

**G&S WATERWORKS V. PRC**

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**NEW MEXICO PUBLIC  
REGULATION COMMISSION,  
Petitioner-Appellee,**

**v.**

**PETER SOUZZI a/k/a DANIEL P.  
SOUZZI and d/b/a G&S WATERWORKS;  
G&S WATERWORKS; and DAN-P-NEL  
LAND, INC.,  
Respondents-Appellants,**

**v.**

**HACHITA MUTUAL DOMESTIC  
CONSUMER WATER ASSOCIATION,  
Intervenor.**

No. 29,365

COURT OF APPEALS OF NEW MEXICO

June 12, 2009

APPEAL FROM THE DISTRICT COURT OF GRANT COUNTY, J.C. Robinson, District  
Judge

**COUNSEL**

Sutin, Thayer & Browne, C. Shannon Bacon, Albuquerque, NM, for Appellee

Carlos Ogden, Deming, NM, for Appellants

Law & Resource Planing Associates, Christina J. Bruff, Albuquerque, NM, for Intervenor

**JUDGES**

MICHAEL E. VIGIL, Judge. WE CONCUR: JAMES J. WECHSLER, Judge, RODERICK  
T. KENNEDY, Judge

**AUTHOR: MICHAEL E. VIGIL**

**MEMORANDUM OPINION**

**VIGIL, Judge.**

Respondents appeal the grant of summary judgment to Plaintiff and appointment of a receivership of the Hachita Mutual Domestic Consumer Water Association. In our notice, we proposed to affirm addressing issues relating to the Takings Clause. Petitioner responded in support of our notice. Respondents have not responded and the time for doing so has passed.

For the reasons stated in the notice of proposed disposition, we affirm.

**IT IS SO ORDERED.**

**MICHAEL E. VIGIL, Judge**

**WE CONCUR:**

**JAMES J. WECHSLER, Judge**

**RODERICK T. KENNEDY, Judge**