundgren authorize payment of the invoice from Johnson Utilities in the amount of \$9,091.31 with a billing date of 08/27/12 for Account No. 00120362-02?
- (i) Did Mr. Lundgren authorize payment of the invoice from Johnson Utilities in the amount of \$10,175.43 and a billing date of 09/24/12 for Account No. 00120362-02?
- (j) Did Mr. Lundgren authorize payment of the invoice from Johnson Utilities in the amount of \$2,046.10 and a billing date of 10/25/12 for Account No. 00120362-02?
- (k) Did Mr. Lundgren authorize payment of the invoice from Johnson Utilities in the amount of \$947.76 and a billing date of 11/26/12 for Account No. 00120362-02?
- (l) Did Mr. Lundgren authorize payment of the invoice from Johnson Utilities in the amount of \$204.53 and a billing date of 12/27/12 for Account No. 00120362-02?
- (m) Did Mr. Lundgren authorize payment of the invoice from Johnson Utilities in the amount of \$950.83 and a billing date of 1/26/13 for Account No. 00120362-02?

**JOHNSON UTILITIES' SECOND SET OF REQUESTS FOR ADMISSION AND DATA  
REQUESTS TO SWING FIRST GOLF, LLC  
DOCKET WS-02987A-13-0053**

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JU 2.10 In response to Data Request JU 1.30, SFG stated that it discovered that Johnson Utilities was not billing SFG the effluent commodity charge in November 2012. In response to Data Request JU 1.31, SFG stated that Jeff Lundgren discovered that Johnson Utilities was not billing SFG the effluent commodity charge when he was reviewing the effluent bills. With regard to these responses, please answer the following questions:

- (a) When Jeff Lundgren discovered that Johnson Utilities was not billing SFG the effluent commodity charge, did Jeff Lundgren or any other employee or representative of SFG notify anyone at Johnson Utilities of the problem with the bills?
- (b) If the answer to JU 2.9(a) is "yes," who on behalf of SFG notified Johnson Utilities of the problem with the bills?
- (c) If the answer to JU 2.9(a) is "yes," who did SFG notify at Johnson Utilities of the problem with the bills?
- (d) If the answer to JU 2.9(a) is "yes," please provide the date or approximate date that SFG notified Johnson Utilities of the problem with the bills.
- (e) If the answer to JU 2.9(a) is "yes," please provide a copy of any and all written and/or electronic communications from SFG to Johnson Utilities notifying Johnson Utilities of the problem with the bills.

JU 2.11 In response to Data Request JU 1.34, SFG provided as Exhibit 1.34 an e-mail dated February 28, 2013, from Jeff Lundgren to David Ashton. This e-mail states, in part, as follows:

"Ok, so Tim and I have gone over their latest billing. In a nutshell, the overall usage is accurate. This was not surprising to me because Kenny knows we read and photo the meter every freaking day."

With regard to the quote above, please answer the following questions:

- (a) Is the "Tim" mentioned in the quote Tim West?
- (b) Does "their latest billing" in the quote refer to the invoice from Johnson Utilities in the amount of \$38,451.95 with a billing date of 2/25/13 for Account No. 00120362-02?
- (c) Is the "Kenny" mentioned in the quote Kenny Watkins, an employee of Johnson Utilities?

**JOHNSON UTILITIES' SECOND SET OF REQUESTS FOR ADMISSION AND DATA  
REQUESTS TO SWING FIRST GOLF, LLC  
DOCKET WS-02987A-13-0053**

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- JU 2.12 In response to Data Request JU 1.39, SFG provided an amount of \$17,080.80 in legal fees and expenses incurred by SFG in this formal complaint docket through June 17, 2013. Please update this amount through the date of SFG's response to this data request.
- JU 2.13 In SFG's Formal Complaint at page 12, lines 2-4, SFG "asks the Commission to sanction Utility by relieving Swing First of paying all but the current charges on the February 25, 2013, bill." With regard to this statement, please answer the following questions:
- (a) Identify by docket number any formal complaint case known to SFG where the Arizona Corporation Commission has relieved a customer from paying a utility bill or bills because of billing errors contained in the bill or bill.
  - (b) Identify by utility company and customer name any informal complaint case known to SFG where the Arizona Corporation Commission has relieved a customer from paying a utility bill or bills because of billing errors contained in the bill or bill.
  - (c) Identify by case number any reported decision by a court in Arizona known to SFG where the Arizona Corporation Commission has relieved a customer from paying a utility bill or bills because of billing errors contained in the bill or bill.
  - (d) Identify any Arizona statute or provision of the Arizona Administrative Code known to SFG which authorizes the Arizona Corporation Commission to relieve a customer from paying a utility bill or bills because of billing errors contained in the bill or bill.
- JU 2.14 Attached hereto as Exhibit JU 2.1 is a copy of SFG Check No. 09359 dated 8/31/2012 in the amount of \$9,091.31 made payable to Johnson Utilities. Who signed Check No. 09359 on behalf of SFG?
- JU 2.15 Attached hereto as Exhibit JU 2.2 is a copy of SFG Check No. 09412 dated 10/30/2012 in the amount of \$2,046.10 made payable to Johnson Utilities. Who signed Check No. 09412 on behalf of SFG?
- JU 2.16 Attached hereto as Exhibit JU 2.3 is a copy of SFG Check No. 09551 dated 12/13/2012 in the amount of \$947.76 made payable to Johnson Utilities. Who signed Check No. 09551 on behalf of SFG?
- JU 2.17 Attached hereto as Exhibit JU 2.4 is a copy of SFG Check No. 09593 dated 12/31/2012 in the amount of \$204.53 made payable to Johnson Utilities. Who signed Check No. 09593 on behalf of SFG?

