ORIGINAL

BEFORE THE ARIZONA CORPORATION

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Robert T. Hardcastle
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Representing Itself In Propia Persona

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Arizona Corporation Commission
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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 **MOTION TO COMPEL INTERVENERS TO WITHDRAW OBJECTIONS AND RESPOND TO CIRCLE CITY'S DATA REQUESTS**

On or about August 28, 2015 Circle City Water Company LLC ("Circle City" or the "Company") issued its Data Request Number One ("DR1") upon Interveners Harvard Investments, Inc., Lake Pleasant 5000 LLC, Warrick 160 LLC, and the Maughan Revocable Trust of 2007 and Rex Maughan and Ruth G. Maughan (collectively the "Interveners"). On or about September 22, 2015 Circle City issued its Data Request Number Two ("DR2") upon the Interveners.

The Interveners were collectively asked a total of 58 questions in DR1 and DR2. The Interveners responded to 9 questions and objected to 48 questions all on the basis of relevancy.

I. RELEVANCE

Relevance is the logical relationship between proposed evidence and the fact to be established by that evidence. (Federal Rules of Evidence 401-403). It "rests upon the logic or common sense, not the law" (Field and Murray, Maine Evidence § 401.1 at 53 (1976)). "If an item of evidence tends to prove or to disprove any proposition, it is relevant to that proposition" (29 Calif.L.Review 689, 690 (1941)). "Any objection to the introduction of evidence that establishes a logical relationship in the interest of learning a fact must be over ruled" (*Hale vs. Firestone Tire & Rubber Co.,* 756 F.2d 1322 (8th Cir. 1985)).

In the instant case of Circle City's DR1 and DR2 a logical relationship is trying to be established between who the owners and managers of the various entities are and the decision to consider the Lake Pleasant 5000 Project (the "Project") viable or non-viable; determine if opportunities existed with any of the Interveners to exercise options within agreements that could have avoided changes in ownership; established the authority of decision making individuals of the Interveners; establish if any construction schedules have been developed by any of the Interveners to date; or, any other facts relevant to the ownership decision making of the Interveners, as it relates to the viability of the Project. Most importantly, DR1 and DR2 are targeted in trying to establish the criteria of the Interveners, and its owners, its Members, and its Managers in reversing its decision that the Project became "viable" when it was previously determined to be "not viable".[1]

As it stands now the criteria used by an ownership group, or its members, to determine whether or not the Project was viable has not been established. Circle City's DR1 and DR2 go to the issue of establishing that criteria and how, within a few months, Project conditions, general economic conditions, or other conditions could have changed so rapidly as to now classify a previously determined "non viable" Project to now be determined to be "viable".

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[1] To date none of the Interveners have explain, proposed, or otherwise revealed how the viability criteria of the Lake Pleasant 5000 project changed from "not viable" to "viable" within a matter of a few months.

II. CONCLUSION

For the foregoing reasons the objections of the Interveners to Circle City's DR1 and DR2 must be over ruled and the responding Interveners should be compelled to timely and fully answer the data requests timely issued by the Company.

RESPECTFULLY SUBMITTED this 13th day of October 2015.

Circle City Water Company, LLC

By: _____

Robert T. Hardcastle

In Propia Persona

ORIGINAL and 13 copies filed
this 13th day of October 2015, with:

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