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**BEFORE THE ARIZONA CORPORATION**

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

Arizona Corporation Commission

**DOCKETED**

AUG 11 2014

AZ CORP. COM. DIV.  
DOCKET CONTROL

2014 AUG 11 PM 3 24

DOCKETED BY

IN THE MATTER OF THE APPLICATION  
OF ARIZONA WATER COMPANY TO  
EXTEND ITS CERTIFICATE OF  
CONVENIENCE AND NECESSITY IN  
CASA GRANDE, PINAL COUNTY,  
ARIZONA

Docket No. W-01445A-03-0559

**ARIZONA WATER COMPANY'S  
SUPPLEMENT TO MOTION TO  
STRIKE PRE-FILED REBUTTAL  
TESTIMONY OF ERNEST G.  
JOHNSON AND TO PRECLUDE  
HIS TESTIMONY AT HEARING**

**ORIGINAL**

BRYAN CAVE LLP  
TWO NORTH CENTRAL AVENUE, SUITE 2200  
PHOENIX, ARIZONA 85004-4406  
(602) 364-7000

On August 7, 2014, Arizona Water Company took the deposition of Ernest G. Johnson. During his deposition, Mr. Johnson testified that he neither sought nor obtained written authorization of the Commission to appear as a witness in this proceeding. (See attached deposition cover page and p. 7 of transcript at lines 3-8).

A.A.C. R14-3-104(G) provides that:

Former employees. No former employee of the Commission shall appear at any time after severing his employment with the Commission as a witness on behalf of other parties in a formal proceeding wherein he previously took an active part in the investigation or preparation as a representative of the Commission, except with the written permission of the Commission.

Based upon this information, which was learned in the deposition taken after the motion was filed, Arizona Water Company supplements its motion to strike and to preclude Mr. Johnson from testifying under the additional grounds set forth in A.A.C. R14-3-104(G).

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Respectfully submitted this 11th day of August, 2014.

BRYAN CAVE LLP

By   
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ORIGINAL and 13 copies filed this  
11th day of August, 2014, with:

Docket Control  
Arizona Corporation Commission  
1200 W. Washington Street  
Phoenix, AZ 85007

A copy of the foregoing hand-delivered  
this 11th day of August 2014, to:

Janice Alward, Chief Counsel  
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Lyn Farmer  
Chief Administrative Law Judge  
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1 **COPY** of the foregoing mailed and e-mailed  
2 this 11th day of August, 2014, to:

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BEFORE THE ARIZONA CORPORATION COMMISSION

IN THE MATTER OF THE )  
APPLICATION OF ARIZONA WATER ) Docket No. W-01445A-03-0559  
COMPANY TO EXTEND ITS )  
CERTIFICATE OF CONVENIENCE AND )  
NECESSITY IN CASA GRANDE, )  
PINAL COUNTY, ARIZONA, )  
 )  
 )

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**THE DEPOSITION OF ERNEST G. JOHNSON, SR., ESQ.**

Phoenix, Arizona  
August 6, 2014  
9:28 a.m.

(ORIGINAL)

**PREPARED FOR:**

CORPORATION COMMISSION

**REPORTED BY:**

Az Litigation Support, LLC  
Marty Herder, CCR  
Certified Court Reporter  
CCR No. 50162

1 A. Subject to me asking you for clarification.

2 Q. Right. Very good. Thank you.

3 Do you have written authorization from the Arizona  
4 Corporation Commission for your assignment for Cornman  
5 Tweedy in this case?

6 A. No.

7 Q. Have you sought such authorization?

8 A. No.

9 Q. What did you do to prepare for today's deposition?

10 A. I need clarification of the question. That's  
11 pretty broad.

12 Q. All right.

13 When did you learn that we wished to take your  
14 deposition in these proceedings?

15 A. I don't recall the exact date.

16 Q. The record would show that the initial deposition  
17 was noticed and docketed, I believe, on Friday, July 25th.

18 Does that sound about right?

19 A. I think that's what the docket reflects.

20 Q. So because of the pendency of the hearing, we're  
21 in a bit of a compressed time frame.

22 You generally remember it was on the order of  
23 within a week, ten days, that you knew you were going to be  
24 deposed here? Maybe closer to two weeks?

25 A. I need you to repeat the question.