**JOHNSON UTILITIES' SECOND SET OF REQUESTS FOR ADMISSION AND DATA  
REQUESTS TO SWING FIRST GOLF, LLC  
DOCKET WS-02987A-13-0053**

---

JU 2.18 Attached hereto as Exhibit JU 2.5 is a copy of SFG Check No. 09669 dated 2/19/2013 in the amount of \$950.83 made payable to Johnson Utilities. Who signed Check No. 09669 on behalf of SFG?

014676\0009\10629311.1

**EXHIBIT JU 2.1**

# Johnson Utilities

## Document Details

Run Date: 10/1/2012, Batch #: 401, Sequence #: 134, Status: Completed, Routing #: [REDACTED], Account #: [REDACTED], Check #: 9359, Check Amount: 9,091.31, Applied Amount: 9,091.31, AccNum: [REDACTED], AmtDue: 9091.31

## Front Image

CASH ONLY IF ALL CHECKLOCK™ SECURITY FEATURES LISTED ON BACK INDICATE NO TAMPERING OR COPYING

SWING FIRST GOLF, LLC  
DBA JOHNSON RANCH GOLF COURSE  
80781 N GOLF CLUB DRIVE  
QUEEN CREEK, AZ 85243  
(480) 987-9200

ARIZONA BANK & TRUST  
1000 N. 54TH ST., (480) 544-4543  
CHANDLER, AZ 85226  
#1-601/1221

09359

8/31/2012

PAY TO THE ORDER OF Johnson Utilities \$ 9,091.31

Nine Thousand Ninety-One and 31/100 DOLLARS

A TAMPER RESISTANT TONER AREA

MEMO 00120362-02 Aug

NO [REDACTED] [REDACTED]

©2011 INUIT INC. # 1786 1-800-430-4010

Hold After 90 Days

Image Check/Write Backs Check Details on Back

## Back Image

10-01-12 401-134 Johnson Utilities

~~CONFIDENTIAL~~

**EXHIBIT JU 2.2**

# Johnson Utilities

## Document Details

Run Date: 11/8/2012, Batch #: 402, Sequence #: 176, Status: Completed, Routing #: [REDACTED], Account #: [REDACTED], Check #: 9412, Check Amount: 2,046.10, Applied Amount: 2,046.10, AcctNum: [REDACTED], AmtDue: 2046.10

## Front Image

CASH ONLY IF ALL Circolors™ SECURITY FEATURES LISTED ON BACK INDICATE NO TAMPERING OR COPYING

SWING FIRST GOLF, LLC  
DBA JOHNSON RANCH GOLF COURSE  
30781 N GOLF CLUB DRIVE  
QUEEN CREEK, AZ 85243  
(480) 987-9300

ARIZONA BANK & TRUST  
1000 N. 54TH ST., (480) 844-4540  
CHANDLER, AZ 85226  
97-531/1221

09412

10/30/2012

PAY TO THE ORDER OF Johnson Utilities \$ 2,046.10

Two Thousand Forty-Six and 10/100 DOLLARS

Johnson Utilities  
838 E. Hunt Hwy  
Queen Creek, AZ 85242  
USA

VOID AFTER 90 DAYS

MEMO 00120382-02 Oct

11 00 94 1 20

3 2011 10/11/12 1 176 1480-453-800

CheckLock™ Secure Check

## Back Image

11 00 94 1 20

~~CONFIDENTIAL~~

**EXHIBIT JU 2.3**

# Johnson Utilities

## Document Details

Run Date: 12/18/2012, Batch #: 402, Sequence #: 81, Status: Completed, Routing #: [REDACTED], Account #: [REDACTED], Check #: 9551, Check Amount: 947.76, Applied Amount: 947.76, AcctNum: [REDACTED], AmtDue: 947.76

## Front Image

CASH ONLY IF ALL FEES PAID - SECURITY FEATURES: 1. METAL BACKING 2. MICR LINE 3. VOID AFTER 90 DAYS

**SWING FIRST GOLF, LLC**  
DBA JOHNSON RANCH GOLF COURSE  
30761 N GOLF CLUB DRIVE  
QUEEN CREEK, AZ 85243  
(480) 937-9300

**ARIZONA BANK & TRUST**  
1000 N. 64TH ST., (480) 644-4543  
CHANDLER, AZ 85226  
91-6011221

09551

12/13/2012

PAY TO THE ORDER OF **Johnson Utilities** \$ **947.76**

**Nine Hundred Forty-Seven and 76/100** DOLLARS

A TAMPER RESISTANT TONER AREA

**Johnson Utilities**  
968 E. Hunt Hwy  
Queen Creek, AZ 85242  
USA

VOID AFTER 90 DAYS

MEMO  
00120362-02-12

009551 [REDACTED]

