

INTERVENTION

OPEN MEETING AGENDA ITEM



0000149020

J. Stephen Gehring
Richard M. Burt
8157 W. Deadeye Rd.
Payson, Arizona 85541
(928) 474-9859
In Propria Persona

RECEIVED

2013 OCT 18 P 1:05

ORIGINAL

ARIZONA CORP COMMISSION
DOCKET CONTROL

BEFORE THE ARIZONA CORPORATION COMMISSION

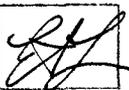
IN THE MATTER OF THE APPLICATION OF PAYSON WATER COMPANY INC. AN ARIZONA COPORATION, FOR A DETERMINATION OF THE FAIR VALUE OF ITS UTILITY PLANTS AND PROPERTY AND FOR INCREASES IN ITS WATER RATES AND CHARGES FOR UTILITY SERVICE BASED THEREON.

DOCKET NO. W-03514A-13-0111

Arizona Corporation Commission

DOCKETED

OCT 18 2013

DOCKETED BY 

DOCKET NO. W-03514A-13-0142

IN THE MATTER OF THE APPLICATION OF PAYSON WATER COMPANY INC., AN ARIZONA CORPORATION, FOR AUTHORITY TO: (1) ISSUE EVIDENCE OF INDEBTEDNESS IN AN AMOUNT NOT TO EXCEED \$1,238,000 IN CONNECTION WITH INFRASTRUCTURE IMPROVEMENTS TO THE UTILITY SYSTEM; AND (2) ENCUMBER REAL PROPERTY AND PLANT AS SECURITY FOR SUCH INDEBTEDNESS.

**APPLICATION FOR INTERVENTION
MOTION TO INTERVENE**

Pursuant to AAC R14-3-105 et seq.

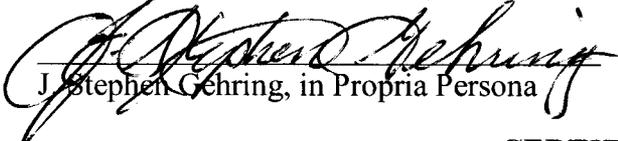
COMES NOW, J. Stephen Gehring and Richard M. Burt, Customers of PAYSON WATER CO. INC. (PWC) in the Mesa del Caballo System (PWS 04-030) to make their Application for Intervention and to Motion to Intervene in the above captioned matter and proceedings in propria persona for the reasons cited in AAC R14-3-105 and the following:

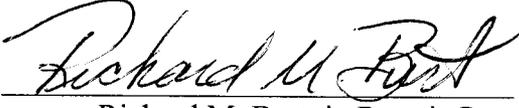
- 1) That they are long standing Customers of PWC residing within the physical boundaries of the CC&N and the Community of Mesa del Caballo that is served by the Public Service Utility Company, Payson Water Co. Inc. (PWC 04-030) and have an invested interest in these proceedings;
- 2) That they like so many other Customers of PWC in the Mesa del Caballo System have been adversely affected by the ramifications, abuses and implementation of the Water Augmentation Surcharge(s) the Community has been made to suffer under the Hardcastle/Brooke Utilities, Inc. Regime and these past 3 summer's where in fact Modified Curtailment Plan and Augmentation Surcharge have been so blatantly abused;

3) That the requested Rate increases appear on the surface to be necessary and somewhat valid since base rates have not increased for approximately 15 years. However, there are numerous issues that must be resolved with existing Complaint Dockets particularly W-03514A-12-0008 and 0007 that are currently unresolved with the previous owners and operators and which have been shoved off to the side and ignored by ACC staff and the ALJ;

4) That they wish to intervene in these proceedings and particularly in the Rate Increase Proceedings now scheduled for Consideration by the ALJ, Staff and the ACC;

Respectfully submitted this 14 day of October 2013


J. Stephen Gehring, in Propria Persona


Richard M. Burt, in Propria Persona

CERTIFICATE OF SERVICE

The Original and 13 Copies of the foregoing has been mailed this 14 day October 2013 to the following:

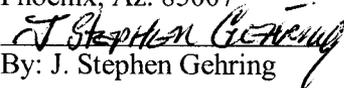
DOCKET CONTROL
ARIZONA CORPORATION COMMISSION
1200 West Washington St.
Phoenix, Arizona 85007

A Copy of the Original of the foregoing has been mailed this 14 day October 2013 to the following:

Fennemore & Craig, P.C.
Jay L. Shapiro (No. 14650)
Attorneys for Payson Water Co. Inc.
2394 E. Camelback Rd., Suite 600
Phoenix, Ariz. 85016

Dwight D. Nodes
Asst. Chief Administrative Law Judge
Arizona Corporation Commission
1200 W. Washington St.
Phoenix, Az. 85007

Robin Mitchell, Esq.
Legal Division
Arizona Corporation Commission
1200 W. Washington St.
Phoenix, Az. 85007


By: J. Stephen Gehring

R14-3-105. Intervention as party and other appearances

A. Intervention. Persons, other than the original parties to the proceedings, who are directly and substantially affected by the proceedings, shall secure an order from the Commission or presiding officer granting leave to intervene before being allowed to participate.

B. Application. An application for leave to intervene shall be in writing and must state the basis for the application. Such application shall be served and filed by an applicant at least five days before the proceeding is called for hearing.

Arizona Administrative Code Title 14, Ch. 3

Corporation Commission - Rules of Practice and Procedure December 31, 2006 Page 3 Supp. No 06-4 application for leave to intervene shall be granted where by so doing the issues theretofore presented will be unduly broadened, except upon leave of the Commission first had and received. Upon the granting of an application to intervene by the Commission or the presiding officer, the intervening person shall thereafter be designated an "Intervenor".

C. Other appearances. Notwithstanding the provisions of subsections R14-3-105(A) and R14-3-105(B), any consumer or prospective consumer may appear at any proceeding and make a statement on his own behalf, at a time designated by the Commission or presiding officer. A person so appearing shall not be deemed a party to the proceedings. When two or more interested persons under this rule have substantially like interests and positions, the presiding officer may declare them a class of interested persons for purposes of the hearing. The members of the class shall designate to be spokesman for the class one of their number, or his attorney, or such greater of their number, or attorneys, as the presiding officer shall determine. More than one class may be established for a hearing.

Historical Note

Former Section R14-3-105 repealed, new Section R14-3-105 adopted effective December 17, 1975 (Supp. 75-2).