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ARIZONA CORPORATION COMMISSION
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6 Attorneys for Navajo Water Co., Inc.

BEFORE THE ARIZONA CORPORATION COMMISSION

6 IN THE MATTER OF THE APPLICATION
7 OF NAVAJO WATER CO., INC., AN
8 ARIZONA CORPORATION, FOR A
9 DETERMINATION OF THE FAIR VALUE
10 OF ITS UTILITY PLANTS AND
PROPERTY AND FOR INCREASES IN ITS
WATER RATES AND CHARGES FOR
UTILITY SERVICE BASED THEREON.

DOCKET NO: W-03511A-14-0304

**OPPOSITION TO BROOKE
UTILITIES, INC.'S APPLICATION
FOR INTERVENTION**

ORIGINAL

11 Applicant Navajo Water Co., Inc. ("Navajo") hereby responds in opposition to
12 Brooke Utilities, Inc.'s ("Brooke") Application for Intervention ("Application"). In short,
13 Brooke has failed to establish that it has any interest in this proceeding.

14 Brooke's reason for intervening is its concern that Navajo's rate application may
15 affect the Stock Purchase Agreement entered into by and among Brooke, Navajo, Tonto
16 Basin Water Co., Inc., Payson Water Co., Inc., and JW Water Holdings, LLC
17 (the "Agreement"), and that "the ramifications of the rate application's test year used by
18 [Navajo] have not been calculated to ascertain the impact[.]"¹ But the sale of the stock
19 and the Agreement are not at issue here. Whether and how the rate case might affect this
20 transaction does not provide Brooke a basis for intervention in this case which is to
21 determine the fair value of the utility's property and set rates based on that finding.
22 Furthermore, intervention on issues that are beyond the scope of the rate case raises a
23 certain risk that the intervention will unduly broaden and delay the proceedings.

24
25
26 ¹ Application at 1.

1 Based on the foregoing, Brooke's request to intervene should be denied as Brooke
2 lacks any real interest and its involvement would serve only to unduly broaden the issues
3 and delay adjudication by the Commission.

4 RESPECTFULLY SUBMITTED this 28th day of October, 2014.

5 FENNEMORE CRAIG, P.C.

6
7 By _____

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10 Suite 600
11 Phoenix, Arizona 85016
12 Attorneys for Navajo Water Co., Inc.

13 **ORIGINAL** and thirteen (13) copies
14 of the foregoing were filed
15 this 28th day of October, 2014, with:

16 Docket Control
17 Arizona Corporation Commission
18 1200 W. Washington Street
19 Phoenix, AZ 85007

20 **COPY** of the foregoing was hand delivered
21 this 28th day of October, 2014, to:

22 Teena Jibilian, ALJ
23 Hearing Division
24 Arizona Corporation Commission
25 1200 W. Washington Street
26 Phoenix, AZ 85007

Robin Mitchell
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COPY of the foregoing was mailed
this 28th day of October, 2014, to:

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By: *Leela Robertson*
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