480 120362 02-12

## Back Image

480 120362 02-12

~~CONFIDENTIAL~~

**EXHIBIT JU 2.4**

# Johnson Utilities

## Document Details

Run Date: 1/25/2013, Batch #: 401, Sequence #: 106, Status: Completed, Routing #: [REDACTED], Account #: [REDACTED] Check #: 9593, Check Amount: 204.53, Applied Amount: 204.53, AcctNum: [REDACTED] AmtDue: 204.53

## Front Image

CASH ONLY IF ALL CHECKER SECURITY FEATURES LISTED ON BACK INDICATE NO TAMPERING OR COPYING

SWING FIRST GOLF, LLC  
DBA JOHNSON RANCH GOLF COURSE  
30751 N GOLF CLUB DRIVE  
QUEEN CREEK, AZ 85249  
(480) 987-9800

ARIZONA BANK & TRUST  
1000 N. 64TH ST., (480) 844-4540  
CHANDLER, AZ 85225  
81-80111221

09593

12/31/2012

PAY TO THE ORDER OF Johnson Utilities \$ 204.53

Two Hundred Four and 53/100 DOLLARS

VOID AFTER 90 DAYS

MEMO 00120382-02 DEC

Johnson Utilities  
968 E. Hunt Hwy  
Queen Creek, AZ 85242  
USA

00120382-02 DEC

00120382-02 DEC

## Back Image

00120382-02 DEC

~~CONFIDENTIAL~~

**EXHIBIT JU 2.5**

# Johnson Utilities

## Document Details

Run Date: 2/21/2013, Batch #: 402, Sequence #: 110, Status: Completed, Routing #: [REDACTED], Account #: [REDACTED], Check #: 9569,  
Check Amount: 950.83, Applied Amount: 950.83, AcctNum: [REDACTED], AmtDue: 950.83

## Front Image

CASH ONLY IF ALL Check only SECURITY FEATURES LISTED ON BACK INDICATE NO TAMPERING OR COPYING

SWING FIRST GOLF, LLC  
DBA JOHNSON RANCH GOLF COURSE  
30761 N GOLF CLUB DRIVE  
QUEEN CREEK, AZ 85243  
(480) 837-9300

ARIZONA BANK & TRUST  
1000 N. 64TH ST., (480) 844-4540  
CHANDLER, AZ 85225  
91-50111221

09669

2/19/2013

PAY TO THE ORDER OF Johnson Utilities \$ 950.83

Nine Hundred Fifty and 83/100 DOLLARS

A TAMPER RESISTANT CHECK AREA A

VOID AFTER 90 DAYS

Johnson Utilities  
958 E. Hunt Hwy  
Queen Creek, AZ 85242  
USA

MEMO 00120362-02 Jan 2013

⑈009569⑈ [REDACTED]

## Back Image

02-20 13 402-110 D6...

~~CONFIDENTIAL~~

# **ATTACHMENT 4**

**JOHNSON UTILITIES' SECOND SET OF REQUESTS FOR ADMISSION AND DATA  
REQUESTS TO SWING FIRST GOLF, LLC  
DOCKET WS-02987A-13-0053  
SWING FIRST GOLF'S RESPONSES DATED AUGUST 22, 2013**

---

**REQUESTS FOR ADMISSION**

JU 2.1 Attached hereto as Exhibit JU 2.1 is a copy (marked confidential) of Swing First Golf, LLC ("SFG") Check No. 09359 dated 8/31/2012 in the amount of \$9,091.31 made payable to Johnson Utilities. Admit that Exhibit JU 2.1 is a true and correct copy of SFG Check 09359 which was sent by SFG to Johnson Utilities.

ADMIT \_\_\_\_\_ DENY \_\_\_\_\_

JU 2.2 Attached hereto as Exhibit JU 2.2 is a copy (marked confidential) of SFG Check No. 09412 dated 10/30/2012 in the amount of \$2,046.10 made payable to Johnson Utilities. Admit that Exhibit JU 2.2 is a true and correct copy of SFG Check 09412 which was sent by SFG to Johnson Utilities.

ADMIT \_\_\_\_\_ DENY \_\_\_\_\_

JU 2.3 Attached hereto as Exhibit JU 2.3 is a copy (marked confidential) of SFG Check No. 09551 dated 12/13/2012 in the amount of \$947.76 made payable to Johnson Utilities. Admit that Exhibit JU 2.3 is a true and correct copy of SFG Check 09551 which was sent by SFG to Johnson Utilities.

ADMIT \_\_\_\_\_ DENY \_\_\_\_\_

JU 2.4 Attached hereto as Exhibit JU 2.4 is a copy (marked confidential) of SFG Check No. 09593 dated 12/31/2012 in the amount of \$204.53 made payable to Johnson Utilities. Admit that Exhibit JU 2.4 is a true and correct copy of SFG Check 09593 which was sent by SFG to Johnson Utilities.

ADMIT \_\_\_\_\_ DENY \_\_\_\_\_

JU 2.5 Attached hereto as Exhibit JU 2.5 is a copy (marked confidential) of SFG Check No. 09669 dated 2/19/2013 in the amount of \$950.83 made payable to Johnson Utilities. Admit that Exhibit JU 2.5 is a true and correct copy of SFG Check 09669 which was sent by SFG to Johnson Utilities.

