

**FILE COPY**

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7 **Attorneys for the Comnlainants**

8 **BEFORE THE ARIZONA CORPORATION COMMISSION**

9 **RAYMOND R. PUGEL AND JULIE B.**  
10 **PUGEL, husband and wife as trustees of THE**  
11 **RAYMOND R. PUGEL and JULIE B. PUGEL**  
12 **FAMILY TRUST,**  
13 **and**  
14 **ROBERT RANDALL and SALLY RANDALL,**  
15 **husband and wife**  
16 **Complainants,**  
17 **v.**  
18 **PINE WATER COMPANY, an Arizona**  
19 **Corporation**  
20 **Respondent..**

**DOCKET NO. W-03512A-06-0407**

**NOTICE OF FILING REBUTTAL**  
**TESTIMONY**

21 **ASSET TRUST MANAGEMENT, CORP.**  
22 **Complainants,**  
23 **v.**  
24 **PINE WATER COMPANY, an Arizona**  
25 **Corporation**  
26 **Respondent.**

**DOCKET NO. W-03512A-06 -0613**

27 **JAMES HILL and SIOUX HILL, husband and**  
28 **wife and as trustees of THE HILL FAMILY**  
29 **TRUST,**  
30 **Complainants,**  
31 **v.**  
32 **PINE WATER COMPANY, an Arizona**  
33 **Corporation**  
34 **Respondent.**

**DOCKET NO. W-03512A-07-0100**

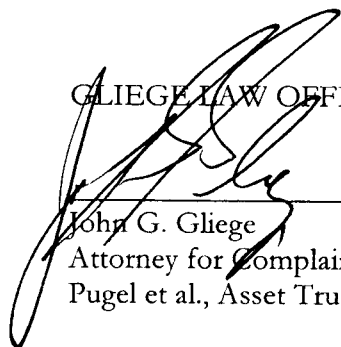
1 **BRENT WEEKES,**  
2 **Complainants,**  
3 **v.**  
4 **PINE WATER COMPANY, an Arizona**  
5 **Corporation**  
6 **Respondent.**

**DOCKET NO. W-03512A-07-0019**

7 Complainants, RAYMOND R. PUGEL AND JULIE B. PUGEL, as trustees of THE RAYMOND  
8 R. PUGEL and JULIE B. PUGEL FAMILY TRUST, and ROBERT RANDALL and SALLY RANDALL,  
9 ASSET TRUST MANAGEMENT, and BRENT WEEKES, hereby submit the Notice of Filing Rebuttal  
10 Testimony in this referenced matter. Attached hereto as Exhibit A is the Rebuttal Testimony of James  
11 Bossert.

12 RESPECTFULLY SUBMITTED this 22<sup>nd</sup> day of January, 2008.

13  
14 GLIEGE LAW OFFICES, PLLC

15  
16   
17 John G. Gliege  
18 Attorney for Complainants,  
19 Pugel et al., Asset Trust Management, and Brent Weekes  
20  
21  
22  
23  
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1 Original and 19 copies mailed/delivered  
2 This 22<sup>nd</sup> day of January, 2008 to:

3 Arizona Corporation Commission  
4 Attn: Docket Control  
5 1200 W. Washington  
6 Phoenix, AZ 85007

7 Copies of the foregoing mailed/delivered  
8 This 22<sup>nd</sup> day of January, 2008 to:

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EXHIBIT A  
Rebuttal Testimony  
Of  
James Bossert

1  
2 TESTIMONY OF JAMES BOSSERT  
3

4 Question, State your full name:

5 Answer: James Bossert  
6

7 Q: Have you worked for Brooke Utilities?

8 A: Yes  
9

10 Q. Did you work for Brooke Utilities during the summer of 2007?

11 A. Yes  
12

13 Q. Are you familiar with the operations of the Pine Water Company?

14 A. Yes, as a part of my work for Brooke Utilities I also worked with the operations of Pine Water  
15 Company.  
16

17 Q. Did you formerly work for Pine Water Company?

18 A. Yes, as a part of my employment by Brook Utilities  
19

20 Q. Did you do work for Pine Water Company during the summer of 2007?

21 A. Yes  
22

23 Q. What was your job in relation to Pine Water Company?

24 A. I did work for Pine as directed in the operations and maintenance of the water system.  
25

26 Q. In the performance of your job duties were you familiar with water hauling by truck into the Pine Water  
27 Company?

28 A. Yes  
29

1 Q. In the performance of your job duties were you familiar with the operation of Project Magnolia, the  
2 pipeline between the Pine Water Company and the Strawberry Water Company?

3 A. Yes  
4

5 Q. Have you been apprised of the Complaint of Mr. Pugel and Mr. Randall against Pine Water Company  
6 requesting deletion of their property from the Certificate of Convenience and Necessity of Pine Water  
7 Company?

8 A. Yes  
9

10 Q. Have you been made aware of the following testimony of Mr. Hardcastle in this matter?  
11

12 From Hardcastle Testimony: Vol 6 pp 1254 and 1255  
13

14 *11 Q. During 2007, how much water has flowed from*

15  
16 *12 Strawberry to Pine through project Magnolia?*

17  
18 *13 A. To the best of my knowledge very little or none.*

19  
20 *14 Q. So Pine has been sustaining off of trucked water*

21  
22 *15 or what it produced to the community through its wells?*

23  
24 *16 A. Primarily, yes.*

25  
26 *17 Q. And you have had outages in Strawberry, also,*

27  
28 *18 correct?*  
29

1                   19    A.   *We have had some outages in Strawberry.*

2  
3                   20    Q.   *And how much water has flowed through project*

4  
5                   21    *Magnolia from Pine to Strawberry?*

6  
7                   22    A.   *None that I am aware of.*

8  
9    A. Yes

10   Q. To your knowledge was any water pumped from Pine Water Company to Strawberry Water Company  
11 during the summer of 2007 through Project Magnolia? Yes, a substantial amount of water was pumped. I  
12 do not have the record for precisely how much, but the Company should since I would email Misty the  
13 meter readings after each time I operated the Project Magnolia System.

14  
15   Q. Did this ever occur during the same time periods that Pine Water Company was also receiving water  
16 trucked into Pine Water Company?

17   A. Yes

18  
19   Q. When and under what circumstances did that occur?

20   A. This was not an unusual occurrence. It happened frequently on a majority of the dates I worked on Pine  
21 Water Company items. For certain this occurred over the Labor Day weekend of 2007. If you were to look  
22 at my timesheets you can see time entries for Pine Water Company, transmission and distribution  
23 operations. I would enter the time that I spent operating Project Magnolia under this category. I would be  
24 directed by Dave Allred, my supervisor, to go and turn on Project Magnolia to pump water from Pine to  
25 Strawberry and was told how many gallons to send up the pipeline. I would personally turn on the system  
26 which sent the water from Pine to Strawberry. When I was finished I turned off the Project Magnolia  
27 system and I called Dave Allred, my supervisor, and also emailed to Misty the meter totals. This was the  
28 standard operating procedure for doing this. The Company should have the records of how much water  
29 was pumped from Pine to Strawberry during the summer of 2007 including the Labor Day Weekend. It

1 should be noted that to prevent vandalism there is a locked wellhouse at the Pine terminus of Project  
2 Magnolia and I would have to unlock this wellhouse to gain access to the Project Magnolia system.

3  
4 Q. Do you still work for Brooke Utilities or Pine Water Company?

5 A. No, I am no longer employed by Brooke Utilities.

6  
7 Q. Does that conclude your testimony in this matter.

8 A. Yes it does.