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Arizona Corporation Commission
DOCKETED

AUG 31 2016

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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

DOUG LITTLE, Chairman
BOB STUMP
BOB BURNS
TOM FORESE
ANDY TOBIN

DOCKET WS-02987A-16-0275

IN THE MATTER OF THE FORMAL
COMPLAINT OF AMANDA MCINTEER-
SIMPSON AGAINST JOHNSON
UTILITIES, L.L.C.

**JOHNSON UTILITIES' RESPONSE TO
AMANDA MCINTEER-SIMPSON'S
MOTION FOR EXPEDITED HEARING**

Johnson Utilities, L.L.C. ("Johnson Utilities" or the "Company") hereby files this Response to the Motion for Expedited Processing ("Motion") and urges that it be denied.

A. INTRODUCTION

Ms. McInteer-Simpson's complaint is a continuation of the alleged standpipe "emergency" of 2015. The 2015 "emergency" was resolved by the Commission in its Decision No. 75325 in docket WS-02987A-15-0284 concerning the very standpipe Ms. McInteer-Simpson now complains was closed a year ago. In that Decision, the Commission dismissed the

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1 matter concerning the standpipe, allowing Staff to bring the issues back to the Commission if
2 necessary.

3 When the 2015 matter was dismissed, pending before the Commission was Johnson
4 Utilities' defense that there was NO tariff for standpipe service and Johnson Utilities' Petition
5 for Declaratory Order and Request for Relief, filed August 25, 2015, which sought an order from
6 the Commission that the Company had no standpipe tariff and, thus, no obligation to continue a
7 non-required operation.

8 A brief review of the chronology of the 2015 standpipe "emergency" handled in WS-
9 02987A-15-0284 is in order.

10 The Commission discussed this standpipe at its August 18, 2015 open meeting.

11 On September 10, 2015, a Procedural Order was issued setting numerous deadlines with
12 a hearing commencing on November 9, 2015.

13 On October 2, 2015, Staff filed its Motion to Close Docket without Prejudice.

14 The matter was dismissed.

15 This matter is old. Acceleration is not needed nor should it be granted.

16 **B. Ms. McInteer-Simpson Is Not Out of Water**

17 Ms. McInteer-Simpson asserts in her Motion that "[a]s of July 30, 2015, I ran out of water
18 that was provided by my exclusive water provider, Johnson Utilities."¹ However, this assertion
19 is clearly untrue. Ms. McInteer-Simpson's residence is not connected to Johnson Utilities'
20 distribution system and the Company is not her exclusive water provider. As she has
21 acknowledged in her own formal complaint, Ms. McInteer-Simpson has had continuous access
22 to water from standpipes located in the Town of Florence and the Town of Apache Junction and
23 from water haulers operating in the area, including Roadrunner Transit. She states:

24 We cannot afford to have RRT haul much more than 2,000 gallons per week right
25 now, especially with 3 kids going back to school this week, and we certainly can't
26 afford to have the other water hauler that we know of haul to us. We only have a
27 275 gallon hauling tank so we have to borrow our neighbor's 500 gallon tank and
28 trailer which has horrible tires.

¹ Request for Expedited Hearing at 1.

* * *

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2 Right now we are spending \$320.00 to have water hauled in every 4 weeks, plus I
3 have been hauling in between 15k and 20k gallons of water myself in 500 gallon
4 loads per trip, in those 4 weeks.²

5 Ms. McInteer-Simpson is the one who opted to purchase a home in a wildcat subdivision
6 without access to the utility services that are provided to those purchasing homes in a platted
7 subdivision. By purchasing a home in a wildcat subdivision, Ms. McInteer-Simpson avoided
8 paying the cost of constructing the required water production, treatment, storage and distribution
9 infrastructure that is included in the price of a home that is constructed in a platted subdivision.
10 As a trade-off for this cost savings, Ms. McInteer-Simpson obviously knew that she would be
11 solely dependent upon hauled water as her source of water. If Ms. McInteer-Simpson is
12 interested in connecting to the water distribution system of Johnson Utilities, she can follow the
13 process dictated by the rules of the Arizona Corporation Commission and enter into a line
14 extension agreement with the Company and pay the cost of extending the water lines to her
15 property, including paying the applicable hook-up fee, service connection fee and meter fee. In
16 the meantime, Ms. McInteer-Simpson can continue to do what she has always done and haul
17 water from one of the area standpipes or contract with one of the water haulers in the area to
18 deliver water.

19 Ms. McInteer-Simpson is clearly not “out of water” as she claims, as evidenced by the
20 fact that she waited a year to file her formal complaint. Given the circumstances, she has failed
21 to provide a basis for expediting this proceeding.

22 **C. There Is No Emergency**

23 In an effort to allay concerns of residents going without water in this wildcat subdivision,
24 Johnson Utilities has spent over \$400,000 dollars to lay some 19,000 linear feet of pipe. Johnson
25 Utilities has also set up a standpipe in its facility within the CC&N; allowing qualifying water
26 haulers access to water to service the community. Despite this, the response by residents could
27 charitably be called tepid. In the intervening year, few have signed up for water service, and only
28 one water hauler has made use of the standpipe. It is clear that this is not an area struggling for

² McInteer-Simpson Formal Complaint at 7-8.

1 immediate water access. Again, Ms. McInteer-Simpson's request for an expedited proceeding
2 should be rejected.

3 **CONCLUSION**

4 This matter should be handled in the normal course of formal complaints. Within the
5 time periods allowed, Johnson Utilities will file appropriate papers seeking dismissal of this
6 matter.

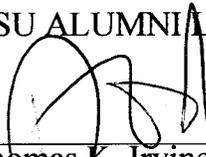
7 The 2015 matter was dismissed, in Johnson Utilities' opinion, because no one was
8 without water. Again, that is the situation in 2016.

9 Johnson Utilities respectfully requests that the Motion to Expedite this matter be denied.

10 FILED this 31st day of August, 2016.

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1 **ORIGINAL** and thirteen (13) copies
filed this 31st day of August, 2016, with:

2 Docket Control
ARIZONA CORPORATION COMMISSION
3 1200 West Washington Street
Phoenix, Arizona 85007

4 **COPIES** of the foregoing hand-delivered
5 this 31st day of August, 2016, to:

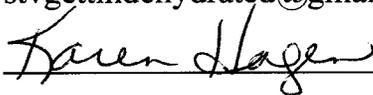
6 Dwight D. Nodes, Chief Administrative Law Judge
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18 **COPY** of the foregoing sent via
19 e-mail and First Class Mail this
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