ADMIT \_\_\_\_\_ DENY \_\_\_\_\_

**JOHNSON UTILITIES' SECOND SET OF REQUESTS FOR ADMISSION AND DATA  
REQUESTS TO SWING FIRST GOLF, LLC  
DOCKET WS-02987A-13-0053  
SWING FIRST GOLF'S RESPONSES DATED AUGUST 22, 2013**

---

JU 2.6        If SFG responded to any of the above Requests for Admission (JU 2.1 through 2.5) with anything other than an unqualified admission, for each such response:

- (a)    State the basis for the denial or qualification;
- (b)    State all facts that support the denial or qualified admission;
- (c)    Identify each person that has knowledge of each such fact; and
- (d)    Identify every document which refers to, relates to, or evidences such fact.

**Response:**

No response required.

**JOHNSON UTILITIES' SECOND SET OF REQUESTS FOR ADMISSION AND DATA  
REQUESTS TO SWING FIRST GOLF, LLC  
DOCKET WS-02987A-13-0053  
SWING FIRST GOLF'S RESPONSES DATED AUGUST 22, 2013**

---

JU 2.7 In response to Data Request JU 1.22, SFG stated that the annotations on the invoice from Johnson Utilities in the amount of \$28,971.31 with a billing date of 07/25/12 for Account No. 00120362-02 were made by Tim West, SFG's Director of Agronomy. Does Tim West review effluent invoices that are received from Johnson Utilities?

**Response:**

Periodically and randomly Tim double checks the usage amounts with our meter readings.

**Response provided by Jeff Lundgren, General Manager.**

**JOHNSON UTILITIES' SECOND SET OF REQUESTS FOR ADMISSION AND DATA  
REQUESTS TO SWING FIRST GOLF, LLC  
DOCKET WS-02987A-13-0053  
SWING FIRST GOLF'S RESPONSES DATED AUGUST 22, 2013**

---

JU 2.8 In response to Data Request JU 1.25, SFG stated that Jeff Lundgren was responsible for reviewing effluent invoices received from Johnson Utilities during 2012 and 2013. With regard to this response, please answer the following questions:

- (a) Did Mr. Lundgren review the invoice from Johnson Utilities in the amount of \$8,121.01 with a billing date of 01/31/12 for Account No. 00120362-02? Yes.
- (b) Did Mr. Lundgren review the invoice from Johnson Utilities in the amount of \$6,944.33 with a billing date of 02/24/12 for Account No. 00120362-02
- (c) Did Mr. Lundgren review the invoice from Johnson Utilities in the amount of \$5,379.53 with a billing date of 03/26/12 for Account No. 00120362-02
- (d) Did Mr. Lundgren review the invoice from Johnson Utilities in the amount of \$8,020.35 with a billing date of 04/24/12 for Account No. 00120362-
- (e) Did Mr. Lundgren review the invoice from Johnson Utilities in the amount of \$10,931.68 with a billing date of 05/24/12 for Account No. 00120362-02
- (f) Did Mr. Lundgren review the invoice from Johnson Utilities in the amount of \$25,445.23 with a billing date of 06/25/12 for Account No. 00120362-02?
- (g) Did Mr. Lundgren review the invoice from Johnson Utilities in the amount of \$28,971.31 with a billing date of 07/25/12 for Account No. 00120362-02?
- (h) Did Mr. Lundgren review the invoice from Johnson Utilities in the amount of \$9,091.31 with a billing date of 08/27/12 for Account No. 00120362-02?
- (i) Did Mr. Lundgren review the invoice from Johnson Utilities in the amount of \$10,175.43 with a billing date of 09/24/12 for Account No. 00120362-02?
- (j) Did Mr. Lundgren review the invoice from Johnson Utilities in the amount of \$2,046.10 with a billing date of 10/25/12 for Account No. 00120362-02
- (k) Did Mr. Lundgren review the invoice from Johnson Utilities in the amount of \$947.76 with a billing date of 11/26/12 for Account No. 00120362-02?
- (l) Did Mr. Lundgren review the invoice from Johnson Utilities in the amount of \$204.53 with a billing date of 12/27/12 for Account No. 00120362-02?

**JOHNSON UTILITIES' SECOND SET OF REQUESTS FOR ADMISSION AND DATA  
REQUESTS TO SWING FIRST GOLF, LLC  
DOCKET WS-02987A-13-0053  
SWING FIRST GOLF'S RESPONSES DATED AUGUST 22, 2013**

---

(m) Did Mr. Lundgren review the invoice from Johnson Utilities in the amount of \$950.83 with a billing date of 1/26/13 for Account No. 00120362-02?

**Response:**

(a) through (m): Yes.

**Responses provided by Jeff Lundgren, General Manager.**

**JOHNSON UTILITIES' SECOND SET OF REQUESTS FOR ADMISSION AND DATA  
REQUESTS TO SWING FIRST GOLF, LLC  
DOCKET WS-02987A-13-0053  
SWING FIRST GOLF'S RESPONSES DATED AUGUST 22, 2013**

---

JU 2.9 In response to Data Request JU 1.26, SFG stated that Jeff Lundgren was responsible for paying effluent invoices received from Johnson Utilities during 2012 and 2013. With regard to this response, please answer the following questions:

