



0000164084

BEFORE THE ARIZONA CORPORATIC

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

COMMISSIONERS

ORIGINAL

Arizona Corporation Commission

DOCKETED

SEP 25 2015

SUSAN BITTER SMITH - Chairman  
BOB STUMP  
BOB BURNS  
DOUG LITTLE  
TOM FORESE

DOCKETED BY

IN THE MATTER OF THE APPLICATION  
OF CIRCLE CITY WATER COMPANY  
L.L.C. FOR APPROVAL TO DELETE  
PORTIONS OF ITS CERTIFICATE OF  
CONVENIENCE AND NECESSITY AND TO  
DELETE THE REQUIREMENT TO FILE A  
RATE CASE PURSUANT TO DECISION  
NO. 68246.

DOCKET NO. ~~W-035104-13-0397~~

MOTION TO QUASH

RECEIVED  
2015 SEP 25 P 3:19  
AZ CORP COMMISSION  
DOCKET CONTROL

Lake Pleasant 5000, LLC ("LP5K") hereby moves to quash the subpoena issued in the above captioned docket for Christopher Cacheris as requested by Circle City Water Company ("CCWC"). CCWC's subpoena is duplicative and unnecessary.

On September 17, 2015, LP5K received a subpoena for Christopher Cacheris and Craig Krumwiede to testify at the hearing scheduled in this matter on October 16, 2015. Mr. Krumwiede, the President of Harvard Investments, is LP5K's witness in this case and has already filed direct testimony in accordance with the Procedural Order dated August 17, 2015. Mr. Krumwiede will be made available for cross-examination at the hearing. The reasoning behind the subpoena for Mr. Krumwiede is baffling at best. LP5K is not requesting the Commission quash Mr. Krumwiede's subpoena because he will be in attendance and will testify.

Mr. Cacheris, the Vice President of Harvard Investments, is not a witness for LP5K and does not intend to testify at the hearing. Any interaction Mr. Cacheris would have had regarding LP5K and CCWC would have been in his role for LP5K. Mr. Krumwiede can and will answer all

1 questions that are germane to the proceeding that CCWC would have of Mr. Cacheris.

2 It should be noted that undersigned counsel sent a letter to Mr. Hardcastle of CCWC  
3 explaining that Mr. Krumwiede would testify and could answer any questions that CCWC would  
4 have of Mr. Cacheris.<sup>1</sup> That letter requested CCWC withdraw the subpoena of Mr. Cacheris. A  
5 response to the letter has not been received.

6 This matter is only scheduled for one hearing day. Issuing subpoenas for several  
7 witnesses when one would suffice wastes time and resources of all the parties and the  
8 Commission. Based upon the foregoing, LP5K would respectfully request the subpoena of  
9 Christopher Cacheris be quashed.  
10

11  
12 RESPECTFULLY SUBMITTED this 25<sup>th</sup> day of September 2015  
13

14  
15   
16

17 Garry D. Hays  
18 THE LAW OFFICES OF GARRY D. HAYS, PC  
19 1702 East Highland Avenue, Suite 204  
20 Phoenix, Arizona 85016  
21 Counsel for Lake Pleasant 5000, LLC.  
22

23  
24  
25 Original and thirteen (13)  
26 Copies filed on September 25<sup>th</sup>, 2015 with:

27 Docket Control  
28 Arizona Corporation Commission

<sup>1</sup> Letter to Hardcastle is attached as Attachment A.

1 1200 W. Washington Street  
Phoenix, AZ 85007

2 COPIES of the foregoing mailed/mailed  
3 Delivered on September 25<sup>th</sup>, 2015 to:

4 Janice Alward, Chief Counsel  
5 Legal Division  
6 ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, AZ 85007

7 Dwight Nodes  
8 Hearing Division  
9 ARIZONA CORPORATION COMMISSION  
10 1200 West Washington Street  
Phoenix, AZ 85007

11 Thomas Broderick  
12 Utilities Division  
13 ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, AZ 85007

14 Robert Hardcastle  
15 P.O. Box 82218  
16 Bakersfield, Ca 93380-2218

17 Darin P. Reber  
18 7501 E McCormick Parkway  
19 Scottsdale, Arizona 85258  
Counsel for Maughan Revocable Trust of 2007  
And Rex G. Maughan and Ruth G. Maughan

20  
21 By: Nicole Wright  
Nicole Wright

22  
23  
24  
25  
26  
27  
28

**ATTACHMENT "A"**

*The Law Offices of*

GARRY D. HAYS, PC

September 21, 2015

Robert Hardcastle  
Circle City Water Company, LLC  
P.O. Box 82218  
Bakersfield, CA 93380-2218

Via email and regular mail

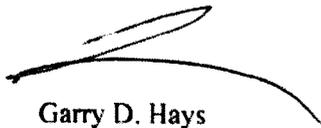
Re: Subpoenas of Cacheris and Krumweide

Dear Bob,

I am writing today to discuss the subpoenas that were received on Thursday September 17 by my client. As you are aware, Mr Krumweide is already a witness in this case and has prefiled testimony. He will be made available for cross-examination at the hearing. There is no reason for his subpoena. As it relates to Mr. Cacheris, please understand that Mr. Krumweide can answer any question you would have of Mr. Cacheris at the hearing. Please take the appropriate steps to rescind the subpoena of Mr. Cacheris.

As you may remember, the judge has only scheduled one hearing day for this matter. Scheduling several witnesses where one will suffice only wastes time and resources of LP5K, CCWC, Maughan and the Arizona Corporation Commission. Please advise me by close of business Tuesday September 22, 2015 that you will rescind these subpoenas or I will file a Motion to Quash.

Sincerely,  
The Law Offices of Garry D. Hays



Garry D. Hays

cc: Brian E. Smith  
Darin P. Reber