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BEFORE THE ARIZONA CORPORATIO

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COMMISSIONERS

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

Arizona Corporation Commission

DOCKETED

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AZ CORP COMMISSION

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IN THE MATTER OF THE APPLICATION
OF JOHNSON UTILITIES, LLC, DOING
BUSINESS AS JOHNSON UTILITIES
COMPANY, FOR APPROVAL OF SALE OF
ASSETS AND CONDITIONAL
CANCELLATION OF ITS CERTIFICATE OF
CONVENIENCE AND NECESSITY

DOCKET NO. WS-02987A-13-0477

**RESPONSE TO RUCO'S MOTION TO
COMPEL**

The Town of Florence ("**Town**"), by and through counsel undersigned, hereby responds to RUCOs Motion to Compel. While the Motion to Compel is not directed toward the Town, the Town has received the same data requests from RUCO and believes the requests are outside the scope of the jurisdiction of the Arizona Corporation Commission ("**ACC**" or "**Commission**"). Additionally, there were allegations raised in the Motion that the Town cannot allow to stand unanswered.

The Town respects the important regulatory role that the Commission must discharge. To assist the Commission in discharging that responsibility, the Town will respond to all reasonable inquiries as the Commission and the Town seek to protect the interests of the customers who will be served by the Town following the transfer of the assets to the Town from Johnson Utilities.

Commission staff have raised questions that must be addressed. RUCO would have the Commission direct it attention away from the reasonable direction that Commission staff suggests. Instead, RUCO and Swing First Golf LLC ("**Swing First**") would have the

1 Commission chase allegations that RUCO, by its own words, acknowledge “may be baseless.”¹

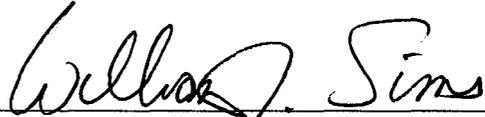
2 Swing First goes even further in attempting to divert the Commission’s attention away
3 from the important regulatory issues that Commission staff have raised. Swing First, with
4 absolutely no factual basis, would have the Commission consider whether Town officials “may
5 be colluding with George Johnson”² This baseless allegation is shocking, particularly given
6 that both RUCO and Swing First acknowledge that the basis of their allegations is an
7 unsubstantiated article, published by the *New Times*. The Town and its elected officials
8 scrupulously follow A.R.S. § 38-501 *et seq.*, the Arizona conflict of interest statutes. The Town,
9 unlike either RUCO or Swing First, will not divert the Commission and its staff from the
10 important regulatory responsibility of the Commission by raising unsubstantiated, scurrilous
11 allegations.
12

13 The Town stands ready to assist the Commission and its staff. The Town agrees, in part
14 with RUCO when RUCO acknowledges that Attorney General Opinion No. 62-7 limits the scope
15 of the Commission inquiry.³ The Town has been and will be prepared to assist the Commission
16 under the guidance of Attorney General Opinion No. 62-7.
17

18 The Town would respectfully request the Commission deny RUCO’s Motion to Compel.

19 RESPECTFULLY SUBMITTED this 29th day of April, 2014.

20 SIMS MURRAY, LTD.

21 

22 William J. Sims III
23 2020 N. Central Avenue, Suite 670
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25 Attorneys for Town of Florence
26

27 ¹ RUCO *Motion to Compel and Modification of the Procedural Schedule*, pg 3, line 11.

28 ² *Swing First Response in Support of RUCO’s Motion to Compel*

³ RUCO *Motion to Compel and Modification of the Procedural Schedule*, pg 1, lines 22-24.

1 Original and 13 copies filed this 29th day of April, 2014 with:

2 Docket Control
3 Arizona Corporation Commission
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6 COPIES of the foregoing hand-delivered this 29th day of April, 2014 to:

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