- (a) Did Mr. Lundgren authorize payment of the invoice from Johnson Utilities in the amount of \$8,121.01 with a billing date of 01/31/12 for Account No. 00120362-02?
- (b) Did Mr. Lundgren authorize payment of the invoice from Johnson Utilities in the amount of \$6,944.33 with a billing date of 02/24/12 for Account No. 00120362-02?
- (c) Did Mr. Lundgren authorize payment of the invoice from Johnson Utilities in the amount of \$5,379.53 with a billing date of 03/26/12 for Account No. 00120362-02?
- (d) Did Mr. Lundgren authorize payment of the invoice from Johnson Utilities in the amount of \$8,020.35 with a billing date of 04/24/12 for Account No. 00120362-02?
- (e) Did Mr. Lundgren authorize payment of the invoice from Johnson Utilities in the amount of \$10,931.68 with a billing date of 05/24/12 for Account No. 00120362-02?
- (f) Did Mr. Lundgren authorize payment of the invoice from Johnson Utilities in the amount of \$25,445.23 with a billing date of 06/25/12 for Account No. 00120362-02?
- (g) Did Mr. Lundgren authorize payment of the invoice from Johnson Utilities in the amount of \$28,971.31 with a billing date of 07/25/12 for Account No. 00120362-02?
- (h) Did Mr. Lundgren authorize payment of the invoice from Johnson Utilities in the amount of \$9,091.31 with a billing date of 08/27/12 for Account No. 00120362-02?
- (i) Did Mr. Lundgren authorize payment of the invoice from Johnson Utilities in the amount of \$10,175.43 and a billing date of 09/24/12 for Account No. 00120362-02?
- (j) Did Mr. Lundgren authorize payment of the invoice from Johnson Utilities in the amount of \$2,046.10 and a billing date of 10/25/12 for Account No. 00120362-02?

**JOHNSON UTILITIES' SECOND SET OF REQUESTS FOR ADMISSION AND DATA  
REQUESTS TO SWING FIRST GOLF, LLC  
DOCKET WS-02987A-13-0053  
SWING FIRST GOLF'S RESPONSES DATED AUGUST 22, 2013**

---

- (k) Did Mr. Lundgren authorize payment of the invoice from Johnson Utilities in the amount of \$947.76 and a billing date of 11/26/12 for Account No. 00120362
  
- (l) Did Mr. Lundgren authorize payment of the invoice from Johnson Utilities in the amount of \$204.53 and a billing date of 12/27/12 for Account No. 00120362-02?
  
- (m) Did Mr. Lundgren authorize payment of the invoice from Johnson Utilities in the amount of \$950.83 and a billing date of 1/26/13 for Account No. 00120362-02?

**Response:**

(a) through (m): Yes.

**Responses provided by Jeff Lundgren, General Manager.**

**JOHNSON UTILITIES' SECOND SET OF REQUESTS FOR ADMISSION AND DATA  
REQUESTS TO SWING FIRST GOLF, LLC  
DOCKET WS-02987A-13-0053  
SWING FIRST GOLF'S RESPONSES DATED AUGUST 22, 2013**

---

JU 2.10 In response to Data Request JU 1.30, SFG stated that it discovered that Johnson Utilities was not billing SFG the effluent commodity charge in November 2012. In response to Data Request JU 1.31, SFG stated that Jeff Lundgren discovered that Johnson Utilities was not billing SFG the effluent commodity charge when he was reviewing the effluent bills. With regard to these responses, please answer the following questions:

- (a) When Jeff Lundgren discovered that Johnson Utilities was not billing SFG the effluent commodity charge, did Jeff Lundgren or any other employee or representative of SFG notify anyone at Johnson Utilities of the problem with the bills?
- (b) If the answer to JU 2.9(a) is "yes," who on behalf of SFG notified Johnson Utilities of the problem with the bills?
- (c) If the answer to JU 2.9(a) is "yes," who did SFG notify at Johnson Utilities of the problem with the bills?
- (d) If the answer to JU 2.9(a) is "yes," please provide the date or approximate date that SFG notified Johnson Utilities of the problem with the bills.
- (e) If the answer to JU 2.9(a) is "yes," please provide a copy of any and all written and/or electronic communications from SFG to Johnson Utilities notifying Johnson Utilities of the problem with the bills.

**Response:**

- (a) I believe I wound up notifying Kenny Wadkins by phone sometime in Jan or Feb. We met late Feb I believe
- (b) through (e): See response to 2.10(a).

**Responses provided by Jeff Lundgren, General Manager.**

**JOHNSON UTILITIES' SECOND SET OF REQUESTS FOR ADMISSION AND DATA  
REQUESTS TO SWING FIRST GOLF, LLC  
DOCKET WS-02987A-13-0053  
SWING FIRST GOLF'S RESPONSES DATED AUGUST 22, 2013**

---

JU 2.11 In response to Data Request JU 1.34, SFG provided as Exhibit 1.34 an e-mail dated February 28, 2013, from Jeff Lundgren to David Ashton. This e-mail states, in part, as follows:

“Ok, so Tim and I have gone over their latest billing. In a nutshell, the overall usage is accurate. This was not surprising to me because Kenny knows we read and photo the meter every freaking day.”

With regard to the quote above, please answer the following questions:

- (a) Is the “Tim” mentioned in the quote Tim West?
- (b) Does “their latest billing” in the quote refer to the invoice from Johnson Utilities in the amount of \$38,451.95 with a billing date of 2/25/13 for Account No. 00120362-02?
- (c) Is the “Kenny” mentioned in the quote Kenny Watkins, an employee of Johnson Utilities?

**Response:**

(a) through (c): Yes.

