

**BEFORE THE ARIZONA CORPORATION**



0000164121

**ORIGINAL**

Robert T. Hardcastle  
Circle City Water Company, LLC  
P.O. Box 82218  
Bakersfield, CA 93380-2218  
*Representing Itself In Propria Persona*

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2015 SEP 29 P 12: 37

AZ CORP COMMISSION  
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Arizona Corporation Commission

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**COMMISSIONERS**

Susan Bitter Smith, Chairman  
Bob Burns, Commissioner  
Doug Little, Commissioner  
Bob Stump, Commissioner  
Tom Forese, Commissioner

IN THE MATTER OF THE )  
APPLICATION OF CIRCLE CITY )  
WATER COMPANY, LLC FOR )  
DELETION OF A PORTION OF ITS )  
EXISTING CERTIFICATE OF )  
CONVENIENCE AND )  
NECESSITY FOR WATER SERVICE )  
\_\_\_\_\_ )

Docket No. W-03510A-13-0397

**CIRCLE CITY WATER  
COMPANY LLC's RESPONSE  
TO INTERVENERS MOTION  
TO QUASH**

On September 25, 2015 Intervener Lake Pleasant 5000, LLC ("LP5K") filed a Motion to Quash the subpoena served upon Christopher Cacheris of Harvard Investments, Inc. ("Harvard") by Circle City Water Company LLC ("Circle City"). Harvard is the Managing Member of Harvard 5K, LLC who is the Managing Member of Harvard 5K, LLC ("Harvard 5K") which is the Managing Member of LP5K.

Obviously, LP5K does not want Mr. Cacheris to testify in this proceeding. In that regard, Mr. Cacheris' testimony is more important to learning the relevant facts and reasons for LP5K's conduct and decision making than is Mr. Krumwiede. Despite counsel for LP5K's ascertains to the contrary Mr. Krumwiede cannot testify as to the relevant facts in this proceeding on behalf of Mr. Cacheris because Mr. Krumwiede was not present at meetings; was not copied on electronic mail; and did not participate in

1 telephonic conversations between Circle City and LP5K. Any such testimony by Mr.  
2 Krumwiede as to Mr. Cacheris' knowledge in this matter would be second hand  
3 information and hearsay.

4 Mr. Cacheris is the relevant party that determined the Lake Pleasant 5000 Project  
5 (the "Project") was "not viable" and directed Circle City to "unwind the Project" as soon  
6 as possible including offering to pay for half of the legal, engineering, and other costs  
7 related to the termination of the project. It is at Mr. Cacheris' direction that Circle City  
8 began the process of unwinding the Project including incurring costs to do so. Mr.  
9 Krumwiede was not present at any of these meetings or telephone discussions before  
10 August 2013 and cannot testify as to Mr. Cacheris' discussion of these matters. It is  
11 essential to Circle City's case that Mr. Cacheris be compelled to testify in this matter as  
12 directed by the subpoena.

13 For the foregoing reasons, the Commission should compel Mr. Cacheris to testify  
14 in this matter on the hearing date of October 16, 2015 and not approve LP5K's Motion to  
15 Quash.

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RESPECTFULLY SUBMITTED this 26<sup>th</sup> day of September 2015

Circle City Water Company, LLC

By

Robert T. Hardcastle

*In Propria Persona*

ORIGINAL and 13 copies filed  
this 26<sup>th</sup> day of September 2015, with:

**Docket Control**  
**Arizona Corporation Commission**  
**1200 West Washington St.**  
**Phoenix, AZ 85007**

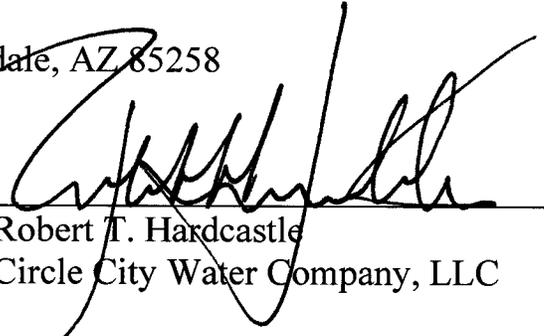
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2 Yvette B. Kinsey, Administrative Law Judge  
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4 Arizona Corporation Commission  
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1 Scottsdale, AZ 85258

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3

4 By: 

5 Robert T. Hardcastle

6 Circle City Water Company, LLC

1 Date: September 25, 2015

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3 To: **Docket Control**  
4 **Arizona Corporation Commission**  
5 **1200 West Washington St.**  
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8 From: Robert T. Hardcastle  
9 Circle City Water Co LLC

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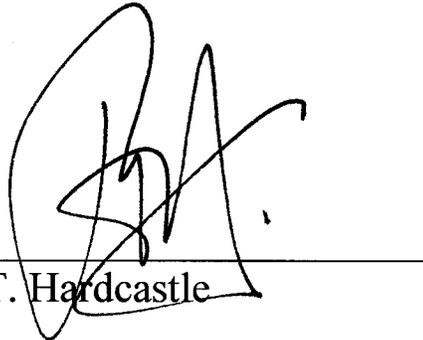
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By:



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Robert T. Hardcastle

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