**Responses provided by Jeff Lundgren, General Manager.**

**JOHNSON UTILITIES' SECOND SET OF REQUESTS FOR ADMISSION AND DATA  
REQUESTS TO SWING FIRST GOLF, LLC  
DOCKET WS-02987A-13-0053  
SWING FIRST GOLF'S RESPONSES DATED AUGUST 22, 2013**

---

JU 2.12 In response to Data Request JU 1.39, SFG provided an amount of \$17,080.80 in legal fees and expenses incurred by SFG in this formal complaint docket through June 17, 2013. Please update this amount through the date of SFG's response to this data request.

**Response:**

\$20,168.82.

**Response provided by Counsel.**

**JOHNSON UTILITIES' SECOND SET OF REQUESTS FOR ADMISSION AND DATA  
REQUESTS TO SWING FIRST GOLF, LLC  
DOCKET WS-02987A-13-0053  
SWING FIRST GOLF'S RESPONSES DATED AUGUST 22, 2013**

---

JU 2.13 In SFG's Formal Complaint at page 12, lines 2-4, SFG "asks the Commission to sanction Utility by relieving Swing First of paying all but the current charges on the February 25, 2013, bill." With regard to this statement, please answer the following questions:

- (a) Identify by docket number any formal complaint case known to SFG where the Arizona Corporation Commission has relieved a customer from paying a utility bill or bills because of billing errors contained in the bill or bill.
- (b) Identify by utility company and customer name any informal complaint case known to SFG where the Arizona Corporation Commission has relieved a customer from paying a utility bill or bills because of billing errors contained in the bill
- (c) Identify by case number any reported decision by a court in Arizona known to SFG where the Arizona Corporation Commission has relieved a customer from paying a utility bill or bills because of billing errors contained in the bill or bill
- (d) Identify any Arizona statute or provision of the Arizona Administrative Code known to SFG which authorizes the Arizona Corporation Commission to relieve a customer from paying a utility bill or bills because of billing errors contained in the bill or bill.

**Response:**

Swing First has not researched this issue.

**Response provided by Counsel.**

**JOHNSON UTILITIES' SECOND SET OF REQUESTS FOR ADMISSION AND DATA  
REQUESTS TO SWING FIRST GOLF, LLC  
DOCKET WS-02987A-13-0053  
SWING FIRST GOLF'S RESPONSES DATED AUGUST 22, 2013**

---

JU 2.14            Attached hereto as Exhibit JU 2.1 is a copy of SFG Check No. 09359 dated 8/31/2012 in the amount of \$9,091.31 made payable to Johnson Utilities. Who signed Check No. 09359 on behalf of SFG?

**Response:**

Jeff Lundgren.

**Response provided by Jeff Lundgren, General Manager.**

**JOHNSON UTILITIES' SECOND SET OF REQUESTS FOR ADMISSION AND DATA  
REQUESTS TO SWING FIRST GOLF, LLC  
DOCKET WS-02987A-13-0053  
SWING FIRST GOLF'S RESPONSES DATED AUGUST 22, 2013**

---

JU 2.15 Attached hereto as Exhibit JU 2.2 is a copy of SFG Check No. 09412 dated 10/30/2012 in the amount of \$2,046.10 made payable to Johnson Utilities. Who signed Check No. 09412 on behalf of SFG?

**Response:**

Jeff Lundgren.

**Response provided by Jeff Lundgren, General Manager.**

**JOHNSON UTILITIES' SECOND SET OF REQUESTS FOR ADMISSION AND DATA  
REQUESTS TO SWING FIRST GOLF, LLC  
DOCKET WS-02987A-13-0053  
SWING FIRST GOLF'S RESPONSES DATED AUGUST 22, 2013**

---

JU 2.16 Attached hereto as Exhibit JU 2.3 is a copy of SFG Check No. 09551 dated 12/13/2012 in the amount of \$947.76 made payable to Johnson Utilities. Who signed Check No. 09551 on behalf of SFG?

**Response:**

Jeff Lundgren.

**Response provided by Jeff Lundgren, General Manager.**

**JOHNSON UTILITIES' SECOND SET OF REQUESTS FOR ADMISSION AND DATA  
REQUESTS TO SWING FIRST GOLF, LLC  
DOCKET WS-02987A-13-0053  
SWING FIRST GOLF'S RESPONSES DATED AUGUST 22, 2013**

---

JU 2.17 Attached hereto as Exhibit JU 2.4 is a copy of SFG Check No. 09593 dated 12/31/2012 in the amount of \$204.53 made payable to Johnson Utilities. Who signed Check No. 09593 on behalf of SFG?

**Response:**

Jeff Lundgren.

**Response provided by Jeff Lundgren, General Manager.**

**JOHNSON UTILITIES' SECOND SET OF REQUESTS FOR ADMISSION AND DATA  
REQUESTS TO SWING FIRST GOLF, LLC  
DOCKET WS-02987A-13-0053  
SWING FIRST GOLF'S RESPONSES DATED AUGUST 22, 2013**

---

JU 2.18      Attached hereto as Exhibit JU 2.5 is a copy of SFG Check No. 09669 dated 2/19/2013 in the amount of \$950.83 made payable to Johnson Utilities. Who signed Check No. 09669 on behalf of SFG?

**Response:**

Jeff Lundgren.

**Response provided by Jeff Lundgren, General Manager.**

# **ATTACHMENT 5**

August Construction Water Reads Date: 8/14/12 Bob H

Name & Account #	Meter #	Beginning Read	End Read	Account Type	Location
San Tan Heights HOA, 126781-01	20070815	130,238,000	131,382,600	Effluent	Lake
San Tan Heights CAP, 121074-01	10-02658-06	74,976,000	94,138,400	CAP	Lake
Swing First Golf, 120362-02	53303	608,184,000	620,671,000 *	Effluent	Lake
Swing First Golf, 119200-02	20040123-08	492,045,000	492,045,000	CAP	Lake
Pulte Homes, 133008-01	20082000-08	93,635,000	93,917,000	Effluent	SE Corner, Hunt Hwy & Franklin
Anthem HOA, 00134278-01 (closed)	53626	1,579,000	CLOSED 1,579,000	Effluent	Pond off Merrill Ranch
Poston Butte Golf Course, 00134958-01	53625	76,259,000	81,870,000	Effluent	Golf Course @ Anthem
Encanterra, 133318-01	52831	206,604,000	245,510,000	Effluent	Trilogy
Encanterra, HOA, 133319-01	52828	75,798,000	785,110,000	Effluent	Trilogy

Month: August

**ENTERED**

Johnny 602-509-5760  
 Todd 480-226-1776

## Meter/Register/MXU Change Out

REQUEST DATE:		Effective date:
NEW Meter Number: <i>1577-68</i>	NEW Register Number:	Beginning Read: <i>0</i>
OLD Meter Number:	OLD Register Number:	Final Read: <i>0</i> <span style="float: right;"><i>new</i></span>
OLD MXU Number:	NEW MXU Number:	
Customer's Name: <i>John Smith</i>		Account Number: <i>00120362-02</i>
Service Address: <i>John Smith</i>		Rt. Seq. Number:
33. _____		-111. _____

### Reasons for Change Out:

*meter for not working*

*found bad*

*1/16/02*

September Construction Water Reads Date: 9/19/12

Name & Account #	Meter #	Beginning Read	End Read	Account Type	Location
San Tan Heights HOA, 126781-01	20070815	131,382,000	140,427,000	Effluent	Lake
San Tan Heights CAP, 121074-01	10-02658-06	94,138,400	94,491,000	CAP	Lake
Swing First Golf, 120362-02	53303	620,071,000	6159,20,000	Effluent	Re-Read Lake
Swing First Golf, 119200-02	20040123-08	492,045,000	492,045,000	CAP	Lake
Pulte Homes, 133008-01	20082000-08	93,917,000	93,917,000	Effluent	SE Corner, Hunt Hwy & Franklin
Anthem HOA, 00134278-01 (closed)	53626	1,579,000	CLOSED	Effluent	Pond off Merrill Ranch
Poston Butte Golf Course, 00134958-01	53625	81,870,000	81,870,000	Effluent	Golf Course @ Anthem
Encanterra, 133318-01	52831	245,510,000	245,510,000	Effluent	Trilogy
Encanterra, HOA, 133319-01	52828	78,511,000	78,511,000	Effluent	Trilogy

Month: August

Johnny 602-509-5760  
 Todd 480-226-1776

October Construction Water Reads Date: 10/17/12 12:15 AM

12/12

Name & Account #	Meter #	Beginning Read	End Read	Account Type	Location
San Tan Heights HOA, 126781-01	20070815	140,427,000	153,058,000	Effluent	Lake
San Tan Heights CAP, 121074-01	10-02658-06	94,431,000	95,117,100	CAP	Lake
Swing First Golf, 120362-02	53303	13,920,000	25,926,000	Effluent	Lake
Swing First Golf, 119200-02	20040123-08	492,045,000	492,045,000	CAP	Lake
Pulte Homes, 133008-01	20082000-08	94,543,000	96,280,000	Effluent	SE Corner, Hunt Hwy & Franklin
Anthem HOA, 00134278-01 (closed)	53626	1,579,000	CLOSED 1,579,000	Effluent	Pond off Merrill Ranch
Poston Butte Golf Course, 00134958-01	53625	84,817,000	91,079,000	Effluent	Golf Course @ Anthem
Encanterra, 133318-01	52831	277,586,000	305,146,000	Effluent	Trilogy
Encanterra, HOA, 133319-01	52828	80,694,000	83,483,000	Effluent	Trilogy

Month: October

Johnny 602-509-5760  
 Todd 480-226-1776

November Construction Water Reads Date: 11/14/12 2012

Name & Account #	Meter #	Beginning Read	End Read	Account Type	Location
San Tan Heights HOA, 126781-01	20070815	153,058,000	164,208,000	Effluent	Lake
San Tan Heights CAP, 121074-01 <i>Victory</i>	10-02658-06	95,117,100	95,449,400	CAP	Lake
<i>Maui Barent MATCH</i> Swing First Golf, 120362-02	53303	25,436,000	28,953,000	Effluent	Lake
Swing First Golf, 119200-02	20040123-08	492,045,000	492,045,000	CAP	Lake
Pulte Homes, 133008-01	20082000-08	96,280,000	97,702,000	Effluent	SE Corner, Hunt Hwy & Franklin
Anthem HOA, 00134278-01 (closed)	53626	1,579,000	CLOSED 1,579,000	Effluent	Pond off Merrill Ranch
Poston Butte Golf Course, 00134958-01	53625	91,079,000	95,531,000	Effluent	Golf Course @ Anthem
Encanterra, 133318-01	52831	305,146,000	329,548,000	Effluent	Trilogy
Encanterra, HOA, 133319-01	52828	83,483,000	86,616,000	Effluent	Trilogy

Month: September

Johnny 602-509-5760  
Todd 480-226-1776

*December*  
**October Construction Water Reads**      Date: *12/11/12*      *Bois F*

Name & Account #	Meter #	Beginning Read	End Read	Account Type	Location
San Tan Heights HOA, 126781-01	20070815	153,058,000	<i>168,768,000</i>	Effluent	Lake
San Tan Heights CAP, 121074-01	10-02658-06	95,117,100	<i>95,852,200</i>	CAP	Lake
Swing First Golf, 120362-02	53303	25,436,000	<i>46,383,000</i>	Effluent	Lake
Swing First Golf, 119200-02	20040123-08	492,045,000	<i>492,045,000</i>	CAP	Lake
Pulte Homes, 133008-01	20082000-08	96,280,000	<i>97,819,000</i>	Effluent	SE Corner, Hunt Hwy & Franklin Pond off Merrill Ranch
Anthem HOA, 00134278-01 (closed)	53626	1,579,000	<i>CLOSED 1,579,000</i>	Effluent	Golf Course @ Anthem
Poston Butte Golf Course, 00134958-01	53625	91,079,000	<i>97,951,000</i>	Effluent	Golf Course @ Anthem
Encanterra, 133318-01	52831	305,146,000	<i>344,868,000</i>	Effluent	Trilogy
Encanterra, HOA, 133319-01	52828	83,483,000	<i>88,089,000</i>	Effluent	Trilogy

Month: September

*DIC*

Johnny 602-509-5760  
 Todd 480-226-1776



January Construction Water Reads Date: 1/14/13 603 H

Name & Account #	Meter #	Beginning Read	End Read	Account Type	Location
San Tan Heights HOA, 126781-01	20070815	168,768,000	171,733,000	Effluent	Lake
San Tan Heights CAP, 121074-01 **DO NOT ENTER READ**	10-02658-06	95,852,200	95,852,200	CAP	Lake
Swing First Golf, 120362-02	53303	46,383,000	50,396,000	Effluent	Lake
Swing First Golf, 119200-02 **ENTER A ZERO READ**	20040123-08	492,045,000	492,045,000	CAP	Lake
Pulte Homes, 133008-01	20082000-08	97,819,000	<del>97,819,000</del>	Effluent	100 878,000 SE Corner, Hunt Hwy & Franklin
Anthem HOA, 00134278-01 (closed)	53626	1,579,000	CLOSED 1,579,000	Effluent	Pond-off, Merrill Ranch
Poston Butte Golf Course, 00134958-01	53625	97,951,000	98,706,000	Effluent	100 Golf Course @ Anthem
Encanterra, 133318-01	52831	344,868,000	349,017,000	Effluent	Trilogy
Encanterra, HOA, 133319-01	52828	88,089,000	88,089,000	Effluent	Trilogy

Month: January \_\_\_\_\_

February Construction Water Reads Date: 2/13/13 1508 H

Name & Account #	Meter #	Beginning Read	End Read	Account Type	Location
San Tan Heights HOA, 126781-01	20070815	171,732,000	174,030,000	Effluent	Lake
San Tan Heights CAP, 121074-01 **DO NOT ENTER READ**	10-02658-06	95,852,200	95,852,200	CAP	Lake
* Swing First Golf, 120362-02	53303	50,396,000	53,383,000	Effluent	Lake
Swing First Golf, 119200-02 **ENTER A ZERO READ**	20040123-08	492,045,000	492,045,000	CAP	Lake
Pulte Homes, 133008-01	20082000-08	100,818,000	107,120,000	Effluent	SE Corner, Hunt Hwy & Franklin
Poston Butte Golf Course, 00134958-01	53625	98,786,000	100,412,000	Effluent	Golf Course @ Anthem
Encanterra, 133318-01	52831	349,017,000	356,354,000	Effluent	Trilogy
Encanterra, HOA, 133319-01	52828	88,089,000	93,446,000	Effluent	Trilogy

Month: February \_\_\_\_\_

*[Handwritten signature]*

# **ATTACHMENT 6**

February Invoice in Dispute	\$38,451.95
March 20, 2013 Late Fee	\$576.78
<b>March 20, 2013 New Balance</b>	<b>\$39,028.73</b>
April 17, 2013 Late Fee	\$585.43
<b>April 17, 2013 New Balance</b>	<b>\$39,614.16</b>
May 17, 2013 Late Fee	\$594.21
<b>May 17, 2013 New Balance</b>	<b>\$40,208.37</b>
June 18, 2013 Late Fee	\$603.13
<b>June 18, 2013 New Balance</b>	<b>\$40,811.50</b>
July 19, 2013 Late Fee	\$612.17
<b>July 19, 2013 New Balance</b>	<b>\$41,423.67</b>
August 19, 2013 Late Fee	\$621.36
<b>August 19, 2013 New Balance</b>	<b>\$42,045.03</b>
September 17, 2013 Late Fee	\$630.68
<b>September 17, 2013 New Balance</b>	<b>\$42,675.70</b>
Total Interest/Late Fee	\$4,223.75